TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON JULY 11, 2005, REGARDING THE FY2006 PROPOSED BUDGET

I. CALL TO ORDER AND ROLL CALL

The Special Town Council Meeting of July 11, 2005, regarding the FY2006 Proposed Budget, was called to order at 9:30 a.m. by Town Council President William Brooks. On roll call the following elected officials were found to be present:

Mayor Jack McDonald
President William Brooks
President Pro Tem Norman Goldblum
Councilman Denis Coleman
Councilman Richard Kleid
Councilman Allen Wyett.

Also present for all or a portion of the meeting were:
Town Manager Peter Elwell
Deputy Town Manager Thomas Bradford
Assistant Town Manager Sarah Hannah
Russ Bitzer - Director of Recreation
Paul Brazil - Public Works Director
Eric Brown - Assistant Director
Andrew Cox - Assistant Fire-Rescue Chief
William Crouse - Human Resources Director
Rick Dytrych - Golf Pro
Lisa Gorman - Police Planner
Sarah Hannah - Assistant Town Manager
Belinda Hardy - Fire-Rescue Office Manager
Jon Luscomb - Dock Master
Robert Moore - Director of Planning, Zoning & Building
Edward Moran - Fire-Rescue Chief

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Michael Reiter - Police Chief
Cheryl Somers - Assistant Finance Director
Jane Struder - Finance Director
Sandy Tate - Coastal Projects Administrator
Karen Temme - Risk Manager
Spencer Wilson - Information Systems Manager
Susan Eichhorn - Town Clerk

II. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Town Clerk Eichhorn. President Brooks led the Pledge of Allegiance.

III. APPROVAL OF AGENDA

The Agenda was approved through motion of Councilman Wyett, seconded by President Pro Tem Norman Goldblum. On roll call the motion carried unanimously.

IV. GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED BUDGET AWARD FOR THE TOWN'S FY2005 BUDGET DOCUMENT

Town Manager Elwell recognized Finance Director Jane Struder, and the Finance Department for the achievement for the 13th time of the Government Finance Officers Association Distinguished budget Award for the FY2005 Budget Document.

V. TOWN MANAGER'S OVERVIEW OF THE PROPOSED FY2006 BUDGET

President Brooks reviewed the procedure for public comment. He requested that Town Manager Elwell provide a brief overview of the proposed FY2006 budget.

Town Manager Elwell provided a brief overview of the FY06 budget, noting that in the current fiscal year the Town will finish the year with approximately $1.9 million of expenditures above and beyond what had been proposed in the FY05 budget. All of that and more can be attributed to the impacts of recovering from the storm. There is $1.5 million of revenue above and beyond what had been anticipated, that was expected to be collected in FY05, so that at September 30, 2005, it was expected to have a $400,000 deficit. He noted that the Town was positioned to recover from the Federal Emergency Management Agency (FEMA) much of what had been expended for the storms. A budget amendment, to amend the FY05 budget and address the deficit, would be presented at the August 9, 2005, Town Council Meeting for first reading, and at the September 13, 2005, Town Council Meeting for second reading. He explained that the magnitude of the deficit was small enough that the overall financial health of the Town remained extremely strong. A $17 million fund balance was expected at the end of FY05. The budget being proposed today would require maintaining a fund balance of no less than 25% of the general fund expenditures in any given year.

Mr. Elwell reported that the single most important fact of the budget being proposed today was the achievement of a proposed 3% decrease in the property tax rate. He explained that there was opportunity to address some needs that have been deferred or needs that have emerged, and still provide a level tax rate to the homesteaded property owners. The levels of service would increase, and the level of taxation would not. He referred to the chart indicating the calculation of how the increase in property value for homesteaded property, the 3% decrease in the tax rate, netting out to a zero increase in taxes.

Mr. Elwell explained that the preponderance of Town revenue was in the property tax, and that staff had made an effort to find additional non ad valorem revenues, because of the fact that property tax was tax deductible for federal income tax purposes, and non ad valorem revenues typically were not – those were typically fees, as opposed to taxes.

Mr. Elwell explained that the summary of expenditures indicated that 64% of the budget related to salaries and benefits for employees of the Town. He advised that great thought and consideration had been given to proposals for new positions that would improve the level of service, and still provide the 3% tax rate decrease.

Mr. Elwell reviewed the major reasons for the increases: $700,000 in retirement costs; $470,000 in health care/health insurance funding; a 3% competitive pay increase; eleven new positions.

Mr. Elwell provided an update regarding the vison and values process that staff had been through over the past several months, and the relationship of that to the future budgets of the Town through the key result measurement and management system.

Public Comment: Mr. Stanley Cohen, 249 Seabreeze Avenue, commented that the $1.9 million costs for storm damage came down to $400,000 when the books were balanced. He questioned how the $2.5 million was accounted for that were legal fees and payments for the debacle over the road improvements. He also asked about the 8.2% budget, since inflation was running approximately 2%. He noted that he was not able to take advantage of being homesteaded, therefore, his tax costs were considerably more each year. He suggested that the Town Council consider that two-thirds of the residents were not homesteaded, and would be paying considerably more. He suggested that the Town Council consider a budget that was in the realm of inflation, and stay there in the future.

Councilman Coleman remarked that there were options that could be considered in the funding for underground wiring. He noted that in 2010 expenditures for drainage would stop, and he suggested that the underground project may become pay-as-you-go, and recommended that money be funded in advance; he suggested that $1 million of the reserve fund be put toward underground wiring.

Councilman Wyett suggested that the proposed budget be reduced by $1 million.

VI. CONSIDERATION OF INDIVIDUAL BUDGET-RELATED MATTERS

A. Top Priority Townwide Goals for FY06

Town Manager Elwell referred to his memorandum of June 30, 2005, regarding the top priority Townwide Goals for FY06:

- Continue the implementation of the Town''s Coastal Management Plan, including construction of beach restoration projects at Reach 7 and at Mid-Town. Continue with expedited permitting for Reach 8 and construct it, too, if possible.

- Complete Royal Poinciana Way undergrounding demonstration project and finalize a long-range plan to bury electric, telephone, and cable wires.

- Implement changes in the Town's zoning code and/or processes, to the extent that such changes are authorized by the Town council after review of recommendations from the Planning and Zoning Commission, Town staff, and the Siemon and Larsen Report.

- Complete a Townwide study of traffic and parking and develop a plan to improve traffic safety and flow both internally and externally (bridges and entrance roadways) and to improve parking utilization (and capacity, if necessary).

- Continue to develop, establish and enforce policies that limit negative impacts of construction projects on the quality of life in Palm Beach.

In response to Councilman Coleman asked how much of the 8.2% increase was due to under performance of pension fund investments?

Town Manager Elwell replied that the additional commitment to the pension funds was about $720,000 this year out of an overall increase of approximately $4.3 million. He explained that when the retirement portion of the budget was discussed, there would be discussion about what has happened over a period of years.

B. Society of the Four Arts Library Request for Additional Funding

Town Manager Elwell explained that the Four Arts Library had made extensive efforts to reach out to the community in order to become more integrated, and to become more of a public resource. They had appealed to the Town for a one time contribution of $100,000 in return for the significant investments that have been made in the facilities at the Four Arts, and that was recommended to be included in the budget amendment that would be considered before the end of FY05.

As a second recommendation, for inclusion in the FY06 budget, staff believed it was prudent to provide a 5% increase to the Four Arts funding, to continue each year. He explained that would give a slower and steadier increase in the funding for this service, so the impact on the Town's budget would be better from a financial management point of view. Additionally, he explained that if the Town ere participating in the County-wide library system, the Town's tax payers would be paying $4.7 million this year into that County-wide system. The Town would be required, by law, to participate in that system, if it did not fund the Four Arts Library as the local public library. The proposal for that funding in the coming year, FY06, was $247,000.

Councilman Wyett moved approval of a contribution of $100,000 to the Four Arts Library to be funded from the FY05 budget. The motion was seconded by President Pro Tem Goldblum. On roll call the motion carried 4/1, with Councilman Wyett, President Pro-Tem Goldblum, Councilman Kleid, and President Brooks casting affirmative votes. Councilman Coleman abstained from voting, and filed a Conflict of Interest Form 8B, since he was a member of the Board of Directors of the Four Arts Society.

It was determined that the proposed increase in funding for FY06 would be reconsidered at the August 9, 2005, Town Council Meeting.

C. PB Cats Request for Additional Funding

Ms. Beth Pouncey, of Palm Beach Cats, read a statement regarding the history and purpose of Palm Beach Cats.

President Brooks thanked Ms. Pouncey for her work, and mentioned that perhaps contact could be made with the Save-A-Pet organization to request support to Palm Beach Cats.

Mayor McDonald commented that Ms. Pouncey won the Centennial Service Award from the Palm Beach Flagler Rotary Club for her efforts with Palm Beach Cats, and thanked her for a job well done.

Ms. Pouncey suggested that Palm Beach Cats would benefit a stream of funding, coming from some taxable entity of some sort; she also suggested a "spay day."

Councilman Coleman suggested that accelerating the program may save money over the next few years, and requested a proposal from Ms. Pouncey in that regard, perhaps for a "spay day."

Councilman Wyett moved approval of FY06 funding in the amount of $50,000 for Palm Beach Cats, incorporating the suggestions that Ms. Pouncey return with a proposal for accelerating the program in December or January. President Pro Tem Goldblum seconded the motion. On roll call the motion carried unanimously.

D. Proposed New or Increased Non Ad Valorem Fees

1. Fire Prevention Fees

Town Manager Elwell reported that a new revenue source being proposed for FY06 was the fire prevention permit and special fees; three new employees were proposed, and the fees would offset some of the costs of those positions. There would be an estimated $60,000 worth of additional revenue annually, as against a couple of hundred thousand dollars investment in the fire prevention work that would increase the safety of the community.

In response to Councilman Coleman, Mr. Elwell explained that improvement in meeting annual inspections was related to the recommendation to proposed increasing staffing in the fire prevention area.

Fire-Rescue Chief Edward Moran reported that Florida Statute 633 required that annual fire inspections be performed; currently there were fire company surveys done, supposedly under direction supervision of a certified fire inspector. Besides generating additional revenue, there would be compliance with State Statutes by having a true fire prevention division to inspect approximately 600 properties at various intervals throughout the year. Some were required annually, some twice per year, some four times per year. In addition to that, these two certified fire inspectors would be performing the pre fire plan review assist companies in doing pre-fire plan surveys, working closely with Building and code enforcement performing the activities that they need a close relationship within fire prevention. Additionally, they would be directly responsible for performing fire investigations, public education, providing public information on various topics. The fees that would be generated from these inspections are not traditional fire inspection fees that other communities do charge – these are special service, special permit fees, which we estimate would bring roughly $61,000 per year. The fees being proposed were for speciality type inspections and permits for both residential and commercial properties.

In response to Councilman Wyett, Fire-Rescue Chief Moran replied that review of increasing the fees could be done, in order to capture the charge of providing the services.

Town Manager Elwell clarified that it was typical that communities that charge a slate of fees like what we're proposing, also charge for the annual inspection required by the state. Staff had not proposed that a fee be imposed for that annual inspection because of the fact that the overall impact of Town taxes was greater for commercial properties than it was for the homesteaded residential properties. Out of consideration of that, staff decided to ask for the special permits, because in the special permit situation, an individual resident or business is saying that they want to do something that will create an additional fire risk for the community, so I'm going to pay an additional fee to do that thing. The annual inspection fee is a general across the board fee which would apply to every commercial property, which is required by state law. He stated that staff would pull this item relating to fees from the agenda, for reconsideration at the August 9, 2005, Town Council Meeting. There was a policy question that would need to be settled today, to direct staff whether or not to examine the question of fees for the annual inspections, or whether that should be left aside as proposed.

Councilman Kleid commented that he was not sure that increasing the fees would cover the expenses of hiring the extra people, and that he was not sure this was the way to go about funding these new employees.

Councilman Coleman commented that coming into compliance with State Statutes was necessary, and that the fees should be raised.

President Pro Tem Goldblum suggested that this item be tabled and come back with a real figure that pays for the services of the employees that would be doing the jobs, including the benefits.

Town Manager Elwell requested guidance as to whether an annual fee should be generated for the annual inspections. The decision about whether to fund additional employees would be a separate issue.

Public Comment: Mr. Walter Ross, 456 Worth Avenue, endorsed what Mr. Cohen had stated in his earlier remarks concerning the 8.5% increase. He also endorsed the comments of Councilman Wyett concerning reducing the budget proposal by $1 million. He stated that the budget had gone up every year, and revenues were actually higher than 8.2%, because of money that was transferred from funds that had been collected in prior years. He stated that expenditures were high for employee benefits in the pension fund, and that every little change was costly when it came to the actual payday. He pointed out that the cost of 11 new employees at $446,000 was only two-thirds of the cost, because that was salary only – another 50% would need to be added for new employee benefits. Also, he noted that the proposed new employees were not budgeted for the full year, and that the Town Council should note that. He noted that three of the positions were held over from last year, and that there were some very significant expenditures that could be trimmed in the proposed budget.

Town Manager Elwell clarified that the three new proposed positions and a fuller report of the fees, including the annual inspection fee, would be discussed as an item at the August 9, 2005, Town Council meeting.

Fire-Rescue Chief Moran advised that research would be done, and recommendations would be made not only on the special service fees, but also fire prevention fees. He clarified that the Fire-Rescue Department was not performing the fire inspections in the type that was required. Regardless of the fees, he emphasized that he felt very strongly about the two fire inspectors, and that a fire prevention program needed to be implemented.

2. Code Compliance Administration Fee

Town Manager Elwell advised that the Code Compliance administrative fee – the code enforcement process was geared not toward generating revenue, but rather toward getting violators to comply with Town ordinances. Therefore, the vast majority of cases, by the time they get to the Code Enforcement Board, result in dismissals, because the individual who had violated the code had fixed it by the time they get to the Board.

President Brooks stated that he was amazed at property owners who undertake a major project without a permit. As he understood it, the fee was doubled once the individual was caught. He commented that he would like to see it be one and a half times because that was just basic common sense, and all people have the obligation to follow the law.

Director of Planning, Zoning & Building Robert Moore advised that the fee was currently doubled, and could actually be tripled.

Councilman Wyett commented that the fee should be maximized, in order to deter people from violating the Code. He suggested that the administrative fee be as large as legally possible, to include the costs of the Town Attorney as well.

Councilman Coleman commented that if people are guilty of violating the Code they should pay, and if they were not responsive to the fine, then they should be penalized.

Councilman Kleid commented, that he attended several meetings of the Code Enforcement Board, and that he was personally appalled by the fact that after people complete something in the way they were supposed to have done previously, there was no sanction. He also echoed the thoughts that the penalties should be maximized in this regard.

Council Coleman commented that the Town Council sets policy, and could so direct the Code Enforcement Board.

President Pro Tem Goldblum commented that he agreed with a fee increase.

Town Manager Elwell advised that this fee issue would also be deferred for discussion at the August 9, 2005, Town Council Meeting, in order that staff could conduct additional research. He noted that staff would convey the message to the Code Enforcement Board members.

3. EMS Transport Fee Increase

In response to Councilman Wyett, Fire-Rescue Chief Moran advised that mileage was charged for any transport, and the fee being proposed would bring Palm Beach up the average of what other agencies within Palm Beach County were charging.

In response to President Pro Tem Goldblum, Fire-Rescue Chief Moran advised that he did not think an hourly fee for standing by at a scene would be warranted, since it was so infrequent.

4. Marina

Councilman Wyett commented that next year, he would like to see the budget fee figures that were recommended for dock rates rounded up to the nickel.

Jonathan Luscomb, Dock Master, provided some additional numbers for the Town Council to consider, after having the opportunity over the weekend to re-crunch the numbers. If the rates were raised one cent, from what it was proposed it would amount to roughly $30,000 per year.

Councilman Coleman questioned why the fees for residents and nonresidents were so close, since the Town was spending capital money to improve the facilities.

Recreation Director Russ Bitzer advised that the fees were based on surveys that had been done, and the capital investment was being made from the retained earnings of this enterprise fund.

5. Golf

6. Recreation Center

7. Tennis

President Pro Tem Goldblum moved approval of items #3 through #7, with the fee increases as proposed. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

After further discussion, regarding marina, and tennis fees, Councilman Coleman moved that nonresident fees are increased, and that staff return with a revised fee schedule. The motion was seconded by Councilman Wyett.

After further discussion, the motions to approve and/or revise the proposed fees was withdrawn; Town Manager Elwell clarified that staff would return at the August 9, 2005, Town Council Meeting with all of proposed fee schedules.

E. Employee Benefits

Increase PPO Medical lifetime Maximum to Unlimited:

Town Manager Elwell advised that there were a few particular items that had come out of the WMS Management Consultant study that had not been acted upon at the June 14, 2005, Town Council Meeting. Staff had done some additional research in order to bring the information to this meeting. He explained that the proposed increase in the PPO medical lifetime maximum would cost $6,120, for a five million-dollar maximum.

Councilman Wyett moved approval of the proposed increase in the PPO Medical lifetime Maximum to five million dollars. The motion was seconded by Councilman Coleman. On roll call the motion failed 2/3, with Councilman Wyett, and Councilman Coleman casting affirmative votes, Councilman Kleid, President Pro Tem Goldblum, and President Brooks casting dissenting votes.

President Brooks remarked that the entire benefit package must be considered, and that although he realized there was a difference between the private and public sectors, costs must be reined in.

Dental Insurance with Inclusion of Orthodontia Coverage:

Town Manager Elwell advised that one significant component of the WMS Compensation Study related to the employee benefit package, and there were a number of individual items that were thought to be worthy of consideration; the items presented today included those suggestions.

Councilman Wyett commented that the entire benefit package should be looked at as a package, rather than looking at individual items one by one.

President Pro Tem Goldblum agreed, suggesting that the total package must be considered.

Councilman Kleid expressed the concern that each individual item was a small amount, but when they become cumulative, the impact was greater.

Add an Employee Vision Plan:

Town Manager Elwell suggested that discussion of the next item, "Add an Employee Vision Plan," be omitted at this time.

Increase Employee life Insurance Benefits:

Councilman Coleman expressed concern with adequate coverage for an employee in the case of a death, and the benefit available to their families.

Town Manager Elwell commented that the quotations that had come in for providing an additional life insurance benefit that would be a purchased insurance benefit for the employee had been prohibitively high. He proposed the following: provide a flat $100,000 benefit to the employees in this manner: for any employee already earning $100,000 or more, the existing benefit would provide 1x the annual salary to a maximum of $100,000. For any employee earning less than $100,000, the proposed policy would provide that the Town would pay, from General Fund money, the balance between 1x that employee's salary and $100,000; every employee that died while in service to the Town would leave $100,000 to their families. He gave assurance that the occurrence would be so rare that it would be a negligible financial impact.

In response to Councilman Wyett, regarding setting aside a nominal sum each year for a reserve fund, Mr. Elwell advised that he and the Finance Director would review that number, and the policy of setting it aside as a reserve.

Councilman Wyett moved approval of the increase in life insurance benefits, as stated by Town Manager Elwell. The motion was seconded by President Pro Tem Goldblum. On roll call the motion carried unanimously.

Increase Long Term Disability Monthly Maximum Salary:

Town Manager Elwell explained that the WMS study had recommended improvement in the Long Term Disability benefits; the provider of that coverage to the Town had indicated that they were willing to provide the increase at no additional charge to the Town.

Councilman Wyett moved approval of an increase in the Long Term Disability Monthly Maximum Salary, as an upgrade to the Long Term Disability program at no additional costs. The motion was seconded by President Pro Tem Goldblum. On roll call the motion carried unanimously.

F. Proposed New Positions

Town Manager Elwell presented the proposed new positions in the order of priority in which he recommended them for consideration by the Mayor and Town Council:

Public Works:

Maintenance Mechanic - Water Resources Division
Equipment Operator - Water Resources Division

He explained that the positions were necessary in order to properly maintain the enlarged drainage system. Six new stations, and four emergency pumps were added to the system since the last time the staff was increased at all. He explained that these positions had also been requested in last year's budget, and it had been postponed for another year. He recommended these positions as a high priority.

In response to President Pro Tem Goldblum, Town Manager Elwell explained that it was clear that first year costs, and long term costs with benefits would be included in all positions proposals in the future.

Public Works Director Paul Brazil commented that significant investment had been made in the storm drainage system, and the existing sanitary system required continuous rehabilitation.

Both of these employees were desperately needed in order to keep up with the existing systems; the two employees would basically become a unit. In addition three pump stations were yet to be put on line. He noted that he had provided figures for the benefit costs associated with each position.

Councilman Wyett moved approval of the positions of maintenance mechanic and an equipment operator. The motion was seconded by President Pro Tem Goldblum.

Councilman Kleid commented that if the existing pumps were not maintained, the future would bring larger costs, and therefore, he was in favor of the two new positions.

President Brooks commented that he would like to oppose adding any additional staff at all, and questioned whether the equipment operator position could be eliminated?

Mr. Brazil responded that he would do whatever he was asked. He explained that the positions would travel as a set and do complementary work. He also explained that without the equipment operator, overtime costs would be necessary.

On roll call the motion carried unanimously.

Planning, Zoning & Building:

Zoning Technician

Director of Planning, Zoning & Building Robert Moore explained that the zoning technician position had been approved last year – to assist Zoning Administrator Castro, as well as to assist the front office.

After discussion, it was determined that this position would be deferred, to be revisited after the new Planning, Zoning & Building Director position was filled.

Councilman Wyett moved deferral of consideration of the position of Zoning Technician, until after the new Planning, Zoning & Building Director was hired; the funding would be taken out of the proposed budget at this time, and the Zoning Technician position would be re-evaluated once a new Director was hired. The motion was seconded by Councilman Coleman, and carried unanimously on roll call.

Fire-Rescue:

Battalion Commander

Fire-Rescue Chief Edward Moran explained that the position of Battalion Commander was the highest ranked management position that was on duty 24-hours per day, 365 days per year. Currently the practice was that there were three shift commanders, and when one of them had time off, there was a lieutenant acting in that capacity, which then required a firefighter to act in the lieutenant capacity, both of whom receive compensation. Always, at the bottom end, a firefighter must be paid overtime.

He explained that the cost of the position would offset the overtime costs and the step-up costs, and there would be a gain in having a management person maintaining coverage 24-hours per day.

Councilman Wyett moved approval of the position of Battalion Commander. The motion was seconded by President Pro Tem Goldblum.

President Brooks commented that this position was far more extensive than step-up costs and overtime costs, because the salary was $80,000 without benefits. He noted that the employees covering were experienced, and that in many cities the Fire Captain became the Acting Chief in the Chief's absence.

In response to Councilman Wyett regarding the cost savings, Town Manager Elwell explained that the first year there was an actual savings, since the benefit costs had already been calculated into the budget. In future years, the longer term costs for the position would approach $150,000.

Councilman Wyett withdrew the motion to approve the position of Battalion Commander.

Councilman Coleman moved that the position of Battalion Commander be approved. The motion died for lack of a second.

President Brooks passed the gavel to move that the position of Battalion Commander be denied. The motion was seconded by Councilman Kleid.

Town Manager Elwell commented that staff believed that the position was advantageous to insure that a management person would be in charge of the Fire-Rescue Department at all times; beyond that, he noted that this was directly parallel in bringing the Fire-Rescue Department up to the standard of the Police Department.

On roll call the motion carried 4/1, with President Brooks, Councilman Kleid, President Pro Tem Goldblum, and Councilman Wyett casting affirmative votes; Councilman Coleman casting a dissenting vote.

Town Manager Elwell noted that the impact for the proposed budget would be an additional $10,000 – $70,000 for the overtime and step-up, a reduction of $60,000 for the Battalion Commander position.

Planning, Zoning & Building:

Code Compliance Officer

President Brooks suggested the addition of a part-time Code Compliance Officer.

Director of Planning, Zoning & Building Robert Moore explained that the theory was to add a Code Compliance Officer so that shifts could be split, and there would be someone working in the evening. He explained that currently the Fire-Rescue Department helped out in this regard, however they were looking at capacity, and not zoning regulations; an additional person as a Code Compliance Officer would also give evening and weekend coverage. In addition, that person could help with areas such as intersection vision; the idea was to improve service and become more proactive.

Mayor McDonald commented that the manpower was not available currently to do sufficient code enforcement. He noted that there were more ordinances being passed, which required code enforcement, and if the fines were increased, the position should be able to fund itself.

Mr. Moore commented that the Police Department helped with code related items, and had the ability to write tickets.

President Pro Tem Goldblum moved approval of hiring an additional full-time Code

Compliance Officer. The motion was seconded by Councilman Kleid. On roll call the motion carried 3/2, with President Pro Tem Goldblum, Councilman Kleid, and Councilman Coleman casting affirmative votes; President Brooks and Councilman Wyett casting dissenting votes.

Police Department:

Lifeguard

Police Chief Reiter advised that the additional lifeguard position, at Phipps Ocean Park, was being requested as a midyear position. He explained that the re-nourishment project would increase the number of visitors once the new beach was established. In order to provide the level of life saving protection that the national standards suggested, that location would require three lifeguards.

In response to discussion concerning the narrowing of the protected beach area, Police Chief Reiter commented that the size of the protected beach could be narrowed, which would protect the Town's liability, however, there would still be a certain number of people using the beach. The load on the lifeguard to protect them would be the same, from a practical sense. He noted that the mid-Town beach size had been narrowed some years ago, however, if there were rescues needed outside of that beach the lifeguard needed to do them anyway. He explained that there would also be an increase in the parking revenue as the new beach was established.

Councilman Kleid commented that each time hiring someone was discussed, it was also discussed whether or not enough revenue would be generated to take care of that position, and that he did not believe that should be the total justification for hiring a person. He suggested that it should be considered whether that person was necessary for the well being of the Town.

Councilman Wyett moved approval of a part-time lifeguard, to commence in May 2006, and that the possibility of a full time position is considered in the FY07 budget, depending on the experience of the part-time person. The motion died for lack of a second.

President Pro Tem Goldblum moved that the position is removed from the current budget proposal, and that the position will be reconsidered, once the need for a lifeguard was established. The motion was seconded by Councilman Wyett. On roll call the motion carried unanimously.

Fire-Rescue Department:

Two Fire Prevention Officers

Fire-Rescue Chief Edward Moran advised that currently pe-fire surveys were being done, which did not fully comply with Florida Statutes in completing mandatory fire inspections that were to be done annually, quarterly, semiannually. He explained that the difference was whether they were performed by a certified fire inspector, or a certified firefighter. A certified fire inspector was the only one authorized by State Statute to perform a true fire inspection as required by Code. He urged that the positions be funded, as the additional two inspectors would enable compliance with fire inspections, as well as perform fire plan reviews, nighttime inspections, and public education, that was necessary as part of the job of fire prevention.

Director of Planning, Zoning & Building Robert Moore commented that the Fire-Rescue personnel also help the Building Department out because they make inspections at existing businesses to help on the occupational license issues. He gave his support to the hiring of two new fire inspectors.

President Brooks suggested that consideration be given to hiring only one fire prevention officer; he noted that there was the obligation to look not just at next fiscal year, but the future years as well. There was a twofold obligation to protect the employees and to protect the citizens, and the budget could not continue to increase with added employees and added benefits.

President Pro Tem Goldblum moved approval of the two Fire Prevention Officer positions, and the Fire Prevention Office Assistant.

In response to Councilman Coleman, Chief Moran advised that in order to comply with state law, two fire inspectors and a clerical assistant to assist them would be required.

Councilman Coleman seconded the motion.

Public Comment: Mr. Harold Nectow, Citizens Association, requested information regarding how many of the 48 buildings on South Ocean Blvd. were out of compliance.

Chief Moran responded that the issue was compliance with the State Statue; he explained that the inspections would then reveal whether the building was in compliance or not.

Mr. Nectow noted that he knew of one building that had been inspected already, and that numerous violations had been found, and made the point that probably 90% of the 48 buildings were not in compliance, and it would require a great deal of money and time for those buildings to become compliant.

Councilman Kleid commented that he would feel more comfortable if this matter was given to the Town Attorney for review, so that a legal opinion could be provided regarding the compliance issue. He explained that the legal decision would determine how he would vote on the positions.

Chief Moran explained that when buildings are not in compliance, it is necessary to correct them, and that he was sensitive to the financial obligations that compliance may create. He explained that if it was not a life threatening matter, staff would work with business and residential property owners to establish a time frame in which to become compliant. He stated that the primary concern was life safety, and if a life safety hazard was identified, those issues would need to be addressed promptly. He stated that he did not feel comfortable with the level of fire inspections that were currently taking place.

On roll call the motion to approve the two Fire Prevention Officers and one Fire Prevention Office Assistant carried unanimously.

Town Manager Elwell clarified that staff would submit a schedule of fees at the August 9, 2005, Town Council Meeting.

Police Department:

Two Police Officers for the Marine Patrol Unit

Police Chief Reiter advised that two new police officer positions for the Marine Patrol Unit were being requested in order to provide for an increase in police patrols along the Intracoastal waterway and the Atlantic Ocean. He also proposed a second police vessel purchase from the Forfeiture Trust Fund, which would be at no cost to the Town.

Councilman Wyett moved denial of the two new Police officer positions. The motion was seconded by President Pro Tem Goldblum. On roll call the motion carried unanimously.

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The luncheon recess was taken at 12:50 p.m.

The Special Town Council Meeting Regarding
the FY2006 Proposed Budget was resumed at 2:00 p.m.

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G. Proposed Financial Policies

Director of Finance Jane Struder advised that one financial policy was proposed to be amended, and two financial policies were proposed to be added.

1. Contingency Reserve - General Fund (Amendment)

Finance Director Struder reported that the current policy appropriates the General Fund Contingency at 2% of the proposed General Fund Operating Budget. Staff was proposing a level of 1.5%, which would require a budget amendment in order to revise the current policy.

Town Manager Elwell advised that staff was recommending that the policy be revised to 1.5%, rather than the current policy level of 2% of the proposed General Fund Operating Budget. He noted that because of budget constraints, it had been funded at lower levels, which had been found sufficient to meet the needs throughout the year. In any given year, the contingency could be funded at a higher level for a particular strategic reason.

After discussion regarding the creation of a reserve fund to be used for the Royal Poinciana Underground Wiring Project, Town Manager Elwell advised that staff would be much more informed at the August 9, 2005 Town Council Meeting, and could offer more defined costs at that time.

Councilman Wyett moved approval of the amendment to the General Fund contingency

policy for a reserve level of 1.5%. The motion was seconded by Councilman Coleman. On roll call the motion carried unanimously.

2. Contingency Reserve - Leisure Services Enterprise Fund - Capital Fund

Finance Director Jane Struder advised that a Contingency Reserve for the Capital Fund of 5% was proposed; that contingency, in the amount of $90,970, would be funded through the retained earnings of the Leisure Services Enterprise Fund.

Councilman Wyett moved approval of the financial policy for appropriation of a Contingency Reserve of 5% of the proposed leisure Services Enterprise Fund - Capital Fund. The motion was seconded by Councilman Kleid. On roll call the motion carried unanimously.

3. Leisure Services Enterprise Fund - Equipment Replacement Fund

Finance Director Struder advised that staff proposed to establish an Equipment Replacement Reserve within the Leisure Services Enterprise Fund, using depreciation that would be calculated using replacement value, rather than just straight line original cost. The original funding for that was estimated at $373,000.

President Pro Tem Goldblum moved approval of the financial policy to establish an Equipment Replacement Reserve, within the Leisure Services Enterprise Fund. The motion was seconded by Councilman Kleid. On roll call the motion carried unanimously.

VII. REVIEW OF FY2006 PROPOSED BUDGETS

A. General Fund Expenditures - Program-by-Program Review

Town Manager Elwell advised that certain projected program expenditures for FY05 would exceed what was budgeted for that year; much of that related directly to the over expenditures of the current budget because of the hurricane related expenses. The expenditure level would stay the same; the budgeted level would be adjusted up when the budget amendment was done in August and September. He noted that there were forty different programs of service in the program-by-program review.

Town Manager Elwell moved through each of the programs, and explained that there was no need for an action on each individual item. He explained that any action to change any of the proposals could be done as he moved through the proposed budget for all programs.

The following members of staff responded to questions regarding particular programs:

- Spencer Wilson, Information Systems Manager - Program 125

  Mr. Wilson provided an update on computer programs and equipment.

Public Comment: Mr. Walter Ross, 456 Worth Avenue, commented that there were 76 employees in the Fire Department, and suggested that some of the current firefighters become certified to do inspections, rather than hire two new fire prevention officers and a secretary.

Fire-Rescue Chief Edward Moran responded that in order to become a fire inspector it was necessary to take five college level courses, a state exam must be passed, and certification must be maintained. He pointed out that having a set person with the responsibility of fire prevention would result in professional technical inspections and a sense of continuity. He explained that having set fire prevention officers would result in compliance with the requirements of State Statutes. He noted that the other duties and responsibilities of current fire fighters resulted in them being pulled away from inspections before the inspections were fully completed.

- Police Chief Michael Reiter - Programs 421 - 432:

In response to Mayor McDonald, regarding the possibility of the use of surveillance cameras in response to the anticipated increase of traffic in the coming years, Police Chief Reiter responded that all of the entrances to the Town were currently monitored. He explained that enforcement, such as at crosswalks and traffic lights, could not be done using video or still photographs under the regulations of Florida Statutes. He noted that cameras installed by the Department of Transportation or the Palm Beach County Engineering Traffic Division would allow the ability to feed from them for traffic monitoring purposes. However, he also pointed out that there were traffic cameras already in place that covered the bridges and the area around Town Hall.

President Brooks suggested banning cell phone usage in traveling automobiles.

In response to Mayor McDonald, Police Chief Reiter confirmed that 911 calls from cell phones may not have the ability to allow determinations of location. He acknowledged that most people may not realize that a law enforcement agency may not be able to determine the location of a cell phone 911 call. He agreed that information in this regard could be provided to citizens through such things as the Crime Watch Program.

Councilman Coleman commented in regard to the lease payments for the radio system, under Program 425. He suggested that an analysis be done regarding leasing versus the purchase of capital equipment. He encouraged management to bring capital purchases forward during the year.

Finance Director Struder replied that one reason for consideration of a lease was that staff had originally believed that the equipment would need to be purchased in mid-July. Since it now did not have to be purchased until next fiscal year, an analysis could be run regarding a capital purchase versus an expense item.

Councilman Wyett commented regarding new parking meters and methods of controlling parking.

Town Manager Elwell advised that improvements in technology have been monitored by staff, and the pending Town-wide traffic and parking study would address some of those matters.

- Public Works Director Paul Brazil:

In regard to Program 531 - Storm sewer maintenance, Public Works Director Brazil explained that a lot of manpower resources were in this program. There were some new employees, and some anticipated salary increases.

In regard to Program 541 - Residential collection - There was some discussion regarding size of containers, collection trucks, and level of service.

In regard to Program 546 - Beach Cleaning, Public Works Director Brazil explained that the the beach areas cleaned included the mid-Town area and some public areas north of that. He noted that there was also a contract with the Citizens Association for the south end area.

Councilman Coleman commented that, generally, everything that the Town leased should be reviewed to see whether it would be more efficient to acquire rather than lease.

Town Manager Elwell responded that staff would do that, however, there was very little that was leased.

* * * * * * * *

At this time, discussion took place regarding the following one-time items that were included in the FY2006 budget to address certain operating needs: (page 7 "Introduction" tab of FY06 Proposed Budget Book)

Fire-Rescue Department:

- Amkus power unit tools - $32,000

Fire-Rescue Chief Moran explained that this equipment included the tools that go with the power unit, which will be used for vehicle extrications or extrications to get a person out of a building. He explained that the old unit would be used on a reserve engine that currently did not have a unit.

President Pro Tem Goldblum moved approval of the expenditure of $32,000 for the Amkus power unit. The motion was seconded by Councilman Coleman. On roll call, the motion carried unanimously.

- Three portable generators

Fire-Rescue Chief Moran explained that the front line engine companies did not have generators at all. The generators were currently on the two truck companies only. In the event of a disaster, there would be more units that could provide emergency power; the equipment was used by engine companies in most fire departments.

Councilman Wyett moved approval of the three portable generators. The motion was

seconded by Councilman Coleman. On roll call the motion carried unanimously.

- Office furniture for new fire prevention positions - $5,000

Councilman Coleman moved approval of the expenditure of $5,000 for the office furniture for the new fire prevention positions. The motion was seconded by Councilman Kleid. On roll call, the motion carried unanimously.

- Eleven communication and ear protection headsets - $30,000

Fire-Rescue Chief Moran advised that the headsets were necessary in order to comply with OSHA requirements. The system would provide communication between the driver, firefighter and dispatch.

President Pro Tem Goldblum moved approval of the eleven communication and ear protection headsets at a cost of $30,000. The motion was seconded by Councilman Coleman. On roll call, the motion carried unanimously.

- Grant equipment - $340,000, offset by $326,000 in estimated grant revenue

Fire-Rescue Chief Moran advised that the grant would provide a trailer to carry portable equipment, generators, and additional medical supplies for use in a disaster. An amount of $300,000 would replace the self-contained breathing apparatus; the grant contained a 5% obligation on the part of the Town. He explained that the grant dollars had to be shown as received, and that was why it was listed in this category. He suggested that the odds of receiving the grant were 50/50. If the grant was not received, there would be no obligation to the Town.

President Pro Tem Goldblum moved approval of the grant equipment - $340,000, offset by $326,000 in estimated revenue. The motion was seconded by Councilman Coleman. On roll call, the motion carried unanimously.

President Brooks suggested that the Fire-Rescue Department stop soliciting grants for a new Fire-Rescue boat, as it would require additional employees and upkeep.

Councilman Wyett suggested obtaining support from other communities in maintaining a Fire-Rescue boat.

Fire-Rescue Chief Moran responded that the community was unique in the amount of existing waterfront, both on the ocean side and the intracoastal side. He noted that the Town did not currently have fire protection for vessels. The closest fire vessels that could be used for assistance were Boca Raton, or Martin County. A fire-rescue boat would then also be available for accessing residents in a hurricane or other disaster. He noted that the budget proposal had not included any additional personnel; existing firefighters would become certified and trained.

Councilman Coleman suggested contacting Homeland Security, in conjunction with other communities; he noted that there were major cruise ships coming in and out of the Port of Palm Beach. He expressed concern as to the operational costs related to the acquisition of a new fire-rescue boat.

Chief Moran responded that he would contact the Port of Palm Beach and other jurisdictions in order to obtain support.

Town Manager clarified that there was no action necessary at this time, and that staff understood that the direction was not to pursue an independent fire-rescue boat for the Town

Deputy Town Manager noted that the grant application was for more than the fire-rescue boat; it also had to do with the Town dock and some other expenses that the Town had incurred. He explained that if the Town waited to hear if the grant application had been approved, there was the possibility that there may be funding available for fifty per cent of the dock, which would then be a stand alone dock for the Police Department for their police boat. He suggested waiting to hear the outcome of the grant application, and then decide whether to fund or not fund the fire-rescue boat.

Councilman Coleman moved that after determining the outcome of the grant application, a decision would be made as to whether or not to fund the fire-rescue boat. The motion was seconded by President Pro Tem Goldblum. On roll call, the motion carried unanimously.

Police Department:

- System for monitoring and managing public safety dispatch protocols - $5,875

Police Chief Reiter advised that this system would allow greater quality control over monitoring all of the telephone calls that came into the communication center. This module would also provide more detailed statistics on caller volume, would help to determine staffing, and would provide details about the one million telephone calls that come into the Police Department each year. The system would allow generation of reports based on all sorts of different variables, and would also allow sampling to ensure that calls were being handled effectively.

Equipment for new patrol vehicles - $31,223

Police Chief Reiter advised that the length of service for a police patrol car was usually about three years. When a new police car was acquired, there were some pieces of equipment that were not durable beyond the three years that the car was in service.

- Digital video system - $39,122 (total cost $94,823, equipment replacement funding of $55,701)

- Computer equipment for video system - $15,000

- Target retrieval and control system - $26,950

Police Chief Reiter advised that the digital video system would upgrade all of the fourteen analog units that were in patrol vehicles with a far more advanced system. He noted that the system would be saved on a hard drive. The system was always recording, so that if a police officer activated the system, even the 60 seconds prior to that activation were recorded.

- Two lifeguard towers for Phipps Ocean Park - $30,000

Police Chief Reiter requested the purchase of a minimum of one lifeguard tower now. He explained that the towers were custom built, and encouraged funding one tower now, so that there would be no lag time waiting for it when the beach was overburdened.

- Floor scrubber - $4,834

Police Chief Reiter advised that the floor scrubber was for the new mechanic garage, and would remove all oils and stains on the floor.

Councilman Wyett moved approval of all of the Police Department requests, *with the exception of one lifeguard tower*, that were included in the proposed FY2006 budget addressing operating needs. The motion was seconded by Councilman Coleman. On roll call the motion

carried unanimously.

Fund Balance:

Town Manager Elwell explained that staff had recommended and the Town Council had approved the creation of a reserve to pay for accumulated leave, because there was a significant accumulated unfunded liability. The reserve had been created last year, and would fluctuate somewhat from year to year. This year was a substantial decrease from last year, and would result in a $510,000 transfer from the reserve that had been set aside within the fund balance of the General fund for the purpose of paying the accumulated leave, as well as for the conversion of leave into the Retirement Health Savings Plan.

Mr. Elwell explained that the reason staff had recommended funding in this way was that the Town was obligated to make these payments, and this was the way to plan well and not have a direct impact upon the taxpayers.

Finance Director Struder explained that approximately $3 million had been set aside last year from the fund balance, and staff was now proposing to use $510,000 of those funds for this year.

B. Debt Service on 2003 Revenue Bonds

Finance Director Struder reported that the Debt Service fund included General Obligation Bonds, and Revenue Bonds. The final payment on the General Obligation Bond was made this year, so there was no debt service millage on the 2006 tax bill. There were still two Revenue bonds remaining: one for the coastal management project, and one for Town facilities. The coastal management project bonds would be paid in full in 2010. The facilities bonds would be paid in full in 2033.

C. Capital Improvement Program

Public Works Director Paul Brazil provided the summary for the five Capital Fund accounts:

- Fund 307 - Capital Improvement Program

Councilman Coleman moved establishment of a fund of $1 million as funding set aside for the potential underground wiring project. He explained that the fund would be replenished until there was some idea of how the entire underground wiring project would be funded.

Town Manager Elwell advised that the Town Council could establish the fund by directing staff to include the $1 million transfer in the budget amendment that would be brought forward next month. He noted that staff did expect to be in a position to offer a much more defined estimate for the Royal Poinciana project at the August 9, 2005, Town Council Meeting.

Councilman Kleid commented that he would prefer to fund only the actual expense for the Royal Poinciana underground wiring project.

President Pro Tem Goldblum commented that he saw no reason to transfer money until there was a referendum to decide whether to accomplish the underground wiring through pay-as-you-go, or through a bond fund.

Town Manager Elwell advised that it was a policy decision – the Town Council would not be obligated to ask the voters if the project was done on a pay-as-you-go basis, however, some members of the Town Council had indicated that a project of this magnitude should go to the voters.

Councilman Coleman moved the transfer of $1 million, earmarked for the underground wiring purpose, from the General Fund Balance to the Capital Improvement Fund, to be included in the budget amendment to be presented at the August 9, 2005, Town Council Meeting. The motion was seconded by Councilman Wyett. On roll call the motion carried 3/2: Councilman Coleman, Councilman Wyett, and President Brooks casting affirmative votes; President Pro Tem Goldblum and Councilman Kleid casting dissenting votes.

- Fund 308- Coastal Management Program Pay-As-You-Go
- Fund 309 - Comprehensive Coastal Management Program Bond Proceeds Construction Fund

Public Works Director Paul Brazil advised that the FY06 appropriation schedule under Fund 309 was the best estimate of staff. He explained that these prices could vary, depending upon demand for dredgers by other people, and the mark up of costs. Mobilization for the projects could be excessive.

- Fund 310 - Town Facilities Project Fund

Town Manager Elwell noted that funds had been borrowed from the Town Hall account this year to accomplish some of the emergency roofing needs; it was not proposed at this point to replenish that money. He explained that when the plans for renovation are further along, there would be more well defined cost for the projects, and staff would return, if necessary, to address any supplemental funding needs.

- Fund 320 - Equipment Replacement Fund

Established to provide a means to replace equipment, excluding enterprise fund equipment.

D. Leisure Services Enterprise Fund

1. Individual Review of Component Functions

a. Golf

- Par 3 Golf Course Revenue and Expense Summary

b. Tennis

- Tennis Revenue and Expense Summary

c. Recreation

- Recreation Revenue and Expense Summary

d. Marina

- Marina Revenue and Expense Summary - revenue would be somewhat increased as a result of rate increases.

2. LSEF Capital Improvement Fund

- Fund 404 - Leisure Services Capital Fund

3. LSEF Equipment Replacement Fund

- Fund 405 - Leisure Services Capital Fund

E. Internal Service Funds

1. Risk Management

- Fund 501 - Risk Management Fund

Finance Director Struder advised that Risk Manager Karen Temme was present to respond to any questions.

2. Health Insurance

Finance Director Struder advised that Human Resources Director William Crouse was present to respond to any questions.

Finance Director Struder advised that next year a reserve for the Health Insurance Fund would be proposed. She explained that currently retiree health benefits were funded on a pay-as-you-go basis. She stated that there was no action needed at this time.

President Brooks suggested that Finance Director Struder and Town Manager Elwell provide information regarding the placement of excess funds at the August 9, 2005, Town Council Meeting.

F. Trust and Agency Funds

1. General Employee Retirement Fund
2. Firefighter Retirement Fund
3. Police Officer Retirement Fund

Town Manager Elwell advised that informational tables had been provided for the three retirement funds.

VIII. Resolution No. 48-05 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Approving a Proposed Operating Millage Rate of 4.0000 for the Tentative Fiscal Year 2006 Budget; Approving the Computed Rolled-Back Millage Rate of 3.5364 to be Provided to the Property Appraiser in Accordance with F.S. 200.065; Establishing the Date, Time and Place of the First and Final Budget Hearings to Consider the Proposed Millage Rates and Tentative Fiscal Year 2006 Budget and Directing the Town Manager to Transmit this Information to the Property Appraiser of Palm Beach County in Accordance with the Requirements of F.S. 200.065.

Town Manager Elwell read Resolution No. 48-05 by title, as printed above.

Town Manager Elwell explained that state law required that if there was any reason for the Town to adopt a millage rate higher than the tentative operating millage rate being adopted today, a first class mailing would be required to each taxpayer in the Town. This was an expense that could be avoided if the artificially high tentative millage rate was adopted at this point. The proposal for the actual millage rate was 3.9080.

MINUTES OF THE SPECIAL TOWN COUNCIL MEETING HELD ON JULY 11, 2005, REGARDING THE FY 2006 PROPOSED BUDGET

Town Manager Elwell referred to the first scheduled public hearing on the budget, September 13, 2005 at 5:01 p.m. The final adoption of the budget was scheduled for September 21, 2005 at 5:01 p.m.

Councilman Coleman moved adoption of Resolution No. 48-05. The motion was seconded by President Pro Tem Goldblum. On roll call the motion carried 4/0, with Councilman Coleman, President Pro Tem Goldblum, Councilman Kleid, and President Brooks casting affirmative votes; Councilman Wyett was not present, as he had left the meeting prior to this agenda item.

President Brooks thanked Town Manager Elwell, Finance Director Struder, and all staff members for the enormous amount of work done in preparation for the budget. He remarked that the Town was most fortunate to have such a staff.

IX. ANY OTHER MATTERS

There were none.

X. ADJOURNMENT

There being no further business, the Special Town Council Meeting of July 11, 2005, was adjourned at 4:35 p.m.

William J. Brooks
Town Council President

ATTEST:

Susan A. Eichhorn
Town Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Coleman, Denis P.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Town Council
MAILING ADDRESS PO Box 2615	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☐ CITY ☐ COUNTY ☑ OTHER LOCAL AGENCY
CITY Palm Beach COUNTY Palm Beach	NAME OF POLITICAL SUBDIVISION: Municipality - Town of Palm Beach
DATE ON WHICH VOTE OCCURRED July 11, 2005	MY POSITION IS: ☑ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Denis P. Coleman, hereby disclose that on July 11, 2005:

(a) A measure came or will come before my agency which (check one)

___ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, ___;

___ inured to the special gain or loss of my relative, ___;

___ inured to the special gain or loss of ___, by whom I am retained; or

___ inured to the special gain or loss of ___, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am a member of the Board of Directors of the non-profit organization being voted on.

July 11, 2005
Date Filed

[signature]
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.