Revised Consent Agenda adding # 14 and renumbering remaining items.



Town of Longboat Key Town Commission

Town Hali

501 Bay Isles Road

Longboat Key, FL 34228

(941) 316-1999 (FAX) 316-1942 INFOLINE: 361-6411

-REVISED AGENDA -

REGULAR MEETING

7:00 PM

July 6, 1999

Pledge of Public Conduct

- · We may disagree, but we will be respectful of one another.
- · We will direct all comments to issues.
- We will avoid personal attacks.

Call to Order and Pledge of Allegiance

Proclamations and Special Presentations

Approval of Minutes

June 6, 1999 Regular Meeting

Committee Reports and Communications

Public to be Heard

Ordinances - First Reading and Public Hearing

1. Ordinance 99-15 (D 7), Site Plan Review Authority

As a follow-up to a joint meeting of the Town Commission and the Planning and Zoning Board on November 17, 1998, staff prepared an ordinance to provide that the Planning and Zoning Board would have final decision authority on site plan applications. Ordinance 99-15 was discussed at the April 20th Workshop and forwarded to the May 6th Regular Meeting for first reading. The ordinance was forwarded to the June 6th Regular Meeting for second reading and public hearing. The Ordinance failed on a tied vote, 3 to 3 and Staff was asked to re-write the ordinance leaving the site plan review authority with the Town Commission. On June 24, 1999 two versions of Ordinance 99-15 (Draft 7 and Draft 8)were reviewed at the Workshop. Ordinance 99-15 (D7) is forwarded for first reading and public hearing. Recommended Action: Forward to 9-13-99 Regular Meeting for second reading and public hearing.

Ordinances - Second Reading and Public Hearing

Ordinance 99-03, Amending Chapter 158: ZONING CODE, Section 158.150(D), REQUIRED CANAL YARD, Adding a New Subsection (D)(5) to Regulate the Installation and Maintenance of Vegetation Located Immediately Landward of the Mean High Water Line or Seawall in Order to Preserve Canal Views and Prevent Obstructions to Navigation Caused by Vegetation that Extends Over a Canal

Ordinance 99-03 was placed on the Town Commission 5-6-99 Regular Meeting for second reading and public hearing. A motion to amend Section 158.150(5)(a) to 20 feet passed unanimously but the overall motion to approve the ordinance was postponed pending further discussion with the Planning & Zoning Board on their rationale for this section. Canal Yard requirements were discussed at a Joint Meeting between the Town Commission and the Planning & Zoning Board on 5-20-99. Ordinance 99-03 passed on first reading at the 6-7-99 Regular Meeting. Recommended Action: Adoption.

- Ordinance 99-24, Amendments to Town Employee Pension Plan for 3. Police Employees
- Ordinance 99-25, Amendments to Town Employee Pension Plan for Fire 4,
- Ordinance 99-26, Amendments to Town Employee Pension Plan for 5. General Employees

Recent State legislation amends the current pension plan for Town employees mandating a separate pension board for General Employee plans from Police and Fire pension plans. Proposed ordinances for three separate pension plans, pension boards, and the administration of three plans were reviewed at the 5-20-99 Regular Workshop. These ordinances passed on first reading on 6-7-99. All plans are mandated to be in place for the coming fiscal year. Recommended Action: Adoption.

Ordinance 99-27, Repeal Interim Proprietary and General Service Fee 6.

Town Attorney David Persson recommended a review and discussion of Town Code Chapter 37, FINANCE AND TAXATION. The repeal of sections regarding the Interim Proprietary and General Service Fee was advised based upon review of a Florida Supreme Court Case that deemed a Collier County ordinance improper. The Collier County ordinance is similar to the Town's ordinance. This ordinance was discussed at the 6-24-99 Workshop and passed on first reading at the 6-24-99 Special Meeting. Recommended Action: Adoption.

Other Public Hearings

Setting of Tentative Maximum Millage

In accordance with Florida Statutes the Town must establish a proposed millage by July so that it can be included in the estimated property tax bills malled in August by each County. Although it can be reduced in later budget hearings, this proposed millage cannot be increased. The proposed millages are:

OPERATING DEBT TOTAL **MILLAGE** SERVICE MILLAGE MILLAGE 2.3220 1.3544 3.6764 2.3220 0.5240 2.3460 Recommended Action: Set Tentative Maximum Millage.

Closing of Consent Agenda

FDOT Sidewalk Enhancement Grant Application (\$300,000)

The Town applied for FDOT funding of Sidewalk Improvement Program funds for the west side of Gulf of Mexico Drive with both Counties. The Town was notified 6-9-99 that applications in both Countles were ranked No. 1. Since the Town can only accept funding from one source, staff recommends acceptance of funds from Sarasota County. Recommended Action: Approval of Consent Agenda will approve authorization of this Grant Application.

Confirmation of Six (6) Special Masters for Ethics Cases: Philip B. 9. Perrey, Patricia A. Petruff, Alan Hardy Prather, H. Hamilton Rice, Jr., Mark D. Singer, Stephen W. Thompson

The Town Charter was amended as a result of the March referendum. One of the elements included in the approved amendments was to have certain issues regarding the Town's Code of Ethics be resolved by Special Masters. The Town Attorney and Town Manager were requested to short list proposals brought forth by attorneys interested in serving in this capacity for the Town. Recommended Action: Approval of Consent Agenda will confirm all six attorneys as Special Masters.

Authorize Mayor to Sign Contract (FDEP NO. SP411, Amendment #1) for Grant Funds for Joan M. Durante Park (\$150,000) and Quick Point Nature Preserve (\$75,000)

U.S. Fish and Wildlife Service and Florida Department of Environmental Protection grant funds are available in the amount of \$225,000 for completion of Phase 5 of Joan M. Durante Park and additional restoration at Quick Point Nature Preserve. Recommended Action: Approval of Consent Agenda will authorize Mayor to sign

Designation of Mayor Lenobel as Voting Delegate at Florida League of 11. Cities Conference

Each year Commission members represent the Town at the FLC Conference. One member is designated as the voting member to attend the business meeting on behalf of the Town for policy development, election of League leadership and adoption of resolutions undertaken at the business meeting. Following discussion at the 6-24-99 Workshop Mayor Lenobel was selected as this year's delegate. Recommended Action: Approval of Consent Agenda designates Mayor as voting delegate.

DISTRICT A

DISTRICT B

12. Longboat Key Center for the Arts Grant (Art Exhibit Prizes at \$2500 Plus ½ Cost of Reception) for 1999-2000

This annual event has been sponsored by the Town for nine years. The grant request was discussed at the 6-24-99 Workshop. Recommended Action: Approval of Consent Agenda authorizes this grant for the 1999-2000 Art Exhibit.

13. Approval for Full Amount of Sarasota County Occupational License Tax Funds Grant to Longboat Key Chamber of Commerce 1998-99

Ordinance 93-02 provides that a grant from the Town's portion of Sarasota County Occupational License taxes collected may be awarded to the Longboat Key Chamber of Commerce. Such grant (awarded for past six years) is at the discretion of the Town Commission following review of an annual request and summary of activities. 1998-99 funding amounts are unknown until the end of October 1999. A 20% administrative fee, retained by the Town in the past, was not to be retained this year. Recommended Action: Approval of Consent Agenda will authorize payment of the full amount of the Town's portion of Sarasota County Occupational License taxes collected to the Longboat Key Chamber of Commerce.

14. Approval of Funding of Beach Advisory Committee
Recommendations for Additional Research re. The Islander (\$27,600)
and Sand Layering Experiment (\$48,000)

At the 6-24-99 Workshop Meeting, a consensus was reached for staff to obtain costs for additional research at The Islander and a Sand Layering Experiment, Information was received 7-6-99 from Coastal Planning & Engineering, Inc. regarding the costs for these recommendations. Recommended Action: Approval of funding for these two projects.

Action on Consent Agenda

The purpose of the Consent Agenda is to expedite those items on an agenda that appear to be of a routine nature. Any item on the Consent Agenda can be removed from the Consent Agenda and placed on the Regular Agenda by any member of the Town Commission without having to make a motion, receive a second, or submit to a vote; otherwise, all items on the Consent Agenda are voted upon in their totality by one action (motion, second and vote) and are not subject to discussion. A vote in the affirmative on the Consent Agenda is a vote of confirmation to the action noted in each item.

New Business

15. Approval of First Year Canal Maintenance Program Funding From Reserve Funds

The Canal Maintenance Financial Advisory Committee made its funding recommendations to the Town Commission on May 20th. At that time the Town Commission requested staff to provide additional funding alternatives. The Town Manager, Town Attorney and Community Services Director presented alternatives for Commission consideration on June 24th at the Regular Workshop. Commission consensus was for the program over two years with the first years contribution to be funded from Reserve Funds rather than increase ad valorem millage rates. Recommended Action: Pending discussion, authorize funding of program.

16. July Workshop Schedule - Cancellation of July 22, 1999 Regular Workshop

A poll was taken at the 6-10-99 Budget Workshop regarding the availability of Commission members for the month of July. A quorum will not be available to hold the 7-22-99 Regular Workshop. In accordance with Town Code Section 30.01(D), Town Commission can formally approve any regular meeting date changes. Recommended Action: Pending discussion.

17. Appointment to Fill Vacancy (Term to Expire 5-2001) on Planning & Zoning Board Due to Resignation; Appointment to Fill Vacancy (Term Expires 5-2000) on Code Enforcement Board Due to Resignation of Member; Appointment to Fill Vacancy (Term to Expire 5-2000) on Salary Savings Committee

A vacancy on the P&Z Board for one seat with a term to expire May 2001 is open for consideration due to the resignation of a board member. Applications on file from appointments considered in April 1999 for this position are forwarded for review by the Commission at this meeting. Recommended Action: Pending discussion of applications submitted, appoint new member to P&Z Board.

Review of applications on file and consideration of names forwarded by Town Commissioners will be reviewed at this meeting to fill a Town Commission appointment to Salary Savings Committee. Recommended Action: Pending discussion of applications submitted, appoint new member to CEB.

A vacancy on the Code Enforcement Board due to the resignation of a member of a sea with a term to expire May 2000 is open for consideration. Applications on file for this Board appointment are forwarded for Commission review to fill this vacancy. Recommended Action: Pending discussion, appoint new member to Salary Savings Committee.

18. Review and Approval of Town Manager Merit Raise

Following discussion of the Manager's performance at the 6-24-99 Workshop, Commissioners approved a meeting between Mayor Lenobel and the Town Manager to discuss merit raise. Recommended Action: Pending discussion.

Town Attorney Comments

July 6, 1999 Regular Meeting

Page 5

Town Manager Comments Town Commission Comments Press to be Heard Adjournment

If any person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, a record of the proceedings will be needed. For such purpose that person may need to ensure that a verbalim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

/dhs

July 6, 1999 Regular Meeting

Page 6

MEMORANDUM

DATE: July 6, 1999

TO:

Town Commission

FROM:

Bruce St. Denis, Town Manager

SUBJECT: Revised Consent Agenda

As a follow-up to the Joint Town Commission and Beach Advisory Committee meeting on June 22nd, the Town Commission reached consensus on the following two items at the June 24th Workshop:

- 1. Additional Research re. The Islander (see attached memo)
- 2. Sand Layering Experiment

Since that time Staff has been working with CPE to try to develop a scope and costs for these items so they could be approved and work could proceed on through the summer.

We received the information from CPE today.

The cost for the work at The Islander will be \$27,600.

The White Sand Layering Experiment will cost \$48,000 for a 200-foot test section.

It is recommended that funding for both of these items come from the Commission Contingency Fund.

Because the Commission reached a consensus on these items at the June 24th Workshop, they will both be placed on tonight's Consent Agenda.

Please contact me if you have any questions.

BSD/dhs Attachment

MEMORANDUM

DATE: June 24, 1999

TO:

Town Commission

FROM:

Bruce St. Denis, Town Manager

SUBJECT: Additional Workshop Item:

Follow-up to Joint Meeting with Beach Advisory Committee

In going back over the Joint Town Commission and Beach Advisory Committee Workshop, I did not feel staff had clear direction as to how the Town Commission wished us to proceed. Because the next workshop is not until September, I felt the only option was to add it to today's agenda.

Each member of the Beach Advisory Committee and representatives of the Islander have been advised of the addition of this item to today's agenda.

At the Joint Workshop, the Town Commission received diverging opinions from staff, the consultant and the Beach Advisory Committee regarding the "hot spot" at the Islander. I propose the following course of action to try to resolve this issue.

 The Makepeace-Wood Groin was the alternative favored by the Beach Advisory Committee although it would be considered experimental by both our consultant and the permitting agencies. Because of the aesthetic considerations it may be the option favored by the Islander.

The first recommendation is that staff be able to negotiate with the Islander and determine what, if any, of the risk they are willing to share to have the Makepeace-Wood Groin design option implemented.

This information will be brought back to the Town Commission at a future workshop.

 The consultant has completed a preliminary review on T-head groins and also has suggested overfilling the area as another option. They have not done any significant analysis of the effect of the Makepeace-Wood Groin in front of the Islander. The second recommendation is for the Town Commission to authorize CPE to conduct further analysis of the following three options:

- a) The Makepeace-Wood Groin;
- b) T-head groins including analysis of downdrift effect;
- c) Overfilling beach profile.
- 3. Logistically, I see Item 2 being completed prior to our negotiations with the Islander. This would allow CPE to do a presentation of their analysis to the Islander Board so they could evaluate the impact of all available options before they would make a decision on their participation on the Makepeace-Wood Groin.
- 4. The results of the CPE study and the Islander negotiations would be brought to a Joint Meeting of the Town Commission and Beach Advisory Committee for their deliberations.

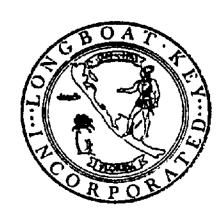
If the Town Commission so desires, this meeting could be split so that the presentation to the Beach Advisory Committee occurs first with the BAC reporting their recommendations to the Town Commission.

While we recommend this course of action we are open to any other considerations.

Please contact me if you have any questions.

BSD/dhs

cc: Beach Advisory Committee
The Islander
Marty Black, Community Services Director
Cliff Truitt, PE, DEng
Tom Campbell, CPE



Town of Longboat Key Town Commission
Town Hall
501 Bay Isles Road
Longboat Key, FL 34228

(941) 316-1999 (FAX) 316-1942 INFOLINE: 361-6411

- AGENDA -

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Hal Lenobel, Mayor; John Redgrave, Vice-Mayor; Kennedy Legler, District 1; Gordon Haglund, District 3; Raymond Metz, District 5; Jim Patterson, At Large; Ron Johnson, At Large

AGENDA Regular Meeting of the Town Commission (continued)

July 6, 1999

Page 2

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AGENDA Regular Meeting of the Town Commission

July 6, 1999

ESTIMATED Revised will be distributed prior to meeting.	OPERATING MILLAGE	DEBT SERVICE MILLAGE	TOTAL MILLAGE
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AGENDA Regular Meeting of the Town Commission

July 6, 1990

Page 4

Approval of Consent Agenda designates Mayor as voting delegate.

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 July Workshop Schedule - Cancellation of July 22, 1999 Regular Workshop

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A vacancy on the P&Z Board for one seat with a term to expire May 2001 is open for consideration due to the resignation of a board member. Applications on file from appointments considered in April 1999 for this position are forwarded for review by the Commission at this meeting. Recommended Action: Pending discussion of applications submitted, appoint new member to P&Z Board.

Review of applications on file and consideration of names forwarded by Town Commissioners will be reviewed at this meeting to fill a Town Commission appointment to Salary Savings Committee. Recommended Action: Pending discussion of applications submitted, appoint new member to CEB.

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17. Review and Approval of Town Manager Merit Raise

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 Town Attorney Comments	
Town Manager Comments	
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Press to be Heard	
Adjournment	

If any person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, a record of the proceedings will be needed. For such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

D7 - 6/28/99

ORDINANCE 99-15

AN ORDINANCE AMENDING CHAPTER 158: ZONING CODE OF THE CODE OF ORDINANCES FOR THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING SECTION 158.067, REVIEW AND APPROVAL PROCEDURE, TO PROVIDE THAT THE PLANNING AND ZONING BOARD SHALL BE THE FINAL AUTHORITY FOR SITE PLANS; AMENDING SECTION 158.096, CONSULTANTS MAY BE RETAINED BY TOWN; AMENDING SECTION 158.097, APPLICATION FOR SITE PLAN APPROVAL; AMENDING SECTION 158.099, SUBMISSION PROCEDURE; AMENDING SECTION 158.100. **EXEMPTIONS**; **AMENDING** SECTION 158,102, PERFORMANCE STANDARDS FOR SITE AND DEVELOPMENT PLANS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Longboat Key adopted Ordinance 90-06 on March 19, 1990 which amended the Zoning Code in its entirety; and

WHEREAS, the Town of Longboat Key is desirous of amending the submittal requirements for site plan and outline development plan applications; and

WHEREAS, pursuant to Town Code Section 158.030(B), the Planning and Zoning Board considered the subject Zoning Code amendment at its April 20, 1999 Regular Meeting; and

WHEREAS, the Planning and Zoning Board finds that the subject Zoning Code amendment is consistent with the Town of Longboat Key Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

ز

Section 1. CHAPTER 158: ZONING CODE, Section 158.067, Review and Approval Procedure, subsection 158.067(B)(1)(e) and (B)(2), are hereby amended to read as follows:

(B)(1)(e) Tabulations by acreage and percentage as to the amount of the site that is uplands and wetlands, indicating those wetlands landward and seaward of the mean high-water line (MHWL). Additional related information should shall include the extent and type of wetlands in accordance with §3-4 of the town's 4984 Comprehensive Plan Update.

(B)(2) The application for an outline development plan of a planned unit development shall be filed with the Planning and Zoning Official. Upon receipt ef 47 copies of the application the Planning and Zoning Official shall review the application to determine its appropriateness and completeness and accept or reject it in writing. Upon acceptance of the application, the town's administrative staff shall refer the application, together with all supporting documentation and their weighted options, to the Planning and Zoning Board for their review and recommendations. The Planning and Zoning Board and Town Commission shall not receive, review, make recommendations or act on applications for outline development plan approval except during the town's annual site and development plan season. For purposes of this chapter, the annual site and development plan season shall include the months of September, October, November, December, January, February, March, April, May and June of each year. For purposes of calculating the required processing times set forth in this section for the Planning and Zoning Board and the Town Commission, the period of time between July 1 through August 31 shall not be counted in said computation. Upon receipt of the application from the Planning and Zoning Official, the Planning and Zoning Board shall, within 60 calendar days, review the outline development plan and make recommendations to the Town Commission together with their findings in respect to the proposed development as set forth in §158.102. The Board shall either approve the application as submitted, approve the application with changes or special conditions, or disapprove the application. Failure of the Planning and Zoning Board to act within this specified time shall be interpreted as a recommendation of approval as submitted. For purposes of this section the Planning and Zoning Board shall receive an outline development plan application from the Planning and Zoning Official at the Board's next regular meeting where a quorum is present following the Planning and Zoning Official's submittal of the application to the Board. The Planning and Zoning Board is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations.

Section 2. CHAPTER 158: ZONING CODE, Section 158.067, Review and Approval Procedure, subsection 158.067(C), is hereby amended to read as follows:

A public hearing on the planned unit development application shall be held by the Town Commission within 60 calendar days of upon the Commission's receipt of the application from the Planning and Zoning Board, public notice of which shall be given in accordance with the provisions of the Charter and this chapter. If the end of the 60 calendar day period falls between regular meetings, this period shall end on the date of the next regular meeting following the end of the 60 calendar day period. For purposes of this section, the Town Commission shall receive an outline development plan application from the Planning and Zoning Board at the Commission's next regular meeting where a quorum is present, following the submittal of the Board's action on the application to the Commission. A transcript of the hearing may be caused to be made by the Town Commission at the cost of the applicant, copies of which shall be made available at cost to any party to the proceedings; and all exhibits accepted in evidence shall be identified and duly preserved, or, if not accepted in evidence, shall be properly identified and the reason for the exclusion clearly noted in the record. During the review process, the Town may retain consultants to assist in the review of an outline development plan. The cost of retaining the consultants shall be borne by the applicant. in the manner set forth in Chapter 159. The Town Commission is specifically authorized to continue its deliberations, request additional materials and elicit expert testimony to aid in its deliberations, and may, at its sole discretion, remand the application to the Planning and Zoning Board for additional hearing and consideration.

Section 3. CHAPTER 158: ZONING CODE, Section 158.067, Review and Approval Procedure, subsection 158.067(D) and (D)(2), are hereby amended to read as follows:

(D) The Town Commission shall, within 30 calendar days, following the conclusion of the public hearing, review the outline development plan application and either approve it as submitted, approve it with changes or special conditions, or disapprove it. If the end of the 30 calendar day period falls between two regular meetings, the review period shall end on the date of the next regular meeting following the end of the 30 calendar day period.

The action taken by the Town Commission shall be by ordinance. The Town Commission may unilaterally extend the time for final action where the Commission determines additional time is necessary to properly and completely review the outline development plan application, provided, however, that final action must be taken at one of the next two regular Town Commission meetings.

(D)(2) In the event approval is granted subject to changes or special conditions, the applicant shall, within 30 calendar days after receiving a copy of the ordinance of the Town Commission, notify the Town Commission in writing of his acceptance or refusal of all the conditions. In the event the applicant refuses to accept all the conditions or fails to reply within 30 calendar days, the Town Commission—applicant shall be deemed to have denied approval of withdrawn the plan. Nothing contained herein shall prevent the Town Commission and the applicant from mutually agreeing to a change in the conditions, or an extension of the time during which the applicant shall notify the Town Commission of his acceptance or refusal of the conditions.

Section 4. CHAPTER 158: ZONING CODE, Section 158.067, Review and Approval Procedure, subsection 158.067(G)(1) is hereby amended and new subsection (G)(5), is added to read as follows:

(G)(1) Vary the proposed intensity of use by more than 10%, however in no instance shall the overall intensity of use, as approved by the outline development plan, be increased.

(G)(5) Require the modification of any buffers or screening of adjoining properties.

Section 5. CHAPTER 158: ZONING CODE, Section 158.067, Review and Approval Procedure, subsection 158.067(I), is hereby amended to read as follows:

(I) A plan or any part thereof which has been given final approval by the Town Commission shall be so certified without delay by the Town Clerk and a record plan may be filed on record forthwith in the office of the appropriate county clerk in accordance with the state plat law or other applicable state statutes and

Chapter 157 before any development whatsoever shall take place in accordance therewith. Pending completion within five years of the planned unit development or of that part thereof, as the case may be, that has been finally approved, no modification of the provisions of the plan, or part thereof, as finally approved, shall be made nor shall it be impaired by act of the town except with the consent of the applicant or his successors.

Section 6. CHAPTER 158: ZONING CODE, Section 158.096, Consultants May Be Retained By Town, is hereby amended to read as follows:

The town may, if in its opinion it is necessary, retain consultants to assist in the review of an application for site plan review. The cost of retaining the consultants shall be borne by the applicant in the manner set forth in Chapter 459. The applicant shall be responsible for making timely payment of all said consultant fees charged. Failure to do so will result in the town being relieved of its obligation to continue processing the application until the required payment(s) is/are made. The payment of all outstanding consultant fees shall be a condition of site plan approval and payment is a condition precedent to the town's obligation to issue a building permit.

- Section 7. CHAPTER 158: ZONING CODE, Section 158.097, Application for Site Plan Approval, subsection 158.097(F), (O), (P), and (V) are hereby amended to read as follows:
- (F) Tabulations by acreage and percentage as to the amount of the site that is uplands and wetlands, indicating those wetlands landward and seaward of the mean high-water line (MHWL). Additional related information should include the extent and type of wetlands in accordance with § 3-4 of the Town's 4984 Comprehensive Plan Update.
- (O) Flood protection elevation data and flood zones delineated. A surface water management plan based on best management practices and in accordance with §-IV of the Sanitary Sewer, Potable Water, Solid Waste, and Drainage Element of the town's 1989 Comprehensive Plan Update.
- (P) A soil erosion and sedimentation plan in accordance with §-3-4(F) of the Town's 4984 Comprehensive Plan Update and best management practices.
- (V) If the project is in a planned unit development, a statement specifically listing any departures from provisions of the code of ordinances which would otherwise be applicable to the project if the project was not in a planned unit development. If the project is in the GPD, PD or NPD district, departures

should be based upon the requirements of a zoning district most similar to the use approved for the parcel being considered as determined by the Town.

- Section 8. CHAPTER 158: ZONING CODE, Section 158.099, Submission Procedure, subsection 158.099(A), (A)(2)(c), and (A)(2)(d) are hereby amended to read as follows:
- (A) An application for a site plan review shall be made to the Planning and Zoning Official prior to an application for a building permit, and the application for a site plan review will only be approved if all other ordinances and provisions of the town where a public hearing is required have been complied with and a pre-application conference has been conducted in accordance with § 158.098. For development requiring subdivision approval under Chapter 157 of this code, final subdivision plat approval must be obtained prior in addition to site plan approval.
- (A)(2)(c) If, in the judgement of the Town Commission the applicant fails to comply with subsection (a) above, the Town Commission may immediately disapprove the application for final site plan approval (regardless of the status of the processing); and the application applicant shall not resubmit an application for final site plan approval until such time as all outside agency permits have been obtained.
- (A)(2)(d) Final site plan approval maybe delayed until all outside agency permits have been received. The Town Commission shall be required to take action on the site plan application within a reasonable time after all agency permits have been received, and the processing time for Town Commission action set forth in this chapter shall be extended accordingly.
- Section 9. CHAPTER 158: ZONING CODE, Section 158.099, Submission Procedure, subsection 158.099(B) is hereby amended to read as follows:
- (B) Upon receipt of four copies of the site plan application, the Planning and Zoning Official shall determine the appropriateness and completeness and accept or reject the application in writing, sending it to the applicant by certified mall, return receipt requested. Once the Planning and Zoning Official determines the application is appropriate and complete, the applicant shall submit 22 additional copies of the application as necessary for review by all Town agencies. Within a reasonable period of time after the application is found appropriate and complete, the Planning and Zoning Official shall refer the application, together with all supporting documentation and staff weighted options, to the Planning and Zoning Board for their review and

recommendations. The Planning and Zoning Board and-Town-Commission shall not receive, review, make recommendations or act on applications for site plan approval except during the town's annual site and development plan season. For purposes of this chapter, the annual site and development plan season shall include the months of September, October, November, December, January, February, March, April, May and June of each year. For purposes of calculating the required processing times set forth in this section for the Planning and Zoning Board and-the-Town Commission, the period of time between July 1 through August 31 shall not be counted in said computation.

Section 10. CHAPTER 158: ZONING CODE, Section 158.099, Submission Procedure, subsection 158.099(C) is hereby amended to read as follows:

(C) Upon receipt of the application from the Planning and Zoning Official the Planning and Zoning Board shall, within 60 calendar days, review the site plan and make recommendation to the Town Commiscion together with their findings in with respect to the proposed development as set forth in § 158.102. The Board shall either approve the application as submitted, approve the application with changes or special conditions, or disapprove the application. Failure of the Planning and Zoning Board to act within this specified time shall be interpreted as a recommendation of approval as submitted. For purposes of this section, the Planning and Zoning Board shall receive a site plan application from the Planning and Zoning Official at the Board's next regular meeting where a quorum is present following the Planning and Zoning Official's submittal of the application to the Board. Appeals of the Planning and Zoning Board's decision shall be in accordance with Section 158,031.

Section 11. CHAPTER 158: ZONING CODE, Section 158.099, Submission Procedure, subsections (D), (E), (F) and (G) are hereby amended as follows:

(D) The Town Commission shall within 60 days of the Commission's receipt of the application from the Planning and Zoning Board, hold a public hearing on the site plan application and either approve it as submitted, approve it with changes or special conditions, or disapprove it. If the end of the 60 calendar day period falls between two regular meetings, the review period shall end on the date of the next regular meeting following the end of the 60 calendar day period. The action taken by the Town Commission shall be written resolution form and shall include the town's findings in respect to the proposed development as set forth in § 158.101. The Town Commission may unilaterally extend the time for final action where the Commission determines additional time is necessary to

properly and completely review the site-plan application; provided, however, that final action must be taken at one of the next two regular Town Commission meetings after satisfaction of required public notice. For purposes of this section, the Town Commission shall receive a site-plan application from the Planning and Zening Board at the Commission's next regular meeting where a quorum is present, following submittal of the Board's action of the application to the Commission and satisfaction of required public notice.

- (E) (D) The applicant may elect to revise his the site plan submission at any time in the review process prior to the public hearing before the Planning and Zoning Board. He The applicant shall submit a letter of intent to revise to the Planning and Zoning Official who, upon receipt of the letter, will halt the normal review processing. Within a reasonable period of time after receiving the revised documents, the town's Planning and Zoning Official will review the revisions and forward his comments and weighted options to the Planning and Zoning Board.
- (1) If the revision is received before the Planning and Zoning Board has acted held a public hearing on the original submission, the comments and weighted options of the Planning and Zoning Official may be forwarded to that Board. If the revision is received after the Planning and Zoning Board has acted held a public hearing on the original submission, and the revision, as determined by the Director of Planning, Zoning and Building Town's Planning and Zoning Official, is a substantial departure from the application reviewed by the Planning and Zoning Board at the public hearing the revised submission will be renoticed for public hearing before the Planning and Zoning Board. If the matter is renoticed, time calculations under this subsection shall be stayed pending that review.
- (2) The Planning and Zoning Board and Town Commission shall review and act on the revised site-plan with the same objectives, power, and limitations as set-forth in subsections (C) and (D) above and each in turn shall have similarly 60 calendar days to act on the revised site-plan. The Town-Commission may unilaterally extend the time-for final action as set forth in (D) above.
- (F) (E) Upon the granting of approval, either as submitted or with changes or special conditions, the Director of the Planning, Zoning and Building Department Town shall, upon receipt of a complete application, issue a building permit for a portion of all of the proposed development after he findsing that the application is in compliance with Chapter 157 and all other town, county, state, and federal requirements which may include the establishment

of bonding, or other performance requirements as determined by the Town.

An approved site plan becomes null and void if:

- (1) The applicant shall abandon the plan or the section thereof that has been finally approved, and shall so notify the Town Commission; or
- (2) Within 12 months of the date of approval of an application for site plan review, a complete application for building permit has not been submitted to the town and a building permit issued; or
- (3) A final certificate of occupancy for all phases of the project has not been issued within three years from the date set for receipt of a complete application for building permit for the final building or development phase of the project.

The Town may extend the period of approval only if special conditions and circumstances exist which do not result from the voluntary actions of the applicant, his representatives or agents, which have caused an unforeseeable delay in the ability of the applicant to submit a complete application for a building permit. Economic conditions form the basis for an extension of the period of approval. The **Town Commission Planning and Zoning Board**, however, may extend the period of approval if it determines that no material benefit would be derived to the Town by requesting the applicant to resubmit an application for site plan approval, in accordance with Division 2 of this chapter.

- (G) (F) Any changes or amendments to an approved site plan shall require a resubmission in accordance with the provisions of this chapter.
- Section 12. CHAPTER 158: ZONING CODE, Section 158.100, Exemptions, subsection 158.100(A) and new subsection (B) are hereby amended to read as follows:
- (A) Upon a determination by the Planning and Zoning Official that the following development proposals and/or changes are in accord with all of the elements of the town's Comprehensive Plan, §\$ 158.002 through 158.006 of this chapter, and the town's site and development plan performance standards in §158.102, they may be determined to be minor development proposals and/or changes which are exempt from the site plan submission requirements specified in §158.099. The applicant shall submit a site plan sketch and provide such information as necessary to describe such development proposals and/or changes at one or more preapplication conferences with the Planning and Zoning Official. Such minor development proposals and/or changes are as follows:

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- (1) Addition of awnings, canopies or other ornamental structures; redesign and different location of pools, parking spaces, drives and driveways; or modifications in stairs or elevations of decks, porches, terraces and fencing;
- (2) Addition to parking spaces not to exceed 20%, including fractions thereof, of the total number of existing parking spaces or 10 spaces, whichever is the lesser amount; when such addition does not occur in R-1SF zoning district;
- (3) The paving, with a nonporous material, of existing parking areas, which are presently composed of porous material;
- (4) Attached or detached additions to buildings which do not increase the floor area in excess of 5% of the ground floor area of the principal structure or 1,000 square feet, whichever is the lesser amount;
- (5) The installation of utility system improvements including buildings not exceeding 100 square feet;
- (6) Any changes of use to existing structures when such change is a permitted use, permitted use with site plan review, for the zoning district it lies within, in accordance with the Schedule of Use Regulations in this chapter, §158.125, and includes only minor changes, as per this section;
- (7) Such minor accessory uses which include but are not limited to the following uses or structures: personal wireless service facilities classified as rooftop or building or structure mounted antennas, davits, doghouses, carports, sheds, private garages, porches, gazebos, private swimming pools; and
 - (8) Temporary uses.
- (B) The Planning and Zoning Official may impose such conditions or limitations on projects reviewed pursuant to this section in order to ensure compliance with all applicable standards and policies of the Town.
- Section 13. CHAPTER 158: ZONING CODE, Section 158.102, Performance Standards for Site and Development Plans, subsection 158.102(E)(5) and subsection (L), Supplemental Controls for Multifamily Residential or Tourism Uses, are hereby amended to read as follows:
- (5) Improvements to roadways and/or traffic-control devices. Transportation improvements such as intersection improvements; additional turning, acceleration or deceleration lanes; modified land delineations; new or improved traffic-control devices; or other such improvements may be required in order to maintain the required Level of Service. In such case, the applicant for a development permit may be required to fund and/or install the necessary

improvements or provide a legal assurance, such as a performance bond or other surety approved by the Town Attorney, prior to the receipt of a building permit. Where the traffic impact does not generate traffic volume that substantiates the total improvement needs, the Town Commission Planning and Zoning Board shall determine an equitable participation in the required improvement. The participation by the applicant may, at the discretion of the Town Commission Planning and Zoning Board, consist of a pro rata dollar share of improvement costs.

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(L) Supplemental Controls for Multifamily Residential or Tourism Uses.

In review the proposed site plan for 10 or more multifamily or tourism units, the town shall be guided by the following controls. The supplemental control relating to the maximum length of buildings, as provided for in paragraph (3) of this subsection, shall be taken as a mandatory requirement which cannot be waived by the Town Commission Planning and Zoning Board. The remaining controls in this section shall be taken as mandatory requirements, except that the Town Commission may waive one or more of these requirements where it deems a hardship exists or such waiver is necessary to ensure a more strict adherence to those performance standards set forth in § 158,102 herein, which are deemed most critical, notwithstanding any other provisions of this ordinance to the contrary.

In any development order approving a site plan, the Town Commission Planning and Zoning Board shall make specific findings of facts constituting a hardship, if a hardship is found to exist, and shall make specific findings of any facts constituting the basis for a waiver of these supplemental controls and shall specifically state the performance standards as set forth in § 158.102 herein which are deemed most critical and are being more strictly adhered to by granting the waiver.

The provisions of § 158.029 shall apply in determining whether a waiver shall be granted upon a finding that a hardship exists, except that the Town Commission Planning and Zoning Board, rather than the Zoning Board of Adjustment, shall determine whether a hardship exists or not. The facts forming the basis for the grant of a waiver under the provisions of this section shall be specifically set forth in the development order.

Section 14. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

<u>Section 15.</u> All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 16. The accordance with Law a	nis Ordinance shall take effect upon second reading in the Charter of the Town of Longboat Key.
Passed on the	first reading and public hearing this day o
Adopted on the	second reading and Public Hearing this day o
	Mayor
ATTEST:	
Town Clerk	

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D9: 5/25/99

ORDINANCE 99-03

AN ORDINANCE AMENDING CHAPTER 158: ZONING CODE OF THE CODE OF ORDINANCES FOR THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING SECTION 158.150(D), REQUIRED CANAL YARD, BY ADDING A NEW SUBSECTION (D)(5) TO REGULATE THE INSTALLATION AND MAINTENANCE OF VEGETATION LOCATED IMMEDIATELY LANDWARD OF THE MEAN HIGH WATER LINE OR SEAWALL IN ORDER TO PRESERVE CANAL VIEWS AND PREVENT OBSTRUCTIONS TO NAVIGATION CAUSED BY VEGETATION THAT EXTENDS OVER A CANAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, views and navigation are two of the attributes which form the basis for property value of canal waterfront properties on Longboat Key; and

WHEREAS, man-made canals provide views and navigation corridors that are enjoyed by canal waterfront properties; and

WHEREAS, views and navigation in the canal corridor can be obstructed or diminished by the placement of vegetation immediately adjacent to the mean high water line or seawall; and

WHEREAS, views and navigation in the canal corridor can be further obstructed or diminished by vegetation growth extending over the mean high water line or seawall due to lack of proper maintenance; and

WHEREAS, the Town of Longboat Key has already established other standards to limit the height of fences, walls and hedges in the required canal waterfront yard; and

WHEREAS, the Town of Longboat Key desires to protect the value of all properties on the Key; and

WHEREAS, due to the unique land development pattern in terms of canal yard vegetation, the placement of homes, and the utilization of structures over water in the Country Club Shores Subdivision, the Town of Longboat Key desires to establish canal view preservation standards for the Country Club Shores Subdivision; and

WHEREAS, the Town Commission of the Town of Longboat Key finds that it is in the public interest to regulate the placement and maintenance of vegetation located immediately landward of the mean high water line or seawall on canal waterfront properties.

ORD. 99-03 (Cont) D9: 5/25/99

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

Section 1. CHAPTER 158: ZONING CODE, is hereby amended by amending Section 158.150(D) by adding the following new subsection (5) as follows:

- (5) Canal View Preservation. Properties located entirely within the "Special Canal View Preservation Area" as illustrated in the Appendix: Land Use Charts & Illustrations, Section 7, shall comply with the following provisions:
 - (a) There shall exist on all properties located within the Special Canal View
 Preservation Area a canal view preservation zone. The canal view
 preservation zone shall be a four (4) foot wide area immediately
 landward of the landward edge of the seawall cap, across the entire
 width of canal frontage. Except as provided below, the canal view
 preservation zone shall be open to the sky.
 - (b) Except for mangroves and Town approved shoreline stabilization plant material, no landscaping material other than sod or ground cover of a mature height of no more than eighteen (18) inches above grade shall be installed or allowed to project into the canal view preservation zone.
 - (c) Vegetation existing prior to the effective date of this ordinance that is located in the canal view preservation zone or capable of extending into the canal view preservation zone shall be exempt from the canal view preservation standards. Any vegetation installed after the effective date of this ordinance shall comply with the canal view preservation standards contained in this section.
 - (d) All building permit applications for the construction of a new principal structure or the substantial improvement of an existing principal structure as defined in Chapter 154, shall submit a landscaping plan drawn to scale which demonstrates compliance with the provisions of this section.

Section 2. If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

ORD. 99-03 (Cont) D9: 5/25/99

Section 4. This Ordinance shall take effect upon second reading in accordance with Law and the Charter of the Town of Longboat Key.	:е			
Passed on the First Reading this day of, 1999.				
Adopted on the Second Reading and Public Hearing this day of, 1999.				
ATTEST:	-			
TOWN CLERK				
Attachment: Zoning Code Appendix: Land Use Charts & Illustrations, Section 7, illustration of the "Special Canal View Preservation Area".				

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ORDINANCE NO. 24

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AN ORDINANCE OF THE TOWN OF LONGBOAT KEY FLORIDA, AMENDING AND RESTATING THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY IN CHAPTER 34, EMPLOYMENT POLICIES, SECTIONS 34.20 THROUGH 34.44, PENSIONS AND RETIREMENT, TO ESTABLISH THE TOWN OF LONGBOAT KEY POLICE OFFICERS' RETIREMENT SYSTEM; PROVIDING FOR **DEFINITIONS:** PROVIDING FOR MEMBERSHIP: PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key Police Officers are presently provided pension and certain other benefits under Ordinances of the Town of Longboat Key; and

WHEREAS, Chapter 99-01, Laws of Florida, requires that Police Officer and Firefighter pension plans be separate from General Employee plans and further requires the establishment of separate pension plans for Police Officers and Firefighters if a majority of the Police Officers and Firefighters vote to establish separate plans; and

(ORD. 99-24 , CONT.)

WHEREAS, the Police Officers and Firefighters have voted to establish separate pension plans; and

WHEREAS, the Town Commission, therefore, desires to establish separate pension plans for the Town's three employee groups and, by this ordinance, desires to establish the Police Officers' Retirement System to consolidate all applicable prior ordinances and Code provisions and to incorporate Federal law and the applicable provisions of Chapter 185, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT;

SECTION 1: Chapter 34, Employment Policies, Sections 34.20 Through 34.44, Pensions and Retirement, of the Town of Longboat Key, Code of Ordinances, as they apply to Police Officers, are hereby amended and restated as set forth in the document designated TOWN OF LONGBOAT KEY POLICE OFFICERS' RETIREMENT SYSTEM, attached hereto and made a part hereof.

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 4: That this ordinance shall become effective on October 1, 1999 contingent upon the adoption, by the Town Commission, of ordinances adopting separate pension plans for the Firefighters and General Employees.

SECTION 5: In the event this ordinance becomes effective in accordance with Section 4, assets allocated to Members who are currently employed Police Officers and to Police Officer Members who have previously retired shall be allocated and transferred from the Town

(ORD. 99-24, CONT.)

Officers' Retirement System in an amount to be determined by the Town of Longboat Key Municipal Pension Trust Fund's actuary. Beginning with the effective date of this ordinance, the retirement benefits of all Retirees who retired as Police Officer Members of the Town of Longboat Key Municipal Pension Trust Fund shall be paid from the Town of Longboat Key Police Officers' Retirement System.

Passed on first reading this ______ day of _______, 1999.

Adopted on second reading and public hearing this _____ day of ______,

MAYOR

ATTEST:

TOWN CLERK

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TOWN OF LONGBOAT KEY POLICE OFFICERS' RETIREMENT SYSTEM

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(ORD, 99-24, CONT.)

THE TOWN OF LONGBOAT KEY POLICE OFFICERS' RETIREMENT SYSTEM

§ 34.13 DEFINITIONS.

(A) As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

"ACCUMULATED CONTRIBUTIONS" means a Member's own contributions without interest. For those Members who purchase Credited Service with interest or at no cost to the System, only that portion of any payment representing the amount attributable to Member contributions based on the applicable Member contribution rate, shall be included in Accumulated Contributions.

"ACTUARIAL EQUIVALENT" means a benefit or amount of equal value, based upon the 1983 Group Annuity Mortality Table and an interest rate of 8% per annum.

"AVERAGE FINAL COMPENSATION" means one-twelfth of the average Salary of the five best years of the last 10 years of Credited Service prior to Retirement, termination, or death, or the career average as a full-time Police Officer, whichever is greater. A year shall be 12 consecutive months.

"BENEFICIARY" means the person or persons entitled to receive benefits hereunder at the death of a Member who has or have been designated in writing by the Member and filed with the Board. If no such designation is in effect, or if no person so designated is living, at the time of death of the Member, the Beneficiary shall be the estate of the Member.

"BOARD" means the Board of Trustees, which shall administer and manage the System herein provided and serve as trustees of the Fund.

"CODE" means the Internal Revenue Code of 1986, as amended from time to

"CREDITED SERVICE" means the total number of years and fractional parts of years of service as a Police Officer with Member contributions, when required, omitting intervening years or fractional parts of years when such Member was not employed by the Town as a Police Officer. A Member may voluntarily leave his Accumulated Contributions in the Fund for a period of five years after leaving the employ of the Police Department pending the possibility of being reemployed as a Police Officer, without losing credit for the time that he was a Member of the System. If a vested Member leaves the employ of the Police Department, his Accumulated Contributions will be returned only upon his written request. If a Member who is not vested is not reemployed as a Police Officer with the Police Department within five years, his Accumulated Contributions shall be returned. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated. Upon any reemployment, a Police Officer shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his Accumulated Contributions from the Fund, unless the Police Officer repays into the Fund the contributions he has withdrawn, with interest, as determined by the Board, within 90 days after his

(ORD, 99-24__, CONT.)

The years or fractional parts of a year that a Member serves in the military service of the Armed Forces of the United States, the United States Merchant Marine or the United States Coast Guard, voluntarily or involuntarily, after separation from employment as a Police Officer with the Town to perform training or service, shall be added to his years of Credited Service for all purposes, including vesting, provided that:

- (1) The Member must return to his employment as a Police Officer within one year from the earlier of the date of his military discharge or his release from active service.
- (2) The Member is entitled to reemployment under the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA), (P.L.103-353).
- (3) The maximum credit for military service pursuant to this paragraph shall be five years.
- "EFFECTIVE" DATE means the date on which this ordinance becomes effective.
 - "FUND" means the trust fund established herein as part of the System.
- "MEMBER" means an actively employed Police Officer who fulfills the prescribed membership requirements. Benefit improvements which, in the past, have been provided for by amendments to the System adopted by Town ordinance, and any benefit improvements which might be made in the future shall apply prospectively and shall not apply to Members who terminate employment or who retire prior to the effective date of any ordinance adopting such benefit improvements, unless such ordinance specifically provides to the contrary.
- "PLAN" YEAR means the 12 month period beginning October 1 and ending September 30 of the following year.
- "POLICE OFFICER" means an actively employed full-time person, employed by the Town, including his initial probationary employment period, who is certified as a Police Officer as a condition of employment in accordance with the provisions of § 943.1395, Florida Statutes, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, traffic, or highway laws of the State of Florida.
 - "RETIREE" means a Member who has entered Retirement Status.
- "RETIREMENT" means a Member's separation from Town employment with eligibility for immediate receipt of benefits under the System.
- "SALARY" means the total compensation for services rendered to the Town as a Police Officer reportable on the Member's W-2 form plus all tax deferred, tax sheltered, or tax exempt items of income derived from elective employee payroll deductions or salary reductions. Compensation in excess of the limitations set forth in § 401(a)(17) of the Code shall be disregarded. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July

(ORD. 99-24, CONT.)

1, 1993. "Eligible employee" is an individual who was a Member before the first Plan Year beginning after December 31, 1995.

"SPOUSE" means the lawful wife or husband of a Member or Retiree at the time benefits become payable.

"SYSTEM" means the Town of Longboat Key Police Officers' Retirement System as contained herein and all amendments thereto.

"TOWN" means Town of Longboat Key, Florida.

(B) MASCULINE GENDER. The masculine gender, where used herein, unless the context specifically requires otherwise, shall include both the feminine and masculine genders.

5 34.14 MEMBERSHIP.

- (A) Conditions of Eligibility. All Police Officers as of the Effective Date, and all future new Police Officers, shall become Members of this System as a condition of employment.
- (B) Designation of Beneficiary. Each Police Officer shall complete a form prescribed by the Board designating a Beneficiary or Beneficiaries.

§ 34.15 BOARD OF TRUSTEES.

The sole and exclusive administration of and responsibility for the proper operation of the System and for making effective the provisions of this ordinance are hereby vested in a Board of Trustees. The Board is hereby designated as the plan administrator. The Board shall consist of five Trustees, two of whom, unless otherwise prohibited by law, shall be legal residents of the Town, who shall be appointed by the Longboat Key Town Commission, and two of whom shall be Members of the System, who shall be elected by a majority of the Police Officers who are Members of the System. The fifth Trustee shall be chosen by a majority of the previous four Trustees as provided for herein, and such person's name shall be submitted to the Longboat Key Town Commission. Upon receipt of the fifth person's name, the Longboat Key Town Commission shall, as a ministerial duty, appoint such person to the Board of Trustees as its fifth Trustee. The fifth Trustee shall have the same rights as each of the other four Trustees appointed or elected as herein provided and shall serve a two year term unless he sooner vacates the office. Each resident Trustee shall serve as Trustee for a period of two years, unless he sooner vacates the office or is sooner replaced by the Longboat Key Town Commission at whose pleasure he shall serve. Each Member Trustee shall serve as Trustee for a period of two years, unless he sooner leaves the employment of the Town as a Police Officer or otherwise vacates his office as Trustee, whereupon a successor shall be chosen in the same manner as the departing Trustee. Each Trustee may succeed himself in office. The Board shall establish and administer the nominating and election procedures for each election. The Board shall meet at least quarterly each year. The Board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

- (B) The Trustees shall, by a majority vote, elect a Chairman, Vice-Chairman and a Secretary. The Secretary of the Board shall keep a complete minute book of the actions, proceedings, or hearings of the Board. The Trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.
- (C) Each Trustee shall be entitled to one vote on the Board. Three (3) affirmative votes shall be necessary for any decision by the Trustees at any meeting of the Board. A Trustee shall have the right to abstain from voting as the result of a conflict of interest provided that Trustee complies with the provisions of § 112.3143, Florida Statutes.
- (D) The Board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the System. The compensation of all of the System shall be paid from the Fund at such rates and in such amounts as the Board shall professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the Board.
- (E) The duties and responsibilities of the Board shall include, but not necessarily be limited to, the following:
- questions arising thereunder.

 (1) To construe the provisions of the System and determine all
 - (2) To determine all questions relating to eligibility and membership.
- or other benefits hereunder. (3) To determine and certify the amount of all retirement allowances
- (4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the System.
- concerning the System. To distribute to Members, at regular intervals, information
 - (6) To receive and process all applications for benefits.
- (7) To authorize all payments whatsoever from the Fund, and to notify through operation of the System and Fund.
- often as required by law, and make recommendations regarding any and all changes in the
- administer the System. (9) To perform such other duties as are required to prudently

§ 34.16 FINANCES AND FUND MANAGEMENT.

(A) Establishment and Operation of Fund.

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- (1) As part of the System, there is hereby established the Fund, into which shall be deposited all of the contributions and assets whatsoever attributable to the System, including the assets attributable to the Police Officers from the assets of the prior Town of Longboat Key Municipal Pension Trust Fund.
- (2) The actual custody and supervision of the Fund (and assets thereof) shall be vested in the Board. Payment of benefits and disbursements from the Fund shall be made by the disbursing agent but only upon written authorization from the Board.
- deposited by the Board with the Finance Director of the Town, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he is liable for the safe-keeping of funds for the Town. However, any funds so deposited with the Finance Director of the Town shall be kept in a separate fund by the Finance Director or clearly identified as such funds of the Police Officers' Retirement System. In lieu thereof, the Board shall deposit the funds of the Police Officers' Retirement System in a qualified public depository as defined in § 280.02, Florida Statutes, which depository with regard to such funds shall conform to and be bound by all of the provisions of Chapter 280, Florida Statutes. In order to fulfill its investment responsibilities as set forth herein, the Board may retain the services of a custodian bank, an investment advisor registered under the Investment Advisors Act of 1940 or otherwise exempt from such required registration, an insurance company, or a combination of these, for the purposes of investment decisions and management. Such investment manager shall have discretion, subject to any guidelines as prescribed by the Board, in the investment of all Fund assets.
- (4) All funds and securities of the System may be commingled in the Fund, provided that accurate records are maintained at all times reflecting the financial composition of the Fund, including accurate current accounts and entries as regards the following:
- (a) Current amounts of Accumulated Contributions of Members on both an individual and aggregate account basis, and
 - (b) Receipts and disbursements, and
 - (c) Benefit payments, and
- (d) Current amounts clearly reflecting all monies, funds and assets whatsoever attributable to contributions and deposits from the Town, and
 - (e) All interest, dividends and gains (or losses) whatsoever, and
- (f) Such other entries as may be properly required so as to reflect a clear and complete financial report of the Fund.

- (5) An audit shall be performed annually by a certified public accountant for the most recent fiscal year of the Plan showing a detailed listing of assets and a statement of all income and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year. Such report shall reflect a complete evaluation of assets on both a cost and market basis, as well as other items normally included in a certified audit.
- (6) The Board shall have the following investment powers and authority:
- (a) The Board shall be vested with full legal title to said Fund, subject, however, and in any event to the authority and power of the Longboat Key Town Commission to amend or terminate this Fund, provided that no amendment or Fund termination shall ever result in the use of any assets of this Fund except for the payment of regular expenses and benefits under this System, except as otherwise provided herein. All contributions from time to time paid into the Fund, and the income thereof, without distinction between principal and income, shall be held and administered by the Board or its agent in the Fund and the Board shall not be required to segregate or invest separately any portion of the Fund.
- (b) All monies paid into or held in the Fund shall be invested and reinvested by the Board and the investment of all or any part of such funds shall be limited to:
- (i) Annuity and life insurance contracts with life insurance companies in amounts sufficient to provide, in whole or in part, the benefits to which all of the Members in the Fund shall be entitled under the provisions of this System and pay the initial and subsequent premium thereon.
- (ii) Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund or a savings/building and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.
- (iii) Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States or by an agency of the government of the United States.
 - (iv) Bonds issued by the State of Israel.
- (v) Stocks, commingled funds administered by national or state banks, mutual funds and bonds or other evidences of indebtedness, provided that:
- a. Except as provided in subparagraph b. all individually held securities and all securities in a commingled or mutual fund must be issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia, and in the case of bonds only, shall hold a rating in one of the three highest classifications by a major rating service.

invested in foreign securities.

b. Up to 10% of the assets of the Fund may be

c. The Board shall not invest more than 5% of company, nor shall the aggregate investment in any one issuing company exceed 5% of the outstanding capital stock of that company; nor shall the aggregate of its investments in common stock, capital stock and convertible securities at cost exceed 65% of the assets of the Fund.

(vi) Real estate, provided the Board shall not invest more than 10% at cost in real property or real estate.

(c) At least once every three years, and more often as determined by the Board, the Board shall retain a professionally qualified independent consultant, as defined in § 185.06, Florida Statutes, to evaluate the performance of all current investment managers and make recommendations regarding the retention of all such investment managers. These recommendations shall be considered by the Board at its next regularly scheduled meeting.

(d) The Board may retain in cash and keep unproductive of income such amount of the Fund as it may deem advisable, having regard for the cash requirements of the System.

(e) Neither the Board nor any Trustee shall be liable for the making, retention or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the Fund, except that due to his or its own negligence, willful misconduct or lack of good faith.

(f) The Board may cause any investment in securities held by it to be registered in or transferred into its name as Trustee or into the name of such nominee as it may direct, or it may retain them unregistered and in form permitting transferability, but the books and records shall at all times show that all investments are part of the Fund.

any stocks, bonds, or securities of any corporation, association, or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalizations, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee with the Trustees or with depositories designated thereby; to amortize or fail to amortize any part or all of the premium or discount resulting from the acquisition or disposition of assets; and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other investments comprising the Fund which it may deem to be to the best interest of the Fund to exercise.

(h) The Board shall not be required to make any inventory or appraisal or report to any court, nor to secure any order of court for the exercise of any power contained herein.

(i) Where any action which the Board is required to take or any duty or function which it is required to perform either under the terms herein or under the

general law applicable to it as Trustee under this ordinance, can reasonably be taken or performed only after receipt by it from a Member, the Town, or any other entity, of specific information, certification, direction or instructions, the Board shall be free of liability in failing to take such action or perform such duty or function until such information, certification, direction or instruction has been received by it.

(j) Any overpayments or underpayments from the Fund to a Member, Retiree or Beneficiary caused by errors of computation shall be adjusted with interest at a rate per annum approved by the Board in such a manner that the Actuarial Equivalent of the benefit to which the Member, Retiree or Beneficiary was correctly entitled, shall be paid. Overpayments shall be charged against payments next succeeding the correction or collected in another manner if prudent. Underpayments shall be made up from the Fund in a prudent manner.

(k) The Board shall sustain no liability whatsoever for the sufficiency of the Fund to meet the payments and benefits provided for herein.

(I) In any application to or proceeding or action in the courts, only the Board shall be a necessary party, and no Member or other person having an interest in the Fund shall be entitled to any notice or service of process. Any judgment entered in such a proceeding or action shall be conclusive upon all persons.

(m) Any of the foregoing powers and functions reposed in the Board may be performed or carried out by the Board through duly authorized agents, provided that the Board at all times maintains continuous supervision over the acts of any such agent; provided further, that legal title to said Fund shall always remain in the Board.

§ 34.17 CONTRIBUTIONS.

(A) Member Contributions.

(1) Amount. Each Member of the System shall be required to make regular contributions to the Fund in the amount of 6% of his Salary. Member contributions withheld by the Town on behalf of the Member shall be deposited with the Board immediately after each pay period. The contributions made by each Member to the Fund shall be designated as employer contributions pursuant to § 414(h) of the Code. Such designation is contingent upon the contributions being excluded from the Members' gross income for Federal Income Tax purposes. For all other purposes of the System, such contributions shall be considered to be Member contributions.

(2) Method. Such contributions shall be made by payroll deduction.

(B) State Contributions. Any monies received or receivable by reason of laws of the State of Florida, for the express purpose of funding and paying for retirement benefits for Police Officers of the Town shall be deposited in the Fund comprising part of this System immediately and under no circumstances more than five days after receipt by the Town.

(C) Town Contributions. So long as this System is in effect, the Town shall make quarterly contributions to the Fund in an amount equal to the difference in each year, between the total aggregate Member contributions for the year, plus state contributions for such year, and the total cost for the year, as shown by the most recent actuarial valuation of the System. The total cost for any year shall be defined as the total normal cost plus the additional amount sufficient to amortize the unfunded past service liability as provided in Part VII of Chapter 112, Florida Statutes.

(D) Other. Private donations, gifts and contributions may be deposited to the Fund, but such deposits must be accounted for separately and kept on a segregated bookkeeping basis. Funds arising from these sources may be used only for additional benefits for Members, as determined by the Board, and may not be used to reduce what would have otherwise been required Town contributions.

§ 34.18 BENEFIT AMOUNTS AND ELIGIBILITY.

(A) Normal Retirement Date. A Member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age 55 and the completion of 15 years of Credited Service or the attainment of age 52 and the completion of 25 years of Credited Service or the attainment of age 60, regardless of years of Credited Service. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become 100% vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the Town on or after the normal retirement date.

(B) Normal Retirement Benefit. A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with 120 monthly payments guaranteed in any event. The monthly retirement benefit shall equal 2 1/2% of Average Final Compensation, for each year of Credited Service.

(C) Early Retirement Date. A Member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age 45 and the completion of 15 years of Credited Service. Early retirement under the System is Retirement from employment with the Town on or after the early retirement date and prior to the normal retirement date.

(D) Early Retirement Benefit. A Member retiring hereunder on his early retirement date may receive either a deferred or an immediate monthly retirement benefit payable in the same form as for normal retirement as follows:

(1) A deferred monthly retirement benefit which shall commence on what would have been his normal retirement date had he continued employment as a Police Officer and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date, except that Credited Service and Average Final Compensation shall be determined as of his early retirement date; or

on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in subparagraph (1) above, reduced by one-fifteenth for each of the first five years, one-thirtieth for each of the next five years and an actuarial reduction for all years in excess of 10 years by which the commencement of benefits precedes the date which would have been the Member's normal retirement date had he continued employment as a Police Officer.

(E) Retirement Incentive Program.

- or more years of credited service or who have or will have attained age 50 and completed 15 or more years of credited service on or before April 30, 1999, shall be deemed "Eligible Members" and may elect to receive the benefits set forth in this subsection (E), on the condition that they made an irrevocable written election, delivered to the Town Manager not later than 45 days from the adoption of Ordinance 98-33, and who agree to retire on May 31, at the request of the Town Manager and approval by the employee.
- (2) Eligible Members, as determined by (1) above, shall be eligible to retire and receive a normal retirement benefit as set forth in subsection (B) of this § 34.18, but for purposes of determining the pension benefit, the benefit accrual rate shall be 3% of Average Final Compensation for all years of Credited Service. Members electing the Retirement Incentive Program provided for in this subsection shall not be eligible for the lump sum optional form of benefit provided for in § 34.22, subsection (A)(4).

§ 34.19 PRE-RETIREMENT DEATH.

- (A) Prior to Eligibility for Early or Normal Retirement. The Beneficiary of a deceased Member who was not eligible for early or normal retirement shall receive a refund of 100% of the Member's Accumulated Contributions.
- (B) Deceased Members Eligible for Early or Normal Retirement. The Beneficiary of any Member who dies and who, at the date of his death was eligible for early or normal retirement, shall be entitled to a benefit as follows:
- beginning on the first day of the month following the Member's death or at the deceased Member's otherwise early or normal retirement date, at the option of the Beneficiary. The Service and Average Final Compensation as of the date of his death and reduced as for early retirement, if applicable.
- (2) A Beneficiary of a Member whose death occurs after the of benefit may choose a life annuity in lieu of the 10 year certain and life benefit. Otherwise, a Beneficiary may not choose an optional form of benefit.
- §34.22, subsection (G). The Board may elect to make a lump sum payment pursuant to

A Beneficiary may, in lieu of the benefit provided for in (1) above, elect to receive a refund of the deceased Member's Accumulated Contributions.

§ 34.20 DISABILITY.

Disability Benefits In-Line of Duty. Any Member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Police Officer, which disability was directly caused by the performance of his duty as a Police Officer, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to 2 1/2% of his Average Final Compensation for Members with less than 15 years of Credited Service and 3% of his Average Final Compensation for Members with 15 or more years of Credited Service multiplied by the total years of Credited Service, but in any event the minimum amount paid to the Member shall be 42% of the Average Final Compensation of the Member. Terminated persons, either vested or non-vested, are not eligible for disability benefits, except that those terminated by the Town for medical reasons may apply for a disability within 30 days after termination.

In-Line of Duty Presumptions.

Presumption. Any condition or impairment of health of a Member caused by hypertension or heart disease shall be presumed to have been suffered in line of duty unless the contrary is shown by competent evidence, provided that such Member shall have successfully passed a physical examination upon entering into such service, including cardiogram, which examination failed to reveal any evidence of such condition; and provided further, that such presumption shall not apply to benefits payable or granted in a policy of life insurance or disability insurance.

Additional Presumption. The presumption provided for in this subparagraph (2) shall apply only to those conditions described in this subparagraph (2) that are diagnosed on or after January 1, 1996.

Definitions. As used in this subsection (B)(2), the following

definitions apply:

"BODY FLUIDS" means blood and body fluids containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of meningococcal meningitis or tuberculosis, the term "body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, and saliva, mucous, and other fluids through which infectious airborne organisms can be transmitted between persons.

"EMERGENCY RESCUE OR PUBLIC SAFETY MEMBER" means any Member employed full time by the Town as a firefighter, paramedic, emergency medical technician, law enforcement officer, or correctional officer who, in the course of employment, runs a high risk of occupational exposure to hepatitis, meningococcal meningitis, or tuberculosis and who is not employed elsewhere in a similar capacity. However, the term "emergency rescue or public safety Member" does not include any person employed

by a public hospital licensed under Chapter 395, Florida Statutes, or any person employed by a subsidiary thereof.

hepatitis non-A, hepatitis non-B, hepatitis C, or any other strain of hepatitis generally recognized by the medical community.

means that risk that is incurred because a person subject to the provisions of this subsection, in performing the basic duties associated with his employment:

non-health-care setting where there is a potential for transfer of body fluids between persons;

rescue or public safety operation, or in an emergency rescue or public safety vehicle, handles body fluids in or out of containers or works with or otherwise handles needles or other sharp instruments exposed to body fluids;

arrest of law violators or suspected law violators and, in performing such duties, may be exposed to body fluids; or

d. Is responsible for the custody, and physical detention facility, while on work detail outside the facility, or while being transported and, in performing such duties, may be exposed to body fluids.

hepatitis, meningococcal meningitis, or tuberculosis, means an exposure that occurs during the performance of job duties that may place a worker at risk of infection.

Member who suffers a condition or impairment of health that is caused by hepatitis, meningo-coccal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, unless the contrary is shown by competent evidence; however, in order to be entitled to the presumption, the Member must, by written affidavit as provided in § 92.50, Florida Statutes, verify by written declaration that, to the best of his knowledge and belief:

derived from hepatitis, he has not: (i) In the case of a medical condition caused by or

fluids, to any person known to have sickness or medical conditions derived from hepatitis, outside the scope of his employment;

b. Had a transfusion of blood or blood components, other than a transfusion arising out of an accident or injury happening in connection with his present employment, or received any blood products for the treatment of

a coagulation disorder since last undergoing medical tests for hepatitis, which tests failed to indicate the presence of hepatitis;

high-risk behavior, as identified by the Centers for Disease Control or the Surgeon General of the United States or had sexual relations with a person known to him to have engaged in such unsafe sexual practices or other high-risk behavior; or

physician.

d. Used intravenous drugs not prescribed by a

days immediately preceding diagnosis he was not exposed, outside the scope of his employment, to any person known to have meningococcal meningitis or known to be an asymptomatic carrier of the disease.

since the Member's last negative tuberculosis skin test, he has not been exposed, outside the scope of his employment, to any person known by him to have tuberculosis.

(c) Immunization. Whenever any standard, medically recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is granted under this section, if medically indicated in the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the U.S. Public Health Service, an emergency rescue or public safety Member may be required by the Town to undergo the immunization or prophylaxis unless the Member's physician determines in writing that the immunization or other prophylaxis would pose a significant risk to the Member's health. Absent such written declaration, failure or refusal by an emergency rescue or public safety Member to undergo such immunization or prophylaxis disqualifies the Member from the benefits of the presumption.

of any known or reasonably suspected exposure of an emergency rescue or public safety Member in its employ to the disease described in this section and shall immediately notify the Member of such exposure. An emergency rescue or public safety Member shall file an incident or accident report with the Town of each instance of known or suspected occupational exposure to hepatitis infection, meningococcal meningitis, or tuberculosis.

(e) Required medical tests; preemployment physical. In order to be entitled to the presumption provided by this section:

prior to diagnosis, have undergone standard, medically acceptable tests for evidence of the communicable disease for which the presumption is sought, or evidence of medical conditions derived therefrom, which tests fail to indicate the presence of infection. This paragraph does not apply in the case of meningococcal meningitis.

public safety Member may be required to undergo a preemployment physical examination that tests for and fails to reveal any evidence of hepatitis or tuberculosis.

(C) Disability Benefits Not-in-Line of Duty. Any Member with 10 years or more Credited Service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Police Officer, which disability is not directly caused by the performance of his duties as a Police Officer shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to 2 1/2% of his Average Final Compensation for Members with less than 15 years of Credited Service and 3% of his Average Final Compensation for Members with 15 or more years of Credited Service multiplied by the total years of Credited Service. Terminated persons, either vested or non-vested, are not eligible for disability benefits, except that those terminated by the Town for medical reasons may apply for a disability within 30 days after termination.

(D) Conditions Disqualifying Disability Benefits. Each Member who is claiming disability benefits shall establish, to the satisfaction of the Board, that such disability was not occasioned primarily by:

- (1) Excessive or habitual use of any drugs, intoxicants or narcotics.
- (2) Injury or disease sustained while willfully and illegally participating in fights, riots or civil insurrections or while committing a crime.
- Armed Forces. (3) Injury or disease sustained while serving in any branch of the
- (4) Injury or disease sustained by the Member after his employment as a Police Officer with the Town of Longboat Key shall have terminated.
- the Member. (5) Willful, wanton or intentional misconduct or gross negligence of
- (6) Injury or disease sustained by the Member while working for anyone other than the City and arising out of such employment.
- System. No Member shall be entitled to a disability pension, whether in line of duty or not in line of duty, because of or due to the aggravation of a specific injury, impairment or other medical condition pre-existing at the time of membership in the System, provided that such pre-existing condition and its relationship to a later injury, impairment or other medical condition be established by competent substantial evidence. Nothing herein shall be construed to preclude a disability pension to a Member who, after membership in the System, suffers an injury, impairment or other medical condition different from some other injury, impairment, or other medical condition existing at or prior to said membership.
- (E) Physical Examination Requirement. A Member shall not become eligible for disability benefits until and unless he undergoes a physical examination by a qualified physician or physicians and/or surgeon or surgeons, who shall be selected by the Board for that

purpose. The Board shall not select the Member's treating physician or surgeon for this purpose except in an unusual case where the Board determines that it would be reasonable and prudent to do so.

Any Retiree receiving disability benefits under provisions of this ordinance may be periodically re-examined by a qualified physician or physicians and/or surgeon or surgeons who shall be selected by the Board, to determine if such disability has ceased to exist. If the Board finds that the Retiree is no longer permanently and totally disabled to the extent that he is unable to render useful and efficient service as a Police Officer, the Board shall recommend to the Town that the Retiree be returned to performance of duty as a Police Officer, and the Retiree so returned shall enjoy the same rights that he had at the time he was placed upon pension. In the event the Retiree so ordered to return shall refuse to comply with the order within 30 days from the issuance thereof, he shall forfeit the right to his pension.

The cost of the physical examination and/or re-examination of the Member claiming or the Retiree receiving disability benefits shall be borne by the Fund. All other reasonable costs as determined by the Board incident to the physical examination, such as, but not limited to, transportation, meals and hotel accommodations, shall be borne by the Fund.

If the Retiree recovers from disability and reenters the service of the Town as a Police Officer, his service will be deemed to have been continuous, but the period beginning with the first month for which he received a disability retirement income payment and ending with the date he reentered the service of the Town will not be considered as Credited Service for the purposes of the System

The Board shall have the power and authority to make the final decisions regarding all disability claims.

- (F) Disability Payments. The monthly benefit to which a Member is entitled in the event of the Member's disability retirement shall be payable on the first day of the first month after the Board determines such entitlement. However, the monthly retirement income shall be payable as of the date the Board determined such entitlement, and any portion due for a partial month shall be paid together with the first payment. The last payment will be:
- (1) If the Retiree recovers from the disability prior to his normal retirement date, the payment due next preceding the date of such recovery, or
- (2) If the Retiree dies without recovering from disability or attains his normal retirement date while still disabled, the payment due next preceding his death or the 120th monthly payment, whichever is later.

Provided, however, the disability Retiree may select, at any time prior to the date on which benefit payments begin, an optional form of benefit payment as described in § 34.22, subsection (A)(1) or (A)(2), which shall be the Actuarial Equivalent of the normal form of benefit.

§ 34.21 VESTING.

If a Member terminates his employment as a Police Officer, either voluntarily or by discharge, and is not eligible for any other benefits under this System, the Member shall be entitled to the following:

(A) If the Member has less than five years Credited Service upon termination, the Member shall be entitled to a refund of his Accumulated Contributions or the Member may leave it deposited with the Fund.

(B) If the Member has five or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit or, if elected, an optional form of benefit as provided for in § 34.22(A)(4), determined in the same manner as for normal or early retirement and based upon the Member's Credited Service, Average Final Compensation and the benefit accrual rate as of the date of termination, and in accordance with the following vesting schedule:

Years of Credited Service	Percentage of Vesting
Less than 5 years	0 50
5 years but less than 6 years	60
6 years but less than 7 years 7 years but less than 8 years	70
R years but less than 9 years	80
9 years but less than 10 years	90 100
10 years or more	

The benefits shall be payable to him commencing at the Member's otherwise normal or early retirement date, determined as if he had remained employed, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise normal or early retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise normal or early retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, vested or eligible for Retirement under Pre-Retirement Death.

(C) Any vested Member of the System whose position is terminated, for whatever reason, but who remains employed by the Town in some other capacity, shall have all retirement benefits accrued up to the date of such termination under this System preserved, provided he does not elect to withdraw his Accumulated Contributions from this System. Such accrued retirement benefits shall be payable at his otherwise early (reduced as for early retirement) or normal retirement date hereunder, or later, in accordance with the provisions of this System.

§ 34.22 OPTIONAL FORMS OF BENEFITS.

(A) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified herein, a Member, upon written request to the Board, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the following options:

- for his lifetime only. (1) A retirement income of a monthly amount payable to the Retiree
- the Retiree during the lifetime of the Retiree and following the death of the Retiree, 100%, 75%, 66 2/3% or 50% of such monthly amount payable to a joint pensioner for his lifetime. Except where the Retiree's joint pensioner is his Spouse, the present value of payments to the Retiree shall not be less than 50% of the total present value of payments to the Retiree and his joint pensioner.
- benefits are payable, he may elect to receive an increased retirement benefit until such time as social security benefits shall be assumed to commence and a reduced benefit thereafter in order to provide, to as great an extent as possible, a more level retirement allowance during the entire period of Retirement. The amounts payable shall be as recommended by the actuaries for the System, based upon the social security law in effect at the time of the Member's Retirement.
- request for a lump sum distribution to any Member, joint pensioner or Beneficiary of a Member who was hired after April 1, 1992 in an amount in excess of \$5,000.
- (B) The Member, upon electing any option of this section, will designate the joint pensioner (subsection (A)(2) above) or Beneficiary (or Beneficiaries) to receive the benefit, if any, payable under the System in the event of Member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one or more primary Beneficiaries where applicable. If a Member has elected an commenced, Member may thereafter change his designated Beneficiary at any time, but may only change his joint pensioner if the designated joint pensioner and the Member were married at the time of Member's Retirement and are divorced subsequent thereto and the joint pensioner is alive at the time of the change.
- (C) The consent of a Member's or Retiree's joint pensioner or Beneficiary to any such change shall not be required. The rights of all previously-designated Beneficiaries to receive benefits under the System shall thereupon cease.
- (D) Upon change of a Retiree's joint pensioner in accordance with this section, the amount of the retirement income payable to the Retiree shall be actuarially determined to take into account the age and sex of the former joint pensioner, the new joint pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses. Each request for a change will be made in writing on a form prepared by the Board and on completion will be filed with the Board. In the event that no designated Beneficiary survives the Retiree, such benefits as are payable in the event of the death of the Retiree subsequent to his Retirement shall be paid as provided in § 34.23.
- (E) Retirement income payments shall be made under the option elected in accordance with the provisions of this section and shall be subject to the following limitations:

- (1) If a Member dies prior to his normal retirement date or early retirement date, whichever first occurs, no retirement benefit will be payable under the option to any person, but the benefits, if any, will be determined under § 34.19.
- dies before the Member's Retirement under the System, the option elected will be canceled automatically and a retirement income of the normal form and amount will be payable to the Member upon his Retirement as if the election had not been made, unless a new election is made in accordance with the provisions of this section or a new Beneficiary is designated by the Member prior to his Retirement.
- by Member or Retiree die before the full payment has been effected under any option providing for payments for a period certain and life thereafter, made pursuant to the provisions of subsection (A), the Board may, in its discretion, direct that the commuted value of the remaining payments be paid in a lump sum and in accordance with § 34.23.
- (4) If a Member continues beyond his normal retirement date pursuant to the provisions of § 34.18, subsection (A), and dies prior to his actual retirement and while an option made pursuant to the provisions of this section is in effect, monthly retirement income payments will be made, or a retirement benefit will be paid, under the option to a Beneficiary (or Beneficiaries) designated by the Member in the amount or amounts computed as if the Member had retired under the option on the date on which his death occurred.
- (F) A Retiree may not change his retirement option after the date of cashing or depositing his first retirement check.
- (G) Notwithstanding anything herein to the contrary, the Board in its discretion, may elect to make a lump sum payment to a Member or a Member's Beneficiary in the event that the monthly benefit amount is less than \$100 or the total commuted value of the remaining monthly income payments to be paid do not exceed \$5,000. Any such payment made to any person pursuant to the power and discretion conferred upon the Board by the preceding sentence shall operate as a complete discharge of all obligations under the System with regard to such Member and shall not be subject to review by anyone, but shall be final, binding and conclusive on all persons.

§ 34.23 BENEFICIARIES.

- (A) Each Member or Retiree may, on a form provided for that purpose, signed and filed with the Board, designate a Beneficiary (or Beneficiaries) to receive the benefit, if any, which may be payable in the event of his death. Each designation may be revoked or changed by such Member or Retiree by signing and filing with the Board a new designation-of-beneficiary form. Upon such change, the rights of all previously designated Beneficiaries to receive any benefits under the System shall cease.
- (B) If a deceased Member or Retiree failed to name a Beneficiary in the manner prescribed in subsection (A), or if the Beneficiary (or Beneficiaries) named by a deceased Member or Retiree predeceases the Member or Retiree, the death benefit, if any, which may be payable under the System with respect to such deceased Member or Retiree,

shall be paid to the estate of the Member or Retiree and the Board, in its discretion, may direct that the commuted value of the remaining monthly income benefits be paid in a lump sum.

(C) Any payment made to any person pursuant to this section shall operate as a complete discharge of all obligations under the System with regard to the deceased Member and any other persons with rights under the System and shall not be subject to review by anyone but shall be final, binding and conclusive on all persons ever interested hereunder.

§ 34.24 CLAIMS PROCEDURES.

- (A) The Board shall establish administrative claims procedures to be utilized in processing written requests ("claims"), on matters which affect the substantial rights of any person ("Claimant"), including Members, Retirees, Beneficiaries, or any person affected by a decision of the Board.
- (B) The Board shall have the power to subpoena and require the attendance of witnesses and the production of documents for discovery prior to and at any proceedings provided for in the Board's claims procedures. The Claimant may request in writing the issuance of subpoenas by the Board. A reasonable fee may be charged for the issuance of any subpoenas not to exceed the fees set forth in Florida Statutes.

§ 34.25 REPORTS TO DIVISION OF RETIREMENT.

Each year and no later than March 15th, the Board shall file an Annual Report with the Division of Retirement containing the documents and information required by § 185.221, Florida Statutes.

§ 34.26 ROSTER OF RETIREES.

The Secretary of the Board shall keep a record of all persons enjoying a pension under the provisions of this ordinance in which it shall be noted the time when the pension is allowed and when the same shall cease to be paid. Additionally, the Secretary shall keep a record of all Members in such a manner as to show the name, address, date of employment and date of termination of employment.

§ 34.27 MAXIMUM PENSION.

(A) Basic Limitation. Subject to the adjustments hereinafter set forth, the maximum amount of annual retirement income payable with respect to a Member under this System shall not exceed \$90,000.

For purposes of applying the above limitation, benefits payable in any form other than a straight life annuity with no ancillary benefits shall be adjusted, as provided by Treasury Regulations, so that such benefits are the Actuarial Equivalent of a straight life annuity. For purposes of this section, the following benefits shall not be taken into account:

(a) Any ancillary benefit which is not directly related to retirement income benefits;

- (b) Any other benefit not required under § 415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of § 415(b)(1) of the Code.
- (B) Participation in Other Defined Benefit Plans. The limitation of this section with respect to any Member who at any time has been a member in any other defined benefit plan (as defined in § 414(j) of the Code) maintained by the Town shall apply as if the total benefits payable under all defined benefit plans in which the Member has been a member were payable from one plan.

(C) Adjustments in Limitations.

- (1) In the event the Member's retirement benefits become payable before age 62, the \$90,000 limitation prescribed by this section shall be reduced in accordance with Regulations issued by the Secretary of the Treasury pursuant to the provisions of § 415(b) of the Code, but not less than \$75,000, if the benefit begins at or after age 55. In the event the Member's retirement benefit becomes payable before age 55, the \$75,000 limitation shall be reduced from age 55 in accordance with Regulations issued by the Secretary of the Treasury pursuant to the provisions of § 415(b) of the Code.
- (2) In the event the Member's benefit is based on at least 15 years of Credited Service, the adjustments provided for in (1) above shall not apply.
- (3) The reductions provided for in (1) above shall not be applicable to disability benefits paid pursuant to § 34.20, or pre-retirement death benefits paid pursuant to § 34.19.
- (4) In the event the Member's retirement benefit becomes payable after age 65, for purposes of determining whether this benefit meets the limitation set forth in subsection (A) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age 65. This adjustment shall be made using an assumed interest rate of 5% and shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.
- (D) Less than 10 Years of Service. The maximum retirement benefits payable under this section to any Member who has completed less than 10 years of Credited Service with the Town shall be the amount determined under subsection (A) of this section multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is 10. The reduction provided for in this subsection shall not be applicable to disability benefits paid pursuant to § 34.20, or pre-retirement death benefits paid pursuant to § 34.19.
- (E) \$10,000 Limit. Notwithstanding the foregoing, the retirement benefit payable with respect to a Member shall be deemed not to exceed the limitations set forth in this section if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the Town contributes, do not exceed \$10,000 for the applicable Plan Year and for any prior Plan Year and the Town has not at any time maintained a qualified defined contribution plan in which the Member participated.

(F) Member in Defined Contribution Plan. In any case where a Member under this System is also a member in a "Defined Contribution Plan" as defined in § 414(i) of the Code, maintained by the Town, the sum of the "Defined Benefit Plan Fraction" and the "Defined Contribution Plan Fraction" (both as defined in § 415(e) of the Code) shall not, subject to the restrictions and exceptions contained in § 2004 of the Act, exceed 1.0. This limitation is repealed effective January 1, 2000.

1:00

- plans, where required, shall be accomplished by first reducing the Member's benefit under any defined benefit plans in which Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be determined by the Board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be established by the Board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the Board and the plan administrator of all other plans covering such Member.
- (H) Cost-of-Living Adjustments. The limitations as stated in subsections (A), (B), (C) and (F) herein shall be adjusted to the time payment of a benefit begins in accordance with any cost-of-living adjustments prescribed by the Secretary of the Treasury pursuant to § 415(d) of the Code.
- (I) Additional Limitation on Pension Benefits. Notwithstanding anything herein to the contrary:
- (1) The normal retirement benefit or pension payable to a Retiree who becomes a Member of the System and who has not previously participated in such System, on or after January 1, 1980, shall not exceed 100% of his Average Final Compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.
- (2) No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement benefit or pension from another retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

§ 34.28 DISTRIBUTION OF BENEFITS.

Notwithstanding any other provision of this System to the contrary, a form of retirement income payable from this System after the Effective Date of this ordinance, shall satisfy the following conditions:

- (A) If the retirement income is payable before the Member's death,
- (1) It shall either be distributed or commence to the Member not later than April 1 of the calendar year following the later of the calendar year in which the Member attains age 70-1/2, or the calendar year in which Member retires,

(2) The distribution shall commence not later than the calendar year defined above; and a), shall be paid over the life of the Member or over the lifetimes of the Member and Spouse, issue or dependent, or b), shall be paid over the period extending not beyond the life expectancy of the Member and Spouse, issue or dependent.

Where a form of retirement income payment has commenced in accordance with the preceding paragraphs and the Member dies before his entire interest in the System has been distributed, the remaining portion of such interest in the System shall be distributed no less rapidly than under the form of distribution in effect at the time of the Member's death.

- (B) If the Member's death occurs before the distribution of his interest in the System has commenced, the Member's entire interest in the System shall be distributed within five years of the Member's death, unless it is to be distributed in accordance with the following rules:
- (1) The Member's remaining interest in the System is payable to his Spouse, issue or dependent;
- (2) The remaining interest is to be distributed over the life of the Spouse, issue or dependent or over a period not extending beyond the life expectancy of the Spouse, issue or dependent; and
- (3) Such distribution begins within one year of the Member's death unless the Member's Spouse shall receive the remaining interest in which case the distribution need not begin before the date on which the Member would have attained age 70-1/2 and if the Spouse dies before the distribution to the Spouse begins, this section shall be applied as if the Spouse were the Member.

§ 34.29 MISCELLANEOUS PROVISIONS.

- (A) Interest of Members in System. At no time prior to the satisfaction of all liabilities under the System with respect to Retirees and Members and their Spouses or Beneficiaries, shall any part of the corpus or income of the Fund be used for or diverted to any purpose other than for their exclusive benefit.
- (B) No Reduction of Accrued Benefits. No amendment or ordinance shall be adopted by the Town Commission of the Town of Longboat Key which shall have the effect of reducing the then vested accrued benefits of Members or a Member's Beneficiaries.
- (C) Qualification of System. It is intended that the System will constitute a qualified public pension plan under the applicable provisions of the Code, as now in effect or hereafter amended. Any modification or amendment of the System may be made retroactively, if necessary or appropriate, to qualify or maintain the System as a Plan meeting the requirements of the applicable provisions of the Code as now in effect or hereafter amended, or any other applicable provisions of the U.S. federal tax laws, as now in effect or hereafter amended or adopted, and the regulations issued thereunder.

(D) Use of Forfeitures. Forfeitures arising from terminations of service of Members shall serve only to reduce future Town contributions.

§ 34.30 REPEAL OR TERMINATION OF SYSTEM.

- (A) This ordinance establishing the System and Fund, and subsequent ordinances pertaining to said System and Fund, may be modified, terminated, or amended, in whole or in part; provided that if this or any subsequent ordinance shall be amended or repealed in its application to any person benefiting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the Member or Beneficiary shall not be affected thereby, except to the extent that the assets of the Fund may be determined to be inadequate.
- (B) If this ordinance shall be repealed, or if contributions to the System are discontinued or if there is a transfer, merger or consolidation of government units, services or functions as provided in Chapter 121, Florida Statutes, the Board shall continue to administer the System in accordance with the provisions of this ordinance, for the sole benefit of the then Members, any Beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this ordinance who are designated by any of said Members. In the event of repeal, discontinuance of contributions, or transfer merger or consolidation of government units, services or functions, there shall be full vesting (100%) of benefits accrued to date of repeal and the assets of the System shall be allocated in an equitable manner to provide benefits on a proportionate basis to the persons so entitled in accordance with the provisions thereof.
- (C) The following shall be the order of priority for purposes of allocating the assets of the System as of the date of repeal of this ordinance, or if contributions to the System are discontinued with the date of such discontinuation being determined by the Board.
- (1) Apportionment shall first be made in respect of each Retiree receiving a retirement or disability benefit hereunder on such date, each person receiving a benefit on such date on account of a retired or disabled (but since deceased) Member, and each Member who has, by such date, become eligible for normal retirement but has not yet retired, an amount which is the Actuarial Equivalent of such benefit, provided that, if such asset value be less than the aggregate of such amounts, such amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such asset value.
- (2) If there be any asset value remaining after the apportionment under subparagraph (1), apportionment shall next be made in respect of each Member in the service of the Town on such date who is vested and who is not entitled to an apportionment under subparagraph (1), in the amount required to provide the Actuarial Equivalent of the vested portion of the accrued normal retirement benefit (but not less than Accumulated Contributions), based on the Credited Service and Average Final Compensation as of such date, and each vested former Member then entitled to a deferred benefit who has not, by such date, begun receiving benefit payments, in the amount required to provide said Actuarial Equivalent of the vested portion of the accrued normal retirement benefit (but not less than Accumulated Contributions), provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder, such latter amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.

(3) If there be any asset value after the apportionments under subparagraphs (1) and (2), apportionment shall be made in respect of each Member in the service of the Town on such date who is not entitled to an apportionment under subparagraphs (1) and (2) in the amount equal to Member's Accumulated Contributions, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder such latter amount shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.

(4) If there be any asset value remaining after the apportionments under subparagraphs (1), (2), and (3), apportionment shall lastly be made in respect of each Member included in subparagraph (3) above to the extent of the Actuarial Equivalent of the non-vested accrued normal retirement benefit, less the amount apportioned in subparagraph (3), based on the Credited Service and Average Final Compensation as of such date, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder, such amounts shall be reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.

apportionment specified in subparagraphs (1), (2), (3), and (4), such excess shall be returned to the Town, less return of the state's contributions to the state, provided that, if the excess is less than the total contributions made by the Town and the state to the date of termination such excess shall be divided proportionately to the total contributions made by the Town and the state.

The allocation of the Fund provided for in this subsection may, as decided by the Board, be carried out through the purchase of insurance company contracts to provide the benefits determined in accordance with this subsection. The Fund may be distributed in one sum to the persons entitled to said benefits or the distribution may be carried out in such other equitable manner as the Board may direct. The Fund may be continued in existence for purposes of subsequent distributions.

If, at any time during the first 10 years after the effective date of the ordinance originally establishing this System, the System shall be terminated or the full current costs of the System shall not have been met, anything in the System to the contrary not-withstanding, Town contributions which may be used for the benefit of any one of the 25 highest paid Members on the effective date, whose anticipated annual retirement allowance provided by the Town's contributions at Member's normal retirement date would exceed \$1,500, shall not exceed the greater of either a) \$20,000, or b), an amount computed by multiplying the smaller of \$10,000 or 20% of such Member's average annual earnings during his last five years of service by the number of years of service since the effective date. In the event that it shall hereafter be determined by statute, court decision, ruling by the Commissioner of Internal Revenue, or otherwise, that the provisions of this paragraph are not then necessary to qualify the System under the Code, this paragraph shall be ineffective without the necessity of further amendment of this ordinance.

(D) After all the vested and accrued benefits provided hereunder have been paid and after all other liabilities have been satisfied, then and only then shall any remaining funds revert to the general fund of the Town.

§ 34.31 EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY.

Except as otherwise provided by law, the pensions, annuities, or any other benefits accrued or accruing to any person under the provisions of this ordinance and the Accumulated Contributions and the cash securities in the Fund created under this ordinance are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment or any legal process whatsoever and shall be unassignable.

§ 34.32 PENSION VALIDITY.

The Board shall have the power to examine into the facts upon which any pension shall heretofore have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently or illegally for any reason. The Board is empowered to purge the pension rolls or correct the pension amount of any person heretofore granted a pension under prior or existing law or any person hereafter granted a pension under this ordinance if the same is found to be erroneous, fraudulent or illegal for any reason; and hereafter under this ordinance be erroneously, improperly or illegally classified. Any overpayments or underpayments shall be corrected and paid or repaid in a reasonable manner determined by the Board.

§ 34.33 FORFEITURE OF PENSION.

(A) Any Member who is convicted of the following offenses committed prior to Retirement, or whose employment is terminated by reason of his admitted commission, aid or abetment of the following specified offenses, shall forfeit all rights and benefits under this System, except for the return of his Accumulated Contributions as of the date of termination. Specified offenses are as follows:

funds; (1) The committing, aiding or abetting of an embezzlement of public

or employee from employer; (2) The committing, aiding or abetting of any theft by a public officer

employee; (3) Bribery in connection with the employment of a public officer or

(4) Any felony specified in Chapter 838, Florida Statutes.

(5) The committing of an impeachable offense.

(6) The committing of any felony by a public officer or employee who willfully and with intent to defraud the public or the public agency, for which he acts or in which he is employed, of the right to receive the faithful performance of his duty as a public officer or employee, realizes or obtains or attempts to obtain a profit, gain, or advantage for himself or for some other person through the use or attempted use of the power, rights, privileges, duties or position of his public office or employment position.

(B) Conviction shall be defined as an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or a nolo contendere; a jury verdict of guilty when

adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the Senate of an impeachable offense.

- (C) Court shall be defined as any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense. Prior to forfeiture, the Board shall hold a hearing on which notice shall be given to the Member whose benefits are being considered for forfeiture. Said Member shall be afforded the right to have an attorney present. No formal rules of evidence shall apply, but the Member shall be afforded a full opportunity to present his case against forfeiture.
- (D) Any Member who has received benefits from the System in excess of his Accumulated Contributions after Member's rights were forfeited shall be required to pay back to the Fund the amount of the benefits received in excess of his Accumulated Contributions. The Board may implement all legal action necessary to recover such funds.

§ 34.34 CONVICTION AND FORFEITURE; FALSE, MISLEADING OR FRAUDULENT STATEMENTS.

- (A) It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement or withhold or conceal material information to obtain any benefit from the System.
- (B) A person who violates subsection 1 commits a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083, Florida Statutes.
- (C) In addition to any applicable criminal penalty, upon conviction for a violation described in subsection (A), a Member or Beneficiary of the System may, in the discretion of the Board, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under the System. For purposes of this subsection, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

§ 34.35 INDEMNIFICATION.

- (A) To the extent not covered by insurance contracts in force from time to time, the Town shall indemnify, defend and hold harmless members of the Board from all personal liability for damages and costs, including court costs and attorneys' fees, arising out of claims, suits, litigation, or threat of same, herein referred to as "claims", against these individuals because of acts or circumstances connected with or arising out of their official duty as members of the Board. The Town reserves the right, in its sole discretion, to settle or not settle the claim at any time, and to appeal or to not appeal from any adverse judgment or ruling, and in either event will indemnify, defend and hold harmless any members of the Board from the judgment, execution, or levy thereon.
- (B) This section shall not be construed so as to relieve any insurance company or other entity liable to defend the claim or liable for payment of the judgment or claim, from any liability, nor does this section waive any provision of law affording the Town immunity from any suit in whole or part, or waive any other substantive or procedural rights the Town may have.

This section shall not apply nor shall the Town be responsible in any manner to defend or pay for claims arising out of acts or omissions of members of the Board which constitute felonies or gross malfeasance or gross misfeasance in office.

§ 34.36 DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS.

General. This section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the System to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(B) Definitions.

- distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) cies) of the distributee and the distributee's designated Beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under § 401(a)(9) of the Code: and the portion of any distribution that is not includible in cross income. 401(a)(9) of the Code; and the portion of any distribution that is not includible in gross income.
- is an individual retirement account described in § 408(a) of the Code, an individual retirement plan annuity described in § 408(b) of the Code, an annuity plan described in § 403(a) of the Code, or a qualified trust described in § 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving Spouse, an eligible retirement plan is an individual retirement account or individual retirement. Spouse, an eligible retirement plan is an individual retirement account or individual retirement
- "DISTRIBUTEE." A distributee includes an employee or former employee. In addition, the employee's or former employee's surviving Spouse is a distributee
- "DIRECT ROLLOVER." A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

§ 34.37 FAMILY AND MEDICAL LEAVE ACT

The fractional parts of the twelve (12) month period ending each March 1 that a Member is on leave without pay from the Town pursuant to the Family and Medical Leave Act (FMLA) shall be added to his Credited Service provided that:

The Member contributes to the Fund the sum that he would have contributed, based on his Salary and the Member contribution rate in effect at the time that the Credited Service is requested, had he been a Member of the System for the fractional parts of the twelve (12) months ending each March 1 for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the Fund

plus payment of costs for all professional services rendered to the Board in connection with the purchase of periods of Credited Service.

- (B) The request for Credited Service for FMLA leave time for the twelve (12) month period prior to each March 1 and payment of professional fees shall be made on or before March 31.
- (C) Payment by the Member of the required amount shall be made on or before April 30 for the preceding twelve (12) month period ending March 1 and shall be made in one lump sum payment upon receipt of which Credited Service shall be issued.
- (D) Credited Service purchased pursuant to this section shall not count toward vesting.

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ORDINANCE NO. 25

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY FLORIDA, AMENDING AND RESTATING THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY IN CHAPTER 34, EMPLOYMENT POLICIES, SECTIONS 34.20 THROUGH 34.44, PENSIONS AND RETIREMENT, TO ESTABLISH THE TOWN OF LONGBOAT KEY FIREFIGHTERS' RETIREMENT SYSTEM; PROVIDING FOR PROVIDING FOR MEMBERSHIP; DEFINITIONS: PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR DISABILITY BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR REPORTS TO THE DIVISION OF RETIREMENT; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION OF BENEFITS; PROVIDING MISCELLANEOUS PROVISIONS; PROVIDING FOR REPEAL OR TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM EXECUTION AND NON-ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR CONVICTION AND FORFEITURE, FALSE, MISLEADING OR FRAUDULENT STATEMENTS; PROVIDING FOR INDEMNIFICATION AND DEFENSE OF CLAIMS; PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLÉ ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE ACT; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key Firefighters are presently provided pension and certain other benefits under Ordinances of the Town of Longboat Key; and

WHEREAS, Chapter 99-01, Laws of Florida, requires that Police Officer and Firefighter pension plans be separate from General Employee plans and further requires the establishment of separate pension plans for Police Officers and Firefighters if a majority of the Police Officers and Firefighters vote to establish separate plans; and

(ORD. 99-25__, CONT.)

WHEREAS, the Police Officers and Firefighters have voted to establish separate pension plans; and

WHEREAS, the Town Commission, therefore, desires to establish separate pension plans for the Town's three employee groups and, by this ordinance, desires to establish the Firefighters' Retirement System to consolidate all applicable prior ordinances and Code provisions and to incorporate Federal law and the applicable provisions of Chapter 175, Elorida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT;

SECTION 1: Chapter 34, Employment Policies, Sections 34.20 Through 34.44, Pensions and Retirement, of the Town of Longboat Key, Code of Ordinances, as they apply to Firefighters, are hereby amended and restated as set forth in the document designated TOWN OF LONGBOAT KEY FIREFIGHTERS' RETIREMENT SYSTEM, attached hereto and made a part hereof.

SECTION 2: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 4: That this ordinance shall become effective on October 1, 1999 contingent upon the adoption, by the Town Commission, of ordinances adopting separate pension plans for the Police Officers and General Employees.

SECTION 5: In the event this ordinance becomes effective in accordance with Section 4, assets allocated to Members who are currently employed Firefighters and to Firefighter Members who have previously retired shall be allocated and transferred from the Town of

Longboat Key Municipal Pension Trust Fund to the new Town of Longboat Key Firefighters' Retirement System in an amount to be determined by the Town of Longboat Key Municipal Pension Trust Fund's actuary. Beginning with the effective date of this ordinance, the retirement benefits of all Retirees who retired as Firefighter Members of the Town of Longboat Key Municipal Pension Trust Fund shall be paid from the Town of Longboat Key Firefighters' Retirement System.

	Passed on first reading this day of, 1999.
1999.	Adopted on second reading and public hearing this day of

MAYOR

ATTEST:

TOWN CLERK

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TOWN OF LONGBOAT KEY FIREFIGHTERS' RETIREMENT SYSTEM

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THE TOWN OF LONGBOAT KEY FIREFIGHTERS' RETIREMENT SYSTEM

§ 34.43 DEFINITIONS.

(A) As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

"ACCUMULATED CONTRIBUTIONS" means a Member's own contributions without interest. For those Members who purchase Credited Service with interest or at no cost to the System, only that portion of any payment representing the amount attributable to Member contributions based on the applicable Member contribution rate, shall be included in Accumulated Contributions.

"ACTUARIAL EQUIVALENT" means a benefit or amount of equal value, based upon the 1983 Group Annuity Mortality Table and an interest rate of 8% per annum.

"AVERAGE FINAL COMPENSATION" means one-twelfth of the average Salary of the five best years of the last 10 years of Credited Service prior to Retirement, termination, or death, or the career average as a full-time Firefighter, whichever is greater. A year shall be 12 consecutive months.

"BENEFICIARY" means the person or persons entitled to receive benefits hereunder at the death of a Member who has or have been designated in writing by the Member and filed with the Board. If no such designation is in effect, or if no person so designated is living, at the time of death of the Member, the Beneficiary shall be the estate of the Member.

"BOARD" means the Board of Trustees, which shall administer and manage the System herein provided and serve as trustees of the Fund.

"CODE" means the Internal Revenue Code of 1986, as amended from time to time.

"CREDITED SERVICE" means the total number of years and fractional parts of years of service as a Firefighter with Member contributions, when required, omitting intervening years or fractional parts of years when such Member was not employed by the Town as a Firefighter. A Member may voluntarily leave his Accumulated Contributions in the Fund for a period of five years after leaving the employ of the Fire Department pending the possibility of being reemployed as a Firefighter, without losing credit for the time that he was a Member of the System. If a vested Member leaves the employ of the Fire Department, his Accumulated Contributions will be returned only upon his written request. If a Member who is not vested is not reemployed as a Firefighter with the Fire Department within five years, his Accumulated Contributions shall be returned. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated. Upon any reemployment, a Firefighter shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his Accumulated Contributions from the Fund, unless the Firefighter repays into the Fund the contributions he has withdrawn, with interest, as determined by the Board, within 90 days after his reemployment.

The years or fractional parts of a year that a Member serves in the military service of the Armed Forces of the United States, the United States Merchant Marine or the

United States Coast Guard, voluntarily or involuntarily, after separation from employment as a Firefighter with the Town to perform training or service, shall be added to his years of Credited Service for all purposes, including vesting, provided that:

- (1) The Member must return to his employment as a Firefighter within one year from the earlier of the date of his military discharge or his release from active service.
- (2) The Member is entitled to reemployment under the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA), (P.L.103-353).
- (3) The maximum credit for military service pursuant to this paragraph shall be five years.

"EFFECTIVE" DATE means the date on which this ordinance becomes effective.

"FIREFIGHTER" means an actively employed full-time person employed by the Town, including his initial probationary employment period, who is certified as a Firefighter as a condition of employment in accordance with the provisions of § 633.35, Florida Statutes, and whose duty it is to extinguish fires, to protect life and to protect property.

"FUND" means the trust fund established herein as part of the System.

"MEMBER" means an actively employed Firefighter who fulfills the prescribed membership requirements. Benefit improvements which, in the past, have been provided for by amendments to the System adopted by Town ordinance, and any benefit improvements which might be made in the future shall apply prospectively and shall not apply to Members who terminate employment or who retire prior to the effective date of any ordinance adopting such benefit improvements, unless such ordinance specifically provides to the contrary.

"PLAN" YEAR means the 12 month period beginning October 1 and ending September 30 of the following year.

"RETIREE" means a Member who has entered Retirement Status.

"RETIREMENT" means a Member's separation from Town employment with eligibility for immediate receipt of benefits under the System.

"SALARY" means the total compensation for services rendered to the Town as a Firefighter reportable on the Member's W-2 form plus all tax deferred, tax sheltered, or tax exempt items of income derived from elective employee payroll deductions or salary reductions. Compensation in excess of the limitations set forth in § 401(a)(17) of the Code shall be disregarded. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a Member before the first Plan Year beginning after December 31, 1995.

"SPOUSE" means the lawful wife or husband of a Member or Retiree at the time benefits become payable.

"SYSTEM" means the Town of Longboat Key Firefighters' Retirement System as contained herein and all amendments thereto.

"TOWN" means Town of Longboat Key, Florida.

(B) MASCULINE GENDER. The masculine gender, where used herein, unless the context specifically requires otherwise, shall include both the feminine and masculine genders.

5 34.44 MEMBERSHIP.

- (A) Conditions of Eligibility. All Firefighters as of the Effective Date, and all future new Firefighters, shall become Members of this System as a condition of employment.
- (B) Designation of Beneficiary. Each Firefighter shall complete a form prescribed by the Board designating a Beneficiary or Beneficiaries.

§ 34.45 BOARD OF TRUSTEES.

- The sole and exclusive administration of and responsibility for the proper operation of the System and for making effective the provisions of this ordinance are hereby vested in a Board of Trustees. The Board is hereby designated as the plan administrator. The Board shall consist of five Trustees, two of whom, unless otherwise prohibited by law, shall be legal residents of the Town, who shall be appointed by the Longboat Key Town Commission, and two of whom shall be Members of the System, who shall be elected by a majority of the Firefighters who are Members of the System. The fifth Trustee shall be chosen by a majority of the previous four Trustees as provided for herein, and such person's name shall be submitted to the Longboat Key Town Commission. Upon receipt of the fifth person's name, the Longboat Key Town Commission shall, as a ministerial duty, appoint such person to the Board of Trustees as its fifth Trustee. The fifth Trustee shall have the same rights as each of the other four Trustees appointed or elected as herein provided and shall serve a two year term unless he sooner vacates the office. Each resident Trustee shall serve as Trustee for a period of two years, unless he sooner vacates the office or is sooner replaced by the Longboat Key Town Commission at whose pleasure he shall serve. Each Member Trustee shall serve as Trustee for a period of two years, unless he sooner leaves the employment of the Town as a Firefighter or otherwise vacates his office as Trustee, whereupon a successor shall be chosen in the same manner as the departing Trustee. Each Trustee may succeed himself in office. The Board shall establish and administer the nominating and election procedures for each election. The Board shall meet at least quarterly each year. The Board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.
- (B) The Trustees shall, by a majority vote, elect a Chairman, Vice-Chairman and a Secretary. The Secretary of the Board shall keep a complete minute book of the actions, proceedings, or hearings of the Board. The Trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.
- (C) Each Trustee shall be entitled to one vote on the Board. Three (3) affirmative votes shall be necessary for any decision by the Trustees at any meeting of the

Board. A Trustee shall have the right to abstain from voting as the result of a conflict of interest provided that Trustee complies with the provisions of § 112.3143, Florida Statutes.

(D) The Board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the System. The compensation of all of the System shall be paid from the Fund at such rates and in such amounts as the Board shall professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the Board.

(E) The duties and responsibilities of the Board shall include, but not necessarily be limited to, the following:

(1) To construe the provisions of the System and determine all

(2) To determine all questions relating to eligibility and membership.

or other benefits hereunder. To determine and certify the amount of all retirement allowances

(4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the System.

concerning the System. (5) To distribute to Members, at regular intervals, information

(6) To receive and process all applications for benefits.

(7) To authorize all payments whatsoever from the Fund, and to notify through operation of the System and Fund.

often as required by law, and make recommendations regarding any and all changes in the provisions of the System.

administer the System. (9) To perform such other duties as are required to prudently

§ 34.46 FINANCES AND FUND MANAGEMENT.

(A) Establishment and Operation of Fund.

(1) As part of the System, there is hereby established the Fund, into which shall be deposited all of the contributions and assets whatsoever attributable to the System, including the assets attributable to the Firefighters from the assets of the prior Town of Longboat Key Municipal Pension Trust Fund.

(2) The actual custody and supervision of the Fund (and assets thereof) shall be vested in the Board. Payment of benefits and disbursements from the Fund shall be made by the disbursing agent but only upon written authorization from the Board.

by the Board with the Finance Director of the Town, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he is liable for the safekeeping of funds for the Town. However, any funds so deposited with the Finance Director of the Town shall be kept in a separate fund by the Finance Director or clearly identified as such funds of the Firefighters' Retirement System. In lieu thereof, the Board shall deposit the funds of the Firefighters' Retirement System in a qualified public depository as defined in § 280.02, Florida Statutes, which depository with regard to such funds shall conform to and be bound by all of the provisions of Chapter 280, Florida Statutes. In order to fulfill its investment responsibilities as set forth herein, the Board may retain the services of a custodian bank, an investment advisor registered under the Investment Advisors Act of 1940 or otherwise exempt from such required registration, an insurance company, or a combination of these, for the purposes of investment decisions and management. Such investment manager shall have discretion, subject to any guidelines as prescribed by the Board, in the investment of all Fund assets.

(4) All funds and securities of the System may be commingled in the Fund, provided that accurate records are maintained at all times reflecting the financial composition of the Fund, including accurate current accounts and entries as regards the following:

(a) Current amounts of Accumulated Contributions of Members on both an individual and aggregate account basis, and

- (b) Receipts and disbursements, and
- (c) Benefit payments, and

(d) Current amounts clearly reflecting all monies, funds and assets whatsoever attributable to contributions and deposits from the Town, and

(e) All interest, dividends and gains (or losses) whatsoever, and

(f) Such other entries as may be properly required so as to reflect a clear and complete financial report of the Fund.

(5) An audit shall be performed annually by a certified public accountant for the most recent fiscal year of the Plan showing a detailed listing of assets and a statement of all income and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year. Such report shall reflect a complete evaluation of assets on both a cost and market basis, as well as other items normally included in a certified audit.

(6) The Board shall have the following investment powers and authority:

(a) The Board shall be vested with full legal title to said Fund, subject, however, and in any event to the authority and power of the Longboat Key Town

Commission to amend or terminate this Fund, provided that no amendment or Fund termination shall ever result in the use of any assets of this Fund except for the payment of regular expenses and benefits under this System, except as otherwise provided herein. All contributions from time to time paid into the Fund, and the income thereof, without distinction between principal and income, shall be held and administered by the Board or its agent in the Fund and the Board shall not be required to segregate or invest separately any portion of the Fund.

(b) All monies paid into or held in the Fund shall be invested and reinvested by the Board and the investment of all or any part of such funds shall be limited to:

(i) Annuity and life insurance contracts with life all of the Members in the Fund shall be entitled under the provisions of this System and pay the initial and subsequent premium thereon.

bank insured by the Bank Insurance Fund or a savings accounts of a national bank, a state by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.

guaranteed as to principal and interest by the government of the United States or obligations of the government of the United States or by an agency

(iv) Bonds issued by the State of Israel.

or state banks, mutual funds and bonds or other evidences of indebtedness, provided that:

a. Except as provided in subparagraph b. all or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia, and in the case of bonds only, shall hold a rating in one of the three highest classifications by a major rating service.

invested in foreign securities.

b. Up to 10% of the assets of the Fund may be

its assets in the common stock, capital stock, or convertible securities of any one issuing company, nor shall the aggregate investment in any one issuing company exceed 5% of the outstanding capital stock of that company; nor shall the aggregate of its investments in common stock, capital stock and convertible securities at cost exceed 65% of the assets of the Fund.

than 10% at cost in real property or real estate, provided the Board shall not invest more

(c) At least once every three years, and more often as determined by the Board, the Board shall retain a professionally qualified independent

consultant, as defined in § 175.071, Florida Statutes, to evaluate the performance of all current investment managers and make recommendations regarding the retention of all such investment managers. These recommendations shall be considered by the Board at its next regularly scheduled meeting.

income such amount of the Fund as it may deem advisable, having regard for the cash requirements of the System.

(e) Neither the Board nor any Trustee shall be liable for the making, retention or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the Fund, except that due to his or its own negligence, willful misconduct or lack of good faith.

it to be registered in or transferred into its name as Trustee or into the name of such nominee as it may direct, or it may retain them unregistered and in form permitting transferability, but the books and records shall at all times show that all investments are part of the Fund.

any stocks, bonds, or securities of any corporation, association, or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalizations, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee with the Trustees or with depositories designated thereby; to amortize or fail disposition of assets; and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other investments comprising the Fund which it may deem to be to the best interest of the Fund to exercise.

(h) The Board shall not be required to make any inventory or contained herein.

any duty or function which it is required to perform either under the terms herein or under the general law applicable to it as Trustee under this ordinance, can reasonably be taken or performed only after receipt by it from a Member, the Town, or any other entity, of specific to take such action or perform such duty or function until such information, certification, direction or instruction until such information, certification, direction or instruction until such information, certification,

Member, Retiree or Beneficiary caused by errors of computation shall be adjusted with interest at a rate per annum approved by the Board in such a manner that the Actuarial Equivalent of the benefit to which the Member, Retiree or Beneficiary was correctly entitled, shall be paid. Overpayments shall be charged against payments next succeeding the correction or collected in another manner if prudent. Underpayments shall be made up from the Fund in a prudent manner.

(k) The Board shall sustain no liability whatsoever for the sufficiency of the Fund to meet the payments and benefits provided for herein.

(l) In any application to or proceeding or action in the courts, only the Board shall be a necessary party, and no Member or other person having an interest in the Fund shall be entitled to any notice or service of process. Any judgment entered in such a proceeding or action shall be conclusive upon all persons.

(m) Any of the foregoing powers and functions reposed in the Board may be performed or carried out by the Board through duly authorized agents, provided that the Board at all times maintains continuous supervision over the acts of any such agent; provided further, that legal title to said Fund shall always remain in the Board.

§ 34.47 CONTRIBUTIONS.

(A) Member Contributions.

(1) Amount. Each Member of the System shall be required to make regular contributions to the Fund in the amount of 6% of his Salary. Member contributions withheld by the Town on behalf of the Member shall be deposited with the Board immediately after each pay period. The contributions made by each Member to the Fund shall be designated as employer contributions pursuant to § 414(h) of the Code. Such designation is contingent upon the contributions being excluded from the Members' gross income for Federal Income Tax purposes. For all other purposes of the System, such contributions shall be considered to be Member contributions.

(2) Method. Such contributions shall be made by payroll deduction.

(B) State Contributions. Any monies received or receivable by reason of laws of the State of Florida, for the express purpose of funding and paying for retirement benefits for Firefighters of the Town shall be deposited in the Fund comprising part of this System immediately and under no circumstances more than five days after receipt by the Town.

(C) Town Contributions. So long as this System is in effect, the Town shall make quarterly contributions to the Fund in an amount equal to the difference in each year, between the total aggregate Member contributions for the year, plus state contributions for such year, and the total cost for the year, as shown by the most recent actuarial valuation of the System. The total cost for any year shall be defined as the total normal cost plus the additional amount sufficient to amortize the unfunded past service liability as provided in Part VII of Chapter 112, Florida Statutes.

(D) Other. Private donations, gifts and contributions may be deposited to the Fund, but such deposits must be accounted for separately and kept on a segregated bookkeeping basis. Funds arising from these sources may be used only for additional benefits for Members, as determined by the Board, and may not be used to reduce what would have otherwise been required Town contributions.

§ 34.48 BENEFIT AMOUNTS AND ELIGIBILITY.

- the first day of the month coincident with, or next following the earlier of the attainment of age 55 and the completion of 15 years of Credited Service or the attainment of age 52 and the Credited Service. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become 100% vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the Town on or after the normal retirement date.
- (B) Normal Retirement Benefit. A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but with 120 monthly payments guaranteed in any event. The monthly retirement benefit shall equal 2 1/2% of Average Final Compensation, for each year of Credited Service.
- (C) Early Retirement Date. A Member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age 45 and the completion of 15 years of Credited Service. Early retirement under the System is Retirement from employment with the Town on or after the early retirement date and prior to the normal retirement date.
- (D) Early Retirement Benefit. A Member retiring hereunder on his early payable in the same form as for normal retirement as follows:
- what would have been his normal retirement date had he continued employment as a Firefighter and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date, except that Credited Service and Average Final Compensation shall be determined as of his early retirement date; or
- on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in subparagraph (1) above, reduced by one-fifteenth for each of the first five years, one-thirtieth for each of the next five years and an actuarial the date which would have been the Member's normal retirement date had he continued employment as a Firefighter.

(E) Retirement Incentive Program.

or more years of credited service or who have or will have attained age 50 and completed 15 or more years of credited service on or before April 30, 1999, shall be deemed "Eligible Members" and may elect to receive the benefits set forth in this subsection (E), on the later than 45 days from the adoption of Ordinance 98-33, and who agree to retire on May 31,

1999. The retirement date may be earlier, with the approval of the Town Manager, or later at the request of the Town Manager and approval by the employee.

(2) Eligible Members, as determined by (1) above, shall be eligible to retire and receive a normal retirement benefit as set forth in subsection (B) of this § 34.48, but for purposes of determining the pension benefit, the benefit accrual rate shall be 3% of Average Final Compensation for all years of Credited Service. Members electing the Retirement Incentive Program provided for in this subsection shall not be eligible for the lump sum optional form of benefit provided for in § 34.52, subsection (A)(4).

§ 34.49 PRE-RETIREMENT DEATH.

- (A) Prior to Eligibility for Early or Normal Retirement. The Beneficiary of a deceased Member who was not eligible for early or normal retirement shall receive a refund of 100% of the Member's Accumulated Contributions.
- (B) Deceased Members Eligible for Early or Normal Retirement. The Beneficiary of any Member who dies and who, at the date of his death was eligible for early or normal retirement, shall be entitled to a benefit as follows:
- (1) The Beneficiary shall receive a benefit payable for 10 years, beginning on the first day of the month following the Member's death or at the deceased Member's otherwise early or normal retirement date, at the option of the Beneficiary. The benefit shall be calculated as for normal retirement based on the deceased Member's Credited Service and Average Final Compensation as of the date of his death and reduced as for early retirement, if applicable.
- (2) A Beneficiary of a Member whose death occurs after the Member's eligibility for normal retirement and which Member has not chosen an optional form of benefit may choose a life annuity in lieu of the 10 year certain and life benefit. Otherwise, a Beneficiary may not choose an optional form of benefit.
- (3) The Board may elect to make a lump sum payment pursuant to §34.52, subsection (G).
- (4) A Beneficiary may, in lieu of the benefit provided for in (1) above, elect to receive a refund of the deceased Member's Accumulated Contributions.

§ 34.50 DISABILITY.

(A) Disability Benefits In-Line of Duty. Any Member who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Firefighter, which disability was directly caused by the performance of his duty as a Firefighter, shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to 2 1/2% of his Average Final Compensation for Members with less than 15 years of Credited Service and 3% of his Average Final Compensation for Members with 15 or more years of Credited Service multiplied by the total years of Credited Service, but in any event the minimum amount paid to the Member shall be 42% of the Average Final Compensation of the Member. Terminated persons, either vested or non-vested, are not

eligible for disability benefits, except that those terminated by the Town for medical reasons may apply for a disability within 30 days after termination.

(B) In-Line of Duty Presumptions.

caused by hypertension or heart disease shall be presumed to have been suffered in line of duty unless the contrary is shown by competent evidence, provided that such Member shall have successfully passed a physical examination upon entering into such service, including cardiogram, which examination failed to reveal any evidence of such condition; and provided further, that such presumption shall not apply to benefits payable or granted in a policy of life insurance or disability insurance.

(2) Additional Presumption. The presumption provided for in this subparagraph (2) shall apply only to those conditions described in this subparagraph (2) that are diagnosed on or after January 1, 1996.

definitions apply:

(a) Definitions. As used in this subsection (B)(2), the following

containing visible blood and other body fluids to which universal precautions for prevention of occupational transmission of blood-borne pathogens, as established by the Centers for Disease Control, apply. For purposes of potential transmission of meningococcal meningitis or tuberculosis, the term "body fluids" includes respiratory, salivary, and sinus fluids, including droplets, sputum, and saliva, mucous, and other fluids through which infectious airborne organisms can be transmitted between persons.

MEMBER" means any Member employed full time by the Town as a firefighter, paramedic, emergency medical technician, law enforcement officer, or correctional officer who, in the course of employment, runs a high risk of occupational exposure to hepatitis, meningococcal meningitis, or tuberculosis and who is not employed elsewhere in a similar capacity. However, the term "emergency rescue or public safety Member" does not include any person employed by a public hospital licensed under Chapter 395, Florida Statutes, or any person employed by a subsidiary thereof.

hepatitis non-A, hepatitis non-B, hepatitis C, or any other strain of hepatitis generally recognized by the medical community.

means that risk that is incurred because a person subject to the provisions of this subsection, in performing the basic duties associated with his employment:

non-health-care setting where there is a potential for transfer of body fluids between persons;

rescue or public safety operation, or in an emergency rescue or public safety vehicle, handles

body fluids in or out of containers or works with or otherwise handles needles or other sharp instruments exposed to body fluids;

c. Engages in the pursuit, apprehension, and exposed to body fluids; or

restraint when necessary, of prisoners or inmates within a prison, jail, or other criminal detention facility, while on work detail outside the facility, or while being transported and, in performing such duties, may be exposed to body fluids.

hepatitis, meningococcal meningitis, or tuberculosis, means an exposure that occurs during the performance of job duties that may place a worker at risk of infection.

Member who suffers a condition or impairment of health that is caused by hepatitis, meningo-coccal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line of duty, presumption, the Member must, by written affidavit as provided in § 92.50, Florida Statutes, verify by written declaration that, to the best of his knowledge and belief:

derived from hepatitis, he has not: (i) In the case of a medical condition caused by or

fluids, to any person known to have sickness or medical conditions derived from hepatitis,

b. Had a transfusion of blood or blood connection with his present employment, or received any blood products for the treatment of a coagulation disorder since last undergoing medical tests for hepatitis, which tests failed to

high-risk behavior, as identified by the Centers for Disease Control or the Surgeon General of unsafe sexual practices or other unsafe sexual practices or other high-risk behavior; or

physician.

d. Used intravenous drugs not prescribed by a

days immediately preceding diagnosis he was not exposed, outside the scope of his asymptomatic carrier of the disease.

(iii) In the case of tuberculosis, in the period of time since the Member's last negative tuberculosis skin test, he has not been exposed, outside the scope of his employment, to any person known by him to have tuberculosis.

(c) Immunization. Whenever any standard, medically recognized vaccine or other form of immunization or prophylaxis exists for the prevention of a communicable disease for which a presumption is granted under this section, if medically indicated in the given circumstances pursuant to immunization policies established by the Advisory Committee on Immunization Practices of the U.S. Public Health Service, an emergency rescue or public safety Member may be required by the Town to undergo the immunization or prophylaxis unless the Member's physician determines in writing that the immunization or other prophylaxis would pose a significant risk to the Member's health. Absent such written declaration, failure or refusal by an emergency rescue or public safety Member to undergo such immunization or prophylaxis disqualifies the Member from the benefits of the presumption.

(d) Record of Exposures. The Town shall maintain a record of any known or reasonably suspected exposure of an emergency rescue or public safety Member in its employ to the disease described in this section and shall immediately notify the Member of such exposure. An emergency rescue or public safety Member shall file an incident or accident report with the Town of each instance of known or suspected occupational exposure to hepatitis infection, meningococcal meningitis, or tuberculosis.

(e) Required medical tests; preemployment physical. In order to be entitled to the presumption provided by this section:

(i) An emergency rescue or public safety Member must, prior to diagnosis, have undergone standard, medically acceptable tests for evidence of the communicable disease for which the presumption is sought, or evidence of medical conditions derived therefrom, which tests fail to indicate the presence of infection. This paragraph does not apply in the case of meningococcal meningitis.

(ii) On or after June 15, 1995, an emergency rescue or public safety Member may be required to undergo a preemployment physical examination that tests for and fails to reveal any evidence of hepatitis or tuberculosis.

(C) Disability Benefits Not-in-Line of Duty. Any Member with 10 years or more Credited Service who shall become totally and permanently disabled to the extent that he is unable, by reason of a medically determinable physical or mental impairment, to render useful and efficient service as a Firefighter, which disability is not directly caused by the performance of his duties as a Firefighter shall, upon establishing the same to the satisfaction of the Board, be entitled to a monthly pension equal to 2 1/2% of his Average Final Compensation for Members with less than 15 years of Credited Service and 3% of his Average Final Compensation for Members with 15 or more years of Credited Service multiplied by the total years of Credited Service. Terminated persons, either vested or non-vested, are not eligible for disability benefits, except that those terminated by the Town for medical reasons may apply for a disability within 30 days after termination.

(D) Conditions Disqualifying Disability Benefits. Each Member who is claiming disability benefits shall establish, to the satisfaction of the Board, that such disability was not occasioned primarily by:

- (1) Excessive or habitual use of any drugs, intoxicants or narcotics.
- (2) Injury or disease sustained while willfully and illegally participating in fights, riots or civil insurrections or while committing a crime.
- (3) Injury or disease sustained while serving in any branch of the Armed Forces.
- (4) Injury or disease sustained by the Member after his employment as a Firefighter with the Town of Longboat Key shall have terminated.
- (5) Willful, wanton or intentional misconduct or gross negligence of the Member.
- (6) A condition pre-existing the Firefighter's membership in the System. No Member shall be entitled to a disability pension, whether in line of duty or not in line of duty, because of or due to the aggravation of a specific injury, impairment or other medical condition pre-existing at the time of membership in the System, provided that such pre-existing condition and its relationship to a later injury, impairment or other medical condition be established by competent substantial evidence. Nothing herein shall be construed to preclude a disability pension to a Member who, after membership in the System, suffers an injury, impairment or other medical condition different from some other injury, impairment, or other medical condition existing at or prior to said membership.
- (E) Physical Examination Requirement. A Member shall not become eligible for disability benefits until and unless he undergoes a physical examination by a qualified physician or physicians and/or surgeon or surgeons, who shall be selected by the Board for that purpose. The Board shall not select the Member's treating physician or surgeon for this purpose except in an unusual case where the Board determines that it would be reasonable and prudent to do so.

Any Retiree receiving disability benefits under provisions of this ordinance may be periodically re-examined by a qualified physician or physicians and/or surgeon or surgeons who shall be selected by the Board, to determine if such disability has ceased to exist. If the Board finds that the Retiree is no longer permanently and totally disabled to the extent that he is unable to render useful and efficient service as a Firefighter, the Board shall recommend to the Town that the Retiree be returned to performance of duty as a Firefighter, and the Retiree so returned shall enjoy the same rights that he had at the time he was placed upon pension. In the event the Retiree so ordered to return shall refuse to comply with the order within 30 days from the issuance thereof, he shall forfeit the right to his pension.

The cost of the physical examination and/or re-examination of the Member claiming or the Retiree receiving disability benefits shall be borne by the Fund. All other reasonable costs as determined by the Board incident to the physical examination, such as, but not limited to, transportation, meals and hotel accommodations, shall be borne by the Fund.

If the Retiree recovers from disability and reenters the service of the Town as a Firefighter, his service will be deemed to have been continuous, but the period beginning with the first month for which he received a disability retirement income payment and ending with the date he reentered the service of the Town will not be considered as Credited Service for the purposes of the System

The Board shall have the power and authority to make the final decisions regarding all disability claims.

- (F) Disability Payments. The monthly benefit to which a Member is entitled in the event of the Member's disability retirement shall be payable on the first day of the first month after the Board determines such entitlement. However, the monthly retirement income shall be payable as of the date the Board determined such entitlement, and any portion due for a partial month shall be paid together with the first payment. The last payment will be:
- (1) If the Retiree recovers from the disability prior to his normal retirement date, the payment due next preceding the date of such recovery, or
- (2) If the Retiree dies without recovering from disability or attains his normal retirement date while still disabled, the payment due next preceding his death or the 120th monthly payment, whichever is later.

Provided, however, the disability Retiree may select, at any time prior to the date on which benefit payments begin, an optional form of benefit payment as described in § 34.52, subsection (A)(1) or (A)(2), which shall be the Actuarial Equivalent of the normal form of benefit.

§ 34.51 VESTING.

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If a Member terminates his employment as a Firefighter, either voluntarily or by discharge, and is not eligible for any other benefits under this System, the Member shall be entitled to the following:

- (A) If the Member has less than five years Credited Service upon termination, the Member shall be entitled to a refund of his Accumulated Contributions or the Member may leave it deposited with the Fund.
- (B) If the Member has five or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit or, if elected, an optional form of benefit as provided for in § 34.52, subsection (A)(4), determined in the same manner as for normal or early retirement and based upon the Member's Credited Service, Average Final Compensation and the benefit accrual rate as of the date of termination, and in accordance with the following vesting schedule:

Years of Credited Service	Percentage of Vesting
Less than 5 years	0
5 years but less than 6 years	50
6 years but less than 7 years	60
7 years but less than 8 years	70
8 years but less than 9 years	80
9 years but less than 10 years	90
10 years or more	100

The benefits shall be payable to him commencing at the Member's otherwise normal or early retirement date, determined as if he had remained employed, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise normal or early retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise normal or early retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, vested or eligible for Retirement under Pre-Retirement Death.

(C) Any vested Member of the System whose position is terminated, for whatever reason, but who remains employed by the Town in some other capacity, shall have all retirement benefits accrued up to the date of such termination under this System preserved, provided he does not elect to withdraw his Accumulated Contributions from this System. Such accrued retirement benefits shall be payable at his otherwise early (reduced as for early retirement) or normal retirement date hereunder, or later, in accordance with the provisions of this System.

§ 34.52 OPTIONAL FORMS OF BENEFITS.

- (A) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified herein, a Member, upon written request to the Board, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the following options:
- (1) A retirement income of a monthly amount payable to the Retiree for his lifetime only.
- (2) A retirement income of a modified monthly amount, payable to the Retiree during the lifetime of the Retiree and following the death of the Retiree, 100%, 75%, 66 2/3% or 50% of such monthly amount payable to a joint pensioner for his lifetime. Except where the Retiree's joint pensioner is his Spouse, the present value of payments to the Retiree shall not be less than 50% of the total present value of payments to the Retiree and his joint pensioner.
- (3) If a Member retires prior to the time at which social security benefits are payable, he may elect to receive an increased retirement benefit until such time as social security benefits shall be assumed to commence and a reduced benefit thereafter in order to provide, to as great an extent as possible, a more level retirement allowance during the entire period of Retirement. The amounts payable shall be as recommended by the actuaries for the System, based upon the social security law in effect at the time of the Member's Retirement.
- (4) A lump sum amount, however, the Board shall not approve a request for a lump sum distribution to any Member, joint pensioner or Beneficiary of a Member who was hired after April 1, 1992 in an amount in excess of \$5,000.
- (B) The Member, upon electing any option of this section, will designate the joint pensioner (subsection (A)(2) above) or Beneficiary (or Beneficiaries) to receive the benefit, if any, payable under the System in the event of Member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one or more primary Beneficiaries where applicable. If a Member has elected an option with a joint pensioner or Beneficiary and Member's retirement income benefits have

commenced, Member may thereafter change his designated Beneficiary at any time, but may only change his joint pensioner if the designated joint pensioner and the Member were married at the time of Member's Retirement and are divorced subsequent thereto and the joint pensioner is alive at the time of the change.

- (C) The consent of a Member's or Retiree's joint pensioner or Beneficiary to any such change shall not be required. The rights of all previously-designated Beneficiaries to receive benefits under the System shall thereupon cease.
- (D) Upon change of a Retiree's joint pensioner in accordance with this section, the amount of the retirement income payable to the Retiree shall be actuarially determined to take into account the age and sex of the former joint pensioner, the new joint pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses. Each request for a change will be made in writing on a form prepared by the Board and on completion will be filed with the Board. In the event that no designated Beneficiary survives the Retiree, such benefits as are payable in the event of the death of the Retiree subsequent to his Retirement shall be paid as provided in § 34.53.
- (E) Retirement income payments shall be made under the option elected in accordance with the provisions of this section and shall be subject to the following limitations:
- (1) If a Member dies prior to his normal retirement date or early retirement date, whichever first occurs, no retirement benefit will be payable under the option to any person, but the benefits, if any, will be determined under § 34.49.
- (2) If the designated Beneficiary (or Beneficiaries) or joint pensioner dies before the Member's Retirement under the System, the option elected will be canceled automatically and a retirement income of the normal form and amount will be payable to the Member upon his Retirement as if the election had not been made, unless a new election is made in accordance with the provisions of this section or a new Beneficiary is designated by the Member prior to his Retirement.
- by Member or Retiree die before the full payment has been effected under any option providing for payments for a period certain and life thereafter, made pursuant to the provisions of subsection (A), the Board may, in its discretion, direct that the commuted value of the remaining payments be paid in a lump sum and in accordance with § 34.53.
- (4) If a Member continues beyond his normal retirement date pursuant to the provisions of § 34.48, subsection (A), and dies prior to his actual retirement and while an option made pursuant to the provisions of this section is in effect, monthly retirement income payments will be made, or a retirement benefit will be paid, under the option to a Beneficiary (or Beneficiaries) designated by the Member in the amount or amounts computed as if the Member had retired under the option on the date on which his death occurred.
- (F) A Retiree may not change his retirement option after the date of cashing or depositing his first retirement check.
- (G) Notwithstanding anything herein to the contrary, the Board in its discretion, may elect to make a lump sum payment to a Member or a Member's Beneficiary

in the event that the monthly benefit amount is less than \$100 or the total commuted value of the remaining monthly income payments to be paid do not exceed \$5,000. Any such payment made to any person pursuant to the power and discretion conferred upon the Board by the preceding sentence shall operate as a complete discharge of all obligations under the System with regard to such Member and shall not be subject to review by anyone, but shall be final, binding and conclusive on all persons.

§ 34.53 BENEFICIARIES.

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- (A) Each Member or Retiree may, on a form provided for that purpose, signed and filed with the Board, designate a Beneficiary (or Beneficiaries) to receive the benefit, if any, which may be payable in the event of his death. Each designation may be revoked or changed by such Member or Retiree by signing and filing with the Board a new designation-of-beneficiary form. Upon such change, the rights of all previously designated Beneficiaries to receive any benefits under the System shall cease.
- (B) If a deceased Member or Retiree failed to name a Beneficiary in the manner prescribed in subsection (A), or if the Beneficiary (or Beneficiaries) named by a deceased Member or Retiree predeceases the Member or Retiree, the death benefit, if any, which may be payable under the System with respect to such deceased Member or Retiree, shall be paid to the estate of the Member or Retiree and the Board, in its discretion, may direct that the commuted value of the remaining monthly income benefits be paid in a lump sum.
- (C) Any payment made to any person pursuant to this section shall operate as a complete discharge of all obligations under the System with regard to the deceased Member and any other persons with rights under the System and shall not be subject to review by anyone but shall be final, binding and conclusive on all persons ever interested hereunder.

§ 34.54 CLAIMS PROCEDURES.

- (A) The Board shall establish administrative claims procedures to be utilized in processing written requests ("claims"), on matters which affect the substantial rights of any person ("Claimant"), including Members, Retirees, Beneficiaries, or any person affected by a decision of the Board.
- (B) The Board shall have the power to subpoena and require the attendance of witnesses and the production of documents for discovery prior to and at any proceedings provided for in the Board's claims procedures. The Claimant may request in writing the issuance of subpoenas by the Board. A reasonable fee may be charged for the issuance of any subpoenas not to exceed the fees set forth in Florida Statutes.

§ 34.55 REPORTS TO DIVISION OF RETIREMENT.

Each year and no later than March 15th, the Board shall file an Annual Report with the Division of Retirement containing the documents and information required by § 175.261, Florida Statutes.

§ 34.56 ROSTER OF RETTREES.

The Secretary of the Board shall keep a record of all persons enjoying a pension under the provisions of this ordinance in which it shall be noted the time when the pension is allowed and when the same shall cease to be paid. Additionally, the Secretary shall keep a record of all Members in such a manner as to show the name, address, date of employment and date of termination of employment.

§ 34.57 MAXIMUM PENSION.

(A) Basic Limitation. Subject to the adjustments hereinafter set forth, the maximum amount of annual retirement income payable with respect to a Member under this System shall not exceed \$90,000.

For purposes of applying the above limitation, benefits payable in any form other than a straight life annuity with no ancillary benefits shall be adjusted, as provided by Treasury Regulations, so that such benefits are the Actuarial Equivalent of a straight life annuity. For purposes of this section, the following benefits shall not be taken into account:

retirement income benefits; (a) Any ancillary benefit which is not directly related to

(b) Any other benefit not required under § 415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of § 415(b)(1) of the Code.

(B) Participation in Other Defined Benefit Plans. The limitation of this section with respect to any Member who at any time has been a member in any other defined benefit plan (as defined in § 414(j) of the Code) maintained by the Town shall apply as if the total benefits payable under all defined benefit plans in which the Member has been a member were payable from one plan.

(C) Adjustments in Limitations.

(1) In the event the Member's retirement benefits become payable before age 62, the \$90,000 limitation prescribed by this section shall be reduced in accordance with Regulations issued by the Secretary of the Treasury pursuant to the provisions of § 415(b) of the Code, but not less than \$75,000, if the benefit begins at or after age 55. In the event the Member's retirement benefit becomes payable before age 55, the \$75,000 limitation shall be reduced from age 55 in accordance with Regulations issued by the Secretary of the Treasury pursuant to the provisions of § 415(b) of the Code.

(2) In the event the Member's benefit is based on at least 15 years of Credited Service, the adjustments provided for in (1) above shall not apply.

(3) The reductions provided for in (1) above shall not be applicable to disability benefits paid pursuant to § 34.50, or pre-retirement death benefits paid pursuant to § 34.49.

- (4) In the event the Member's retirement benefit becomes payable after age 65, for purposes of determining whether this benefit meets the limitation set forth in subsection (A) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age 65. This adjustment shall be made using an assumed interest rate of 5% and shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.
- (D) Less than 10 Years of Service. The maximum retirement benefits payable under this section to any Member who has completed less than 10 years of Credited Service with the Town shall be the amount determined under subsection (A) of this section multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is 10. The reduction provided for in this subsection shall not be applicable to disability benefits paid pursuant to § 34.49.
- (E) \$10,000 Limit. Notwithstanding the foregoing, the retirement benefit payable with respect to a Member shall be deemed not to exceed the limitations set forth in this section if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the Town contributes, do not exceed \$10,000 for the applicable Plan Year and for any prior Plan Year and the Town has not at any time maintained a qualified defined contribution plan in which the Member participated.
- (F) Member in Defined Contribution Plan. In any case where a Member under this System is also a member in a "Defined Contribution Plan" as defined in § 414(i) of the Code, maintained by the Town, the sum of the "Defined Benefit Plan Fraction" and the "Defined Contribution Plan Fraction" (both as defined in § 415(e) of the Code) shall not, subject to the restrictions and exceptions contained in § 2004 of the Act, exceed 1.0. This limitation is repealed effective January 1, 2000.
- plans, where required, shall be accomplished by first reducing the Member's benefit under any defined benefit plans in which Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be determined by the Board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be established by the Board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the Board and the plan administrator of all other plans covering such Member.
- (H) Cost-of-Living Adjustments. The limitations as stated in subsections (A), (B), (C) and (F) herein shall be adjusted to the time payment of a benefit begins in accordance with any cost-of-living adjustments prescribed by the Secretary of the Treasury pursuant to § 415(d) of the Code.

(I) Additional Limitation on Pension Benefits. Notwithstanding anything herein to the contrary:

(1) The normal retirement benefit or pension payable to a Retiree who becomes a Member of the System and who has not previously participated in such System, on or after January 1, 1980, shall not exceed 100% of his Average Final Compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

(2) No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement benefit or pension from another retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

§ 34.58 DISTRIBUTION OF BENEFITS.

Notwithstanding any other provision of this System to the contrary, a form of retirement income payable from this System after the Effective Date of this ordinance, shall satisfy the following conditions:

- (A) If the retirement income is payable before the Member's death,
- (1) It shall either be distributed or commence to the Member not later than April 1 of the calendar year following the later of the calendar year in which the Member attains age 70-1/2, or the calendar year in which Member retires,
- (2) The distribution shall commence not later than the calendar year defined above; and a), shall be paid over the life of the Member or over the lifetimes of the Member and Spouse, issue or dependent, or b), shall be paid over the period extending not beyond the life expectancy of the Member and Spouse, issue or dependent.

Where a form of retirement income payment has commenced in accordance with the preceding paragraphs and the Member dies before his entire interest in the System has been distributed, the remaining portion of such interest in the System shall be distributed no less rapidly than under the form of distribution in effect at the time of the Member's death.

- (B) If the Member's death occurs before the distribution of his interest in the System has commenced, the Member's entire interest in the System shall be distributed within five years of the Member's death, unless it is to be distributed in accordance with the following rules:
- Spouse, issue or dependent:

 The Member's remaining interest in the System is payable to his
- (2) The remaining interest is to be distributed over the life of the Spouse, issue or dependent or over a period not extending beyond the life expectancy of the Spouse, issue or dependent; and

(3) Such distribution begins within one year of the Member's death unless the Member's Spouse shall receive the remaining interest in which case the distribution need not begin before the date on which the Member would have attained age 70-1/2 and if the Spouse were the Member.

§ 34.59 MISCELLANEOUS PROVISIONS.

- (A) Interest of Members in System. At no time prior to the satisfaction of all liabilities under the System with respect to Retirees and Members and their Spouses or Beneficiaries, shall any part of the corpus or income of the Fund be used for or diverted to any purpose other than for their exclusive benefit.
- (B) No Reduction of Accrued Benefits. No amendment or ordinance shall be adopted by the Town Commission of the Town of Longboat Key which shall have the effect of reducing the then vested accrued benefits of Members or a Member's Beneficiaries.
- (C) Qualification of System. It is intended that the System will constitute a qualified public pension plan under the applicable provisions of the Code, as now in effect or hereafter amended. Any modification or amendment of the System may be made retroactively, if necessary or appropriate, to qualify or maintain the System as a Plan meeting the requirements of the applicable provisions of the Code as now in effect or hereafter amended, or any other applicable provisions of the U.S. federal tax laws, as now in effect or hereafter amended or adopted, and the regulations issued thereunder.
- (D) Use of Forfeitures. Forfeitures arising from terminations of service of Members shall serve only to reduce future Town contributions.

§ 34.60 REPEAL OR TERMINATION OF SYSTEM.

- (A) This ordinance establishing the System and Fund, and subsequent ordinances pertaining to said System and Fund, may be modified, terminated, or amended, in whole or in part; provided that if this or any subsequent ordinance shall be amended or repealed in its application to any person benefiting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the Member or Beneficiary shall not be affected thereby, except to the extent that the assets of the Fund may be determined to be inadequate.
- (B) If this ordinance shall be repealed, or if contributions to the System are discontinued or if there is a transfer, merger or consolidation of government units, services or functions as provided in Chapter 121, Florida Statutes, the Board shall continue to administer the System in accordance with the provisions of this ordinance, for the sole benefit of the then Members, any Beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this ordinance who are designated by any of said Members. In the event of repeal, discontinuance of contributions, or transfer merger or consolidation of government units, services or functions, there shall be allocated in an equitable manner to provide benefits on a proportionate basis to the persons so entitled in accordance with the provisions thereof.

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- (C) The following shall be the order of priority for purposes of allocating the assets of the System as of the date of repeal of this ordinance, or if contributions to the System are discontinued with the date of such discontinuation being determined by the Board.
- (1) Apportionment shall first be made in respect of each Retiree receiving a retirement or disability benefit hereunder on such date, each person receiving a benefit on such date on account of a retired or disabled (but since deceased) Member, and each Member who has, by such date, become eligible for normal retirement but has not yet retired, an amount which is the Actuarial Equivalent of such benefit, provided that, if such asset value be less than the aggregate of such amounts, such amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such asset value.
- (2) If there be any asset value remaining after the apportionment under subparagraph (1), apportionment shall next be made in respect of each Member in the service of the Town on such date who is vested and who is not entitled to an apportionment under subparagraph (1), in the amount required to provide the Actuarial Equivalent of the vested portion of the accrued normal retirement benefit (but not less than Accumulated Contributions), based on the Credited Service and Average Final Compensation as of such date, and each vested former Member then entitled to a deferred benefit who has not, by such date, begun receiving benefit payments, in the amount required to provide said Actuarial Equivalent of the vested portion of the accrued normal retirement benefit (but not less than Accumulated Contributions), provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder, such latter amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.
- (3) If there be any asset value after the apportionments under subparagraphs (1) and (2), apportionment shall be made in respect of each Member in the service of the Town on such date who is not entitled to an apportionment under subparagraphs (1) and (2) in the amount equal to Member's Accumulated Contributions, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder such latter amount shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.
- (4) If there be any asset value remaining after the apportionments under subparagraphs (1), (2), and (3), apportionment shall lastly be made in respect of each Member included in subparagraph (3) above to the extent of the Actuarial Equivalent of the non-vested accrued normal retirement benefit, less the amount apportioned in subparagraph (3), based on the Credited Service and Average Final Compensation as of such date, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder, such amounts shall be reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.
- apportionment specified in subparagraphs (1), (2), (3), and (4), such excess shall be returned to the Town, less return of the state's contributions to the state, provided that, if the excess is less than the total contributions made by the Town and the state to the date of termination such excess shall be divided proportionately to the total contributions made by the Town and the state

The allocation of the Fund provided for in this subsection may, as decided by the Board, be carried out through the purchase of insurance company contracts to provide the benefits determined in accordance with this subsection. The Fund may be distributed in one sum to the persons entitled to said benefits or the distribution may be carried out in such other equitable manner as the Board may direct. The Fund may be continued in existence for purposes of subsequent distributions.

If, at any time during the first 10 years after the effective date of the ordinance originally establishing this System, the System shall be terminated or the full current costs of the System shall not have been met, anything in the System to the contrary not-withstanding, Town contributions which may be used for the benefit of any one of the 25 highest paid Members on the effective date, whose anticipated annual retirement allowance provided by the Town's contributions at Member's normal retirement date would exceed \$1,500, shall not exceed the greater of either a) \$20,000, or b), an amount computed by multiplying the smaller of \$10,000 or 20% of such Member's average annual earnings during his last five years of service by the number of years of service since the effective date. In the event that it shall hereafter be determined by statute, court decision, ruling by the Commissioner of Internal Revenue, or otherwise, that the provisions of this paragraph are not then necessary to qualify the System under the Code, this paragraph shall be ineffective without the necessity of further amendment of this ordinance.

(D) After all the vested and accrued benefits provided hereunder have been paid and after all other liabilities have been satisfied, then and only then shall any remaining funds revert to the general fund of the Town.

§ 34.61 EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY.

Except as otherwise provided by law, the pensions, annuities, or any other benefits accrued or accruing to any person under the provisions of this ordinance and the Accumulated Contributions and the cash securities in the Fund created under this ordinance are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment or any legal process whatsoever and shall be unassignable.

§ 34.62 PENSION VALIDITY.

The Board shall have the power to examine into the facts upon which any pension shall heretofore have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently or illegally for any reason. The Board is empowered to purge the pension rolls or correct the pension amount of any person heretofore granted a pension under prior or existing law or any person hereafter granted a pension under this ordinance if the same is found to be erroneous, fraudulent or illegal for any reason; and to reclassify any person who has heretofore under any prior or existing law been or who shall hereafter under this ordinance be erroneously, improperly or illegally classified. Any overpayments or underpayments shall be corrected and paid or repaid in a reasonable manner determined by the Board.

\$ 34.63 FORFEITURE OF PENSION.

(A) Any Member who is convicted of the following offenses committed prior to Retirement, or whose employment is terminated by reason of his admitted commission, aid or abetment of the following specified offenses, shall forfeit all rights and benefits under this System, except for the return of his Accumulated Contributions as of the date of termination. Specified offenses are as follows:

funds;

(1) The committing, aiding or abetting of an embezzlement of public

(2) The committing, aiding or abetting of any theft by a public officer or employee from employer;

employee;

(3) Bribery in connection with the employment of a public officer or

- (4) Any felony specified in Chapter 838, Florida Statutes.
- (5) The committing of an impeachable offense.

(6) The committing of any felony by a public officer or employee who willfully and with intent to defraud the public or the public agency, for which he acts or in which he is employed, of the right to receive the faithful performance of his duty as a public officer or employee, realizes or obtains or attempts to obtain a profit, gain, or advantage for himself or for some other person through the use or attempted use of the power, rights, privileges, duties or position of his public office or employment position.

(B) Conviction shall be defined as an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or a nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the Senate of an impeachable offense.

(C) Court shall be defined as any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense. Prior to forfeiture, the Board shall hold a hearing on which notice shall be given to the Member whose benefits are being considered for forfeiture. Said Member shall be afforded the right to have an attorney present. No formal rules of evidence shall apply, but the Member shall be afforded a full opportunity to present his case against forfeiture.

(D) Any Member who has received benefits from the System in excess of his Accumulated Contributions after Member's rights were forfeited shall be required to pay back to the Fund the amount of the benefits received in excess of his Accumulated Contributions. The Board may implement all legal action necessary to recover such funds.

§ 34.64 CONVICTION AND FORFEITURE: FALSE, MISLEADING OR FRAUDULENT STATEMENTS.

(A) It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false,

fraudulent, or misleading oral or written statement or withhold or conceal material information to obtain any benefit from the System.

A person who violates subsection 1 commits a misdemeanor of the first degree, punishable as provided in § 775.082 or § 775.083, Florida Statutes.

(C) In addition to any applicable criminal penalty, upon conviction for a violation described in subsection (A), a Member or Beneficiary of the System may, in the discretion of the Board, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under the System. For purposes of this subsection, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

§ 34.65 INDEMNIFICATION.

(A) To the extent not covered by insurance contracts in force from time to time, the Town shall indemnify, defend and hold harmless members of the Board from all personal liability for damages and costs, including court costs and attorneys' fees, arising out of claims, suits, litigation, or threat of same, herein referred to as "claims", against these individuals because of acts or circumstances connected with or arising out of their official duty. individuals because of acts or circumstances connected with or arising out of their official duty as members of the Board. The Town reserves the right, in its sole discretion, to settle or not settle the claim at any time, and to appeal or to not appeal from any adverse judgment or ruling, and in either event will indemnify, defend and hold harmless any members of the Board

This section shall not be construed so as to relieve any insurance company or other entity liable to defend the claim or liable for payment of the judgment or claim, from any liability, nor does this section waive any provision of law affording the Town immunity from any suit in whole or part, or waive any other substantive or procedural rights the Town

(C) This section shall not apply nor shall the Town be responsible in any manner to defend or pay for claims arising out of acts or omissions of members of the Board which constitute felonies or gross malfeasance or gross misfeasance in office.

§ 34.66 DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS.

General. This section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the System to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(B) Definitions.

"ELIGIBLE ROLLOVER DISTRIBUTION." An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually)

made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated Beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under § 401(a)(9) of the Code; and the portion of any distribution that is not includible in gross income.

- is an individual retirement account described in § 408(a) of the Code, an individual retirement plan annuity described in § 408(b) of the Code, an annuity plan described in § 403(a) of the Code, or a qualified trust described in § 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving sannuity.
- employee. In addition, the employee's or former employee's surviving Spouse is a distributee with regard to the interest of the Spouse.
- (4) "DIRECT ROLLOVER." A direct rollover is a payment by the plan to the eligible retirement plan specified by the distributee.

§ 34.67 FAMILY AND MEDICAL LEAVE ACT.

The fractional parts of the twelve (12) month period ending each March 1 that a Member is on leave without pay from the Town pursuant to the Family and Medical Leave Act (FMLA) shall be added to his Credited Service provided that:

- (A) The Member contributes to the Fund the sum that he would have contributed, based on his Salary and the Member contribution rate in effect at the time that the Credited Service is requested, had he been a Member of the System for the fractional parts of the twelve (12) months ending each March 1 for which he is requesting credit plus amounts actuarially determined such that the crediting of service does not result in any cost to the Fund purchase of periods of Credited Service.
- (B) The request for Credited Service for FMLA leave time for the twelve (12) month period prior to each March 1 and payment of professional fees shall be made on or before March 31.
- (C) Payment by the Member of the required amount shall be made on or before April 30 for the preceding twelve (12) month period ending March 1 and shall be made in one lump sum payment upon receipt of which Credited Service shall be issued.
- vesting. (D) Credited Service purchased pursuant to this section shall not count toward

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ORDINANCE NO. 99-26

AN ORDINANCE OF THE TOWN OF LONGBOAT KEY FLORIDA AMENDING AND RESTATING THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY IN CHAPTER 34, EMPLOYMENT POLICIES, SECTIONS 34.20 THROUGH 34.44, PENSIONS AND RETIREMENT, TO ESTABLISH THE TOWN OF LONGBOAT KEY GENERAL EMPLOYEES' RETIREMENT SYSTEM; PROVIDING FOR PROVIDING DEFINITIONS; FOR MEMBERSHIP; PROVIDING FOR A BOARD OF TRUSTEES; PROVIDING FOR FINANCES AND FUND MANAGEMENT; PROVIDING FOR CONTRIBUTIONS; PROVIDING FOR BENEFIT AMOUNTS AND ELIGIBILITY; PROVIDING FOR PRE-RETIREMENT DEATH BENEFITS; PROVIDING FOR VESTING OF BENEFITS; PROVIDING OPTIONAL FORMS OF BENEFITS; PROVIDING FOR BENEFICIARIES; PROVIDING CLAIMS PROCEDURES; PROVIDING FOR A ROSTER OF RETIREES; PROVIDING FOR A MAXIMUM PENSION LIMITATION; PROVIDING FOR DISTRIBUTION BENEFITS; PROVIDING **MISCELLANEOUS** PROVISIONS: PROVIDING FOR REPEAL TERMINATION OF THE SYSTEM; PROVIDING FOR EXEMPTION FROM EXECUTION ASSIGNABILITY; PROVIDING FOR PENSION VALIDITY; PROVIDING FOR FORFEITURE OF PENSION UNDER CERTAIN CIRCUMSTANCES: **PROVIDING** INDEMNIFICATION AND DEFENSE OF CLAIMS: PROVIDING FOR DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS; PROVIDING FOR THE PURCHASE OF CREDITED SERVICE FOR ABSENCES PURSUANT TO THE FAMILY AND MEDICAL LEAVE PROVIDING FOR SEPARATION EMPLOYMENT FOR MILITARY SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES CONFLICT HEREWITH IN PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key General Employees are presently provided pension and certain other benefits under Ordinances of the Town of Longboat Key; and

WHEREAS, Chapter 99-01, Laws of Florida, requires that Police Officer and Firefighter pension plans be separate from General Employee plans and further requires the establishment of separate pension plans for Police Officers and Firefighters if a majority of the Police Officers and Firefighters vote to establish separate plans; and

(ORD. 99-<u>26</u>, CONT.)

WHEREAS, the Police Officers and Firefighters have voted to establish separate pension plans; and

WHEREAS, the Town Commission, therefore, desires to establish separate pension plans for the Town's three employee groups and, by this ordinance, desires to establish the General Employees' Retirement System to consolidate all applicable prior ordinances and Code provisions.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA, THAT;

SECTION 1: Chapter 34, Employment Policies, Sections 34.20 Through 34.44, Pensions and Retirement, of the Town of Longboat Key, Code of Ordinances, as they apply to General Employees, are hereby amended and restated as set forth in the document designated TOWN OF LONGBOAT KEY GENERAL EMPLOYEES' RETIREMENT SYSTEM, attached hereto and made a part hereof.

SECTION 2: Chapter 34, Employment Policies, Section 34.50, Salary Savings Plan, is renumbered as Section 34.99.

SECTION 3: All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4: If any section, subsection, sentence, clause, phrase of this ordinance, or the particular application thereof shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby.

SECTION 5: That this ordinance shall become effective on October 1, 1999 contingent upon the adoption, by the Town Commission, of ordinances adopting separate pension plans for the Police Officers and Firefighters.

SECTION 6: In the event this ordinance becomes effective in accordance with Section 4, assets allocated to Members who are currently employed General Employees and to General

Employee Members who have previously retired shall be allocated and transferred from the Town of Longboat Key Municipal Pension Trust Fund to the new Town of Longboat Key General Employees' Retirement System in an amount to be determined by the Town of Longboat Key Municipal Pension Trust Fund's actuary. Beginning with the effective date of this ordinance, the retirement benefits of all Retirees who retired as General Employee Members of the Town of Longboat Key Municipal Pension Trust Fund shall be paid from the Town of Longboat Key General Employees' Retirement System.

Passed on first reading this ______ day of _______, 1999.

Adopted on second reading and public hearing this _____ day of _______,

1999.

MAYOR

ATTEST:

TOWN CLERK

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TOWN OF LONGBOAT KEY GENERAL EMPLOYEES' RETIREMENT SYSTEM

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THE TOWN OF LONGBOAT KEY GENERAL EMPLOYEES' RETIREMENT SYSTEM

§ 34.73 DEFINITIONS.

(A) As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

"ACCUMULATED CONTRIBUTIONS" means a Member's own contributions, without interest. For those Members who purchase Credited Service with interest or at no cost to the System, only that portion of any payment representing the amount attributable to Member contributions based on the applicable Member contribution rate, shall be included in Accumulated Contributions.

"ACTUARIAL EQUIVALENT" means a benefit or amount of equal value, based upon the 1983 Group Annuity Mortality Table and an interest rate of 8% per annum.

"AVERAGE FINAL COMPENSATION" means one-twelfth of the average Salary of the five best years of the last 10 years of Credited Service prior to Retirement, greater. A year shall be 12 consecutive months.

"BENEFICIARY" means the person or persons entitled to receive benefits hereunder at the death of a Member who has or have been designated in writing by the Member and filed with the Board. If no such designation is in effect, or if no person so designated is living, at the time of death of the Member, the Beneficiary shall be the estate of the Member.

"BOARD" means the Board of Trustees, which shall administer and manage the System herein provided and serve as trustees of the Fund.

"CODE" means the Internal Revenue Code of 1986, as amended from time to

"CREDITED SERVICE" means the total number of years and fractional parts of years as a General Employee with Member contributions, when required, omitting Town as a General Employee. A Member may voluntarily leave his Accumulated Contributions in the Fund for a period of five years after leaving the employ of the Town pending the possibility of being reemployed as a General Employee, without losing credit for the time that he was a Member of the System. If a vested Member leaves the employ of the Town, his Accumulated Contributions will be returned only upon his written request. If a Member who is not vested is not reemployed as a General Employee with the Town within five years, his Accumulated Contributions shall be returned. Upon return of a Member's Accumulated Contributions, all of his rights and benefits under the System are forfeited and terminated. Upon any reemployment, a General Employee shall not receive credit for the years and fractional parts of years of service for which he has withdrawn his Accumulated Contributions from the Fund, unless the General Employee repays into the Fund the contributions he has withdrawn, with interest, as determined by the Board, within 90 days after his reemployment.

effective. "EFFECTIVE DATE" means the date on which this ordinance becomes

"FUND" means the trust fund established herein as part of the System.

"GENERAL EMPLOYEE" means any actively employed person in the regular full-time service of the Town, including those in their initial probationary employment period, but not including certified Police Officers and certified Firefighters employed by the Town.

"MEMBER" means an actively employed General Employee who fulfills the prescribed membership requirements. Benefit improvements which, in the past, have been provided for by amendments to the System adopted by Town ordinance, and any benefit improvements which might be made in the future shall apply prospectively and shall not apply to Members who terminate employment or who retire prior to the effective date of any ordinance adopting such benefit improvements, unless such ordinance specifically provides to the contrary.

"PLAN YEAR" means the 12 month period beginning October 1 and ending September 30 of the following year.

"RETIREE" means a Member who has entered Retirement status.

"RETIREMENT" means a Member's separation from Town employment with eligibility for immediate receipt of benefits under the System.

"SALARY" means the total compensation for services rendered to the Town as a General Employee reportable on the Member's W-2 form plus all tax deferred, tax sheltered or tax exempt items of income derived from elective employee payroll deductions or salary reductions. Compensation in excess of the limitations set forth in § 401(a)(17) of the Code shall be disregarded. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a Member before the first Plan Year beginning after December 31, 1995.

"SPOUSE" means the lawful wife or husband of a Member or Retiree at the time benefits become payable.

"SYSTEM" means the Town of Longboat Key General Employees' Retirement System as contained herein and all amendments thereto.

"TOWN" means Town of Longboat Key, Florida.

(B) MASCULINE GENDER. The masculine gender, where used herein, unless the context specifically requires otherwise, shall include both the feminine and masculine genders.

§ 34.74 MEMBERSHIP.

(A) Conditions of Eligibility. Each General Employee on April 1, 1992 who has completed one year of service as of that date, shall become a Member of the System on April 1, 1992. Each General Employee who has not completed one year of service on April 1, 1992 shall become a Member of the System on the June 30 coinciding with or next following the date he completed one year of service.

Each General Employee shall automatically become a Member, as a condition of employment, when he meets the requirements described in the previous paragraph. Once a General Employee has become a Member, he will continue to be a Member as long as he continues to be an employee, and thereafter, as long as he retains any right to benefits under the System.

Notwithstanding the above two subsections, the current Town Manager and any future Town Manager or Assistant Town Manager may, in the event he has elected to participate in another pension program, within the first 12 months of his employment as Town Manager or Assistant Town Manager, notify the Board and the Town, in writing, of his election to not be a Member of the System. In the event of any such election, he shall be barred from future membership in the System.

(B) Designation of Beneficiary. Each General Employee shall complete a form prescribed by the Board designating a Beneficiary or Beneficiaries.

§ 34.75 BOARD OF TRUSTEES.

The sole and exclusive administration of and responsibility for the proper operation of the System and for making effective the provisions of this ordinance are hereby vested in a Board of Trustees. The Board is hereby designated as the plan administrator. The Board shall consist of five Trustees, two of whom, unless otherwise prohibited by law, shall be legal residents of the Town, who shall be appointed by the Longboat Key Town Commission, and two of whom shall be Members of the System, who shall be elected by a majority of the General Employees who are Members of the System. The fifth Trustee shall be chosen by a majority of the previous four Trustees as provided for herein, and such person's name shall be submitted to the Longboat Key Town Commission. Upon receipt of the fifth person's name, the Longboat Key Town Commission shall, as a ministerial duty, appoint such person to the Board as its fifth Trustee. The fifth Trustee shall have the same rights as each of the other four Trustees appointed or elected as herein provided and shall serve a three year term unless he sooner vacates the office. Each resident Trustee shall serve as Trustee for a period of three years, unless he sooner vacates the office or is sooner replaced by the Longboat Key Town Commission at whose pleasure he shall serve. Each Member Trustee shall serve as Trustee for a period of three years, unless he sooner leaves the employment of the Town as a General Employee or otherwise vacates his office as Trustee, whereupon a successor shall be chosen in the same manner as the departing Trustee. Each Trustee may succeed himself in office. Terms shall be staggered with one Member Trustee and one resident Trustee elected or appointed one year with terms to begin on October 1, one Member Trustee, one resident Trustee and the fifth Trustee elected or appointed the next year with terms to begin October 1 and November 1 (firth), and no elections or appointments in the third year. The initial terms of two Trustees shall be shortened to two years to accomplish the staggering. The Board shall establish and administer the nominating and election procedures for each election. The Board shall meet at least quarterly each year. The Board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.

(B) The Trustees shall, by a majority vote, elect a Chairman, Vice-Chairman and a Secretary. The Secretary of the Board shall keep a complete minute book of the actions, proceedings, or hearings of the Board. The Trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.

- (C) Each Trustee shall be entitled to one vote on the Board. Three affirmative votes shall be necessary for any decision by the Trustees at any meeting of the Board. A Trustee shall have the right to abstain from voting as the result of a conflict of interest provided that Trustee complies with the provisions of § 112.3143, Florida Statutes.
- (D) The Board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the System. The compensation of all of the System shall be paid from the Fund at such rates and in such amounts as the Board shall professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the Board.
- (E) The duties and responsibilities of the Board shall include, but not necessarily be limited to, the following:
- questions arising thereunder.

 (1) To construe the provisions of the System and determine all
 - (2) To determine all questions relating to eligibility and membership.
- or other benefits hereunder. (3) To determine and certify the amount of all retirement allowances
- (4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the System.
- concerning the System. To distribute to Members, at regular intervals, information
 - (6) To receive and process all applications for benefits.
- (7) To authorize all payments whatsoever from the Fund, and to notify through operation of the System and Fund.
- often as required by law, and make recommendations regarding any and all changes in the provisions of the System.
- administer the System. (9) To perform such other duties as are required to prudently

§ 34.76 FINANCES AND FUND MANAGEMENT.

- (A) Establishment and Operation of Fund.
- (1) As part of the System, there is hereby established the Fund, into which shall be deposited all of the contributions and assets whatsoever attributable to the System, including the assets attributable to the General Employees from the assets of the prior Town of Longboat Key Municipal Pension Trust Fund.

(2) The actual custody and supervision of the Fund (and assets thereof) shall be vested in the Board. Payment of benefits and disbursements from the Fund shall be made by the disbursing agent but only upon written authorization from the Board.

deposited by the Board with the Finance Director of the Town, acting in a ministerial capacity only, who shall be liable in the same manner and to the same extent as he is liable for the safe-keeping of funds for the Town. However, any funds so deposited with the Finance Director of the Town shall be kept in a separate fund by the Finance Director or clearly identified as such funds of the General Employees' Retirement System. In lieu thereof, the Board shall deposit the funds of the General Employees' Retirement System in a qualified public depository as defined in §280.02, Florida Statutes, which depository with regard to such funds shall conform to and be bound by all of the provisions of Chapter 280, Florida Statutes. In order to fulfill its investment responsibilities as set forth herein, the Board may retain the services of a custodian bank, an investment advisor registered under the Investment Advisors Act of 1940 or otherwise exempt from such required registration, an insurance company, or a combination of these, for the purposes of investment decisions and management. Such investment manager shall have discretion, subject to any guidelines as prescribed by the Board, in the investment of all Fund assets.

(4) All funds and securities of the System may be commingled in the Fund, provided that accurate records are maintained at all times reflecting the financial composition of the Fund, including accurate current accounts and entries as regards the following:

(a) Current amounts of Accumulated Contributions of Members on both an individual and aggregate account basis, and

- (b) Receipts and disbursements, and
- (c) Benefit payments, and

(d) Current amounts clearly reflecting all monies, funds and assets whatsoever attributable to contributions and deposits from the Town, and

- (e) All interest, dividends and gains (or losses) whatsoever, and
- (f) Such other entries as may be properly required so as to reflect a clear and complete financial report of the Fund.

(5) An audit shall be performed annually by a certified public accountant for the most recent fiscal year of the Plan showing a detailed listing of assets and a statement of all income and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year. Such report shall reflect a complete evaluation of assets on both a cost and market basis, as well as other items normally included in a certified audit.

(6) The Board shall have the following investment powers and authority:

(ORD. 99-<u>26</u>, CONT.)

(a) The Board shall be vested with full legal title to said Fund, subject, however, and in any event to the authority and power of the Longboat Key Town Commission to amend or terminate this Fund, provided that no amendment or Fund termination shall ever result in the use of any assets of this Fund except for the payment of regular expenses and benefits under this System, except as otherwise provided herein. All contributions from time to time paid into the Fund, and the income thereof, without distinction between principal and income, shall be held and administered by the Board or its agent in the Fund and the Board shall not be required to segregate or invest separately any portion of the Fund.

(b) All monies paid into or held in the Fund shall be invested and reinvested by the Board and the investment of all or any part of such funds shall be limited to:

(i) Annuity and life insurance contracts with life insurance companies in amounts sufficient to provide, in whole or in part, the benefits to which all of the Members in the Fund shall be entitled under the provisions of this System and pay the initial and subsequent premium thereon.

(ii) Time or savings accounts of a national bank, a state bank insured by the Bank Insurance Fund or a savings/building and loan association insured by the Savings Association Insurance Fund which is administered by the Federal Deposit Insurance Corporation or a state or federal chartered credit union whose share accounts are insured by the National Credit Union Share Insurance Fund.

(iii) Obligations of the United States or obligations guaranteed as to principal and interest by the government of the United States or by an agency of the government of the United States.

(iv) Bonds issued by the State of Israel.

(v) Stocks, commingled funds administered by national or state banks, mutual funds and bonds or other evidences of indebtedness, provided that:

a. Except as provided in subparagraph b. all individually held securities and all securities in a commingled or mutual fund must be issued or guaranteed by a corporation organized under the laws of the United States, any state or organized territory of the United States, or the District of Columbia, and in the case of bonds only, shall hold a rating in one of the three highest classifications by a major rating service.

b. Up to 10% of the assets of the Fund may be invested in American Depository Receipts.

c. The Board shall not invest more than 5% of its assets in the common stock, capital stock, or convertible securities of any one issuing company, nor shall the aggregate investment in any one issuing company exceed 5% of the outstanding capital stock of that company; nor shall the aggregate of its investments in common stock, capital stock and convertible securities at cost exceed 65% of the assets of the Fund.

(vi) Real estate, provided the Board shall not invest more than 10% at cost in real property or real estate.

(c) At least once every three years, and more often as determined by the Board, the Board shall retain a professionally qualified independent consultant to evaluate the performance of all current investment managers and make recommendations regarding the retention of all such investment managers. These recommendations shall be considered by the Board at its next regularly scheduled meeting.

(d) The Board may retain in cash and keep unproductive of income such amount of the Fund as it may deem advisable, having regard for the cash requirements of the System.

(e) Neither the Board nor any Trustee shall be liable for the making, retention or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the Fund, except that due to his or its own negligence, willful misconduct or lack of good faith.

(f) The Board may cause any investment in securities held by it to be registered in or transferred into its name as Trustee or into the name of such nominee as it may direct, or it may retain them unregistered and in form permitting transferability, but the books and records shall at all times show that all investments are part of the Fund.

any stocks, bonds, or securities of any corporation, association, or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalizations, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee with the Trustees or with depositories designated thereby; to amortize or fail to amortize any part or all of the premium or discount resulting from the acquisition or disposition of assets; and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other investments comprising the Fund which it may deem to be to the best interest of the Fund to exercise.

(h) The Board shall not be required to make any inventory or appraisal or report to any court, nor to secure any order of court for the exercise of any power contained herein.

(i) Where any action which the Board is required to take or any duty or function which it is required to perform either under the terms herein or under the general law applicable to it as Trustee under this ordinance, can reasonably be taken or performed only after receipt by it from a Member, the Town, or any other entity, of specific information, certification, direction or instructions, the Board shall be free of liability in failing to take such action or perform such duty or function until such information, certification, direction or instruction has been received by it.

Member, Retiree or Beneficiary caused by errors of computation shall be adjusted with interest at a rate per annum approved by the Board in such a manner that the Actuarial Equivalent of the benefit to which the Member, Retiree or Beneficiary was correctly entitled, shall be paid. Overpayments shall be charged against payments next succeeding the correction or collected in another manner if prudent. Underpayments shall be made up from the Fund in a prudent

(k) The Board shall sustain no liability whatsoever for the sufficiency of the Fund to meet the payments and benefits provided for herein.

(l) In any application to or proceeding or action in the courts, only the Board shall be a necessary party, and no Member or other person having an interest in the Fund shall be entitled to any notice or service of process. Any judgment entered in such a proceeding or action shall be conclusive upon all persons.

(m) Any of the foregoing powers and functions reposed in the Board may be performed or carried out by the Board through duly authorized agents, provided that the Board at all times maintains continuous supervision over the acts of any such agent; provided further, that legal title to said Fund shall always remain in the Board.

§ 34.77. CONTRIBUTIONS.

(A) Member Contributions.

(1) Amount. Each Member of the System shall be required to make regular contributions to the Fund in the amount of 4% of his Salary. Member contributions withheld by the Town on behalf of the Member shall be deposited with the Board immediately after each pay period. The contributions made by each Member to the Fund shall be designated as employer contributions pursuant to §414(h) of the Code. Such designation is contingent upon the contributions being excluded from the Members' gross income for Federal Income Tax purposes. For all other purposes of the System, such contributions shall be considered to be Member contributions.

(2) Method. Such contributions shall be made by payroll deduction.

(B) Town Contributions. So long as this System is in effect, the Town shall make quarterly contributions to the Fund in an amount equal to the difference in each year, between the total aggregate Member contributions for the year, and the total cost for the year, as shown by the most recent actuarial valuation of the System. The total cost for any year shall be defined as the total normal cost plus the additional amount sufficient to amortize the unfunded past service liability as provided in Part VII of Chapter 112, Florida Statutes.

(C) Other. Private donations, gifts and contributions may be deposited to the Fund, but such deposits must be accounted for separately and kept on a segregated bookkeeping basis. Funds arising from these sources may be used only for additional benefits for Members, as determined by the Board, and may not be used to reduce what would have otherwise been required Town contributions.

§ 34.78 BENEFIT AMOUNTS AND ELIGIBILITY.

(A) Normal Retirement Date. A Member's normal retirement date shall be the first day of the month coincident with, or next following the earlier of the attainment of age 55 and the completion of 30 years of Credited Service or the attainment of age 62, regardless of years of Credited Service. A Member may retire on his normal retirement date or on the first day of any month thereafter, and each Member shall become 100% vested in his accrued benefit on the Member's normal retirement date. Normal retirement under the System is Retirement from employment with the Town on or after the normal retirement date.

- (B) Normal Retirement Benefit. A Member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his Retirement and be continued thereafter during Member's lifetime, ceasing upon death, but 120 payments guaranteed in any event. The monthly retirement benefit shall equal 2.25% of Average Final Compensation, for each year of Credited Service.
- (C) Early Retirement Date. A Member may retire on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age 50 and the completion of 15 years of Credited Service. Early retirement under the System is Retirement from employment with the Town on or after the early retirement date and prior to the normal retirement date.
- (D) Early Retirement Benefit. A Member retiring hereunder on his early retirement date may receive either a deferred or an immediate monthly retirement benefit payable in the same form as for normal retirement as follows:
- what would have been his normal retirement date had he continued employment as a General Employee and shall be continued on the first day of each month thereafter. The amount of each such deferred monthly retirement benefit shall be determined in the same manner as for retirement on his normal retirement date, except that Credited Service and Average Final Compensation shall be determined as of his early retirement date; or
- on his early retirement date and shall be continued on the first day of each month thereafter. The benefit payable shall be as determined in subparagraph (1) above reduced by one-fifteenth for each of the first five years, one-thirtieth for each of the next five years and an actuarial reduction for all years in excess of 10 years by which the commencement of benefits precedes the date which would have been the Member's normal retirement date had he continued employment as a General Employee.

§ 34.79 PRE-RETIREMENT DEATH.

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- (A) Prior to Eligibility for Early or Normal Retirement. The Beneficiary of a deceased Member who was not eligible for early or normal retirement shall receive a refund of 100% of the Member's Accumulated Contributions.
- (B) Deceased Members Eligible for Early or Normal Retirement. The Beneficiary of any Member who dies and who, at the date of his death was eligible for early or normal retirement, shall be entitled to a benefit as follows:
- beginning on the first day of the month following the Member's death or at the deceased Member's otherwise early or normal retirement date, at the option of the Beneficiary. The benefit shall be calculated as for normal retirement based on the deceased Member's Credited Service and Average Final Compensation as of the date of his death and reduced as for early retirement, if applicable.
- (2) A Beneficiary of a Member whose death occurs after the Member's eligibility for normal retirement and which Member has not chosen an optional form

of benefit may choose a life annuity in lieu of the 10 year certain and life benefit. Otherwise, a Beneficiary may not choose an optional form of benefit.

(3) The Board may elect to make a lump sum payment pursuant to §34.81, subsection (G).

(4) A Beneficiary may, in lieu of the benefit provided for in (1) above, elect to receive a refund of the deceased Member's Accumulated Contributions.

§ 34.80 VESTING.

4

If a Member terminates his employment as a General Employee, either voluntarily or by discharge, and is not eligible for any other benefits under this System, the Member shall be entitled to the following:

(A) If the Member has less than five years Credited Service upon termination, the Member shall be entitled to a refund of his Accumulated Contributions or the Member may leave it deposited with the Fund.

(B) If the Member has five or more years of Credited Service upon termination, the Member shall be entitled to a monthly retirement benefit or, if elected, an optional form of benefit as provided for in § 34.81, subsection (A)(4), determined in the same manner as for normal or early retirement and based upon the Member's Credited Service, Average Final Compensation and the benefit accrual rate as of the date of termination, and in accordance with the following vesting schedule:

Years of Credited Service	Percentage of Vesting
Less than 5 years	0
5 years but less than 6 years	50
6 years but less than 7 years	60
7 years but less than 8 years	70
8 years but less than 9 years	8 0
9 years but less than 10 years	90
10 years or more	100

The benefits shall be payable to him commencing at the Member's otherwise normal or early retirement date, determined as if he had remained employed, provided he does not elect to withdraw his Accumulated Contributions and provided the Member survives to his otherwise normal or early retirement date. If the Member does not withdraw his Accumulated Contributions and does not survive to his otherwise normal or early retirement date, his designated Beneficiary shall be entitled to a benefit as provided herein for a deceased Member, vested or eligible for Retirement under Pre-Retirement Death.

(C) Any vested Member of the System whose position is terminated, for whatever reason, but who remains employed by the Town in some other capacity, shall have all retirement benefits accrued up to the date of such termination under this System preserved, provided he does not elect to withdraw his Accumulated Contributions from this System. Such accrued retirement benefits shall be payable at his otherwise early (reduced as for early retirement) or normal retirement date hereunder, or later, in accordance with the provisions of this System.

§ 34.81 OPTIONAL FORMS OF BENEFITS.

(A) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified herein, a Member, upon written request to the Board, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the following options:

(1) A retirement income of a monthly amount payable to the Retiree for his lifetime only.

(2) A retirement income of a modified monthly amount, payable to the Retiree during the lifetime of the Retiree and following the death of the Retiree, 100%, 75%, 66 2/3% or 50% of such monthly amount payable to a joint pensioner for his lifetime. Except where the Retiree's joint pensioner is his Spouse, the present value of payments to the Retiree shall not be less than 50% of the total present value of payments to the Retiree and his joint pensioner.

benefits are payable, he may elect to receive an increased retirement benefit until such time as social security benefits shall be assumed to commence and a reduced benefit thereafter in order to provide, to as great an extent as possible, a more level retirement allowance during the entire period of Retirement. The amounts payable shall be as recommended by the actuaries for the period of the period of the social security law in effect at the time of the Member's Retirement.

(4) A lump sum amount, however, the Board shall not approve a request for a lump sum distribution to any Member, joint pensioner or Beneficiary of a Member who was hired after April 1, 1992 in an amount in excess of \$5,000.

(B) The Member, upon electing any option of this section, will designate the joint pensioner (subsection (A)(2) above) or Beneficiary (or Beneficiaries) to receive the benefit, if any, payable under the System in the event of Member's death, and will have the power to change such designation from time to time. Such designation will name a joint pensioner or one or more primary Beneficiaries where applicable. If a Member has elected an option with a joint pensioner or Beneficiary and Member's retirement income benefits have commenced, the Member may thereafter change his designated Beneficiary at any time, but may only change his joint pensioner if the designated joint pensioner and the Member were married at the time of Member's Retirement and are divorced subsequent thereto and the joint pensioner is alive at the time of the change.

(C) The consent of a Member's or Retiree's joint pensioner or Beneficiary to any such change shall not be required. The rights of all previously-designated Beneficiaries to receive benefits under the System shall thereupon cease.

(D) Upon change of a Retiree's joint pensioner in accordance with this section, the amount of the retirement income payable to the Retiree shall be actuarially determined to take into account the age and sex of the former joint pensioner, the new joint pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree. Any such Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree shall pay the actuarial recalculation expenses. The Retiree shall pay the actuarial recalculation expenses, pensioner and the Retiree shall pay the actuarial recalculation expenses. The Retiree shall pay the actuarial recalculation expenses the Retiree shall pay the actuarial recalculation expenses.

- (E) Retirement income payments shall be made under the option elected in accordance with the provisions of this section and shall be subject to the following limitations:
- (1) If a Member dies prior to his normal retirement date or early retirement date, whichever first occurs, no retirement benefit will be payable under the option to any person, but the benefits, if any, will be determined under § 34.79.
- dies before the Member's Retirement under the System, the option elected will be canceled automatically and a retirement income of the normal form and amount will be payable to the Member upon his Retirement as if the election had not been made, unless a new election is made in accordance with the provisions of this section or a new Beneficiary is designated by the Member prior to his Retirement.
- (3) If both the Retiree and the Beneficiary (or Beneficiaries) designated by Member or Retiree die before the full payment has been effected under any option providing for payments for a period certain and life thereafter, made pursuant to the provisions of subsection (A), the Board may, in its discretion, direct that the commuted value of the remaining payments be paid in a lump sum and in accordance with § 34.82.
- (4) If a Member continues beyond his normal retirement date pursuant to the provisions of § 34.78, subsection (A), and dies prior to his actual retirement and while an option made pursuant to the provisions of this section is in effect, monthly retirement income payments will be made, or a retirement benefit will be paid, under the option to a Beneficiary (or Beneficiaries) designated by the Member in the amount or amounts computed as if the Member had retired under the option on the date on which his death occurred.
- (F) A Retiree may not change his retirement option after the date of cashing or depositing his first retirement check.
- (G) Notwithstanding anything herein to the contrary, the Board in its discretion, may elect to make a lump sum payment to a Member or a Member's Beneficiary in the event that the monthly benefit amount is less than \$100 or the total commuted value of the remaining monthly income payments to be paid do not exceed \$5,000. Any such payment made to any person pursuant to the power and discretion conferred upon the Board by the preceding sentence shall operate as a complete discharge of all obligations under the System with regard to such Member and shall not be subject to review by anyone, but shall be final, binding and conclusive on all persons.

§ 34.82 BENEFICIARIES.

- (A) Each Member or Retiree may, on a form provided for that purpose, signed and filed with the Board, designate a Beneficiary (or Beneficiaries) to receive the benefit, if any, which may be payable in the event of his death. Each designation may be revoked or changed by such Member or Retiree by signing and filing with the Board a new designation-of-beneficiary form. Upon such change, the rights of all previously designated Beneficiaries to receive any benefits under the System shall cease.
- (B) If a deceased Member or Retiree failed to name a Beneficiary in the manner prescribed in subsection (A), or if the Beneficiary (or Beneficiaries) named by a deceased Member or Retiree predeceases the Member or Retiree, the death benefit, if any,

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which may be payable under the System with respect to such deceased Member or Retiree, shall be paid to the estate of the Member or Retiree and the Board, in its discretion, may direct that the commuted value of the remaining monthly income benefits be paid in a lump sum.

(C) Any payment made to any person pursuant to this section shall operate as a complete discharge of all obligations under the System with regard to the deceased Member and any other persons with rights under the System and shall not be subject to review by anyone but shall be final, binding and conclusive on all persons ever interested hereunder.

§ 34.83 CLAIMS PROCEDURES.

- (A) The Board shall establish administrative claims procedures to be utilized in processing written requests ("claims"), on matters which affect the substantial rights of any person ("Claimant"), including Members, Retirees, Beneficiaries, or any person affected by a decision of the Board.
- of witnesses and the production of documents for discovery prior to and at any proceedings provided for in the Board's claims procedures. The Claimant may request in writing the issuance of subpoenas by the Board. A reasonable fee may be charged for the issuance of any subpoenas not to exceed the fees set forth in Florida Statutes.

§ 34.84 ROSTER OF RETIREES.

The Secretary of the Board shall keep a record of all persons enjoying a pension under the provisions of this ordinance in which it shall be noted the time when the pension is allowed and when the same shall cease to be paid. Additionally, the Secretary shall keep a record of all Members in such a manner as to show the name, address, date of employment and date of termination of employment.

§ 34.85 MAXIMUM PENSION.

(A) Basic Limitation. Subject to the adjustments hereinafter set forth, the maximum amount of annual retirement income payable with respect to a Member under this System shall not exceed \$90,000.

For purposes of applying the above limitation, benefits payable in any form other than a straight life annuity with no ancillary benefits shall be adjusted, as provided by Treasury Regulations, so that such benefits are the Actuarial Equivalent of a straight life annuity. For purposes of this section, the following benefits shall not be taken into account:

- retirement income benefits; (a) Any ancillary benefit which is not directly related to
- (b) Any other benefit not required under § 415(b)(2) of the Code and Regulations thereunder to be taken into account for purposes of the limitation of § 415(b)(1) of the Code.
- (B) Participation in Other Defined Benefit Plans. The limitation of this section with respect to any Member who at any time has been a member in any other defined benefit plan (as defined in § 414(j) of the Code) maintained by the Town shall apply as if the

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total benefits payable under all defined benefit plans in which the Member has been a member were payable from one plan.

(C) Adjustments in Limitations.

- (1) In the event the Member's retirement benefits become payable before age 62, the \$90,000 limitation prescribed by this section shall be reduced in accordance with Regulations issued by the Secretary of the Treasury pursuant to the provisions of § 415(b) of the Code, but not less than \$75,000, if the benefit begins at or after age 55. In the event the Member's retirement benefit becomes payable before age 55, the \$75,000 limitation shall be reduced from age 55 in accordance with Regulations issued by the Secretary of the Treasury pursuant to the provisions of § 415(b) of the Code. A Member with at least 15 years of Credited Service may not have the benefit reduced below \$50,000.
- (2) The reductions provided for in (1) above shall not be applicable to pre-retirement death benefits paid pursuant to § 34.79.
- after age 65, for purposes of determining whether this benefit meets the limitation set forth in subsection (A) herein, such benefit shall be adjusted so that it is actuarially equivalent to the benefit beginning at age 65. This adjustment shall be made using an assumed interest rate of 5% and shall be made in accordance with regulations promulgated by the Secretary of the Treasury or his delegate.
- (D) Less than 10 Years of Service. The maximum retirement benefits payable under this section to any Member who has completed less than 10 years of Credited Service with the Town shall be the amount determined under subsection (A) of this section multiplied by a fraction, the numerator of which is the number of the Member's years of Credited Service and the denominator of which is 10. The reduction provided for in this subsection shall not be applicable to pre-retirement death benefits paid pursuant to § 34.79.
- (E) \$10,000 Limit. Notwithstanding the foregoing, the retirement benefit payable with respect to a Member shall be deemed not to exceed the limitations set forth in this section if the benefits payable, with respect to such Member under this System and under all other qualified defined benefit pension plans to which the Town contributes, do not exceed \$10,000 for the applicable Plan Year and for any prior Plan Year and the Town has not at any time maintained a qualified defined contribution plan in which the Member participated.
- (F) Member in Defined Contribution Plan. In any case where a Member under this System is also a member in a "Defined Contribution Plan" as defined in § 414(i) of the Code, maintained by the Town, the sum of the "Defined Benefit Plan Fraction" and the "Defined Contribution Plan Fraction" (both as defined in § 415(e) of the Code) shall not, subject to the restrictions and exceptions contained in § 2004 of the Act, exceed 1.0. This limitation is repealed effective January 1, 2000.
- (G) Reduction of Benefits. Reduction of benefits and/or contributions to all plans, where required, shall be accomplished by first reducing the Member's benefit under any defined benefit plans in which Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be determined by the Board and the plan administrator of such other plans, and next, by reducing or allocating excess forfeitures for defined contribution plans in which the

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Member participated, such reduction to be made first with respect to the plan in which Member most recently accrued benefits and thereafter in such priority as shall be established by the Board and the plan administrator for such other plans provided, however, that necessary reductions may be made in a different manner and priority pursuant to the agreement of the Board and the plan administrator of all other plans covering such Member.

- (H) Cost-of-Living Adjustments. The limitations as stated in subsections (A), (B), (C), and (F) herein shall be adjusted to the time payment of a benefit begins in accordance with any cost-of-living adjustments prescribed by the Secretary of the Treasury pursuant to § 415(d) of the Code.
- (I) Additional Limitation on Pension Benefits. Notwithstanding anything herein to the contrary:
- (1) The normal retirement benefit or pension payable to a Retiree who becomes a Member of the System and who has not previously participated in such System, on or after January 1, 1980, shall not exceed 100% of his Average Final Compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.
- (2) No Member of the System shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the Member is already receiving, or will receive in the future, a retirement benefit or pension from another retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 67, Title 10, U.S. Code.

§ 34.86 DISTRIBUTION OF BENEFITS.

Notwithstanding any other provision of this System to the contrary, a form of retirement income payable from this System after the Effective Date of this ordinance, shall satisfy the following conditions:

- (A) If the retirement income is payable before the Member's death,
- (1) It shall either be distributed or commence to the Member not later than April 1 of the calendar year following the later of the calendar year in which the Member attains age 70-1/2, or the calendar year in which Member retires,
- (2) The distribution shall commence not later than the calendar year defined above; and a), shall be paid over the life of the Member or over the lifetimes of the Member and Spouse, issue or dependent, or b), shall be paid over the period extending not beyond the life expectancy of the Member and Spouse, issue or dependent.

Where a form of retirement income payment has commenced in accordance with the preceding paragraphs and the Member dies before his entire interest in the System has been distributed, the remaining portion of such interest in the System shall be distributed no less rapidly than under the form of distribution in effect at the time of the Member's death.

(B) If the Member's death occurs before the distribution of his interest in the System has commenced, the Member's entire interest in the System shall be distributed within

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five years of the Member's death, unless it is to be distributed in accordance with the following rules:

(1) The Member's remaining interest in the System is payable to his Spouse, issue or dependent;

(2) The remaining interest is to be distributed over the life of the Spouse, issue or dependent or over a period not extending beyond the life expectancy of the Spouse, issue or dependent; and

unless the Member's Spouse shall receive the remaining interest in which case the distribution need not begin before the date on which the Member would have attained age 70-1/2 and if the Spouse dies before the distribution to the Spouse begins, this section shall be applied as if the Spouse were the Member.

§ 34.87 MISCELLANEOUS PROVISIONS.

(A) Interest of Members in System. At no time prior to the satisfaction of all liabilities under the System with respect to Retirees and Members and their Spouses or Beneficiaries, shall any part of the corpus or income of the Fund be used for or diverted to any purpose other than for their exclusive benefit.

(B) No Reduction of Accrued Benefits. No amendment or ordinance shall be adopted by the Town Commission of the Town of Longboat Key which shall have the effect of reducing the then vested accrued benefits of Members or a Member's Beneficiaries.

(C) Qualification of System. It is intended that the System will constitute a qualified public pension plan under the applicable provisions of the Code, as now in effect or hereafter amended. Any modification or amendment of the System may be made retroactively, if necessary or appropriate, to qualify or maintain the System as a Plan meeting the requirements of the applicable provisions of the Code as now in effect or hereafter amended, or any other applicable provisions of the U.S. federal tax laws, as now in effect or hereafter amended or adopted, and the regulations issued thereunder.

(D) Use of Forfeitures. Forfeitures arising from terminations of service of Members shall serve only to reduce future Town contributions.

§ 34.88 REPEAL OR TERMINATION OF SYSTEM.

(A) This ordinance establishing the System and Fund, and subsequent ordinances pertaining to said System and Fund, may be modified, terminated, or amended, in whole or in part; provided that if this or any subsequent ordinance shall be amended or repealed in its application to any person benefiting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the Member or Beneficiary shall not be affected thereby, except to the extent that the assets of the Fund may be determined to be inadequate.

(B) If this ordinance shall be repealed, or if contributions to the System are discontinued or if there is a transfer, merger or consolidation of government units, services or

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functions as provided in Chapter 121, Florida Statutes, the Board shall continue to administer the System in accordance with the provisions of this ordinance, for the sole benefit of the then Members, any Beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this ordinance who are designated by any of said Members. In the event of repeal, discontinuance of contributions, or transfer merger or consolidation of government units, services or functions, there shall be full vesting (100%) of benefits accrued to date of repeal and the assets of the System shall be allocated in an equitable manner to provide benefits on a proportionate basis to the persons so entitled in accordance with the provisions thereof.

- (C) The following shall be the order of priority for purposes of allocating the assets of the System as of the date of repeal of this ordinance, or if contributions to the System are discontinued with the date of such discontinuation being determined by the Board.
- (1) Apportionment shall first be made in respect of each Retiree receiving a retirement hereunder on such date, each person receiving a benefit on such date on account of a retired (but since deceased) Member, and each Member who has, by such date, become eligible for normal retirement but has not yet retired, an amount which is the Actuarial Equivalent of such benefit, provided that, if such asset value be less than the aggregate of such amounts, such amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such asset value.
- (2) If there be any asset value remaining after the apportionment under subparagraph (1), apportionment shall next be made in respect of each Member in the service of the Town on such date who is vested and who is not entitled to an apportionment under subparagraph (1), in the amount required to provide the Actuarial Equivalent of the vested portion of the accrued normal retirement benefit (but not less than Accumulated Contributions), based on the Credited Service and Average Final Compensation as of such date, and each vested former Member then entitled to a deferred benefit who has not, by such date, begun receiving benefit payments, in the amount required to provide said Actuarial Equivalent of the vested portion of the accrued normal retirement benefit (but not less than Accumulated Contributions), provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder, such latter amounts shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.
- (3) If there be any asset value after the apportionments under subparagraphs (1) and (2), apportionment shall be made in respect of each Member in the service of the Town on such date who is not entitled to an apportionment under subparagraphs (1) and (2) in the amount equal to Member's Accumulated Contributions, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder such latter amount shall be proportionately reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.
- (4) If there be any asset value remaining after the apportionments under subparagraphs (1), (2), and (3), apportionment shall lastly be made in respect of each Member included in subparagraph (3) above to the extent of the Actuarial Equivalent of the non-vested accrued normal retirement benefit, less the amount apportioned in subparagraph (3), based on the Credited Service and Average Final Compensation as of such date, provided that, if such remaining asset value be less than the aggregate of the amounts apportioned hereunder.

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such amounts shall be reduced so that the aggregate of such reduced amounts will be equal to such remaining asset value.

(5) In the event that there be asset value remaining after the full apportionment specified in subparagraphs (1), (2), (3), and (4), such excess shall be returned to the Town.

The allocation of the Fund provided for in this subsection may, as decided by the Board, be carried out through the purchase of insurance company contracts to provide the benefits determined in accordance with this subsection. The Fund may be distributed in one sum to the persons entitled to said benefits or the distribution may be carried out in such other equitable manner as the Board may direct. The Fund may be continued in existence for purposes of subsequent distributions.

If, at any time during the first 10 years after the effective date of the ordinance originally establishing this System, the System shall be terminated or the full current costs of the System shall not have been met, anything in the System to the contrary notwithstanding, Town contributions which may be used for the benefit of any one of the 25 highest paid Members on the effective date, whose anticipated annual retirement allowance provided by the Town's contributions at Member's normal retirement date would exceed \$1,500, shall not exceed the greater of either a) \$20,000, or b), an amount computed by multiplying the smaller of \$10,000 or 20% of such Member's average annual earnings during his last five years of service by the number of years of service since the effective date. In the event that it shall hereafter be determined by statute, court decision, ruling by the Commissioner of Internal Revenue, or otherwise, that the provisions of this paragraph are not then necessary to qualify the System under the Code, this paragraph shall be ineffective without the necessity of further amendment of this ordinance.

(D) After all the vested and accrued benefits provided hereunder have been paid and after all other liabilities have been satisfied, then and only then shall any remaining funds revert to the general fund of the Town.

§ 34.89 EXEMPTION FROM EXECUTION, NON-ASSIGNABILITY.

Except as otherwise provided by law, the pensions, annuities, or any other benefits accrued or accruing to any person under the provisions of this ordinance and the Accumulated Contributions and the cash securities in the Fund created under this ordinance are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment or any legal process whatsoever and shall be unassignable.

§ 34.90 PENSION VALIDITY.

The Board shall have the power to examine into the facts upon which any pension shall heretofore have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently or illegally for any reason. The Board is empowered to purge the pension rolls or correct the pension amount of any person heretofore granted a pension under prior or existing law or any person hereafter granted a pension under this ordinance if the same is found to be erroneous, fraudulent or illegal for any reason; and to reclassify any person who has heretofore under any prior or existing law been or who shall hereafter under this ordinance be erroneously, improperly or illegally classified. Any

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overpayments or underpayments shall be corrected and paid or repaid in a reasonable manner determined by the Board.

§ 34.91 FORFEITURE OF PENSION.

or employee from employer;

Any Member who is convicted of the following offenses committed prior to Retirement, or whose employment is terminated by reason of his admitted commission, aid or abetment of the following specified offenses, shall forfeit all rights and benefits under this System, except for the return of his Accumulated Contributions as of the date of termination. Specified offenses are as follows:

The committing, aiding or abetting of an embezzlement of public

funds; The committing, aiding or abetting of any theft by a public officer

Bribery in connection with the employment of a public officer or employee;

Any felony specified in Chapter 838, Florida Statutes. (4)

(5) The committing of an impeachable offense.

(6) The committing of any felony by a public officer or employee who willfully and with intent to defraud the public or the public agency, for which he acts or in which he is employed, of the right to receive the faithful performance of his duty as a public officer or employee, realizes or obtains or attempts to obtain a profit, gain, or advantage for himself or for some other person through the use or attempted use of the power, rights, privileges, duties or position of his public office or employment position.

(B) Conviction shall be defined as an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or a nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the Senate of an impeachable offense.

Court shall be defined as any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense. Prior to forfeiture, the Board shall hold a hearing on which notice shall be given to the Member whose benefits are being considered for forfeiture. Said Member shall be afforded the right to have an attorney present. No formal rules of evidence shall apply, but the Member shall be afforded a full opportunity to present his case against forfeiture.

Any Member who has received benefits from the System in excess of his Accumulated Contributions after Member's rights were forfeited shall be required to pay back to the Fund the amount of the benefits received in excess of his Accumulated Contributions. The Board may implement all legal action necessary to recover such funds.

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§ 34.92 INDEMNIFICATION.

- (A) To the extent not covered by insurance contracts in force from time to time, the Town shall indemnify, defend and hold harmless members of the Board from all personal liability for damages and costs, including court costs and attorneys' fees, arising out of claims, suits, litigation, or threat of same, herein referred to as "claims", against these individuals because of acts or circumstances connected with or arising out of their official duty as members of the Board. The Town reserves the right, in its sole discretion, to settle or not settle the claim at any time, and to appeal or to not appeal from any adverse judgment or ruling, and in either event will indemnify, defend and hold harmless any members of the Board from the judgment, execution, or levy thereon.
- (B) This section shall not be construed so as to relieve any insurance company or other entity liable to defend the claim or liable for payment of the judgment or claim, from any liability, nor does this section waive any provision of law affording the Town immunity from any suit in whole or part, or waive any other substantive or procedural rights the Town may have.
- (C) This section shall not apply nor shall the Town be responsible in any manner to defend or pay for claims arising out of acts or omissions of members of the Board which constitute felonies or gross malfeasance or gross misfeasance in office.

§ 34.93 DIRECT TRANSFERS OF ELIGIBLE ROLLOVER DISTRIBUTIONS.

- (A) General. This section applies to distributions made on or after January 1, 1993. Notwithstanding any provision of the System to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the Board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
 - (B) Definitions.
- (1) "ELIGIBLE ROLLOVER DISTRIBUTION." An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated Beneficiary, or for a specified period of 10 years or more; any distribution to the extent such distribution is required under § 401(a)(9) of the Code; and the portion of any distribution that is not includible in gross income.
- (2) "ELIGIBLE RETTREMENT PLAN." An eligible retirement plan is an individual retirement account described in § 408(a) of the Code, an individual retirement annuity described in § 408(b) of the Code, an annuity plan described in § 403(a) of the Code, or a qualified trust described in § 401(a) of the Code, that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving Spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity.

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employee. In addition, the employee's or former employee's surviving Spouse is a distributee with regard to the interest of the Spouse.

plan to the eligible retirement plan specified by the distributee.

§ 34.94 FAMILY AND MEDICAL LEAVE ACT.

The fractional parts of the 12 month period ending each March 1 that a Member is on leave without pay from the Town pursuant to the Family and Medical Leave Act (FMLA) shall be added to his Credited Service provided that:

- (A) The Member contributes to the Fund the sum that he would have contributed, based on his Salary and the Member contribution rate in effect at the time that the Credited Service is requested, had he been a Member of the System for the fractional parts of the 12 months ending each March 1 for which he is requesting credit plus amounts actuarially payment of costs for all professional services rendered to the Board in connection with the purchase of periods of Credited Service.
- (B) The request for Credited Service for FMLA leave time for the 12 month period prior to each March 1 and payment of professional fees shall be made on or before
- (C) Payment by the Member of the required amount shall be made on or before April 30 for the preceding 12 month period ending March 1 and shall be made in one lump sum payment upon receipt of which Credited Service shall be issued.
- vesting. (D) Credited Service purchased pursuant to this section shall not count toward

§ 34.95 SEPARATION FROM EMPLOYMENT FOR MILITARY SERVICE.

- (A) The years or fractional parts of a year that a Member serves in the military service of the Armed Forces of the United States, the United States Merchant Marine or the United States Coast Guard, voluntarily or involuntarily, after separation from employment as a General Employee with the Town to perform training or service, and for all purposes, including vesting, provided that:
- (1) The Member must return to his employment as a General from service.
- would have contributed if he had remained a General Employee during his absence. The Member must deposit all missed contributions within a period equal to three times the period of military service, but not more than five years from the date of reemployment or he will forfeit the right to receive Credited Service for his military service pursuant to this section.

(ORD. 99-26__, CONT.)

- shall be five years. (3) The maximum credit for military service pursuant to this section
- under honorable conditions. (4) The Member must have been discharged or released from service
- (5) This section is intended to satisfy the minimum requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), (P.L. 103-353). To the extent that this section does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

bm\lbk\gcn\05-05-99.ord

ORDINANCE 99-27

AN ORDINANCE AMENDING CHAPTER 37, FINANCE AND TAXATION, OF THE CODE OF ORDINANCES OF THE TOWN OF LONGBOAT KEY, BY REPEALING SECTIONS 37.20, 37.21, 37.22, 37.23, 37.24, 37.25, AND 37.26; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key levies an "Interim Proprietary and General Service Fee" pursuant to Sections 37.20 through 37.26 of the Code of Ordinances of the Town of Longboat Key; and

WHEREAS, on May 6, 1999, the Florida Supreme Court, by virtue of its decision in <u>Collier County v. State of Florida</u>, has raised questions concerning the collection of the fee; and

WHEREAS, until the Florida Legislature has an opportunity to address the issue at its next or subsequent legislative session, the Town of Longboat Key wishes to repeal the Interim Proprietary and General Service Fee.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF LONGBOAT KEY, FLORIDA, THAT:

Section 1. CHAPTER 37, FINANCE AND TAXATION, INTERIM PROPRIETARY AND GENERAL SERVICE FEES, §§ 37.20, 37.21, 37.22, 37.23, 37.24, 37.25, and 37.26 are hereby repealed.

<u>Section 2.</u> If any section, subsection, sentence, clause or provision of this Ordinance is held invalid, the remainder of the Ordinance shall not be affected.

Section 3. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Passed on the first reading this ____ day of _____

j

(ORD, 99-27, CONT)

Adopted on the second reading and Public Hearing this ____ day of _____, 1999.

MAYOR

ATTEST:

TOWN CLERK

C:\Aline\LBK\Ordinance.Chap37

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MEMORANDUM

DATE: June 30, 1999

TO:

Town Commission

FROM:

Bruce St. Denis, Town Manager /

SUBJECT: Establishing Maximum Millage Rate

Each year the town Commission is required to establish the maximum millage rate for the upcoming fiscal year. We have received our Certification of Taxable Value from both Counties. The Finance Director has calculated our maximum millage rates as follows:

DISTRICT A

Operations	2.3220
G.O. Water and Sewer Bonds	0.1200
G.O. Facilities Improvement Bonds	0.1273
G.O. Beach Nourishment Bonds	1.1071
Total millage District A	3.6764

DISTRICT B

Operations	2.3220
G.O. Water and Sewer Bonds	0.1200
G.O. Facilities Improvement Bonds	0.1273
G.O. Beach Nourishment Bonds	0.2767
Total millage District B	2.8460
-	

At this meeting the Town Commission will also be asked to finalize their decision on the canal maintenance dredging project. In the past an additional ad valorem tax over two years has been a consideration. In the event the Commission wishes to revisit this option, the attached report from Finance Director Terry Sullivan includes maximum millage rate calculations that provide 0.1839 mills for the first year's collection.

Please contact me if you have any questions.

BSD/dhs Attachment

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MEMORANDUM

DATE 7/1/99

TO: BRUCE F. ST.DENIS, TOWN MANAGER

FROM: T.O. SULLIVAN, FINANCE DIRECTOR

SUBJECT: AD VALOREM TAX REVENUES

The DR420 "Certification of Taxable Value" have been received which show a total of \$2,645,315,006 compared to their June 1st. estimates of \$2,642,790,188. The operating millage is expressed at 2.5059 mills (which would cover the canal dredging) and at 2.3220 mills.

Millage Rate	Estimated June 10	Certified DR420	Certified
DISTRICT A	44110	DINAZU	<u>DR420</u>
Operations G.O. Water and Sewer Bonds G.O. Facilities Improvement Bonds G.O. Beach Nourishment Bonds Total millage District A	2.3220 0.1207 0.1274 <u>1.1099</u> 3.6800	2.5059 0.1200 0.1273 1.1071 3.8603	2.3220 0.1200 0.1273 <u>1.1071</u> 3.6764
DISTRICT B			
Operations G.O. Water and Sewer Bonds	2.3220 0.1207	2.5059 0.1200	2.3220 0.1200
G.O. Facilities Improvement Bonds	0.1274	0.1273	0.1273
G.O. Beach Nourishment Bonds Total millage District B	<u>0.2775</u> 2.8476	<u>0.2767</u> 3.2099	0.2767 2.8460
Percentage increase of rolled back ra	ite N/A	14.17%	5.79%

The Ad Valorem Tax Summary which appeared in the Manager's Preliminary Budget Message has been updated and attached for your review.

AD VALOREM TAX SUMMARY FISCAL YEAR 1999-2000

	CERTIFIED) CERTIFIED) OFDTIES
COLINTA	FINAL	FINAL	
COUNTY	<u> 1997-98</u>	1998-99	DR 420
Sarasota County	1,678,980,891	1,788,775,43	1999-2000
Manatee County	608,531,349	1 1. 1 4 1 4 1	
Ad Valorem Value	\$2,287,512,240	<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	
		\$2,438,010,614	\$2,645,315,006
GENERAL FUND TA	AXES		
General tax millage	2.3220		
Taxes collectible		2.0220	
	\$5,124,135	\$5,451,601	\$5,915,152
DEBT SERVICE			70,010,102
G.O. Millage			
G.O. Water Bond	.1413	.1291	0.470
G.O. Sewer Bonds	\$130,891	\$122,510	.2473
GO Facility Band	\$181,025	\$180,568	\$127,266
G.O. Facility Bonds	0	0	\$178,423
DISTRICT A.		v	\$324,266
Sarasota County	1,001,982,990	1,068,173,974	4.450
Manatee County	337,774,726	365 645 047	1,159,985,956
	\$1,339,757,716	<u>365,645,017</u>	<u> 387,773,373</u>
		\$1,428,496,513	\$1,547,759,329
DEBT SERVICE TAXE	:S		
Beach Bond Millage	1.2785	•	
Taxes Collectible	\$1,652,959	1.2034	1.1071
	Ψ1,002,909	\$1,654,333	\$1,650,176
DISTRICT B.			, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Sarasota County	870 DDT 444		
Manates County	676,997,901	726,939,109	805,974,278
Ad Valorem Value	270.756.623	<u>283,590,159</u>	<u>291.581,399</u>
A COLOUR VAIGE	\$947,754,524	\$1,010,529,268	\$1,007,599
DERT SERVICE TAVE	_	, ,===,==0	\$1,097,555,677
DEBT SERVICE TAXES	2		
Reach Road Mills			
Beach Bond Millage Taxes Collectible	.3158	.2993	A=
. aves Collectible	\$ 288,537	\$291,229	.2767
	•	4-01,223	\$292,457

RECAP OF TOTAL MILLAGES

	1997-98	1998-99	1999-2000
DISTRICT A:			1000-2000
Operating Millage	2.3220	2.3220	2.3220
G.O. Water & Sewer bonds G.O. Facility bonds G.O. Beach bonds Total Millage	.1413 0 <u>1.2785</u> 3.7418	.1291 0 <u>1.2034</u> 3.6545	.1200 .1273 <u>1.1071</u> 3.6764
Operating Millage	2.3220	2.3220	2.3220
G.O. Water & Sewer bonds G.O. Facility bonds G.O. Beach bonds Total Millage	.1413 0 <u>.3158</u> 2.7791	.1291 0 <u>.2993</u> 2.7504	.1200 .1273 <u>.2767</u> 2.8460

AD VALOREM TAX SUMMARY FISCAL YEAR 1999-2000

	CERTIFIED	CERTIFIED	CEDTICIES
551	FINAL	FINAL	CERTIFIED
COUNTY	1997-98	1998-99	DR 420
Sarasota County	1,678,980,891		1999-2000
Manatee County	608,531,349	,,,,,,,	1,965,960,234
Ad Valorem Value	\$2,287,512,240		<u>679,354,772</u>
	42,201,012,24U	\$2,438,010,614	\$2,645,315,006
GENERAL FUND TA	AYES		•
General tax millage			
Taxes collectible	2.3220	2.3220	2.5059
. axea collectible	\$5,124,135	\$5,451,601	\$6,383,626
DERT SERVICE			40,000,020
DEBT SERVICE			
G.O. Millage	.1413	.1291	0470
G.O. Water Bond	\$130,691	\$122,510	.2473
G.O. Sewer Bonds	\$181 025		\$127,266
G.O. Facility Bonds	0	\$180,568	\$178,423
	J	0	324,266
DISTRICT A.			
Sarasota County	1,001,982,990	4 000 455 55	
Manatee County	337 774 720	1,068,173,974	1,159,985,956
	<u>337,774,726</u>	<u>365,645,017</u>	<u>387,773,373</u>
	\$1,339,757,716	\$1,428,496,513	\$1,547,759,329
DEBT SERVICE TAX	EC		, ,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Beach Bond Millage			
Taxes Collectible	1.2785	1.2034	1.1071
Taxes Collectible	\$1,652,959	\$1,654,333	\$1,650,176
DISTRICT D		, ,,,,,,	Ψ1,000,176
DISTRICT B.			
Sarasota County	676,997,901	726,939,109	905 074 000
Manatee County	270,756,623	<u>283,590,159</u>	805,974,278
Ad Valorem Value	\$947,754,524	\$1,010,529,268	<u>291,581,399</u>
-		Ψ1,010,028,208	\$1,097,555,677
DEBT SERVICE TAXE	S		
——————————————————————————————————————			
Beach Bond Millage	.3158		
Taxes Collectible		.2993	.2767
	\$288,537	\$291,229	\$292,457
			,

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RECAP OF TOTAL MILLAGES

	1997-98	1998-99	1999-2000
DISTRICT A:			
Operating Millage G.O. Water & Sewer bonds G.O. Facility bonds G.O. Beach bonds Total District A Millage DISTRICT B:	2.3220	2.3220	2.5059
	.1413	.1291	.1200
	0	0	.1273
	<u>1.2785</u>	<u>1.2034</u>	<u>1.1071</u>
	3.7418	3.6545	3.8603
Operating Millage G.O. Water & Sewer bonds G.O. Facility bonds G.O. Beach bonds Total District B Millage	2.3220	2.3220	2.5059
	.1413	.1291	.1200
	0	0	.1273
	<u>.3158</u>	<u>.2993</u>	<u>.2767</u>
	2.7791	2.7504	3.2099

MEMORANDUM

DATE: June 9, 1999

TO:

Town Commission

FROM:

Bruce St. Denis, Town Manager

SUBJECT: Update on FDOT Sidewalk Enhancement Program Application

At an earlier meeting the Town Commission approved a grant application for sidewalk enhancement improvements from FDOT. The grant application was for \$300,000 and included sidewalks, drainage improvements, and landscaping along the west side of Gulf of Mexico Drive. Applications were filed with both Sarasota and Manatee Counties.

The grant is for FY 2003 and matching funds are programmed into our 5-year Capital Program for that purpose.

We were notified today that our grant application was ranked No. 1 in both counties. We can only accept one.

It is staff's recommendation that we accept the grant from Sarasota County.

While we have no control over the issue, this opens the possibility that the funds might go to the sidewalk project for Bradenton Beach, Holmes Beach and Anna Maria that we were asked by the Coalition of Barrier Island Elected Officials to endorse.

Please contact me if you have any questions.

BSD/dhs

REGULAR WORKSHOP - June 24, 1999 AGENDA ITEM # 9

Agenda Item:

Special Masters

Presenter:

Town Manager and Town Attorney

Summary:

The Town Charter was amended as a result of the March referendum. One of the elements included in the approved amendments was to have certain issues regarding the Town's Code of Ethics be resolved by Special Masters.

The Town Attorney and Town Manager were requested to short list proposals brought forth by attorneys interested in serving in this capacity for the Town. These proposals are forwarded for

your consideration at this time:

Philip B. Perrey Patricia A. Petruff Alan Hardy Prather H. Hamilton Rice, Jr. Mark D. Singer Stephen W. Thompson

Attachments:

6-16-99 Memo, Manager to Commission; 6-15-99 Memo, Town Attorney to Town Manager;

Requests for Qualifications for each applicant.

Recommended

Action:

Pending discussion, forward Special Masters applicants to 7-6-

99 Regular Meeting for approval.

/dhs 6-16-99

MEMORANDUM

DATE: June 16, 1999

TO:

Town Commission

FROM:

Bruce St. Denis, Town Manager

SUBJECT: Special Masters

At a referendum in March of this year, voters approved a new Town Charter. One of the elements included in that document was to have certain issues regarding the Town's Code of Ethics be resolved by Special Masters.

The Town has sought proposals from attorneys interested in becoming Special Masters for the Town. These have been reviewed by the Town Attorney. His recommendations are attached.

BSD/dhs Attachments

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Hankin, Persson, Davis & Darnell

Attorneys and Counselors At Law A Partnership of Professional Associations 2033 Main Street, Suite 400 Sarasota, Florida 34237 Telephone (941) 365-4950 Facsimile (941) 365-3259

June 15, 1999

"Hoard Certified Wills, Trusts & Estates

Lawrence M. Hankin

David P. Persson

Robert W. Darnell* Andrew H. Cohen

David D. Davis

Mr. Bruce St. Denis Town Manager Town of Longboat Key 501 Bay Isles Road Longboat Key, FL 34228

Re: Special Masters

Dear Bruce:

Pursuant to your request, I have reviewed the applications for Special Masters concerning ethical issues for the Town of Longboat Key. There are many strong applications and individuals for the positions.

Pursuant to your direction, I have narrowed my recommendations to the following six applicants:

Philip B. Perrey
Patricia A. Petruff
Alan Hardy Prather
H. Hamilton Rice, Jr.
Mark D. Singer
Stephen W. Thompson

Their applications and resumes are attached. It will be very simple to expand the list if you so desire as there are other qualified individuals available as well.

Sincerely,

Please let me know your wishes.

David P. Persson

DPP:awg Enclosures

cc: Philip P. Perrey, Esq. Patricia A. Petruff, Esq. Alan Hardy Prather, Esq. H. Hamilton Rice, Jr., Esq. Mark D. Singer, Esq. Stephen W. Thompson, Esq.

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HAMRICK, PERREY, QUINLAN & SMITH, P.A.
Suite 920
1401 Manatee Avenue West
P.O. Box 551 Bradenton, Florida 34206 Phone: (941) 747-1871 Fax: (941) 745-2866

TELEFAX COVER LETTER
DATE: April 27. 1999 TIME: 2:45 PM To: Town of Longboat 12ey
ATTENTION: Sue Ann Vance, Purchasing Agent
FAX NO.: 516-1656
CONFIRMATION PHONE NO.: 316-1943
FROM: Philip E. Perrey, Esquire
TOTAL NUMBER OF PAGES (Including Cover Sheet):
COMMENTS: Here is my reply to the
Reguest for Qualifications of
Special Masters duted April 14, 1999.
RECIPIENT: To transmit, call (941) 745-2866
For confirmation or reporting problems, call (941) 747-1871.
The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for postage.
Original Documents Will Will Not Follow by Mail

Request For Qualifications **Special Masters Position**

The Town shall pay a maximum hourly rate of \$150.00 per hour.

if your rate is lower than that specified, please fill in the blank below.

By signing this form I acknowledge that I understand the contents of this request and that I meet all minimum qualifications.

I am a member of the Florida Bar and I do not live or conduct substantial business within the Town of Longboat Key.

Name

Signature Philip E. Perrey

Typed

Address

P. 0. Box 551

Bradenton, FL

Zip 34206

Phone

747-1871

Qualifications

Please attach a resume listing all licenses, certifications and memberships pertaining to required qualifications. Describe your experience (if any) in the areas listed below and any references you care to include.

> Experience as a Special Master Experience as a Judge . Experience as an Arbitrator

PHILIP E. PERREY

1401 Manatee Avenue West, Suite 920 . Bradenton, FL 34205 . 941-747-1871

EXPERIENCE

Iune 1996 - Present Hamrick, Perrey, Quinlan & Smith, P.A. Bradenton, FL February 1996 - June 1996 Philip E. Perrey, P.A. Bradenton, FL October 1976 - January 1996 Dye & Scott, P.A. Bradenton, FL July 1976 - October 1976 Solo General Civil Practice Holmes Beach, FL June 1975 - June 1976 Farish & Farish West Palm Beach, FL

EDUCATION

University of Florida College of Law-Juris Doctor, with honors, 1975 University of Florida - B.A. in Psychology, with honors, 1973; Phi Beta Kappa

AREAS OF PRACTICE

Alternative Dispute Resolution, Bankruptcy Law, Business Law, Commercial Trial Practice, Financial Institutions Law, Real Property Law, Municipal and Governmental Law and General Practice

PROFESSIONAL AND COMMUNITY MEMBERSHIPS

Admitted to The Florida Bar in October, 1975
Member and former Director of the Manatee County Bar Association
Member and Vice-Chairman, Twelfth Judicial Circuit "B" Grievance Com.
Agent for Attorneys' Title Insurance Fund
Board Certified Real Estate Lawyer
Certified by The Florida Supreme Court as a Circuit Court Mediator
Certified by the United States District Court for the Middle District of Florida as a
Federal District Court Mediator
Graduate of Leadership Manatee
Member, Kiwanis Club of Bradenton
Former President and Chairman of Board of Directors and board member with
12+ years of service, Meal on Wheels PLUS of Manatee County, Inc.

REPRESENTATIVE WORK

City Attorney for City of Anna Maria, Florida - 12+ years

General Counsel for West Coast Inland Navigation District - 20+ years

Special Counsel for Town of Longboat Key Ethics Commission - 5+ years

HAMRICK, PERREY, QUINLAN & SMITH, P.A. * 1401 MANATEE AVE. W. * SUITE 920 *
BRADENTON, FL 34205 (941)747-1871

FAX:9417481573

POCE FAX Date 5-14-99 Number of pages including cover sheet 70: Sue Ann Varae Purchasing Agent FROM: Patricla A. Patruff, Esquire Dye, Deitrich, Prather, Petruff & St.Paul, P.L. Post Office Drawer 9480 CC: Bradenton, FL 34206 Phone Fax Phone Phone 941/748-4411 RE: Fax Phone 941/748-1573 REMARKS: For your review ☐ Urgant Reply ASAP ☐ Please Comment The information contained in this transmission is attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If you have received this communication in error, places notify us immediately by telephone collect and return the original message to us at the above address via the U.S. Postal Service. We will reimburse you for Original Documents Will Will Not 1 Follow by Mail

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05/14 '99 15:44

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Request For Qualifications Special Masters Position

The Town shall pay a maximum hourly rate of \$150.00 per hour.

If your rate is lower than that specified, please fill in the blank below.

Cav'r KATE Rate Is \$ 125.00 per hour

By signing this form I acknowledge that I understand the contents of this request and that I meet all minimum qualifications.

I am a member of the Florida Bar and I do not live or conduct substantial business within the Town of Longboat Key.

Name

Signature

Patricia A. Petruff

Typed

Address

P.O. Box 9480

Bradenton, FL 34206 Zlp 34206

Phone

9<u>41-748-4411</u>

Fax 941-748-1573

Qualifications

Please attach a resume listing all licenses, certifications and memberships pertaining to required qualifications. Describe your experience (if any) in the areas listed below and any references you care to include.

> Experience as a Special Master Experience as a Judge Experience as an Arbitrator

> > Page 1

PHOE .

RESUME OF PATRICIA A. PETRUFF, ESQUIRE

LEGAL WORK

Dye, Deitrich, Prather, Petruff & St. Paul, P.L., Member/Vice-President/Treasurer, October, 1998;

EXPERIENCE

Dye, Scott, Prather & Petruit, P.A., President/ Shareholder, August, 1996-October, 1998;

Dye & Scott, P.A. and predecessor firms, November, 1978 to date. (Shareholder since 1984)

OTHER WORK EXPERIENCE

University of South Florida, New College, Lecturer, Environmental Law; 1984 to date.

EDUCATION

J.D., University of Florida College of Law, June, 1978.

B.A. in Education with Honors, University of Florida, December, 1974.

BAR

AFFILIATIONS

Florida, Admitted November, 1978 California Bar, Admitted 1990 (inactive) Federal District Court For The Middle District Of Florida

LEGAL

ACTIVITIES

City, County and Local Government Law Certilication, 1998 Manatce County Bar, President, 1987-1988. Panelist, Manatee Community College Private Property Rights Legislation Workshop, 1995. Private Property Rights Special Master Training.

CIVIC ACTIVITIES

American Association of University Women, 1978 to 1997, Board Member, 1995. Leadership Florida Class VIII. Leadership Florida Alumni, 1990 to present. Southeastern Guide Dogs, Inc.; Puppy Raiser, 1990 to present.

Just For Girls a/k/a Manatee County Girl's Club, Inc.; President, 1992, Board of Directors, 1997.

Connecting Communities: A Sarasota Urban and Regional Issues Symposium, 1995. Home Builder's Association Land Developer's Council Special Task Force on Land Development

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C1C104114C: VHJ

Code, 1995.

Manatee County Nursery School, Inc., Board of Directors, 1996 to date, Secretary, 1997, Chairman, 1998 Troasurer, 1999. Florida Women's Alliance, 1996 to date. Manatee Memorial Hospital Women's Action Committee, 1997-present.

AWARDS

AAUW Leadership Award - Business and Professions,

1988.

AREAS OF PRACTICE Environmental and Land Use Law, Administrative

Law, Local Government Law.

CLIENTS

REPRESENTATIVE City of Holmes Beach, Southeastern Guide Dogs, Inc., Power Corporation, IMC-Agrico Company,

City of Palmetto.

Request For Qualifications Special Masters Position

The Town shall pay a maximum hourly rate of \$150.00 per hour.

If your rate is lower than that specified, please fill in the blank below.

Rate is \$ 150.00 per hour

By signing this form I acknowledge that I understand the contents of this request and that I

i am a member of the Florida Bar and I do not live or conduct substantial business within the Town of Longboat Key.

Name

Address

Signature Alan Hardy Prather Typed

1111 3rd Avenue West, Suite 300 Bradenton, FL Zip 34205

Phone

941/748-4411

941/748-1573

Qualifications

Please attach a resume listing all licenses, certifications and memberships pertaining to required qualifications. Describe your experience (if any) in the areas listed below and any

Experience as a Special Master Experience as a Judge Experience as an Arbitrator

RESUME OF ALAN HARDY PRATHER, ESQUIRE

LEGAL EDUCATION:

JURIS DOCTORATE (1973)
THE UNIVERSITY OF FLORIDA SCHOOL OF LAW
GAINESVILLE, FLORIDA

PREPARATORY EDUCATION:

BACHELOR OF ARTS DEGREE IN HISTORY AND POLITICAL SCIENCE MINOR IN BUSINESS ADMINISTRATION HIGH POINT COLLEGE HIGH POINT, NORTH CAROLINA

PROFESSIONAL MEMBERSHIPS AND ASSOCIATIONS:

THE FLORIDA BAR

- *ENVIRONMENTAL AND LAND USE LAW SECTION
- *LOCAL GOVERNMENT LAW SECTION
- *BOARD CERTIFIED CITY, COUNTY AND LOCAL GOVERNMENT LAW

THE MANATEE COUNTY BAR ASSOCIATION

FLORIDA PLANNING AND ZONING ASSOCIATION

ADMITTED TO PRACTICE BEFORE:

- *THE UNITED STATES SUPREME COURT
- *THE FIFTH CIRCUIT COURT OF APPEALS
- *THE ELEVENTH CIRCUIT COURT OF APPEALS
- *THE FEDERAL DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA

PROFESSIONAL EXPERIENCE:

PRIOR TO INITIATING INDIVIDUAL PRACTICE IN MANATEE COUNTY IN JANUARY, 1983, MR. PRATHER WAS ASSOCIATED WITH THE FIRM OF MANN & FAY, CHARTERED FROM 1978 THROUGH 1983. THE FIRM WAS THE RETAINED LEGAL COUNSEL FOR MANATEE COUNTY. IN THAT CAPACITY, MR. PRATHER REPRESENTED ALL DEPARTMENTS AND AGENCIES OF THE COUNTY. HE WAS GENERALLY INVOLVED IN REPRESENTATION OF THE COUNTY AND THE BOARD OF COUNTY COMMISSIONERS INCLUDING THE PREPARATION OF ORDINANCES, RESOLUTIONS AND INTERLOCAL AGREEMENTS, ADVICE ON LAND USE, ZONING, ENVIRONMENTAL AND PUBLIC UTILITY MATTERS, AS WELL AS RESPONSIBILITY FOR DEVELOPMENTS OF REGIONAL IMPACT, AND THE INITIAL ESTABLISHMENT OF AN IMPACT FEE PROGRAM. AS A SPECIALIST IN CITY, COUNTY AND LOCAL GOVERNMENTAL LAW, MR. PRATHER'S AREAS OF CONCENTRATION INVOLVE THE LEGAL EVALUATION AND

REPRESENTATION OF GOVERNMENTAL ENTITIES AND PRIVATE PROPERTY OWNERS CONCERNING ALL ASPECTS OF LOCAL GOVERNMENT LAW, INCLUDING CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES (CH. 112, PART III, F.S.), VOTING REQUIREMENTS AND SUNSHINE LAW ISSUES (CH. 286, F.S.), DEVELOPMENT PERMITTING, COMPREHENSIVE PLANS, ADMINISTRATIVE HEARINGS, PREPARATION OF LAND DEVELOPMENT CODES, CONCURRENCY MANAGEMENT SYSTEMS, ORDINANCES, THE DESIGN OF IMPACT FEE PROGRAMS AND GENERAL MUNICIPAL LEGAL MATTERS.

MILITARY:

ATTORNEY (JAG), U. S. MARINES, MARCH, 1974 TO APRIL, 1978.

REPRESENTATIVE CLIENTS:

CITY ATTORNEY CITY OF BRADENTON BEACH
CITY ATTORNEY CITY OF PALMETTO

MANATEE COUNTY MOSQUITO CONTROL DISTRICT

SPECIAL COUNSEL TO THE SCHOOL BOARD OF MANATEE COUNTY

SPECIAL COUNSEL TO THE SCHOOL BOARD ATTORNEY FOR HENDRY COUNTY

SPECIAL COUNSEL TO THE SCHOOL BOARD ATTORNEY FOR HARDEE COUNTY

SPECIAL COUNSEL TO THE CITY ATTORNEY FOR THE CITY OF BRADENTON

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McGUIRE, PRATT, MASIO, FARRANCE & RICE, P.A. ATTORNEYS AT LAW

ROJERT A. FARRANCED
JOHN W. KAKLIS
CAROL A. MASIO
HUGH E. McGUIRE, JR.
CHARLES J. PRATT, JR.
H. HAMILTON RICE, JR. 250

1001 3rd AVENUE WEST, SUITE 600 BRADENTON, FLORIDA 34205

MAILING ADDRESS: POST OFFICE BOX 1856 BRADENTON, FLORIDA 34206 Telephone: (941) 748-7076 Facsimile: (941) 747-9774 E-mail: MPMF@pcsonline.com

©Certified Family Mediator
©Certified Civil Mediator
©Board Certified Civil Trial Lawyer
©Board Certified City, County and
Local Government

April 30, 1999

Town of Longboat Key Purchasing Department 501 Bay Isles Road Longboat Key, FL 34228

Re:

Dear Sirs:

My familiarity with Chapter 112 Florida Statutes is extensive. For thirteen (13) years as Manatee County Attorney, I have advised the Board of County Commissioners and numerous employees concerning the application of those ethics laws. My office conducted workshops on the subject.

Our law firm presently represents the Sheriff of Manatee County and I remain involved with application and interpretation of the law.

As you can see from the attached resume I am a Board Certified Mediator and have completed Arbitration training as required by the Florida Supreme Court. I have just completed service as an Arbitrator in a matter involving Hillsborough County and the Tampa Bay Regional Water Supply Authority (TBW).

It would be an honor to be one of your panelists.

With kind regards, I am

Yours most sincerely,

McGUIRE, PRATT, MASIO, FARRANCE & RICE, P.A.

H. Hamilton Rice, Jr.

HHR/adj

j

SUMMARY OF RESUME H. HAMILTON RICE, JR. P. O. Box 1866, Bradenton, Florida 34206

PRESENT POSITION

McGuire, Pratt. Maslo, Farrance & Rice, P.A., Bradenton, Florida

PAST EXPERIENCE INCLUDES

County Attorney, Manatee County, Florida, 13, years.

Shareholder, Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., St. Petersburg, Florida

Partner, Shareholder, medium-sized ("AV") law firms in Owensboro, KY and Bradenton/Lakeland, FL

Adjunct Professor, Stetson Law School

Frequent faculty member, Florida Bar Continuing Legal Education Program

Captain, U.S. Army, Armor

U.S. Magistrate, Western District of Kentucky

EDUCATION

B.A. and J.D., University of Kentucky and University of Kentucky College of Law; Omicron Delta Kappa; Scabbard and Blade; Note Editor Kentucky Law Journal.

CERTIFICATIONS

Florida Board Certified Civil Trial Lawyer
Florida Board Certified City, County and Local Government Law
Florida Certified Circuit Court Mediator
Martindale-Hubbell rating "AV"

SELECTED OFFICES HELD

Chairman and Member, Executive Council, Florida Bar, City, County and Local Government Law Section President and Chairman of Board of Directors, Florida Association of County Attorneys Chairman and Member, Twelfth Judicial Circuit Grievance Committee
President and Executive Committee, Warren E. Goodrich and William C. Grimes Inn of Court (Manatee) Member, Board of Directors, Manatee County Bar Association
Vice President, Board of Directors, Legal Aid Society of Manasota, Inc.
Chairman, Florida Bar Certification Committee: City, County and Local Government Law

SIGNIFICANT AWARDS RECEIVED

Recipient, Florida Bar Ralph A. Marsicano Award for significant contribution to local government law in Florida (1997) Recipient, City. County and Local Government Section Paul S. Buchman Award for outstanding public services (1996) Recipient, Florida Association of County Attorneys President's Award for most outstanding county attorney (1996) Recipient, Local Government Law Award for Local Government Ethics (1992)

PROFESSIONAL MEMBERSHIPS INCLUDE

Manatee County Bar Association
Florida Bar
Kentucky Bar
American Bar Association
Federal Bar Association
American Judicature Society
Warren E. Goodrich and William C. Grimes Inn of Court (Manatee)

COMMUNITY SERVICE INCLUDES

Vestry, Lay Reader, Usher, Chancellor and Past Senior Warden, Christ Episcopal Church Diocesan Council, Episcopal Diocese of Southwest Florida
Community Leadership Council, University of South Florida at Sarasota
Masonic Lodge
Life Member, University of Kentucky National Alumni Association
Kiwanis Club of Bradenton
Leadership Manatee Alumni

ADMITTED TO PRACTICE

U.S. Supreme Court
U.S. Court of Appeals for the Eleventh Circuit
U.S. District Court for the Western District of Kentucky and the Middle District of Florida
Supreme Courts of Florida and Kentucky

5/112424.1

Request For Qualifications Special Masters Position

The Town shall pay a maximum hourly rate of \$150.00 per hour.

If your rate is lower than that specified, please fill in the blank below.

_per hour Rate is \$__

By signing this form I acknowledge that I understand the contents of this request and that I meet all minimum qualifications.

I am a member of the Florida Bar and I do not live or conduct substantial business within the Town of Longboat Key.

Name

Signature

H. Hamilton Rice. Jr.

Typed

Address

1001 3rd Ave. W., Suite 600 Bradenton, Fl

Zip 34205

Phone

941/748-7076 Fax 941/747-9774

Qualifications

Please attach a resume listing all licenses, certifications and memberships pertaining to required qualifications. Describe your experience (if any) in the areas listed below and any references you care to include.

Experience as a Special Master Experience as a Judge Experience as an Arbitrator

McGUIRE, PRATT, MASIO, FARRANCE, & RICE P.A.
Attorneys at Law
Suite 600
1001 - 3rd Avenue West
Post Office Box 1866
Bradenton, Florida 34206

FACSIMILE TRANSMITTAL COVER SHEET

DATE:

May 3, 1999

PLEASE DELIVER THE FOLLOWING MATERIALS AS SOON AS POSSIBLE!

TO:

Sue Ann Vance

COMPANY:

FAX NO:

941/316-1858

CONFIRM NO:

FROM:

H. Hamilton Rice, Jr.

COMPANY:

McGUIRE, PRATT, MASIO & FARRANCE, & RICE P.A.

FAX NO.:

041/747-9774

CONFIRM NO.: 941/748-7076

REFERENCE:

MESSAGE, IF ANY: Please see attached.

The information contained in this transmission may be attorney privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication may be strictly prohibited. If you have received this communication in error, please notify us immediately by telephone collect and return the original message to us at the above address via the U. S. Postal -Service. We will reimburse you for postage. Thank you.

NUMBER OF PAGES, INCLUDING COVER SHEET: 4
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McGUIRE, PRATT, MASIO, FARRANCE & RICE, P.A. ATTORNEYS AT LAW

ROBERT A. FARRANCEO
JOHN W. KAKLIS
CAROL A. MASIO
HUGH E. McGUIRE, JR.
CHARLES J. PRATT, JR.
H. HAMILTON RICE, JR. 2002

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1001 3rd AVENUE WEST, SUITE 600 BRADENTON, FLORIDA 3420S

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H. Hamilton Rice, Jr.

→ HHR/adj

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Shareholder, Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., St. Petersburg, Florida

Partner, Shareholder, medium-sized ("AV") law firms in Owensboro, KY and Bradenton/Lakeland, FL

Adjunct Professor, Stetson Law School

Prequent faculty member, Florida Bar Continuing Legal Education Program

Captain, U.S. Army, Armor

U.S. Magistrate, Western District of Kentucky

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Florida Bar
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Vestry, Lay Reader, Usher, Chancellor and Past Senior Warden, Christ Episcopal Church Diocesan Council, Episcopal Diocesa of Southwest Florida Community Leadership Council, University of South Florida at Sarasota Masonic Lodge

Life Member, University of Kennicky National Alumni Association Kiwanis Club of Bradenton

Leadership Manatee Alumni

ADMITTED TO PRACTICE

U.S. Supreme Court
U.S. Court of Appeals for the Eleventh Circuit
U.S. District Court for the Western District of Kentucky and the Middle District of Florida
Supreme Courts of Florida and Kentucky

341 (7824,)

Request For Qualifications Special Masters Position

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If your rate is lower than that specified, please fill in the blank below.

Rate is \$_____per hour

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I am a member of the Florida Bar and I do not live or conduct substantial business within the Town of Lungboat Key.

Name

Signature
H. Hamilton Rice. Jr.

Typed

Address 1001 3rd Ave. W., Suite 600 Zlp 34205

Phone 941/748-7076 Fax 941/747-9774

Qualifications

Please attach a resume listing all licenses, certifications and memberships pertaining to required qualifications. Describe your experience (if any) in the areas listed below and any references you care to include.

Experience as a Special Master
Experience as a Judge
Experience as an Arbitrator

TAYLOR, LAWLESS AND SINGER, P. A. ATTORVETE AT LAW

MAY 2 8 1999

MICHARD J. TATLOR DOVOLAS P. LAWLESS MARK D. SDIONE THES & COOKET ROBERT M. FOURNIES BARAN A SCHENE MICHARL & COMMONIA MICHAEL S. PREST BLIZABETH J. MARRER, CLAS, CFLA



SUITE 21 46 NORTH WASHINGTON BLVD. SARABOYA, PLORIDA 34336 TELEPHONE (Del) 256-0811 TELECOPIED (941) 965-2796

TO: Sue ann Vance	
COMPANY: 10wn of Longboat Kai-	
FAX #: 3/6, 1656.	
FHOM: MARK D. SINGER, Esq.	-
DATE: 5-28-99 RE: (1 m / : + : / :)	
RE: Capplication-Special Marter FILE #:	
NUMBER OF PAGES (including this cover page): 6	

Please call (941) 366-0911 if all pages are not received.

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TAYLOR, LAWLESS AND SINGER, P. A. ATTORNEYS AT LAW

RICHARD J. TAYLOR
DOUGLAS P. LAWLESS
MARE D. SINGER
JAMES R. COONEY
ROBERT M. FOURNIER
SARAM A. SCHENE
MICHAEL A. CONNOLLY
MICHAEL S. PERRY
ELIZABETH J. BARSER, CLAS, CFLA

May 28, 1999

SUITE 21
46 NORTH WASHINGTON BLVD.
SARASGIA. FLORIDA 34936
TELEPHONE (941) 366-0911
TELECOPIER (941) 955-2796

Sue Ann Vance Town of Longboat Key 501 Bay Isles Road Longboat Key, Florida 34228

via fax, 316.1656

Re: Town of Longboat Key Special Master

Dear Ms. Vance:

Please consider this my request for consideration for the position of Town of Longboat Key Special Master. Enclosed please find my Request for Qualifications form together with my resumé.

If there is anything further you desire, please let me know.

Very truly yours,

Mark D. Singer

MDS fjl

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05/24/1999 13:46 9413161656

LONGBOAT KEY T/HALL

PAGE 83

Request For Qualifications Special Masters Position

The Town shall pay a maximum hourly rate of \$150.00 per hour.

If your rate is lower than that specified, please fill in the blank below.

Rate is \$ 150.00 per hour

By signing this form I acknowledge that I understand the contents of this request and that I meet all minimum qualifications.

I am a member of the Florida Bar and I do not live or conduct substantial business within the Town of Longboat Key.

Name

Signature

Mark D. Singer

Typed

Taylor, Lawless and Singer, P.A. 46 N. Washington Blvd., Suite 21 Sarasota, FL

Zlp 34236

Phone

Address

366.0911

955.2796

Qualifications

Please attach a resume listing all licenses, certifications and memberships pertaining to required qualifications. Describe your experience (if any) in the areas listed below and any

Experience as a Special Master Experience as a Judge Experience as an Arbitrator

Page 1

MARK D. SINGER 2602 STARLING LANE Bradenton, Florida 34209

BORN: NEWARK, NEW JERSEY APRIL 16, 1952

OBJECTIVE

Town of Longboat Key Special Master

EMPLOYMENT

CURRENTLY - ATTORNBY/PARTNER Taylor, Lawless and Singer, P.A. 46 North Washington Boulevard, Suite 21 Sarasota, Florida 34236 941.366.0911

YEARS EMPLOYED 1986 - PRESENT

PREVIOUSLY Chief, Misdemeanor & Juvenile Div., Sarasota YEARS EMPLOYED Manatee and DeSoto Counties, Bradenton, Florida 1984 - 1986 First Assistant State Attorney, Office of the State Attorney, Manatee County 1981 - 1984 Assistant State Attorney, Office of the State Attorney, Manatee County Certified Intern, Office of the State Attorney, Manatee County 5/78 - 10/81 9/77 - 5/78

EDUCATION

DEGREE EARNED OR MAJOR

YEARS ATTENDED

University of Florida, Gainesville, Florida, University of Florida, Gainesville, Florida, J.D. 1974 - 1977 George Washington University, Washington D.C. 1972 - 1974 1970 - 1972

Honors, related activities and accomplishments:

Phi Beta Kappa, University of Florida, 1974 Phi Kappa Phi, University of Florida, 1974

PROFESSIONAL ADMISSIONS

- The Florida Bar, May 15, 1978
- United States District Court, Middle District of Florida, June 15, 1979
- United States Court of Appeals, 11th Circuit, April 11, 1989
- Manales County Bar Association
- Sarasota County Bar Association
- Florida Defense Lawyers Association
- Florida Association of Police Attorneys
- Defense Research Institute
- Sarasola-Bradenton Claims Association
- Association of Trial Lawyers of America

OTHER ORGANIZATIONS

Sarasota-Manatee Chapter of Phi Beta Kappa, Vice Pres. Volunteer, American Red Cross, Manatee County Chapter Disaster Action Team Member - Shelter Manager,

3/98 - 3/99

1998 to present

EXPERIENCE

The Florida Bar's Twelfth Judicial Circuit Grievance Committee (12A) Aug., 1997 - Aug., 2000 Chairman, March, 1999.

Board of Adjustment of the City of Sarasota

1987 to present
Types of issued heard: variances from the Zoning Code of the City of Sarasota and appeals of
the Bullding & Zoning Administrator
Position held: General Counsel

Civil Service Board of the City of Sarasota and General Employees Personnel Board of the City of Sarasota Types of issues heard: oppeals from disciplinary action Position hold: General Counsel

1987 to present

Board of Rules and Appeals (Mechanical Board, Plumbing Board, Building/Fire Board, Electrical Board)
Issues heard: Contractor disciplinary actions and appeals of interpretation of construction industry codes.
Position held: General Counsel

1987 to present

City of Sarasota Nuisance Abatement Board

Issued heard: Administrative complaints for abatement of statutory muisances

Position hald: Proceedings

1996 to present

Position held: Prosecutor

1997 to present

City of Sarasota Historic Preservation Board

Issues heard: Request for Historic Designation and Applications for Certificates of Appropriateness.

Position held: General Counsel

City of Sarasota Code Enforcement Board
Issues heard: Code violations
Position held: General Counsel

1987 to 1991

REFERENCES

Mayor Mollie C. Cardamone City of Sarasota 365.2200

Jack Gurney

740 4040

Member, City of Sarasola Nuisance Abatement Board

349.4949

Glenda Mock

365.1342

Member, City of Sarasota Nuisance Abatement Board

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Richard V. Ellis, Esq., Special Master City of Sarasota Hausburg & Ellis 351.9111 The Honorable Becky Titus
36
Circuit Court Judge, 12th Judicial Circuit, Sarasota County 363.7898 749.7157 The Honorable Durand Adams Circuit Court Judge, 12th Judicial Circuit, Manatee County Peter S. Branning, Esq. Branning & Harrison 955.1400 A. Lamar Matthews, Jr., Esq. Matthews, Hutton & Eastmoore 366.8888 David P. Persson, Esq. Hankin, Persson & Darnell 365.4950 Charles D. Bailey, Jr., Esq. Williams, Parker, Harrison, Dietz & Getzen 329.6609 Chief Julius Halas Longboat Key Fire Department 316.1944

HARLLEE, PORGES, HAMLIN, KNOWLES, BALD & PROUTY, P.A.

KIMBERLY ALARIO BALD
SHELLY A. GALLAGHER
CURTIS D. HAMLIN'
JOHN P. HARLLEE, III
TIMOTHY A. KNOWLES
ADAM MOHAMMADBHOY
JOSEPH L. NAJMY'''
MARK A. NELSON
GREGORY J. PORGES''
STEVEN W. PROUTY
BTEPHEN W. THOMPSON

BRADENTON, FLORIDA 34205

MAILING ADDRESS; P.O. BOX 93ED BRADENTON, FLORIDA 34206 TELEPHONE (94I) 746-3770 TELECOPIER (94I) 746-4150 E-MAIL: LAWGHarilsePorgas.com

May 4, 1999

"BOARD CERTIFIED REAL ESTATE LAWYER
"ALSO ADMITTED IN NEW YORK
"'ALSO CERTIFIED PUBLIC ACCOUNTANT

Sue Ann Vance, Purchasing Agent Town of Longboat Key Purchasing Department 501 Bay Isles Road Longboat Key, Florida 34228

Re: Special Master Position

Dear Ms. Vance:

I am interested in applying for one of the three special master positions the Town of Longboat Key is seeking to fill. I believe that I am uniquely qualified to fill one of these positions as special master. I am a member of the Florida Bar and have practiced law in Manatee County since 1987. In addition, I am currently serving as a Special Master in zoning and code enforcement matters in Hardee County and DeSoto County. I am also a member of the City of Bradenton Downtown Development Authority. Consequently, I have experience as a special master and understand public service.

Based upon my education and experience, I believe I am extremely qualified to assume one of the three independent special master positions. I have attached hereto a copy of my resume together with the Request for Qualification. I look forward to hearing from you to further discuss my qualifications for this position. If you have any questions or need additional information, please do not hesitate to give me a call.

Sincerely,

Stephen W. Thompson

SWT\gmh Attachment

VISIT OUR WEB SITE AT www.harliseporges.com

Request For Qualifications Special Masters Position

The Town shall pay a maximum hourly rate of \$150.00 per hour.

If your rate is lower than that specified, please fill in the blank below.

Rate is \$ 140.00 per hour

By signing this form I acknowledge that I understand the contents of this request and that I meet all minimum qualifications.

I am a member of the Florida Bar and I do not live or conduct substantial business within the Town of Longboat Key.

Name

Stephen W. Thompson

Typed

Address

1205 Manatee Avenue West Bradenton, FL **Zip** 34205

(941) 748-3770 Fax (941) 746-4160

Qualifications

Please attach a resume listing all licenses, certifications and memberships pertaining to required qualifications. Describe your experience (if any) in the areas listed below and any references you care to include.

> Experience as a Special Master Experience as a Judge Experience as an Arbitrator

STEPHEN W. THOMPSON

PROFESSIONAL EXPERIENCE

11/1987 to Present

Attorney at Law

Harlee, Porges, Hamlin, Knowles, Bald & Prouty, P.A. 1205 Manatee Avenue West Bradenton, Florida 34205 (941) 748-3770

Practice limited to Land Use, Environmental, Administrative, Local Government Law, Condominium and Homeowner Associations and related matters.

8/1995 to Present

Special Master for Desoto County, Florida

Special Master for code enforcement and zoning matters for Desoto County.

7/1997 to Present

Special Master for Hardee County, Florida

Special Master for code enforcement and zoning matters for Hardee County.

5/1985 to 1987

DRI Coordinator/Development Director

Palmer Ranch, Sarasota, Florida

Responsible for total coordination of development planning for the entire 10,000 acre Palmer Ranch, including: consultant coordination; preparation and submittal of agency approvals and public hearings; presentation/site tours for prospective parcel purchasers, realtors and various community groups.

7/1982 to 12/1982

Planner for Osceola County, Florida

Responsible for reviewing all development plans, including coordinating the review and presentation of development plans to both the Planning Commission and the County Commission. Also reviewed all proposed zoning changes and comprehensive plan amendments.

EDUCATIONAL PROFILE

University of Florida College of Law, Gainesville, Florida Juris Doctor, August, 1985 University of Florida, Gainesville, Florida Masters of Urban and Regional Planning, August 1985 University of Florida, Gainesville, Florida Bachelor of Arts in Political Science, August, 1980

PROFESSIONAL LICENSES

Member of Florida Bar and American Bar Association

PROFESSIONAL AFFILIATIONS

Member of Blue Ribbon Committee to Study Interstate 75 Corridor
American Planning Association
Urban Land Institute
National Association of Office and Industrial Parks
Member, Gulf Coast Chapter of Florida Planning & Zoning Association;
(President, 1993-1994) (State Director)
State Director, Florida Planning & Zoning Association
Member, Home Builders Association of Manatee County
Member, City of Bradenton Blue Ribbon Downtown Committee
Director, Gulf Coast Builders Exchange
Downtown Development Authority, City of Bradenton
President of West Coast Chapter of Community Association Institute (CAI)

WORKSHOP, June 24, 1999 AGENDA ITEM # 11

Agenda Item:

Agreement for a \$225,000 Grant for Restoration Work at Joan

M. Durante Park and Quick Point Nature Preserve

Presenter:

Town Manager and Staff

Summary:

At their June 1, 1998 meeting, the Town Commission gave conceptual approval for the restoration and expansion of Joan M. Durante Park into the 14 acres located to the south of the park. Town Staff, with the help of Allen Burdette of the Florida Department of Environmental Protection, have obtained a grant in the amount of \$225,000 from the U.S. Fish and Wildlife Service to complete the restoration of Joan M. Durante Park Phase 5 (\$150,000) and to complete additional restoration at the Quick Point Nature Preserve (\$75,000). An agreement for these funds is attached.

Please note that as described, in the 6/8/99 memo from Schield to Black, additional funding for restoration work has been identified and will be presented for Town Commission consideration in the fall.

Attachments:

6-9-99 Memo, Black to St. Denis; 6-8-99 Memo, Schield to Black; Signed agreement, FDEP and Town 6-3-98 Letter, St. Denis to Burdette; 6-1-98 Minutes, Town Commission Meeting.

Recommended

Action:

Pending Town Commission review, authorize the Mayor to sign

a final agreement accepting the funds.

MPB/sts

MEMORANDUM

DATE: June 9, 1999

TO: Bruce St. Denis, Town Manager

FROM: Martin P. Black, AICP, Community Services Director

SUBJECT: JOAN M. DURANTE PARK PHASE 5

BACKGROUND

The Town Commission held a workshop at Joan M. Durante Park on May 21, 1998 to discuss the additional restoration and expansion of the park into the 14 acres formally known as the Ansel South Tract which is located to the south of the existing park. At a meeting on June 1, 1998 (minutes attached), the Town Commission gave conceptual approval to proceed with this phase of the park and directed staff to secure outside funds to complete the project. Mr. Durante agreed to donate an additional \$250,000.00 for park improvements, with \$100,000.00 of the funds originally earmarked for the Phase 5 restoration.

With the help of Allen Burdette, FDEP, the Town has been able to secure an additional grant from the U.S. Fish and Wildlife Service in the amount of \$225,000.00 for both the restoration of Joan M. Durante Park Phase 5 project (\$150,000.00) and for additional restoration work at the Quick Point Nature Preserve (\$75,000.00). The Town received a previous grant from the U.S. Fish and Wildlife Service through FDEP of \$195,000.00 for the Phase IV restoration work completed in the park. The agreement (attached) for the new funds is being done as an addendum to the agreement for the previous funds.

The \$50,000.00 matching requirement of the grant for Joan M. Durante Park is being provided by funds donated by Mr. Jim Durante. The \$25,000.00 match requirement for Quick Point Nature Preserve will be provided through in-service work by Town staff. The remaining match funds that are listed in the agreement are funds that were spent on the completed phases of Joan M. Durante Park.

STAFF ASSESSMENT

The additional restoration work at both Joan M. Durante Park and the Quick Point Nature Preserve are consistent with Policies 1.7.2 and 1.2.3 of the Conservation and Coastal Management Element of the Town Comprehensive Plan. Policy 1.7.2 states that, "In landscaping efforts, priority is given to

removing nuisance exotic, maintaining native trees, and using vegetation that is dry season and wet season tolerant; " and Policy 1.2.3 states that, " the Town will support and participate in efforts to improve Sarasota Bay".

The work at the Joan M. Durante Park would complete the restoration of a large Town open space property and bring the total acreage of the park to 32 acres. The funds for Quick Point Nature Preserve will continue the restoration work at this location and provide additional public access at the back of the preserve.

STAFF RECOMENDATION

Based upon the above assessment, staff recommends that the Town Commission authorize the Mayor to sign the final agreement for funds in the amount of \$225,000.00 to do restoration work at Joan M. Durante Park and the Quick Point Nature Preserve.

MPB/sts

Attachments:

Signed agreement, FDEP and Town of Longboat Key

Memo, Schield to Black, June 8, 1999

Minutes, Town Commission Meeting, June 1, 1998

Letter, St. Denis to Burdette, June 3. 1998

-

. 3

MEMORANDUM

DATE: June 8, 1999

TO:

Martin P. Black, AICP, Community Services Director

FROM:

Steve Schield, RLA, Environmental Officer

SUBJECT: Environmental Restoration Grants

I met with Allen Burdette, FDEP, Mark Alderson, SBNEP, and Susan Walker, SBNEP on Friday, May 21, 1999 to discuss the funding for the Joan M. Durante Park Restoration project. At the meeting Allen gave me the signed copies of the agreement for the \$225,000 grant from the US Fish & Wildlife Service. \$150,000 of this grant is to be used for the Joan M. Durante Park Restoration. The remaining \$75,000 is for additional restoration at Quick Point Nature Preserve.

We had originally planned to use an additional \$150,000 from a FDOT mitigation fund and \$100,000 from the funds donated by James Durante to complete a budget of \$400,000 for the Joan M. Durante Park Restoration. However, the FDOT funds were reduced because of the cancellation of the Anna Maria bridge and the remaining funds are currently earmarked for work at Quick Point Nature Preserve. They are now estimated to be between \$75,000 and \$110,000.

Everyone agreed at this meeting to request the transfer of \$200,000 in grant funds from the Manasota Basin Board for the Town of Longboat Key restoration projects. These funds were originally allocated for Sarasota County projects, but their projects cannot be completed within the time allowed for the funds. \$150,000 of these funds will be used for the Joan M. Durante Park Restoration project and \$50,000 will be spent for exotic vegetation removal on Sister Keys. The specs for the Sister Key work were completed last fall.

The bottom line is that we will be getting less from the FDOT Mitigation funds, but will be getting an additional \$200,000 from the Basin Board for Town restoration work. The Manasota Basin Board will take formal action on this request at their August meeting, when a purchase order for the funds is expected to be issued. We will be required to make a minimum \$50,000 match from the funds donated by Mr. Durante for the Fish and Wildlife Grant. The Joan M. Durante Park restoration project will be designed with phases, so that the funds that we have already obtained can be utilized now. We hope to have the commitment from the Basin Board by the time the bids for the project are obtained.

The following is the breakdown of the funding for the different projects with a brief description of the project:

Joan M. Durante Park Restoration Phase 5

\$150,000.00 \$150,000.00 \$100,000.00	1998 US Fish & Wildlife Grant (\$50,000 Town match required) 1998 & 1999 Manasota Basin Board Grant Funds donated by James Durante (Town match)
\$400,000.00	Total budget for Phase 5 Restoration Project

Wetland and upland restoration, and extension of trail/boardwalk system in Ansel South tract (14 acres) to the south of the park.

Quick Point Nature Preserve Restoration Phase 2

\$205,000.00	Total budget for Phase 2 Restoration Project
\$ 25,000.00	Town match of labor or materials
\$ 30,000.00	1997 US Fish & Wildlife Grant
\$ 75,000.00 .	FDOT Mitigation Funds
\$ 75,000.00	1998 US Fish & Wildlife Grant (\$25,000 Town match required)

Wetland restoration and exotic vegetation removal on back islands, and extension of pathway and boardwalk system.

Sister Key Exotic Vegetation Removal

\$50,000.00	1999 Manasota Basin Board Grant (no match required)

Exotic vegetation removal (Peppers and small A.Pines) in areas to prevent further deterioration of native plant areas.

/sts

cc: Jill Jeglie, AICP, Town Planner

DEP CONTRACT NO. SP411 AMENDMENT NO. 1

THIS CONTRACT as entered into on the 29th day of January, 1997, between the FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (hereinafter referred to as the "Department") and the TOWN OF LONGBOAT KEY (hereinafter referred to as the "Contractor") is hereby amended.

WHEREAS, the Department has received funding in the amount of \$225,000 from the U.S. Fish and Wildlife Service (under the Coastal Wetlands, Planning, Protection and Restoration Act, CFDA 15.614) to support the restoration of shallow water habitats and wetlands, remove exotic vegetation, restore upland habitats, and construct a boardwalk and Nature trail/boardwalk at property in close proximity to Durante Park and on/surrounding Quick Point; and,

WHEREAS, this Contract serves to provide services for restoration projects at Joan M. Durante Park, Quick Point Nature Preserve and Sister Keys; and,

WHEREAS, the parties hereto agree that the additional scope of services should be included under this Contract.

NOW, THEREFORE, the parties hereto agree that the Contract shall be amended as follows:

- All references in the Contract to Attachment A are hereby amended to read "Attachments A and A-1.
- The first subparagraph under paragraph 5 is hereby revised to increase the compensation amount of the Contract from \$195,000 to \$420,000 (an increase of \$225,000) and to read as follows:

"As consideration for the services rendered by the Contractor under the terms of this Contract, the Department shall pay the Contractor on a cost reimbursement basis for subcontracted services as outlined in Attachments A and A-1. Maximum compensation under this Contract shall not exceed \$420,000 (\$195,000 for the work described in Attachment A and \$225,000 for the work described in Attachment A-1). The total estimated cost for this project is \$775,000 (\$450,000 for the work described in Attachment A and \$325,000 for the work described in Attachment A-1). The Contractor is responsible for providing the additional \$355,000 (as applicable to each Scope of Services) in non-Federal funds needed to complete this project. It is understood and agreed that the additional non-Federal funds may be provided by the Contractor as follows: through non-Federal funds provided by the Contractor; through in-kind services provided by the Contractor; through non-Federal funding from other sources, or through in-kind services available to the Contractor from other non-Federal sources."

DEP Contract No. SP411, Amendment No. 1, Page 1 of 2

• The Contractor shall perform the additional Scope of Services described in Attachment A-I, attached hereto and made a part hereof.

In all other respects, the Contract of which this is an Amendment, and attachments relative thereto, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment to be duly executed the day and year last written below.

TOWN OF LONGBOAT KEY	FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION
By: Mayor	By: Jan Juni 5/2/99 Fu Secretary or designee
Date:	Date: 5/21/99
Attested to by Town Clerk	DEP Contracts Administrator
Approved by Town Attorney	Approved as to form and legality: DEP Attorney

List of attachments/exhibits included as part of this Amendment:

Specify

Letter/

Description (include number of pages)

Attachment

A-1

Additional Scope of Services (6 pages)

DEP Contract No. SP411, Amendment No. 1, Page 2 of 2

ATTACHMENT A-1 ADDITIONAL SCOPE OF SERVICES

The Florida Department of Environmental Protection (Department) and Town of Longboat Key (Contractor) in cooperation with the Sarasota Bay National Estuary Program and with a supporting grant (6G635) from the U.S. Fish and Wildlife Service's Coastal Wetland Conservation Program, hereby agree that the objectives of this project are:

To preserve, enhance and create a diversity of natural habitats while protecting the unique natural resources of Joan M. Durante Park and Quick Point Nature Preserve.

To control exotic vegetation, to restore and enhance natural and man-altered mangrove wetlands, to restore beach strand communities, and to restore seagrass beds at Joan M. Durante Park and Quick Point and within the adjoining waters of Sarasota Bay.

To provide opportunities for environmental education and public access.

To construct tidal lagoons through the interior of Joan M. Durante Park to enhance fisheries and wildlife habitats.

To restore seagrass beds by placing additional clean sand into an existing channel offshore from Joan M. Durante Park between the Intracoastal Waterway and the existing basin.

To use excess fill material at Joan M. Durante Park for building mounds for coastal strand vegetation.

To provide boardwalks, trails, trail improvements and interpretive signage for public access and education.

To develop and implement a long-term management plan to protect natural habitats.

Scope Detail

- 1. The Department shall approve the project plans and participate in project design, permitting and construction management. The Department and the Contractor shall jointly review and discuss all matters related to the restoration project including construction plans, surveys, construction methodology, biowaste management, sediment size analysis and settling rates from core samples taken where hydraulic pumping is planned, construction bid documents, and revegetation plans.
- 2. The Contractor shall be responsible for the final project plans and project implementation. Bid documents shall be submitted to the Department for written approval prior to bidding the project. Selection criteria should be established to insure that contractors selected have the expertise in hydraulically pumping sand and performing wetland restoration work.

DEP Contract No. SP411, Attachment A-1, Page 1 of 6

- 3. The Contractor shall be responsible for off-site drainage requirements.
- 4. The Department shall provide assistance in flagging the limits of construction clearing, excavation, and filling. The Department shall be given the authority to make minor field adjustments in the project plan to protect established habitats, protect water quality, and improve implementation of the project; provided concurrence is obtained from the Contractor.
- The Department shall be given the opportunity to inspect and provide written approval of the project layout based on field stakes and flagging prior to construction.
- 6. The Contractor shall notify the Department in writing of project start-up dates at least five days prior to commencing and shall keep the Department informed of subsequent changes in the schedule.
- 7. On-site meetings should be scheduled between the Department's and the Contractor's contract managers on a weekly or biweekly basis during active periods of construction.
- 8. The Contractor shall be responsible for properly disposing of waste and debris found on-site and/or generated as a result of this project. These activities shall be coordinated with the Department's contract manager.
- 9. The Contractor shall utilize proper turbidity control and sediment control measures to protect adjacent grass beds or mangrove wetlands and to insure compliance with state water quality standards. Such plans shall be reviewed and approved by the Department's contract manager prior to construction.
- 10. Hydraulic dredging operations, drainage activity and any dewatering plans shall be coordinated with and receive written approval from the Department's contract manager.
- 11. The Contractor shall provide quarterly progress reports documenting work completed and activities scheduled.
- 12. The Contractor shall submit a management plan to control exotic vegetation.
- 13. The Contractor shall document contributions, staff support and other in-kind services directly related to these environmental restoration projects, as required to meet the local match for the Federal Grant (6G635). The Grant Number (6G635) must be attached to all supporting documents and is retroactive to the starting day of the Grant which is October 1, 1998. Eligible land purchases can be considered as local match even prior to the Grant date. State EMRTF funds and state personnel directly involved with these projects will be documented towards the local match requirement.

The purpose of the additional scope of services described herein is to restore shallow water habitats and wetlands, remove exotic vegetation, restore upland habitats, and construct a

DEP Contract No. SP411, Attachment A-1, Page 2 of 6

boardwalk and Nature trail/boardwalk. Habitat restoration will be centered on approximately 14 acres of land located south of the Durante Park. For the purposes of this project, this land shall hereinafter be referred to as the "Ansel South" parcel. The Town of Longboat Key intends to add the Ansel South parcel to the current property known as Durante Park. A map depicting the location of the Ansel South parcel is provided as page 5 of this attachment. In addition to the work being performed on the Ansel South parcel, work will also be performed on approximately 35 acres on and surrounding Quick Point. Natural areas will be carefully conserved. The two project sites are further described below.

Site #1: Ansel South Parcel (also referred to by the Contractor as Durante Park, Phase V, Sarasota Bay)

This project will focus on the south half of the park and enhance approximately fourteen (14) acres of beach strand, transitional wetlands and dense mangrove habitat. A series of small waterways will be constructed to improve fisheries habitats and tidal circulation and the herbicides Garlon 4 and Garlon 3A will be used to control exotics such as Brazilian pepper and Australian pine. A series of trails and boardwalks will lead visitors through dense mangroves, leather ferns, palmettos, cabbage palms, strangler figs, live oaks, southern red cedar and a variety of tropical vegetation.

Durante Park is approximately 32 acres in size and located on Sarasota Bay at the north end of Longboat Key. Initial improvements for public access and habitat restoration have been completed by the Town of Longboat Key. The Town began construction in September 1997 on a series of wetland lagoons with adjoining trails and boardwalks. The wetland restoration on the north half of the tract is being funded in part by a grant agreement from the U.S. Fish and Wildlife Service, C4-96-16.

Nearly one half of the park site consists of mangrove/marsh habitat. Most the fringing mangrove habitat is in excellent condition. However, exotic vegetation such as Australian pine and Brazilian pepper are crowding out wetland vegetation along shore and exotics are seriously impacting the native coastal strand and hammock vegetation.

The proposed project will provide improvement for the interior mangrove swamp by providing some tidal circulation and open shallow water pools for fisheries. The restoration plan will address the need to maintain low salinity and freshwater habitats which are necessary to sustain a diversity of wildlife and plant life. Natural habitats will be conserved and excess spoil material will be used to build ridges and revegetate as tropical coastal hammock. A system of trails and tidal creeks will be integrated with the north half of the park.

Restoration/enhancement area - approximately 12 acres of mixed mangrove, coastal strand and hammock.

Total estimated costs: \$200,000 (\$150,000 Department (U.S. Fish and Wildlife grant) and \$50,000 Town of Longboat Key)

DEP Contract No. SP411, Attachment A-1, Page 3 of 6

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Site,#2: Quick Point Preserve

This project, Quick Point (Phase III), will involve expanding exotic control efforts over 34 acres of beach strand, transitional wetlands and mangrove habitat, containing numerous spoil deposits from previous mosquito ditching operations. (A map depicting the areas to be restored is identified on the map provided as page 6 of this attachment.) Some of the larger Australian pines will be retained for shading and wildlife management purposes. Brazilian peeper, exotic fig trees, carrotwood, and small Australian pins will be the exotic plants targeted. Emphasis will also be placed on controlling all exotics in transitional wetland sites to restore herbaceous marsh and release suppressed mangroves. Experimental plots of seagrasses will be placed throughout the tidal lagoon system recently constructed, and along the shoals and regraded shore of New Pass.

Quick Point is an ecologically diverse 34-acre site located on the southeastern tip of Longboat Key just north of New Pass. Significant habitats include Australian pins dominated spoil sites, disturbed uplands, mangrove forests, tidal creeks and lagoons, oyster bars, high marsh and tropical beach strands. Past dredging activities have had adverse impacts on mangroves and other habitats at Quick Point.

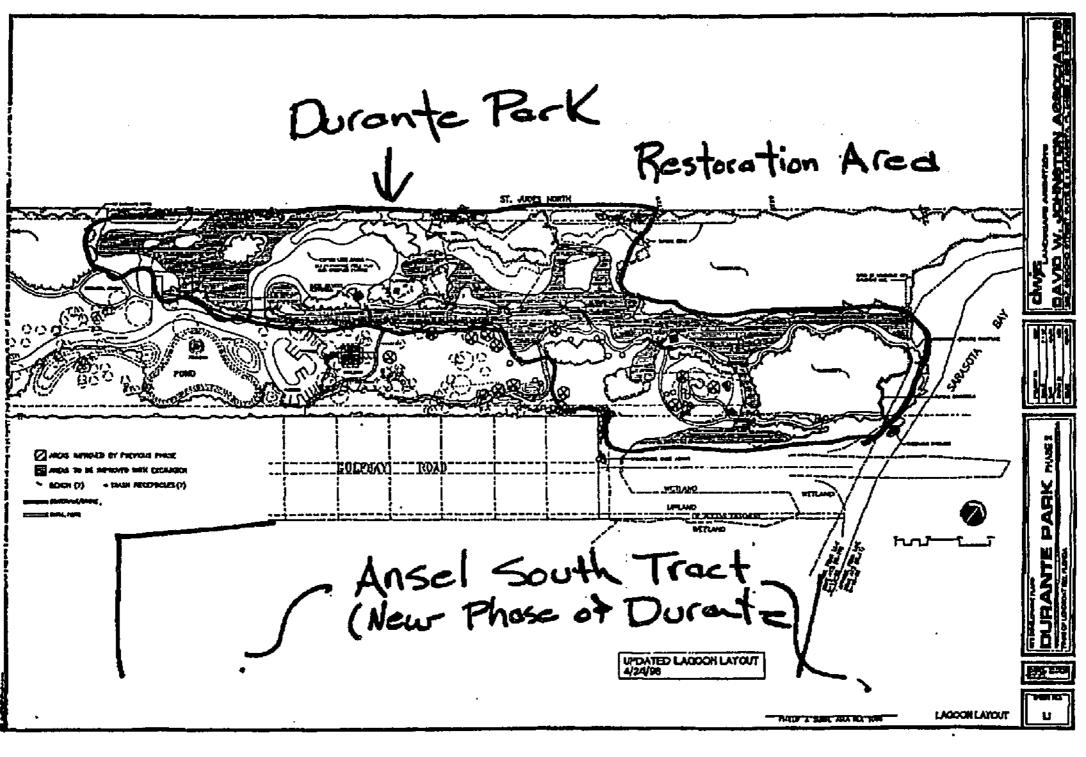
In 1994, the Town of Longboat Key, owner of the site, along with the Florida Department of Environmental Protection, Manasota Basin Board, and the Sarasota Bay National Estuary Program restored and enhanced a portion of this site creating lagoons and upland hammocks. A series of creeks and bayous were connected to New Pass to restore/enhance tidal flushing and marine productivity. Pathways and a boardwalk provide visitors an opportunity to observe various habitats and marine life. These (pathways and boardwalk) will be extended in the new restoration areas of the site.

Restoration/enhancement area – approximately 30 acres wetlands; 5 acres seagrasses.

Total estimated costs: \$100,000 (\$75,000 Department (U.S. Fish and Wildlife grant) and \$25,000 Town of Longboat Key)

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DEP Contract No. SP411, Attachment A-1, Page 4 of 6



DEP Contract No. SP411, Attachment A-1, Page 5 of 6

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HABITAT MAP

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REGULAR MEETING (CONT.)

6-1-98, Page 8

Commissioner Haglund inquired as to the structure of the Facility Advisory Committee (FAC); he expressed concern with creating the FAC without a staff liaison.

Mr. St. Denis explained the program was laid out as outlined to the Commission; when necessary the Committee would meet and discuss the phase under consideration. He explained the FAC members would select a Chairman and Vice-Chairman so reports to the Commission could be made. He explained staff would provide the necessary information to the FAC.

Motion carried unanimously.

14. Approval of Federal Department of Justice "COPS MORE '98" Grant Application in the Amount of \$52,982.30 for the Establishment of Civilian Public Service Officers

Chief Kintz explained the "COPS MORE 98" program was a Federal program allowing for grant monies to employ civilian personnel. He pointed out the drug forfeiture funds would be utilized to purchase a vehicle and equipment. Chief Kintz explained this three-year program would be evaluated for effectiveness.

It was moved by Patterson, seconded by Redgrave, to approve the Federal Department of Justice grant "COPS MORE 98" in the amount of \$52,982.30. Motion carried unanimously.

15. Authorization of Sale of Town Surplus Property Located at 7100 Firehouse Road, Longboat Key, Florida (to. Longbeach Condominium Association, Inc. for \$223,000)

It was moved by Metz, seconded by Legler, to authorize the sale of Town-owned surplus property located at 7100 Firehouse Road to Longbeach Condominium Association, Inc. for \$223,000.

Commissioner Legler stated the contract was confusing; he asked if a different contract would be written.

Mr. Persson advised a different contract would not be written; Longbeach Condominium Association, Inc. had 120 days, from the date the contract was signed, to close the deal.

'Motion carried on roll call vote: Metz, aye; Legler, aye; Patterson, aye; Johnson, aye; Lenobel, no; Redgrave, aye; Haglund, aye.

16. Informational Report on Joan M: Durante Community Park (Park)
Mr. St. Denis advised staff proposed the idea of initiating Phase III
for the Park on the south Ansel Property. He reported Phase III
would be constructed similar to the Quick Point Nature Preserve.

6-1-98, Page 8

PEGULAR MEETING (CONT.)

6-1-98, Page 9

Mr. St. Denis explained the Florida Department of Environmental-Protection (FDEP), the Florida Department of Transportation (FDOT), and the US Fish and Wildlife Agency wished to participate with the development of Phase III. He explained funds would be available from the FDOT (\$150,000) and FDEP (\$150,000); the Town would be responsible for \$100,000. He explained James Durante offered to extend his endowment to the Town by contributing an additional \$50,000 annually for five additional years. Mr. St. Denis advised funds were available in the Capital Improvement Fund, Infrastructure Surtax Fund, or from the Land Acquisition Fund.

Mr. St. Denis explained the north Ansel Tract was acquired through a transfer of density; therefore, no tax dollars were expended for this acquisition. He advised the south Ansel Tract (including the North Fire Station and the adjoining commercial lot) was acquired for approximately \$2.9 million. He explained the expenditures for the Park project were estimated to be \$1 million: \$620,000 for Phase I and \$387,000 for Phase II. He explained there were numerous funding sources for the Park; the Town's portion was estimated to be \$86,000. Mr. St. Denis advised if Phase III were to be constructed, the annual maintenance was estimated to be between \$4,000 and \$7,000.

Commissioner Patterson inquired as to the total expenditure for Town labor for the Park. Mr. St. Denis explained \$34,000 for Town labor related to the removal of trees and small projects.

Commissioner Patterson inquired as to the source of funds for the Park and the total expenditures for the Park since inception. Mr. St. Denis explained the maintenance cost for Phase I was approximately \$25,000 annually. He noted \$1 million dollars, including grants, was spent on the Park; he pointed out the maintenance for the Park was estimated at \$40,000 annually.

Commissioner Patterson expressed concern with the Town's expenditure for the Park; he inquired as to the amount of funds received from Mr. Durante. Mr. St. Denis advised \$400,000 was received from Mr.

Mayor Lenobel asked if the additional \$50,000 annual endowment were to be allocated for maintenance-related expenditures. Mr. St. Denis replied the funds could be used for maintenance; however, the funds would not be collected for a number of years; a mechanism for reimbursement needed to be established.

Commissioner Haglund pointed out Mr. Durante gave \$400,000 to the Town; however, expenditures were over \$400,000. He inquired as to interim financing used for the project. Mr. St. Denis advised the Land Acquisition Fund or the Infrastructure Surtax Fund were used for the expenditures. He explained the funds received from Mr. Durante were deposited into the Land Acquisition Fund.

6-1-98, Page 9

6-1-98, Page 10

REGULAR MEETING (CONT.)

Commissioner Metz asked for a detailed annual maintenance cost report for the Park. Mr. St. Denis replied the annual maintenance for the Park was estimated to be between \$36,000 and \$40,000.

Commissioner Haglund asked if the agreement between the Town and Mr. Durante was "iron clad". Mr. Persson advised the agreement was very strong; additionally the Town had levied a lien against Mr. Durante's Longboat Key home.

There was a consensus to authorize the Town to proceed with the project (Phase III), to prepare the necessary documents and to propose an amendment to the Durante Agreement.

17. Appointment of Alternate Members to the Metropolitan Planning Organization (MPO)
Vice-Mayor Redgrave explained the importance of appointing alternate members to the MPO. He expressed concern with having a representative at the MPO meetings during the month of August 1998.

It was moved by Patterson, seconded by Redgrave, to appoint Patterson as the first alternate; Metz as the second alternate; Lenobel as the third alternate; Johnson as the fourth alternate; Legler as the fifth alternate; and Haglund as the sixth alternate to the Metropolitan Planning Organization. Motion carried unanimously.

18. Consideration of Contract between Cliff Truitt, PE, DEng, Senior Scientist with Mote Marine Laboratory and Town of Longboat Key as Consultant to Town on Coastal/Beach Issues
Mr. St. Denis reported the change in status of Dr. Truitt's relationship with Mote Marine Laboratory from a full-time employee to a consultant in the consulting services branch. He explained the contract would be restricted to beach and water-related projects.

Mr. Persson advised the contract (Section 4.2) called for a six-month waiting period prior to Dr. Truitt being able to assist or represent others in connection with Town projects.

It was moved by Haglund, seconded by Metz, to approve the contract between the Town of Longboat Key and Dr. Cliff Truitt for consulting services pertaining to the Town's beach renourishment and maintenance program.

Commissioner Patterson asked for information about Mote Environmental Services, Inc. (MESI).

Cliff Truitt, Mote Marine Consultant, stated MESI was a wholly-owned subsidiary for-profit organization; Mote Marine Laboratory was an example of the consultant of the consul

6-1-98, Page 10



TOWN OF LONGBOAT KEY

Incorporated November 14, 1955

Town Hall
501 Bay Isles Road
Longboat Key, Florida 34228-319
(941) 316-1999
SUNCOM 549-1999
FAX (941) 316-1656

June 3, 1998

Allen Burdette, Environmental Manager Florida Department of Environmental Protection 3804 Coconut Palm Drive Tampa, FL 33619

Dear Allen,

I am pleased to announce that the Town Commission reached a consensus to proceed with the Phase III Project as conceptually outlined at the May 21, 1998 Workshop.

It is my understanding that you will be coordinating efforts toward a preliminary design that will be used to gain project approval as well as establish funding responsibilities between participating agencies. Please keep me posted as to the progress of these efforts and please involve Acting Public Works Director, Marty Black in your discussion.

The Town looks forward to another successful project through our partnership.

Please contact me if you have any questions..

My best regards,

PUCE.

Bruce St. Denis Town Manager

BSD/spa

bcc: Marty Black Stève Schield

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REGULAR WORKSHOP - June 24, 1999 AGENDA ITEM # 14

Agenda Item:

Florida League of Cities (FLC) 73rd Annual Conference - Voting

Delegate

Presenter:

Town Manager

Summary:

Each year Commission members represent the Town at the FLC Conference. One member is designated as the voting member to attend the business meeting on behalf of the Town for policy development, election of League leadership and adoption of resolutions undertaken at the business meeting.

Attachments:

6-1-99 Memo, FLC to City Managers/City Clerks

Recommended

Action:

Forward Voting Delegate to 7-6-99 Regular Meeting Consent Agenda for designation.

/dhs 6-10-99

MEMORANDUM

DATE: June 10, 1999

TO:

Town Commission

FROM:

Bruce St. Denis, Town Manager

SUBJECT: FLC 73rd Annual Conference - Voting Delegate

The Florida League of Cities holds an annual conference and business meeting each year. Each member city is requested to designate one representative to vote on FLC business policy development issues, election of League leadership and adoption of resolutions undertaken at the business meeting.

This year's conference will be held August 19-21, 1999 at the Wyndham Palace Hotel. The attached information will give you details about important dates relative to the conference.

This item will be forwarded to the 7-6-99 Regular Meeting for your formal action.

If you have any questions, please let me know.

/dhs

Attachment



FLORIDA LEAGUE OF CITIES, INC.



Memorandum

TO:

City Managers/City Clerks

FROM:

While St Michael Sittig, Executive Director

DATE:

June 1, 1999

SUBJECT:

73rd Annual Conference - 2000 and Beyond - The Future of Florida's Cities

VOTING DELEGATE AND RESOLUTION INFORMATION

August 19-21, 1999 – Wyndham Palace Hotel

As you know, the Florida League of Cities' Annual Conference will be held at the Wyndham Palace Hotel on August 19-21. This year's theme, 2000 and Beyond - The Future of Florida's Cities, will provide valuable educational opportunities to help Florida's city officials serve their citizenry more effectively.

It is important that each city designate one person to be the voting delegate. Policy development, election of League leadership and adoption of resolutions are undertaken during the business meeting. One official from each city will make decisions that determine the direction of the League.

Registration materials have already been sent to each city. Call us if you need more. We have attached the procedures your city should follow for presenting resolutions to the League membership. Resolutions must be received by the League no later than July 19, 1999. Should you have any questions or need additional information, please feel free to call Dee Carper or Kelvin Robinson at Suncom 278-5331 or 1-800-342-8112.

MS:bcs

Attachments:

Form Designating Voting Delegate

Procedures for Submitting Conference Resolutions

Procedures for Submitting Resolutions 73rd Annual Conference Florida League of Cities, Inc. August 19-21, 1999 Lake Buena Vista, Florida

In order to fairly systematize the method for presenting resolutions to the League membership, the following procedures have been instituted:

(1) Proposed resolutions must be submitted in writing, to be received in the League office a minimum of 30 days prior to the first day of the annual conference.

Proposed resolution will be rewritten for proper form, duplicated by the League office and distributed to members of the Resolution Committee at least 15 days prior to the first day of the annual conference.

(Whenever possible, multiple resolutions on a similar issue will be rewritten to encompass the essential subject matter in a single resolution with a listing of original proposers.)

Proposed resolutions may be submitted directly to the Resolutions Committee at the conference; however, a favorable two-thirds vote of the committee will be necessary to consider such resolutions.

Proposed resolutions may be submitted directly to the business session of the conference without prior committee approval by a vote of two-thirds of the members present. In addition, a favorable weighted vote of a majority of members present will be required for adoption.

Proposed resolutions relating to <u>state legislation</u> will be referred to the appropriate standing policy committee. Such proposals will not be considered by the Resolution Committee at the conference; however, all state legislative issues will be by the standing policy committees and the Legislative Committee prior to the membership at the annual Legislative Conference each fall. At that time, a state Legislative Policy Statement will be adopted.

Lities unable to formally adopt a resolution 30 days prior to the first day of the conference may submit a letter to the League office indicating their city is considering the adoption of a resolution, outlining the subject thereof in as much detail as possible, and this letter will be forwarded to the Resolutions Committee for consideration in anticipation of receipt of the formal resolution.

IMPORTANT DATES

June 4

Notice to Local League Presidents and Municipal Associations Requesting Nominees to the Resolutions Committee

<u>July 12</u>

Appointment of Resolutions Committee Members

July 19

Deadline for Submitting Resolutions to the League Office

August 3

Resolutions Mailed to Resolutions Committee

August 19

League Standing Committee Meetings
Resolutions Committee Meeting
Voting Delegates Registration

August 21

Immediately Following Luncheon – Pick Up Voting Delegate Credentials Followed by Annual Business Session

73rd Annual Conference Florida League of Cities, Inc. August 19-21, 1999 Lake Buena Vista, Florida

It is important that each member city sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. League By-Laws requires that each city select one person to serve as the city's voting delegate.

Please fill out this form and return it to the League office so that your voting delegate may be properly identified.

Designation of Voting Delegate

Name of Vo	oting Delegate:			
Title:	· · · · · ·			
City of:				
		AUTHO	ORIZED BY:	
	Name			
	Title			

Return this form to:

Gail Dennard
Florida League of Cities, Inc.
Post Office Box 1757
Taliahassee, FL 32302-1757
Or Fax to Gail Dennard at (850) 222-3806

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REGULAR WORKSHOP - June 24, 1999 AGENDA ITEM # 16

Longboat Key Center for the Arts Request for 1999-2000 Grant Funding for Ninth Annual Art Exhibit in the Amount of \$2500 Plus ½ the Cost of the Reception Agenda Item:

Town Manager Presenter:

Summary:

This annual event has been sponsored by the Town for nine years. The Longboat Key Center for the Arts grant request is forwarded for your consideration at this time. The Center is requesting \$2500 plus one-half the cost of the reception held in

conjunction with the Art Exhibit.

6-16-99 Memo, Manager to Commission; Attachments:

5-18-99 Letter, Center for the Arts to Manager.

Recommended

Upon consent, forward to 7-6-99 Regular Meeting Consent Action:

Agenda for approval.

/dhs 6-10-99

MEMORANDUM

DATE: June 16, 1999

TO:

Town Commission

FROM:

Bruce St. Denis, Town Manager

SUBJECT: 1999-2000 Grant Funding for Ninth Annual Art Exhibit in the Amount of \$2500 Plus ½ the Cost of the Reception

A request has been received from Center for the Arts Exhibits Chairperson Judy Kendall dated 5-19-99 for the Town to grant funding for this year's Art Exhibit to be held in February 2000.

The Center for the Arts is requesting \$2500 plus one-half of the costs for the reception for this event. This year the Town's portion of the reception was \$589.70. A copy of the request and proposed schedule is attached for your review.

Please contact me if you have any questions in this regard.

/dhs

Attachment



May 18, 1999

Mr. Bruce St. Denis Town Manager 501 Bay Isles Road Longboat Key, FL 34228

BOARD OF GOVERNORS

Susan W. Weseley President

Robert Baum
Marge Canfield
Eugene C. Dorsey
W. Shane Eagan
Ronald M. Fisher, M.D.
Betty Harcke
Philip D. Jennison
Ron Johnson
Laurie Jones
Pat Metz

Andrew P. Monroe Joan B. Partridge Pat Peterson

J. Kent Planck
Earl E. Pollock
Margaret Rubinow
Ed Schmitt
Rose P. Scott

Edwin H. Sherman John R. Talbot

Beth Cunningham Executive Director Dear Bruce:

The schedule for the Longboat Key Center for the Arts 1999-2000 exhibitions has been determined and we wanted to notify you of the proposed agenda for the Ninth Annual Town of Longboat Key Exhibit and opening. The Town's contribution of half of the expenses toward the reception, in addition to the \$2,500 in prize money was greatly appreciated this past season and we hope this arrangement will continue.

Please sign and return one copy as soon as possible. The following agenda will appear in the yearbook. Please note any corrections or call Beth at 383-2345.

NINTH ANNUAL TOWN OF LONGBOAT KEY EXHIBIT (All Media) Feb. 4 - Feb. 26

SPONSOR: TOWN OF LONGBOAT KEY

RECEIVING: Monday, Jan. 24 & Tuesday, Jan. 25, 10 a.m. - 4 p.m. ENTRY FEES: Per Entry, Member, \$15; Non-member, \$20

Limit two per artist

AWARDS: \$2,500, Commissioners' Award, \$1,000

1st, \$400; 2nd, \$300; 3rd, \$200; Four Equal, \$100 each The Longboat Key Award (Scene of Longboat Key), \$200

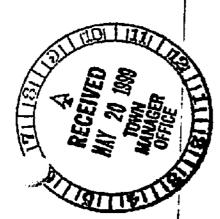
JURY: Tues., Feb. 1, Judith Powers-Jones - 3-dimensional;

Linda Lucas - Painting

OPENING: Reception and Awards Presentation, Friday Feb.4, 5 to 7

PICK UP: Monday, Feb. 28, 10 a.m. to 4 p.m.

We look forward to seeing you in the Fall and thank you for your support.



Judy Kendell 5-19-99

Jydy Kendell Date

Exhibits Chairperson

Bruce St. Denis Town Manager

Date

5960 Longboat Drive South + Longboat Key FL + 34998 + phone 941-383-9345 + fax 941-383-7915

MEMORANDUM

DATE:

June 29, 1999

TO:

Bruce St. Denis, Town Manager

FROM:

Donna Spencer, Administrative Assistant 3

SUBJECT:

Town Commission Calendar - Summer 1999

The following meetings are schedule for the Town Commission during the months of July through September:

Date	Meeting
July 6 July 8 July 9 July 22 July 28 CANCELLED	Town Commission Regular Meeting; 7 PM Legislative Convocation Pineview School; 9 AM¹ Legislative "Wrap-Up" Meetings; Tampa, FL 10 AM to 2 PM² Town Commission Regular Workshop; 1 PM.³ Council of Governments; City of Sarasota; 2 PM Island Elected Officials Meeting⁴
August 18-22 August 25 August 31-Sept 3	Florida League of Cities Conference ⁵ Council of Governments; <i>LONGBOAT KEY</i> ; 2 PM Florida Shore & Beach Preservation Association Conference ⁶
September 6 September 13 September 15 September 22 September 23	Holiday Town Commission Regular Meeting; 7 PM Island Elected Officials; Anna Maria; 2 PM Council of Governments; Sarasota County; 11:30 AM Town Commission Regular Workshop; 1 PM

If you have any questions regarding this schedule, please contact me.

See attached notice and map.

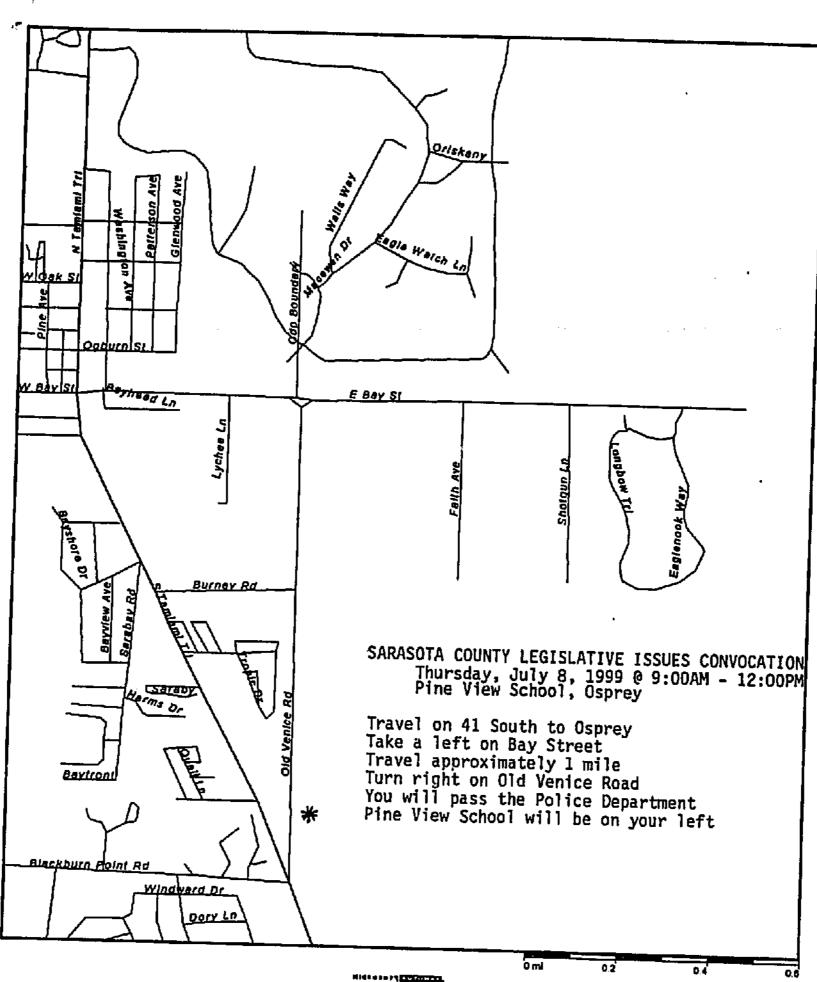
See attached notice.

This meeting subject to cancellation on July 6, 1999.

Meetings for July and August were cancelled by consensus at the June IEO meeting.

Wyndham Palace, Walt Disney World Village, Lake Buena Vista.

Marriott's Harbor Beach Resort, Ft. Lauderdale.



Streets Plus

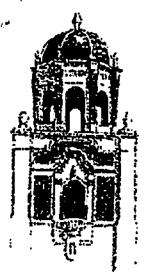
Map Title 1 Map Title 2

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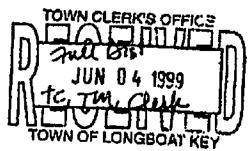


SARASOTA COUNTY GOVERNMENT SARASOTA, FLORIDA

Board of County Commissioners

Raymond A. Pilon - District I David R. Mills - District 2 Shannon Staub - District 3 Nora Patterson - District 4 Robert L. Anderson - District 5

June 2, 1999



P.O. Box 8 Sarasuta, Florida 34230-0008 Telephone (941) 951-5344, 951-5397 FAX (941) 951-5987

Mayor Hai Lenobel Town of Longboat Key 501 Bay Isles Road Longboat Key, FL 34228

Dear Mayor Cenobel:

On behalf of the Board of County Commissioners, I would like to invite you to participate in the first-ever county wide Legislative Issues Convocation to be held on Thursday, July 8, 1999, at Pineview School from 9:00 a.m. to noon.

WHAT IS GOING ON?

We are assembling, for the first time in one venue, all elected officials and chambers of commerce officials. The intent of the Convocation is to allow a dialogue among the participating entities to gain insight into each others' legislative programs. It is hoped that through this sharing of information, we may find common legislative issues which can form community legislative goals.

WHO IS INVITED?

The Sarasota County Commission and chief executive,
Municipal elected officials and chief executive,
The Chief Judge and Court Administrator,
Constitutional Officers,
The Sarasota County School Board and chief executive,
The Sarasota/Manatec Airport Authority and chief executive,
The Sarasota Memorial Hospital Authority and chief executive,
Chamber of Commerce Boards and chief executive.

"Dedicated to Quality Service"

WHAT DO WE EXPECT TO ACHIEVE?

At the very least we will come away from this dialogue with a better understanding of each other, and the critical legislative issues with which each of us is wrestling. At best we hope to develop a list of legislative issues about which we have general consensus.

We recognize that each entity will have issues unique to their needs. We also recognize that some entities cannot support some issues supported by others.

Nevertheless, we believe that we can learn from one another and find common ground.

WHY ARE WE DOING THIS?

Our State Delegation is in a leadership position to help mold State policy. By presenting our Legislative Delegation with a list of community goals we will be making their jobs easier and our impact more assured.

WHAT WILL COME OF OUR PRODUCT?

This past spring the chambers of commerce in Sarasota County, and the County Commission, jointly sponsored a reception to honor our Legislative Delegation. It was agreed that it had been successful and we were encouraged to make it an annual event.

A second reception will be held in the late summer or early fall. This reception will be expanded to include all the participants in the Legislative Issues Convocation. At that reception, our consensus list can be presented to the Delegation. By presenting our issues at that time, the community legislative priorities will be fresh in their minds as they begin to develop the State legislative agenda for 2000.

IN PREPARATION

We request that you provide us with a short list of your most significant legislative issues. We will then prepare a meeting packet that includes everyone's priorities. Hopefully, this compilation will allow us to save a little time at the meeting. Please mail your list, by Thursday, June 24, to Bill Broughton, 1660 Ringling Blvd., 2nd Floor, Sarasota, FL 34236 or fax to 954-4875. Also, please call Mr. Broughton's office at 951-5727 to confirm your attendance.

The County and the Sarasota Chamber of Commerce are coordinating the meeting. However, we will not "own" the process or the outcome. We sincerely hope that all participants will feel connected with the process and support the results.

I look forward to seeing you and sharing in this inaugural event.

Sincerely,

Shannon Staub

Chair



FLORIDA LEAGUE OF CITIES, INC. RECEIVE

Memorandum

TO:

Members, FLC Legislative Policy Committees

FROM:

J. Allison Tribble, Senior Legislative Advocate

DATE:

June 11, 1999

RE:

Meeting Time Change for Legislative "Wrap-up" Meetings

Included with a copy of the League's Legislative Final Report, you received a memo regarding the Legislative Wrap-up Policy Committee Meetings on Friday, July 9, 1999 at the Tampa Airport Hilton. To allow more time for members to travel to Tampa that morning, the meetings that were originally scheduled to begin at 9:00 a.m. have been postponed to meet from 10:00 a.m. until 2:00 p.m. on July 9.

Also, for those who wish to travel the night before, the Tampa Airport Hilton has rooms available at a government rate of \$81 per night. The phone number for the Tampa Airport Hilton is (813) 877-6688. When making reservations, please tell them you are attending a meeting with the Florida League of Cities.

We apologize for any inconvenience this may have caused. Should you have any questions or require additional information, please call me at (800) 342-8112. Please remember to complete the response form confirming your attendance at this meeting and fax it back to the League by June 21, 1999.

TOWN CLERK'S OFFICE

Fack Comm.

JUN 1 4 1999

CC TOTON CLERK'S OFFICE

TOWN OF LONGSOAT KEY

ac Town Mgr

301 South Bronough Street • Post Office Box 1757 • Tallahassee, FL 32302-1757
Telephone (850) 222-9684 • Suncom 278-5331 • Fax (850) 222-3806 • Internet: http://icn.state.fl.us/flc/

REGULAR WORKSHOP, JUNE 24, 1999 AGENDA ITEM # 17

Agenda Item:

Consideration of Annual Grant to Longboat Key Chamber of Commerce from Sarasota County 1998-99 Occupational License

Funds

Presenter:

Town Manager

Summary:

Ord. 93-02 provides that a grant from the Town's portion of Sarasota County Occupational License payments may be awarded to the Longboat Key Chamber of Commerce. Such grant (awarded for past six years) is at the discretion of the Town Commission following review of an annual request and summary of activities.

The amount for 1998-99 will not be known until the end of October following the close of the collection period (amount of grant for 1997-98 was \$949.34; this was the total received from the County less a 20% administrative fee retained by the Town). The Chamber has asked for consensus approval at this time for their

budget planning process.

Attachments:

6-10-99, Letter and Summary of Activities from Chamber of

Commerce to Mayor Lenobel

Recommended

Action:

Pending discussion, forward for action at a Regular Meeting.

pla 6-11-99

June 10, 1999



CHAIR

JoAnn Wolverton - Wolverton Financial Services

CHAIR-ELECT
Gary Rogers
Shannon Resort & Club Group, Inc.

TREASURER
Chuck Vollmer
Legg Mason Wood Walker

DIRECTORS
Veronica Brady
SunTrust

Larry Burke Morty's Bagel Cafe

Steve Doster
Interserve Internet Services

Michele Knuese The Langboat Connection

Chrls Lynch Lynches Landing Bar & Grill

Wayne C. McCammon Mac's Home Repair

John Raleigh, Jr. Summit Brokerage Services

Jim Seaton Longboat Limousine Suncoast Sedans

Lou Strazzere Postmaster Longboat Key Post Office

Sandy Tull Huntington Bank

Terry Uphaus Publix Supermarkets .

W. O. Whitney Bahia Oaks Lodge

IMMEDIATE PAST CHAIR Andrew Vac Andrew Vac Really

President
Gail Loefgren

Mayor Hal Lenobel and Commissioners Town of Longboat Key 501 Bay Isles Road

Longboat Key, Florida 34228.

Dear Mayor Lenobel,

In accordance with the terms of Town Ordinance 93-02 providing for an annual grant to the Longboat Key Chamber of Commerce from Sarasota County Occupational License Taxes, please consider this letter as the Chamber's annual request and summary of activities meeting a public purpose.

This Chamber is committed to preserving a healthy business community, providing information to tourists and residents and insuring the quality of life on Longboat Key. We work for the public and, therefore, our programs serve a public purpose. A summary of our activities for 1998 are enclosed for your information as you consider this annual request.

These grant monies have become an important part of our budget and, while not a large amount by some standards, they are substantial to us. As a volunteer organization we are very much dependent on sources of income other than membership dues. We certainly appreciate your continued support. We thank you for your cooperation during the past year. Even though we do not always agree, there seems to be a mutual effort to communicate and to understand each other. Open, honest dialogue and consensus building will always be our goals as we both work to sustain and improve this wonderful island.

Thank you again for your support and your efforts as public officials. Your willingness to participate in our events and to do a sometimes difficult job is appreciated by all.

Sincerely,

Gail Loefgren

President

Longboat Key Chamber of Commerce

cc: Bruce St. Denis
, Jo Ann Wolverton

Enclosure GPL/kdh JUN 1 1 1939

TOWN MANAGER

TOWN OF LONGROATION

TOWN SUFFICE OFFICE

Whitney Beach Plaza 6854 Gulf of Mexico Drive Longboat Key, Florida 34228
Tel 941.387.9519 Fax 941.383.8217

www.longboatkeychamber.com Email: director@longboatkeychamber.com

PROGRAMS OF THE LONGBOAT KEY CHAMBER OF COMMERCE

The Longboat Key Chamber of Commerce works for the well-being and sustained quality of life for our community. A healthy, vital retail and business community, in fact, leads to a healthy, vital residential community, and because tourism is such an important segment of Longboat Key's economy, a major part of this Chamber's emphasis is to bring outside tourism dollars to our community.

The programs of the Longboat Key Chamber of Commerce that work toward these goals include the following:

- * The Longboat Key Chamber of Commerce researches, develops and updates statistics needed by existing Longboat Key businesses and potential residents and tourists to the community. We distributed 25,000 Visitors Guides either by mail or by people coming to the office to pick them up. Of that 25,000, we mailed our Visitors Guide to every resident on Longboat Key. Our postage costs were well over \$11,000 this past year. The Longboat Key Chamber of Commerce is the information center of the community and we provide a valuable service that no one else offers.
- * The Chamber continues to schedule "Issues and Eggs" breakfasts with the commissioners and Town staff which provide a public forum for discussion of issues relevant to the community.
- *During 1998, the Chamber and the Town cooperated in many ways. Here are some examples:
- 1. Provided a sponsor to enable us to provide refreshments at and assisted in publicity for Hurricane Disaster Seminar.
- 2. Assisted the Town Clerk's Office with occupational license renewals.
- Assisted the Police Department by faxing all Longboat Key businesses continuously updated information as Hurricane Georges approached. It was much appreciated by our business community.
- 4. The Chamber organized a fund-raiser for the Bayfront Park Recreation Center building fund. We encouraged our members through the newsletter "Tidelines" to buy a brick for the recreation center.
- 5. We worked together to bring the Sunday In the Park concert series to Joan Durante Park.
- 6. We campaigned actively in support of the Town's positions on the John Ringling Bridge replacement issue and the Manatee County Area Transit Issue.

- * The Longboat Key Chamber disseminates a handbook entitled "Disaster Preparedness for Business". This will help our business community respond quickly to an emergency which, in turn, will assist the people who live on Longboat Key.
- * Bringing in new outside resources to our community through tourism is one of the largest assignments of the Longboat Key Chamber of Commerce. Tourism promotion begins with the publication of the Longboat Key Visitors Guide/Business Directory and the Longboat Key map. The financial assistance needed to produce these publications is gathered through business advertisements, thereby giving members another chance to promote themselves to potential visitors. The Chamber also markets our area at travel shows, creating an opportunity for higher visibility to travel agents and tour operators. Tourism promotion also includes answering visitor's (walk-ins and phone inquiries) questions, mailing information in response to questions about relocation, making referrals to area businesses and assisting our visitors in every way possible. We also assist our full time residents with many requests on a wide variety of subjects. In the past year the Chamber has responded to phone and mail inquiries dispatching over 35,000.
- * The Longboat Key Chamber mails a welcome letter and relocation information to new residents of the Key. We do this once a month.
- * The Chamber hosts a very comprehensive Web site on Longboat Key. The site consists of approximately 50 pages and gives visitors to the site tourism information and, also, relocation demographics. Our web address is: www.longboatkeychamber.com
- *The Public Affairs Committee monitors all governmental actions that affect our business members. We also monitor local lodging tax collections and disbursements, maintain representation on the Advisory Committee for the Sarasota Convention and Visitors Bureau, assure representation on the Sarasota County Economic Development Board, attend meetings of the Manatee County Tourism Development Council, and we meet regularly with other area Chambers of Commerce.
- *The Small Business Council of the Chamber compiles demographics for businesses, residents and tourists who request this information. The Chamber also counsels new or existing businesses on licensing, traffic flow, local ordinances and so forth. The Small Business Council plans Small Business Week, an annual event that recognizes the contributions of our local entrepreneurs to the economy. The Chamber works with the Longboat Key Town Clerk's office by providing any information on businesses that is requested by that office.
- * The Ambassadors of the Chamber promotes business among and between the member businesses. Ribbon cuttings and media coverage for grand openings, anniversaries, remodeling and open houses are other projects which foster the recognition of the retail community.
- * The Community Affairs branch of the Chamber administers quality of life events for our community. The Chamber promotes goodwill, friendship and community spirit among our residents. Longboat Key residents also apprise the chamber leaders of issues they feel are important to monitor for the citizenry. Longboat Key residents are

welcome to join the Chamber and they need not be active in the business community. We have organized group trips to see the Tampa Bay Lightning, the Tampa Bay Bucs and the Devil Rays of which many of our residents have taken advantage. We are the only organization on the Key to sell the Entertainment Book--a national publication with discount coupons and 50% off dinners for use at area businesses and restaurants. Every book was sold to residents or visitors to Longboat Key. The Community Affairs Division sponsored a "Welcome Back" event for returning winter residents of Longboat Key in February. It was an excellent opportunity to let residents know our location and the type of informative and helpful information available at our office. We also wanted our residents to know that we appreciate them. We continue to support the S.T.A.R.T. initiative by responding when called on for assistance.

- * The Membership Committee hosts networking meetings for members and guests which afford them the opportunity to learn more about our business community and their fellow business men and women. Those networking opportunities are available through the monthly receptions, committee meetings and community events such as the Longboat Key Street Art Festival, annual golf tournament and seminars.
- * The Senior Outreach committee's mission is to reach out into our community to provide seminars of interest to the senior population on Longboat Key. The committee offers a classification of membership in the Chamber known as "Super Seniors". For \$25.00 per year, we encourage our residents to join the Chamber and take advantage of special events planned just for them. In 1999, the committee intends to hold a Senior Summit to see how the Chamber can be of help to our senior population.
- * Of course, one of the main functions of the Chamber is Education of its members about concerns pertaining to local, state, and federal legislative issues and other items of interest to its members. Education takes place through newsletters, mailings and seminars. Most of our seminars are open to the public. We sponsor a monthly seminar on E-Commerce and how to do business on the web, which many residents have attended.

The cost of Longboat Key Chamber of Commerce membership benefits is, of course, the membership investment. However, this fee covers only a portion of providing assistance. Other sources of income must be found to assure the financial well-being of this non-profit organization. Fund raisers such as The Longboat Key Street Art Festival, golf tournament and seminars usually provide greater value than just raising needed revenue. These events also provide opportunity for networking, education, tourism promotion and quality of life.

We are pleased that you believe this organization provides a valuable service to the Island and we appreciate your continued support.

MEMORANDUM

DATE: June 30, 1999

TO: Town Commission

FROM: Bruce St. Denis, Town Manager

SUBJECT: Canal Maintenance Funding Decision

At the workshop of June 24th, the Town Commission reached a consensus to fund the canal maintenance project on a town-wide basis over a two year period.

Consensus was also reached that the first year's cost of \$468,542 would be paid from unbudgeted, unallocated General Fund reserves.

The Town Commission will be asked to take official action on this direction at the July 6^{th} meeting.

BSD/dhs

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MEMORANDUM

DATE: June 29, 1999

TO:

Town Commission

FROM:

Bruce St. Denis, Town Manager

SUBJECT: Cancellation of July 22, 1999 Workshop

A poll was taken at the 6-10-99 Budget Workshop regarding the availability of Commission members for the month of July. It was determined a quorum will not be available for the 7-22-99 Regular Workshop. In accordance with Town Code, Section 30.01(D), the "... Town Commission may meet in workshop... Unless the Town Commission shall determine otherwise..."

This item is placed on your agenda to determine whether to hold a meeting on July 22, 1999.

If you have any questions, please contact me.

/dhs

Attachment: Town Code §30.01(D) Workshop Meetings.

- (1) The Mayor or any two members of the Commission may call special meetings of the Commission on at least two hours' written notice to each member, served personally, or left at the member's place of business or the usual place of residence.
- (2) The aforesaid requirement of written notice of special meetings may be waived at the special meetings by the unanimous vote of the entire Town Commission recorded in the minutes of the meeting.
- (3) In any event, there shall be no requirement of written notice of a special meeting where notice is given at a meeting or workshop immediately preceding the special meeting, the entire Town Commission is present at the preceding meeting or workshop and the notice is recorded in the minutes of the preceding meeting or workshop.
- (4) The written notice of a special meeting shall be signed by the Town Manager or a Commissioner and shall state the date and hour of the meeting, and the purpose for which the meeting is called. No business shall be transacted thereat, except that as is stated in the notice, except in accordance with § 30.02(A) (2). A copy of the notice shall be posted in the Town Hall bulletin board.
- (5) If time reasonably permits, the Town Manager shall publish a notice of a special meeting in a newspaper of general circulation within the town.
- (D) Workshop Meetings. The Town Commission may meet in workshop for study and discussion of the affairs of the town in the Commission chambers of the Town Hall, but no formal or binding action may be taken at these meetings. Unless the Town Commission shall determine otherwise, regular workshop meetings shall be held on the third Thursday of each month at 1:00 p.m. Special workshops may be scheduled as deemed necessary by the Town Commission.
 - (E) Public Hearings.
- (1) The Town Commission shall hold a public hearing on all matters where required by the Code of Ordinances of the Town of Longboat Key, Florida, or the laws of the State of Florida.
- (2) The adoption of ordinances and resolutions shall be in compliance with the provisions of § 166.041, Florida Statutes, as may be amended. If the ordinance or resolution is not initiated by the Town, it shall be at the petitioner's or applicant's expense unless otherwise provided by this Code. Development agreements, adoption or amendments of outline development plans shall be in the form of an ordinance.
- (3) Adoption or amendment of a Comprehensive Plan shall meet the minimum criteria of §§ 166.041(3) (a), F.S., as may be amended.
- (4) Plat or replat approvals, variances, road vacations, site plan approvals, and vested rights determinations shall, if not initiated by the town, be at the petitioner's or applicant's expense, except as provided in Chapter 157. Notice of such public hearings shall, at least seven days prior to hearing, be:

1996 S-13

MEMORANDUM

DATE: 06-25-99

TO:

Bruce St. Denis, Town Manager

FROM:

Pat Arends, Town Clerk

SUBJECT:

Town Commission Appointments to Fill Vacancies on Planning and

Zoning (P&Z) Board, Code Enforcement Board, and Salary Savings

Committee - Applicants

Applicants for consideration of appointments by the Town Commission at the 7-6 Regular Meeting are as follows:

P&Z Board (9)

Code Enforcement Board (11) Julian Dorf Julian Dorf Michael Drake Michael Drake John Kerwin **Nick Drizos** Milton Kruk Andrew Hlywa Lisa Lowrance Helen Holt Earl Pollock Ronald Levin

Jerome Rosenthal George Spoll David Young

Hope Mitchell **Burton Rosenfield** Martin Taylor **David Young**

Clayton Lyons

Salary Savings Committee (3)

Nick Drizos Andrew Hiywa Helen Holt

These two applicants indicated interest in appointment to any board or committee and will be contacted before 7-6 to confirm interest in these openings:

William Bell Will Foss

attachments - applications



WP.NAMES TOWN OF LONGBOAT KEY Jun 16 1999 NAMES FILE LISTING PAGE: 1 TOWN.CLERK ACCOUNT NAME, ADDRESS, AND PHONE..... GROUP.... BALK Mr Bruce N Balk Member, CEB (96-2002) CEB 610 Longview Dr Longboat Key FL 34228 phn: HOME-NON-PUBLISHED; 366-3300, Office FRANK Mr Albie Frank Member, CEB (96-2002) CEB 1065 Gulf of Mexico Dr #104 Longboat Key FL 34228 phn: 383-3020 FUORRY Mr Thomas Fuorry Chairman, CEB (97-2000) CEB 1125 Bogey Lane Longboat Key FL 34228 phn: 383-6001 KELLNER Mr Herbert L Kellner Vice Chairman, CEB (97-2002) CEB 5054 Gulf of Mexico Drive Longboat Key FL 34228 phn: 383-0058 RILKARD, C Dr Carol Rickard Member, CEB (98-2001) CEB 581 Yardarm Lane Longboat Key, FL 34228 phn: 383-7362 ROSENTHAL, RICHARD Mr Richard A Rosenthal Member, CEB (93-2000) RESIGNED CEB Code Enforcement Board 649 Dyeam Island Road Longboat Key FL 34228 phn: 383-4745 WEBSTER, J Dr Joan Webster Secretary, CEB (98-2001) CER 5555 Gulf of Mexico Drive, 101 Longboat Key, FL 34228 phn: 383-8869

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P, NAMES lay 4,1999 AGE: 1	TOWN OF LONGBOAT KEY NAMES FILE LISTING TOWN.CLERK ACCOUNT		35
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)IAMANT, R	Mr Robert Diamant Chairman, P&Z Board (93-2002) 3351 Sabal Cove Lane Longboat Key FL 34228 phn: 383-7424	P&Z	•••••
⊃RÓHLICH	Mr Robert Drohlich Member, P&Z Board (97-2000) 1400 Harbor Sound Drive Longboat Key FL 34228 phn: 383-4031	P&Z	
FARBER, R RESIGNED 6-3-99	Mr Robert J Farber Member, P&Z Board (98-2001) 3585 Mistretoe Lane Longboat Key, FL 34228 phn: 383-9499	P&Z	. 18
Karsh	Mr Carl Karsh . Secretary, P&Z Board (88-2000) 2352 Harbour Oaks Dr Longboat Key Fl 34228 phn: 383-4041	P&Z	.:
L j	Mr Jerry G. Lee Vice-Chairman, P&Z Board (94-2002) 3328 Sabal Cove Lane Longboat Key FL 34228 phn: 383-6493	P&Z .	
LEVIN, R	Mr Richard D Levin Member, P&Z Board (99-2002) 6860 Pine St Longboat Key FL 34228 phn: 383-6640	P&Z	
	Dr Fred S Rickard Member, P&Z Board (97-2001) 581 Yardarm Lane Longboat Key FL 34228 phn: 383-7362	P&Z	
	Mr Lee Rothenberg Member, P&Z Board (93-2000) 561 Birdie Lane Longboat Key FL 34228 phn: 383-0889	P&Z	
T, HÐUOMFÆ	Mr J Jeremy T Whatmough Member, P&Z Board (98-2001) 5171 Gulf of Mexico Drive	P&Z	

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wp.NAMES Jun 16 1999	TOWN OF LONGBOAT KEY NAMES FILE LISTING	30
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	NAME, ADDRESS, AND PHONE	GROUP
FARBER2 RESIGNED 6-3-99	Mr Robert Farber Member, Salary Savings Committee (Sec.34.50(B)(8) (1999-2000) 3585 Mistletoe Lane Longboat Key FL 34228 phn: 383-9499	SAL.SAV
HEGER	MS. DEBORAH HEGER MEMBER, SALARY SAVINGS COMMITTEE PLAN ADMINISTRATOR (Sec.34.50(B)(10))	SAL.SAV
LENOBEL2	MAYOR HAL LENOBEL TC MEMBER, SALARY SAVINGS COMM (Sec.34.50(B)(9))	SAL.SAV
METZ3	COMMISSIONER RAY METZ MEMBER, SALARY SAVINGS COMMITTEE (Sec.34.50(B)(1))	SAL.SAV
MISLYAN	OFFICER STEPHEN MISLYAN MEMBER, SALARY SAVINGS COMMITTEE POLICE DEPT. REPRESENTATIVE (Sec.34.50(B)(6))	SAL.SAV
SOUSA	LT. THOMAS SOUSA MEMBER, SALARY SAVINGS COMMITTEE FIRE DEPT. REPRESENTATIVE (Sec.34.50(B)(7))	SAL.SAV
SPENCER	MRS DONNA SPENCER MEMBER, SALARY SAVINGS COMMITTEE GENERAL ADMIN EMPLOYEE REP. (Sec.34.50(B)(4))	SAL.SAV
ST.DENIS	Mr. Bruce St.Denis ST.DENIS,BRUCE*MR. TOWN MANAGER (Sec.34.50(B)2))	SAL.SAV
SULLIVAN4	MR. TERENCE O. SULLIVAN MEMBER, SALARY SAVINGS COMMITTEE FINANCE DIRECTOR (Sec.34.50(B)(3))	SAL.SAV

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TOWN OF FONGBOALKEY APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE



NOTE: Florida's Public Records Law, Chapter 119, Florida Statutes states, "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning, zoning, or natural resources responsibilities are required to file a financial disclosure form within 30 days after appointment and annually thereafter for the duration of the appointment as required by Chapter 112, F.S. (Please type or print clearly) WILLIAM D BELL. NIANAE.

INDIVIE	TELEPHONE: 387-9063
ADDRESS: 6845 GULF OF MEXICO DR., LONGBOAT	KEY, FL 34228
OCCUPATION: SEF ATTACHMENT	•
(Please, if retired indicate former occupation or profession.) EDUCATION: SEE ATTACHMENT	
	TTACHMENT
I am interested in serving on:	
Second choice (if any):	
Any board/committee for which I am qualified:	Ad hoc committees:
STATEMENT OF VOTING STATUS/RESIDENCY: I am a registered Key, I am usually in residence months per year. To a below the months I am usually out of town and would not be availa accordance with the Town Code a member who fails to attend thre automatically forfeits a seat on that board.	voter and resident of the Town of Longboat aid in scheduling meetings I have indicated

makdANNE FEB. Please Return ApplicationTo:

MARCH

APRIL

MAY

AUG.) (SEP)

OCT.

NOV. DEC.

William D. Bell

(SIGNATURE OF APPLICANT)

APR 0 9 1997

Town Clerk, Town of Longboat Key

501 Bay Isles Road

Longboat Key, FL 34228

Attachment - Town of Longboat Key Application for Appointment to Board/Committee.

William D. Bell - April 7, 1997

Occupation: Retired. Former Director, Investor Relations, IBM Corporation, Armonk, NY.

BBA, University of Michigan plus 15 hours Graduate study. Education:

Former Community Activities:

Village of Bronxville, NY
- elected Mayor and Board of Trustees.
- appointed member: Planning Commission,
Recreation Council.
- elected member, Board of Education.

Recent Community Activities: Former President, BeachWalk Condominium Association, Longboat Key. 1995-97.

BeachWalk representative to Federation of Longboat Key Condominiums.

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

The Town Code requires appointments to the following Boards to be persons who are registered voters and residents of the Town of Longboat Key: Code Enforcement Board, Ethics Commission, Pension Board, Planning & Zoning Board, Zoning Board of Adjustment. A person may not serve on more than one of these boards concurrently. (These requirements do not apply to appointments to ad hoc committees.)

requirements do not apply to appointments to ad hoc committees.)
(PLEASE TYPE OR PRINT CLEARLY) DATE: 2/5/98 NAME: JULIAN A. DORF TELEPHONE: 383-3130
NAME: 31/1410 A. LORT TELEPHONE: 1383-3130
ADDRESS: 2195 HARDOUASIDE DRIVE LBK
OCCUPATION: RETURED - INVESTIGENT BANKER (If retired, please indicate former occupation or profession.)
EDUCATION: BS
PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: VOLUMERR - SWAPOSPITO
FARMER TRUSTER TOWN/ FOR FOR WER WEMBER - FI WANCE COMMINITOR
ADDITIONAL PERTINENT INFORMATION/REFERENCES: ERWERTRES LORRENT
BOARD WEMBER-HAD bus CAKE-BRES-BAY ISLES ASSOC YXR.
I am interested in serving on: P 4 7
Second choice (if any): ZBA OR CODE ENTODEENENT
Any board for which I am qualified: ad hoc committee:
STATEMENT OF VOTING STATUS/RESIDENCY: I am a registered voter and resident of the Town of Longboat Key. I am usually in residence months per year. To aid in scheduling meetings I have indicated below the months I am usually out of town and would not be available to attend meetings. I understand that in accordance with the Town Code a member who fails to attend three consecutive regular scheduled meetings automatically forfeits a seat on that board.
JAN FEB MARCH APRIL MAY JUNE JULY AUG SEPT OCT NOV DEC
TOWN CLERK'S CFFICE Signature Signature FEB 0 5 1988 Please see reverse side for important information)

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APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

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(PLEASE TYPE OR PRINT CLEARLY) DATE:	JUNE 22, 1999.
NAME: MICHAEL D. DRAKE TELEPHON	
ADDRESS: 6821 LONGBOAT DRIVE SOUTH	
OCCUPATION: PROPERTY MANAGEMENT (If retired, please indicate former occupation)	tion or profession
EDUCATION: EASTERN MICHIGIAN UNIVERSITY (1983	•
PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: PR	
LIBK FOR NINE (1) YEARS, LONGBEACH VILLAGE	
ADDITIONAL PERTINENT INFORMATION/REFERENCES:	LESTIER LEVINIE /383-8099
FON JOHNSON COMMESSIONER I am interested in serving on 502 Com	
I am interested in serving on: TPFZ CER	325 >, ZBA
Second choice (if any): SEE ARNE	
Any board for which I am qualified: ad	hoc committee:
STATEMENT OF VOTING STATUS/RESIDENCY: I am resident of the Town of Longboat Key. I am 12 months per year. To aid in schedu indicated below the months I am usually out of available to attend meetings. I understand the Town Code a member who fails to attend the scheduled meetings automatically forfeits a standard to a scheduled meetings automatically forfeits a standard to a scheduled meetings.	usually in residence ling meetings I have f town and would not be that in accordance with ree consecutive regular eat on that board.
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(Please see reverse side for important information)



APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

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appointments to ad hoc committees.)
NAME: Nicholas G. Dr. 205 TELEPHONE: 941-383-5432 ADDRESS: 560 BROADWAY LBK OCCUPATION: AWSTMENT BANKER (If retired, please indicate former occupation or profession.) EDUCATION: Some College PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: PRes. Lowbeach Village ASSOCION, INTOLVED IN MANY Chapities And Refreserval are to the control of
ADDITIONAL PERTINENT INFORMATION/REFERENCES:
I am interested in serving on: LBK Bopel of AdJustments Second Choice (if any): TENSION; SAL, SVGS; CEB Any board for which I am modified
Any board for which I am qualified: X ad hoc committee: X
STATEMENT OF VOTING STATUS/RESIDENCY: I am a registered voter and resident of the Town of Longboat Key. I am usually in residence months per year. To aid in scheduling meetings I have indicated below the months I am usually out of town and would not be available to attend meetings. I understand that in accordance with scheduled meetings automatically forfeits a seat on that board. WAN FEB MARCH APRIL MAY JUNE JULY AUG SERM OFF.
TOWN CLEARCE DEFIC.2 Michola G. Duyar Signature Signature FEB 2 2 1999 Please see reverse side for important information) TOWN OF LONGSOAT KEY

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

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(PLEASE TYPE OR PRINT CLEARLY) DATE: 9/27/97
TELEPHONE: 991 - 787 704
ADDRESS: 4545 CM
OCCUPATION: Salesmann (If retired, please indicate former occupation or profession.)
EDUCATION: VASIER C FROM A CONTROL OF THE PROPERTY OF THE PROP
PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: NEAD
ADDITIONAL PERTINENT INFORMATION/REFERENCES:
I am interested in serving on: A BOARD ON Committee
Second choice (if any): A Commetee on Boand
Any board for which I am qualified: ad hoc committee:
STATEMENT OF VOTING STATUS/RESIDENCY: I am a registered voter and resident of the Town of Longboat Key. I am usually in residence months per year. To aid in scheduling meetings I have indicated below the months I am usually out of town and would not be available to attend meetings. I understand that in accordance with the Town Code a member who fails to attend three consecutive regular scheduled meetings automatically forfeits a seat on that board.
SEP 3 0 1397 Signature (Please see Neverse Side for important information)
10/13/97- INTERESTED IN CRC CATTENDED COMMITTEE MEETING)

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APPLICATION FOR APPOINTMENT TO THE
APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE the policy of this are Public Records Law, Chapter 110 Florida's Public Records Law, Chapter 110 Florida Public Records Record
NOTE: Elastical Transport To BOARD/COMMITTEE
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1 resources regressively disposes exercising plants of solely divisory
resources responsibilities are required to file a financial disclosure form within 30 as required by F.S. Chap. 112.
(Please type or print also to
THE NAME: IV. Jakia K
NAME: W. John Kerwin TELEPHONE: 383-0772
OCCUPATION PLANTING DATE: 0.3-2.3-3/
(Il retired, please indicate former and Callonal Advises Sinches
PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:
See Resume
ADDITIONAL PEDTINE
ADDITIONAL PERTINENT INFORMATION/REFERENCES:
See Resume
Second choice (if any)
Any board/committee for which I am qualified: ETHICS (ZBA) 5/75
Ad hoc committees: Contacto RECREATION 6/92
MONTOS per vear
REGIS. VOTER INCOME
(Signature of Applicant)
Various times the Commission and Beach Adjustment, Code Enforcement Board
warious times the Town has had or may have ad hoc committees such as: Airport Advisory Beard and Recycling.) Recreation, and Recycling.) Please return this form to a such as
Please return this form to T
Please return this form to: Town Clerk, Town of Longboat Key
501 Bay Isles Road; Longboat Key, FL 34228
4/95 Requested Continued A
4/95 Requested Continued Consideration Poly (5-95 REPOINTED-ZBA LIDEXPIRED (95.46) TOHN JOHN
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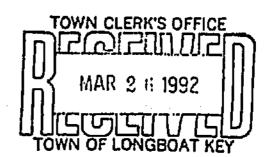
W. John Kerwin
-6504-Red Cedar Lane
Union Lake, Nichigan 48387
(313)-363-1295

5 Winslow Place Longboat Key, Fl. 3422 813-383-0772

PRESENT POSITION

Rettred

Deputy Superintendent for Operations West Bloomfield School District 5810 Commerce Road West Bloomfield, Michigan 48324 (313) 682-1062



EDUCATION

Niagara University - Bachelor of Arts Degree

New York State University College at Buffalo - Master of Science Degree

EXPERIENCE

June 1989 - Present
West Bloomfield Schools (Michigan) - Deputy Superintendent
for Operations - Responsible for the following:

- Department of Maintenance & Operations
 Administer the budget and personnel including nine school buildings, 100+ acres of land, forty-five custodians, six maintenance, one supervisor, two secretaries and approximately \$3,225,000 in operating budget.
- Department of Transportation Administer the budget and personnel including seventy vehicles, seventy drivers, five mechanics, one supervisor, three office staff and an operating budget of approximately \$1,600,000.
- Department of Food Services
 Administer the budget and personnel including three kitchens, eight cafeterias, thirty five employees, one supervisor and an operating budget of approximately \$560,000.
- 4. Also functioned as Construction Manager Worked with architects and engineers in preparing specifications and drawings for all construction projects. Wrote, advertised and recommended for

LEPININ TAHNPAGE 1

award all bids for approximately \$27,000,000 in four years including:

a) One new elementary school

Replacement of five roofs (600,000 s.f.)
 Redesign and replacement of six asphalt parking lots

d) Additions of approximately 20,000 s.f. to five buildings

e) Replacements of HVAC and boiler systems to

eight buildings

f) Removal of asbestos material from six buildings

Replacement of all ceilings & lighting in all buildings

h) Replacement of windows in six buildings

As part of this work, hired all General Contractors, approved all sub-contractors, direct on the job supervision of all work reporting to Superintendent and Board of Education. Had direct budget responsibility for expenditures of \$27,000,000 bond issue.

1984 - June 1989

West Bloomfield Schools (Michigan) - Deputy Superintendent for Personnel, Operations and Employee Relations: Responsibilities included administration and supervision of all hiring, discipline and termination of employees; handling all grievances including all negotiations of contracts with six different employee groups, administration of all personnel aspects including health and other benefits; maintaining all district records pursuant to personnel, responsible for personnel aspects of approximately 84% of \$23,000,000 budget.

Direct administration of the Department of Maintenance and Operations and the Department of Food Services; direct supervision of the Supervisor of Maintenance and Operations and the Supervisor of Food Services; supervise over 70 employees in two departments; responsible for the cleaning and maintenance of eight school buildings, one district media center and some small facilities.

In addition to these responsibilities, responsible for all phases of decision making in the absence of the superintendent.

I ITON ... I TAILLI PAGE ?

West Blocmfield Schools (Michigan) - Operations Manager:
Responsibilities included direct administration of the
Department of Transportation, Department of Maintenance an
Operations and the Department of Food Services; direct
supervision of the Supervisor of Transportation, Superviso
of Maintenance and Operations and the Supervisor of Food
Services; supervise over 100 employees in three
departments, administer budget in excess of 2.5 million
dollars; responsible for the cleaning and maintenance of
eight school buildings, one district media center and some

West Bloomfield Schools (Michigan) - Director of Media Services: Responsibilities included establishing a district media center where none existed before; establishing a complete printing program, a complete equipment repair shop, and graphic arts program, coordinating public relations of the district; hiring, evaluation and supervision of six professionals, twelve paraprofessionals and five technical office staff.

Prior to 1973

Western New York State - Director of Media Services,
Elementary School Principal, Director of Instructional
Resource Center, Science Consultant, Classroom Teacher,
(special education, EMI, elementary grades, gifted)

Tallel Page 3

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

The Town Code requires appointments to the following Boards to be persons who are registered voters and residents of the Town of Longboat Key: Code Enforcement Board, Ethics Commission, Pension Board, Planning & Zoning Board, Zoning Board of Adjustment. A person may not serve on more than one of these boards concurrently. (These requirements do not apply to appointments to ad hoc committees.)

Trese to ad hoc committee (Inese
(PLEASE TYPE OR PRINT CLEARLY) NAME: ANDRESS: 7012 PALM DRIVE (PLEASE TYPE OR PRINT CLEARLY) DATE: FERRUARY 10 1999 TELEPHONE: 941-387 7662
ADDRESS: 7012 PALM DRIVE OCCUPATION: Business man (If retired, please indicate former occupation or profession.) EDUCATION: K-12
EDUCATION: K-12 PROFESSIONAL AND A
PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: NONE
ADDITIONAL PERTINENT INFORMATION/REFERENCES: See ATTACHED.
am interested in serving on: Zoning Board of Adjustment Second choice (if any) CEB) Any board for which I am gratist
Any board for which I am qualified: X ad hoc committee: X STATEMENT OF VOTING STATUS/RESIDENCY: I am a registered voter and resident of the Town of Longboat Key. I am usually in residence and indicated below the months I am usually out of town and would not be available to attend meetings. I understand that in accordance with scheduled meetings automatically forfeits a seat on that board. AN FEB MARCH APRIL MAY JUNE JULY AUG SEPT OCT NOV DEC
(Please see reverse side for important information) FEB 1 0 1999 TOWN CLERK'S OFFICE TOWN OF LONGBOAT KEY

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February 10 1999

Town of Longboat Key 501 Bay Isles Road Longboat Key Florida 34228

This letter is part of my Application for appointment to Board/Committee. Additional Information, I recently relocated to Longboat Key, from New Jersey, where I lived for the passed 49 years. I have been visiting the island for the last three winters and one summer, I think the island is great. I I recently purchased a home in the village on palm drive, and so I have something to do, I purchased the Plaza @ 5610 Gulf of Mexico Dr. I hope to become part of Longboat Key, when I saw the article, in the Observer that, Bob Burnett (who I have met during Real-estate transactions) was retiring from the Zoning board of adjustments, I thought it would be a good time to apply. I do not have experience serving on a Public Committee, But I would like to learn. Here is a brief, Resume' I have been self employed most of my life, with Vocational/ Technical High School training as a auto Mechanic, the first business, was a gasoline service station in Clifton NJ, with a school mate, from 1967 to 1974. then I moved across the state of NJ to warren county, In 1977, purchased a Coin Laundry in the city of Hackettstown NJ, then in 1980 expanded the cleaning business to include a Dry cleaning Plant/store and a Janitorial maintenance Co. which was sold in 1984 & 1987. The Coin laundry business was sold in 1996, I still own the multi-use building, which houses the coin laundry and two apartments in NJ. But Florida, Longboat Key with the great weather is my primary year round Residence.

Sincerely

andrew M. Hlywa

*UPDATCD: 111117
INTEREST IN GARAGED 6/99 TOWN CLERKS SHEET
INTERESTED IN CERTIFICITIES
TOWN OF LONGBOAT KEY
APPLICATION FOR APPORTMENT DPPATED 9/97
APPOINTMENT TO BOARD/COMMITTEE
The Town Code requires appointments to the following Boards to be persons who are registered voters and residents of the Town of Longboat Key: Code Enforcement Board, Ethics Commission, Pension Board, Planning & Zoning Board, Zoning Board of Adjustment. A person may not serve on more than one of these boards concurrently. (These requirements do not apply to appointments to ad hoc committees.)
(DIRACE STORY)
NAME: Hold PRINT CLEARLY) DATE: 6-25-96
10100 M. 1917
OCCUPATION: Toctmaster (vitical) (If retired, please indicate former occupation or profession.) EDUCATION: Waster Commer occupation or profession.)
(If retired, please indicate former converse
EDUCATION: Mastar C (
PROFESSIONAL AND/OR COMMUNITARY DESCRIPTION OF Profession.)
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Second choice (if any):
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Any board for which I am qualified: ad hoc committee:
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Y Y DEC
Hiller to Not
- n. Signature



TOWN OF LONGBOAT KEY APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE



NOTE: Florida's Public Records Law, Chapter 119, Florida Statutes states, "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning, zoning, or natural resources responsibilities are required to file a financial disclosure form within 30 days after appointment and annually thereafter for the duration of the appointment as required by Chapter 112, F.S.

	exercising planning, zoning, or natural resources responsibilities are required to file a annually thereafter for the duration of the appointment as required by Chapter 112, F.	definitions of solely advisory bodies) and all members of bodies a financial disclosure form within 30 days after appointment and S. $4-8-99 \leftarrow VVDA/ED 27-98$
	(Please type or print clearly)	DATE: 4-2-97
	NAME: MILTON KRUK	TELEPHONE: 941 383-8980
	ADDRESS: 3070 GRAND BAY BLUD. UNIT	641 LONGOAT KEY FL 34228
	OCCUPATION: PROPESSIONAL ENGINEER - RE	
	(Please, if retired indicate former occupation or profession.) EDUCATION: COLUMNSIA UNIV. B.S & M.S. IN ME	
	PROFESSIONAL AND/OB COMMUNITY ACTIVITIES: COMMUNITY	WEEGT MER.
_	I am interested in serving on: PLANNING & ZONING &	167 C
ļ	Second choice (if any): 8/98 PEN SIDN BOX	ARD
	Any board/committee for which I am qualified:	
	STATEMENT OF VOTING STATUS/RESIDENCY: I am a register Key, I am usually in residence 12, months per year. below the months I am usually out of town and would not be avaccordance with the Town Code a member who fails to attend automatically forfeits a seat on that board.	red voter and resident of the Town of Longboat To aid in scheduling meetings I have indicated
TOWN	JAN. FEB. MARCH APRIL MAY JUNE JULY CLERK'S OFFICE A Label Return Application To:	AUG. SEPT. OCT. NOV. DEC.
i.	ר אָר Town Clerk, Town of Longboat Key 501 Bay Isles Road	(SIGNATURE OF APPLICANT)
THE	<u> </u>	(SIGNATORE OF PERCHANT)

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	NOTE: Florida's Public Records Law, Chapter 119, Florida Statutes states, "It is the policy of this state that all state, county, and municipal records shall addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies annually thereafter for the duration of the appointment as required by Chapter 112, F.S.
	NAME: TRONALD D. LEVIN DATE: 4/14/97
	ADDRESS: 33/8 BAYALL C. / LELEPHONE: 383-6602
	OCCUPATION: RETIRED U.S. FORESCAS SOME
	OCCUPATION: RETIRED U.S. FORSIGN SERVICE - HEADED FOREIGN AID OFFICES OVERSER [Please, If retired indicate former occupation or profession.] PROFESSIONAL AND COMPANIES OF THE PROPERTY OF THE PROFESSIONAL AND COMPANIES OF THE PROFESSIONAL AND
	PROFESSIONAL AND/OR COMMUNITY ACTIVITIES
6kg	Tam interested in serving on: PLANNING + ZONING CONFIRMED INTERESTORE ENGINE + ZONING Second choice (if any)
	which I am qualified.
; J	STATEMENT OF VOTING STATUS/RESIDENCY: I am a registered voter and resident of the Town of Longboat Key, I am usually in residence /2 months per year. To aid in scheduling meetings I have indicated accordance with the Town Code a member who fails to attend three consecutive, regular scheduled meetings. I understand that in automatically forfeits a seat on that board.
	MARCH APRIL MAY JUNE JUNE AUG GERMAN
ł	Please Return Application To:
	Town Clerk, Town of Longboat Key 501 Bay Isles Road Longboat Key, FL 34228 APR 15 1957
	SIGNATURE OF APPLICANT) JOHN CHEDNESOAT KEY

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PLS. INCLUDE FOR

ITEM #12 Re.

CEB APPT.

(6-24 WS)

Ronald D. Levin 3318 Bayou Sound Longboat Key, FL 34228 (941) 383-6602

Relevant Work Experience

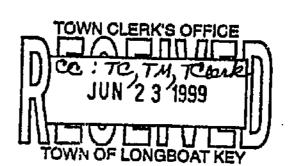
Career in United States Foreign Service. Headed foreign aid programs in 3 countries. Extensive experience in public administration, negotiation, budget and contract management, legislation, program development, project supervision, evaluation, and personnel management.

Personal Background

Originally from the Pittsburgh area, but government career led to a long-term association with Washington, DC. Retired in Longboat Key in 1994. Foreign residences included Europe (five years), Africa (fifteen years) and Panama (two years).

Education

BA Yale University 1958
JD Harvard University 1961
Postgraduate study, University of Paris, France



June 18, 1999

Ms. Pat Arends, Town Clerk Town of Longboat Key 501 Bay Isles Road Longboat Key, FL 34228

Dear Ms. Arends,

Please consider this letter to be my request to serve in the vacant position on the Planning and Zoning Board of Longboat Key.

As a resident of Longboat Key, a graduate of Northwestern University and a former Vice Mayor and Council Member of Golden Beach, Florida, I believe I can bring to the board a true and in depth understanding of what is crucial for solid and fair planning of future town development.

While serving on the town council of Golden Beach, I had many opportunities to make important and long lasting decisions for the future of that town. My decisions never came lightly and only after much research and consideration of the issue at hand.

My knowledge of zoning codes and ordinances goes beyond the site specific to encompass how something will affect the community as a whole and where other laws and ordinances may fit into any given scenario.

I have given presentations before the Army Corps of Engineers, the Dade County Commission, the Developmental Impact Committee and the Planning Advisory Board on topics such as the Comprehensive Developmental Master Plan and area planning studies, in addition to numerous zoning issues. It is this knowledge and experience that I want to contribute to Longboat Key.

Longboat Key is more than just a town. It is an island unto itself; a community of people who have traveled far in life, only to choose to live in Longboat Key. As a member of the Planning and Zoning Board, I will work to ensure the continuation of the excellent standards which entice our residents to live here.

If you need further information or have any questions, please contact me. Thank you for your attention to this request.

Sincerely,

TOWN CLERK'S OFFICE

JUN 18 1999

TOWN OF LONGBOAT KE

Lisa Lowrance 584 Schooner Lane

584 Schooner Lane Longboat Key, FL 34228 383.6526 (home)

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APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

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appointment as required by Chapter 112, F.S. UPDATED (PLEASE TYPE OR PRINT CLEARLY) 3-25-99 NAME: CLANTON T. TELEPHONE: 383-3656 ADDRESS: BOARD CHM-OCCUPATION: MANUFACTER (If retired, please indicate former occupation or profession.) EDUCATION: BS BM PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: ADDITIONAL PERTINENT INFORMATION/REFERENCES: I am interested in serving on; Second choice (if any): Any board for which I am qualified: ad hoc committee: STATEMENT OF VOTING STATUS/RESIDENCY: I am a registered voter and

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JAN FEB MARCH APRIL MAY JUNE JULY AUG SEPT OCT NOV DEC

(Signature of Applicant)

Please Return Application To:

Pat Arends Town Clerk
Town of Longboat Key, 501 Bay Isles Road, Longboat Key, Ft. 34228

Interest expressed:

SAEARY SAVINGS COMM.

4/5 CANAL DREDGING PRESSAM

COMM.



master containers inc.

CLAYION T. LYONS 2727 Easton Terrace Lakeland, FL 33803 Phone 813/682-3446

OCCUPATIONS:

1969 - Present: President - Master Containers, Inc.

1961 - 1969: Vice President - Florida Tile Industries

1952 - 1961:

Staff Manager - International Minerals and Chemical Corp.

EDUCATION:

Florida Southern College - B.S.

University of South Florida - Graduate Studies in Business - COMMUNICATIONS CIVIC ACTIVITIES PAST AND PRESENT:

Treasurer and Vice President Board of Directors - Polk Museum of Art, Lakeland

Executive Committee - Boy Scouts of America

Gulf Hidge Council, Tampa

Board of Directors - Society of the Plastics Industry, New York

Member - Florida Arts Council, Tallahassee

Board Member - Lakeland YMCA

Chairman - Advertising & Publicity Board, City of Lakeland

Budget Chairman - United Fund, Lakeland

Board Member - Big Brothers and Big Sisters, Lakeland

Treasurer - Chamber of Commerce, Mulberry

President - Kiwanis Club of Mulberry

Chairman - Ducks Unlimited, Lakeland

Co-Chairman - Lakeland Mass Transit

Adivsory Board - Mulberry FFA Member - Board of Directors, Lakeland Chamber of Commerce

Operations Officer - Coast Guard Auxiliary, Longboat Key

CLUBS:

Ridge Orchid Society, Lakeland

Imperial Rose Society, Lakeland

PERSONAL:

City of Lakeland Cutstanding Community Service Award - 1981

Florida Southern College Alumni Distinguished Service Award - 1981

Silver Beaver Award - Boy Scouts of America - 1984

Married - Three adult children, two grandchildren

Veteran - U. S. Navy, World War II

fax 813-425-4111

286

FEB-04-99 THU 09:10 AM CLAYTON.LYONS

1 941 387 0454

P.82

ENTERPRISE FLORIDA CAPITAL DEVELOPMENT BOARD BOARD OF DIRECTORS

MEMBER

TERM EXPIRATION ..

Chairman
Mr. John A. Mitchell, III (Jack)
Chairman, First Union National Bank of FL
225 Water St., Suite 1100
Jacksonville, FL 32202
(904) 361-3350
(904) 361-2037 (Fax)
Asst.: Velma Marvin

3/9/02

Mr. Daniel H. Aronson Attorney, Greenberg Traurig 515 E. Las Olas Boulevard, Sulte 1500 Ft. Lauderdale, FL 33301 954-768-8201 954-765-1477 (Fax) Asst.: Robin Marchak

6/30/01

Mr. Donald W. Burton (Don) Managing General Partner South Allantic Venture Capital 614 West Bay Street, Suite 200

6/30/00

ENTERPRISE FLORIDA CAPITAL DEVELOPMENT BOARD BOARD OF DIRECTORS

Mr. Joseph D. Hill, Jr.
Executive Vice President
NationsBank
400 N. Ashley Drive
Tampa, FL 33602
(813) 224-5076
(813) 224-5087 (Fax)
Asst.: Christine Bartow (5271)

6/30/00

* Honorable James W. Horne (Jim) The Florida Senate 4250 Lakeside Dr., #205 Jacksonville, FL 32210-3369 (904) 381-6025 (904) 381-6024 (Fax)

"...at the pleasure of the President"

Mr. Clayton T. Lyons, President Master Containers, Inc. 209 Phosphate Bivd., PO Box 586 Mulberry, FL 33860 (941) 425-5571 (941) 425-4111 (Fax)

6/30/00

Mr. Eduardo Masferrer, Chairman & CEO Hamilton Bank 3750 NW 87th Ave. Miami, FL 33178 (305) 590-3600 (305) 590-3873 (Fax)

6/30/00

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1- 3 years Contral Fla Reg Plan

Council

2-8 years-Assent - Ila Center

for Solick & Hazardour Waste

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3. 5 year President of Od.

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DATE: 04-7-99

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TOWN OF LONGBOAT KEY

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

	The Town Code requires appointments to the following Boards to be persons who are registered voters and residents of the Town of Longboat Key: Code Enforcement Board, Ethics Commission, Pension Board, Planning & Zoning Board, Zoning Board of Adjustment. A person may not serve on more than one of these boards concurrently. (These requirements do not apply to appointments to ad hoc committees.) **CPDATED 6-17-99:CED (Undated 2-24-94) (PLEASE TYPE OR PRINT CLEARLY) DATE: 4-10-96
	NAME: Hope M:tchell TELEPHONE: 383-6380
1	ADDRESS: 350 Gulf of Mexico Drive # 219 LBK
	OCCUPATION: Relited (School Psychologist Headmistress of a Monlessor: School) (If retired, please indicate former occupation or profession.)
	EDUCATION: BA - Sorah Lowrence College; MA . Bryn mowr College
	PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: Vestry - All Angels Church;
	Coordinator of Financial Assistance - Sarasota Family 4mcA:
ì	ADDITIONAL PERTINENT INFORMATION/REFERENCES: Volunter - 354 - Hospice
•	of S.W. Florida; YMCA Foundation of Sarasota Inc Truste
	Tam interested in commission (-
	Three regree in serving on: (- + 110 Commissive) Code Evenue Ment
	of S.W. Florida; YMCA Foundation of Sourcesota, Inc Trustee I am interested in serving on: Commission Code Enforcement Board Board
	Second choice (if any): Any board for which I am qualified: ad hoc committee:
	Any board for which I am qualified: ad hoc committee:
	Any board for which I am qualified: ad hoc committee: STATEMENT OF VOTING STATUS/RESIDENCY: I am a registered voter and resident of the Town of Longboat Key. I am usually in residence il months per year. To aid in scheduling meetings I have indicated below the months I am usually out of town and would not be available to attend meetings. I understand that in accordance with the Town Code a member who fails to attend three consecutive regular scheduled meetings automatically forfeits a seat on that board.

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TOWN OF L NGBOAT KEY APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE



NOTE: Florida's Public Records Law, Chapter 119, Florida Statutes states, "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning, zoning, or natural resources responsibilities are required to file a financial disclosure form within 30 days after appointment and annually thereafter for the duration of the appointment as required by Chapter 112, F.S.

annually thereafter for the duration of the appointment as required by Chapter 1	12 FS
(Please type or print clearly)	DATE: 4-5-97
NAME: BURTON ROSENFIELD	TELEPHONE: 387-0198
ADDRESS: 1241 GULF OF MEXICO PRI	
OCCUPATION: RETIRED - PRESIDENT IN	USURANCE COMPAND
(Please, if retired indicate former occupation or profession EDUCATION: NORTHWESTERN U.	n.)
PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: CDA	GULTANT PHIL. CITY COUNCIL- UARD
lam interested in serving on: ETHICS	
Second choice (if any): CODE をNFORCEM がプ	OR PENSION
Any board/committee for which I am qualified:	Ad hoc committees:
STATEMENT OF VOTING STATUS/RESIDENCY: I am a rekey, I am usually in residence months per y below the months I am usually out of town and would not be accordance with the Town Code a member who fails to attenue automatically forfeits a seat on that board.	ear. To aid in scheduling meetings I have indicated be available to attend meetings. I understand that in end three consecutive, regular scheduled meetings
JAN. FEB. MARCH APRIL MAY JUNE	JULY (AUG) SEPT.) OCT. NOV. DEC.
Town Clerk, Town of Longboat Key 0 8 1997 501 Bay Isles Road Longboat Key, FL 34228	(SIGNATURE OF APPLICANT)

N OF LONGSOAT K.

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TOWN OI LONGBOAT KEY APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE



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annually thereafter for the duration of the appointment as required by Chapter 112, F.S.
(Please type or print clearly) DATE: $\frac{H-7-97}{}$
NAME: Jerome C Kosenthal TELEPHONE: 383-9126
ADDRESS: 548 Spinnaker Lane
OCCUPATION: FETITED afterney
(Please, if retired Indicate former occupation or profession.) EDUCATION: BA - HISTORY GUVT, J.D 25 Years law practice (10 in real ostate)
PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: 6 yes on Town of Long boat Zoning Bd, lyk Colle Engl
I am interested in serving on: P+ZBL TOWN CLERK'S OFFICE
Second choice (if any):
Any board/committee for which I am qualified: Ad hoc committees: Ad hoc committees: Ad hoc committees:
STATEMENT OF VOTING STATUS/RESIDENCY: I am a registered voter and resident of the 15 White 15 Congretation of the 15 White 15 Congretation of the 15 Congretatio
JAN. FEB. MARCH APRIL MAY JUNE JULY (AUG) SEPT. OCT. NOV. DEC.
Please Return ApplicationTo:
Town Clerk, Town of Longboat Key 501 Bay Isles Road Extra Constitution Town Clerk, Town of Longboat Key
Longboat Key, FL 34228 (SIGNATURE OF APPLICANT)

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VN OF LONGBOAT KEY VOLUNTEERS

The Town Commission of the Town of Longboat Key will make appointments to Town Boards at the Regular Town Commission Meeting on May 4, 1998. The Town Code requires appointments for the following Boards to be persons who are registered voters and residents of the Town of Longboat Key. A person may not serve on more than one of these boards concurrently. (These requirements do not apply to appointments to ad hoc committees.) Openings to be filled are as follows.

PLANNING AND ZONING BOARD: Three 3-Year Terms. This Board meets once a month to review development plans and make recommendations to the Town Commission as to approve. approve with conditions, or reject. Other important functions of this Board are to review proposed zoning ordinances and amendments to the Comprehensive Plan.

ZONING BOARD OF ADJUSTMENT: Two 3-Year Terms. This Board meets once a month to hear appeals for variances from the Zoning Code of Ordinances, and appeals of decisions made by the Town Administrative Staff.

CODE ENFORCEMENT BOARD: Two 3-Year Terms. This Board meets once a month. It is empowered by the State of Florida to hear cases involving violations of the Town's Code of Ordinances and to impose fines and order liens to be placed on real and personal property.

ETHICS COMMISSION: Two 3-Year Terms. This Commission meets as needed to hold hearings on complaints of Ethics violations by a Town employee or officer, to issue advisory opinions on Ethics questions as requested by Town employees or officers, and to review and recommend amendments to the Town's Ethics Code.

If you are interested in being considered for appointment to a board named above, please complete and return this application by April 15, 1998. However, applications are encouraged throughout the WN CLERK'S OFFICE year to draw upon as specific needs arise for appointments to boards CLERK'S OFFICE and ad hoc committees. For additional information call Pat Prends:

Town Clerk, 316-1999.

APPLICATION FOR APPOINTMENT TO BOARDICS

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(PLEASE TYPE OR PRINT CLEARLY)	DATE:413/98
NAME: LEORGE SPOLL ADDRESS: 1900 HOLGOVAZIDE D OCCUPATION: BOUNDER, PENEL (1) TOPICO OCCUPATION:	TELEPHONE: 3/3-4/8/
ADDRESS: 1900 HORGOVEZIDE	DIVE \$104 LBK
OCCUPATION: BORDER PEREL	OFFE CUSCETANT
(in recired, please indicate former occupation or profes	sion.) ا مكن الا
EDUCATION: 53 ENGINEERS	- Max lost Torre
PROFESSIONAL AND/OR COMMUNITY AC	TIVITIES:
- SEENSE SEE	E ATTACHED LESUM
ADDITIONAL PERTINENT INFORMATION	REFERENCES:
	/
I am interested in serving on:	- House Boses
Second choice: (if any):	
Any board for which I am qualified:	ad hoc committee:
STATEMENT OF VOTING STATUS/RESIDENCY: Lam	a maked

a registered voter and resident of the · Town of Langboat Key. I am usually in residence months per year. To aid in scheduling meetings I have Indicated below the months I am usually out of town and would not be available to attend meetings. I understand that in accordance with the Town Code a member who falls to attend three consecutive, regular, scheduled meetings automatically forfeits a seat on that board.

JAN FEB MARCH APRIL MAY JUNE JULY AUG SEPT, OCT NOV DEC

(Signature of Applicant)

SOMETIME CANDLE

Please Return Application To: NSTEAD OF JUNE Town Cid H, Town of Longboat Key, 501 Bay Isles Road, Longboat Key, FL 34228

TOWN OF LONGBOAT KEY

APR 06 1998

GEORGE L. SPOLL

1900 Harbourside Drive #104 Longboat Key, FL 34228

I am an engineering graduate of the Massachusetts Institute of Technology trained as an "Architectural Engineer". I am retired from my own construction company which developed land and designed and built luxury houses in Connecticut for over 35 years. In addition, we, as General Contractors, built single family and fourplex condominium units for an investor/owner. I have also done construction rehab, consulting and management, building code development and consultation, and construction dispute settlement.

During my building career, I have been active in my industry, having served in all the chairs in the homebuilding industry up to and including that of Vice President of the National Association of Home Builders....having also served on the Board of the Home Owners Warranty Corp. of the United States, an insurance company. To this day, I continue to serve as Life Director of several associations from local to national levels.

My community involvement has been in the areas of Family Service, Governors' Task Forces on planning, zoning, and building access for the handicapped, Town of West Hartford Commissioner for Building Standards and Review, and as consultant to the Hartford (CT) Council of Churches, and an inner city community group, in their endeavors to rehab and build housing.

It has been my pleasure to live in this community with my wife Madelyn for the past five years, gelling involved with the restoration of the buildings and facilities at Fairway Bay, now serving as its President for the fifth year. During that time, the office and management of Fairway Bay has been completely reorganized, providing improved accountability and service to the owners.

For the past two years I have also served on the Bay Isles Board and now in my third year, serve as its Vice-President.

Please feel free to contact me if you wish at 383-4818 or by fax at 387-9504.

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	6-23-99 APPLICATION FOR APPOINTMENT TO BOARD/COMPTTTEE See upartes
7	NOTE: Florida's Public Records Law, Chapter 119, Statutes states, "It is the policy of this state that all states of a personal municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition, any public record and subject to the above statute. In addition of a subject to the above statute. In a
	(PLEASE TYPE OR PRINT CLEARLY)
	NAME: MARTIN W TAYLOR TELEPHONE: 383.7776
	ADDRESS: 521 GOLF LINKS LA BIRTH DATE: 28 MARCH TTAL
	OCCUPATION: RETIRED - AIRLINE EXECUTIVE (If retired, please indicate former occupation or profession.)
	EDUCATION: BS VEGREE
	PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: COUNTRY CAUS SHEES UNIT V BOOKS
	GEOST GUARD AUX.
	ADDITIONAL PERTINENT INFORMATION/REFERENCES:
)	ADDITIONAL PERTINENT INFORMATION/REFERENCES: SERVED: CEB 93-98 6/23/99 Request for CONSIDERATION (APT.) 1/2 1/3 I am interested in serving on: LONGHOLT KET I KATER COLLADIUST ASSERTION
	I am interested in serving on: LONGHOLT KET-I KAPLUST WEST
	Second choice (if any):
	Any board for which I am qualified: ad hoc committee:
	Usually in residence 12 months per year
	Longboat Key registered voter: VesNo
	(Signature of Applicant)
	(The Planning & Zoning Board, Zoning Board of Adjustment, Code Enforcement Board, Pension Board, Ethics Commission, and Investment Advisory Committee are continuing boards. At various times the Town has had or may have ad hoc committees such as: Airport Advisory, has had or may have ad hoc committees such as: Airport Advisory, Beautification, Insurance, Hurricane, as well as others. Incumbents whose terms expire will be considered for reappointment without whose terms expire will be considered for reappointment without filing an application, unless they have indicated they no longer wish to serve.)
	Please return this form to: Town of Longboat Key 501 Bay Isles Road
, 	25 Penppochted 026 Longboat Key, Florida 34228
	SEE 6/24/99 ATTACHMENT TAYLOR, MARTIN

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MARKIN TAYLOR

03/28/99

PAGE 01

. 86/23/1999 16:81 MARTIN TAYLOR TOWN CLERK'S OFFICE MARTIN RESUNE TOWN OF LONGBOAT KEY (813) 383-7776 POSITIONS HELD 1981 TO PRESENT COMBULTANT * DOT/FAX AGING AIRCRAFT PROGRAM * MAINTENANCE REVIEW AND PLANNING FOR FOUR AIRLINES * OPINIONS FOR THREE LAW FIRMS * PACILITY EVALUATION FOR AIRCRAFT LEASING FIRM 1968 - 1981 CONTINENTAL AIRLINES * VICE PRESIDENT ENGINEERING * VICE PRESIDENT MAINTENANCE * VICE PRESIDENT ENGINEERING AND MAINTENANCE 1948 - 1968 PAN AMERICAN WORLD AIRWAYS ASSISTANT FOREMAN FOREMAN AIRCRAFT OVERHAUL ENGINE OVERHAUL SUPT. ASST MANAGER ALL AIRCRAFT AND ENGINE MAINTENANCE EDUCATION * AS DEGREE PURDUE UNIVERSITY * BOEING, DOUGLAS AND PRATT & WHITNEY MAINTENANCE COURSES. * USAP INSTITUTE OF TECHNOLOGY, STRUCTURAL REPAIR * PENN STATE EXECUTIVE MANAGEMENT MILITARY USAF PILOT & MAINTENANCE OFFICER SIX YEARS ACTIVE DUTY WW2 AND KOREAN OTHER * CHAIRHAN, ATA ENGINEERING AND MAINTENANCE COMMITTEE (THO TIMES). * DISTINGUISHED ENGINEERING ALUMNUS AWARD, PURDUE UNIVERSITY 1978. * AIR TRANSPORT ASSOCIATION MAINTENANCE LEADERSHIP AWARD, 1981.

* COMMERCIAL PILOT

* AIRCRAFT & POWERPLANT MECHANIC

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JUN 2 1 1999
APPLICATION FOR APPOINTMENT TO BOARD/COMMUNITEE
The Town Code requires appointments to the following Code Town of persons who are registered voters and residents of the Town of persons who are registered Poard, Ethics Commission, Pension
persons who are registered voters and residence of the person of Longboat Key: Code Enforcement Board, Ethics Commission, Pension Board, Planning & Zoning Board, Zoning Board of Adjustment. A person may not serve on more than one of these boards concurrently. (These requirements do not apply to appointments to ad hoc committees.)
•
(PLEASE TYPE OR PRINT CLEARLY) DATE: 6/14/99
NAME: DAVID S YOUNG TELEPHONE: 383-0575
ADDRESS. 2066 WINDING VARA DA
OCCUPATION: Reflect, Executive Office Puenture + SPace PLAUNIES CO. (If retired, please indicate former occupation or profession.)
EDWARDON, B.S. W. ELATT, E.G.
PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: TUTIL MAIN AT SACASTA
HIGH SCHOOL
ADDITIONAL PERTINENT INFORMATION/REFERENCES:
ADDITIONAL PERTINENT INFORMATION/REFERENCES:
ADDITIONAL PERTINENT INFORMATION/REFERENCES: Javino Levitt 111/ G. of Mexic Vaire
ADDITIONAL PERTINENT INFORMATION/REFERENCES: Taving Lev, TT 111/ G. 69 Mexce 121.C I am interested in serving on: Salary Savines + Lean Continues Second choice (if any): Planning - Zoning Board, C.E.B.
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(Please see reverse side for important information)

DATE: July 1, 1999

TO: Town Commission

FROM: Hal Lenobel, Mayor

SUBJECT: Town Manager's Merit Raise

At the Town Commission's direction I have met with the Town Manager to discuss a merit raise in line with his recent evaluation. In general the comments from the Town Commission were quite favorable. The Town Manager's most notable accomplishments for the year include:

Improvements to our public safety delivery system;

Total responsibility for hiring a most capable fire chief;

b) Re-establishing through reorganization the excellence of our fire department;

c) Improving the efficiency of our police department;

2. Major factor in the revitalization, recognition and acceptance of the town facility project;

3. Successful construction and operation of the town's tennis facility;

4. Pursuance, in depth, of the beach renourishment and canal dredging programs;

5. Cooperation with advisory committee resulting in the adoption of a new Town Charter:

6. Coordination with the Longbeach Village Association to immeasurably enhance relationships;

7. Updating and reforming the town's hurricane preparedness;

8. Instrumental in the emergence of Martin Black as an important cog in the town's operation.

Based on his performance of the past year, I recommend the following adjustments to his contract:

1. 7.5% pay increase;

2. 2% increase to the town's contribution of the 401A plan.

It is also time to replace his vehicle. He has asked that he be provided a Suburban rather than an Explorer. I recommend that this request be approved.

I look forward to discussing these recommendations with you at the meeting of July $6^{\rm th}$.

HL/dhs

DATE: July 6, 1999

TO:

Town Commission

FROM:

Bruce St. Denis, Town Manager

SUBJECT: Supplemental Material for Agenda Item 16 - Appointments to Fill Vacancies on P&Z Board, CEB, and Salary Savings Committee

Attached is an updated list for Item 16, Appointments to Fill Vacancies on Boards, and one additional application for Robert Bernard.

Please note that Mr. Dorf and Mr. Pollick no longer wish to be considered for openings on the P&Z Board and Code Enforcement Board.

If you have any questions, please contact me.

BSD/dhs Attachment

DATE: 07-06-99

TO:

Bruce St. Denis, Town Manager

FROM:

Pat Arends, Town Clerk

SUBJECT:

Town Commission Appointments to Fill Vacancies on Planning and Zoning (P&Z) Board, Code Enforcement Board, and Salary Savings

Committee - Applicants

This is an update of my memo of 6-25 showing additions and deletions to the lists of applicants for consideration of appointments by the Town Commission at the 7-6 Regular Meeting, as follows:

P&Z Board (10)

Code Enforcement Board (13)

Robert Bernard Julian Dorf Michael Drake John Kerwin Will Foss Milton Kruk Lisa Lowrance Earl Pollock **Burton Rosenfield** Jerome Rosenthal

Robert Bernard Julian-Dorf Michael Drake **Nick Drizos** Will Foss Andrew Hlywa Helen Holt Ronald Levin Clayton Lyons Hope Mitchell **Burton Rosenfield** Jerome Rosenthal **Martin Taylor** David Young



Salary Savings Committee (5)

Robert Bernard Nick Drizos Andrew Hlywa Helen Holt **Burton Rosenfield**

George Spoll

David Young

Please note that Robert Bernard is the only additional applicant shown; his name has been added for consideration based on receipt of his letter of 6-27-99.

attachments

TOWN OF LONGBOAT KEY

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

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(PLEASE TYPE OR PRINT CLEARLY) DATE: 2/5/0 q	
NAME: ROBERT S. BERNARD TELEPHONE: COVIL 383-4979	
ADDRESS: 575 SANCTUARY DRIVE A-304	
OCCUPATION: RETIRED N. STATE ADMINISTRATIVE LAW TUDGE (If retired, please indicate former occupation or profession.)	
EDUCATION: B.S. (BOS ROMIN) J.D., LL.M. CTAY	
PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: COUNSEL, TOWN OF COLONIE, PLBNAY COUNTY, STATE OF NEW YORK, TOWN OF COLONIE, ZONING MORE DE APPEAL OF THE STATE OF THE STATE OF TOWN OF COLONIE,	
MEMBER, NATIONAL BOARD OF ARBITRATORS. NATIONAL ASSOC. OF SECURIT ADDITIONAL PERTINENT INFORMATION/REFERENCES: DEALERS PRACTICING ATTORNEY FOR OVER 30 YEARS STECIALIZING IN HERE CAKE, BANKING AND LITICATION	2si ut:
I am interested in serving on: THE ZONING ROARD OF APPEALS	
Second choice (if any): Erwics Commission	
Any board for which I am qualified:ad hoc committee:	
STATEMENT OF VOTING STATUS/RESIDENCY: I am a registered voter and resident of the Town of Longboat Key. I am usually in residence of months per year. To aid in scheduling meetings I have indicated below the months I am usually out of town and would not be available to attend meetings. I understand that in accordance with the Town Code a member who fails to attend three consecutive regular scheduled meetings automatically forfeits a seat on that board.	
JAN FEB MARCH APRIL MAY JUNE JULY AUG SEPT OCT NOV DEC (WILL RETURN FOR ANY MEETINGS HELD IN THESE MONFIES AWAY) Signature	

(Please see reverse side for important information)

SARASOTA COUNTY NOTER #09901582

Robert S. Bernard 575 Sanctuary Drive A-304 Longboat Key, FL 34228

Tel. 941-383-4979 Fax 941-383-1460

June 27, 1999

Ms. Patrizia L. Arends Town Clerk Longboat Key Town Hall 501 Bay Isles Road Longboat Key, FL 34228-3196

Dear Ms. Arends:

I had previously submitted my name for consideration for an appointment to the Zoning Board of Adjustment or for any other position I might be of service to the Town.

It would be greatly appreciated if my application could continue to be considered for any future openings that may occur.

Thank you for your consideration.

Sincerely,

JUN 2 9 1999

DATE: July 6, 1999

TO:

Town Commission

FROM:

Bruce St. Denis, Town Manager

SUBJECT: Supplemental Material for Agenda Item 16 - Appointments to Fill Vacancies on P&Z Board, CEB, and Salary Savings Committee

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Jerome Rosenthal George Spoll **David Young**

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TOWN OF LONGBOAT KEY

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	(PLEASE TYPE OR PRINT CLEARLY) DATE: 1/5/q q
	NAME: ROBERT S. BERNARD TELEPHONE: CA41/ 383-4979
	ADDRESS: 5-25 SANCTUARY DRIVE A-304
	OCCUPATION: RETIRED N. STATE ANMINISTRATIVE LAW JUDGE (If retired, please indicate former occupation or profession.)
	EDUCATION: B.S. (ROS ROMIN) J.D., LL.M. CTAY
	PROFESSIONAL AND/OR COMMUNITY ACTIVITIES: COUNSEL, TOWN OF COLONIE, ALBANY COUNTY, STATE OF NEW YORK
	ZONING MOARD OF APPEAL KOR & VIEARC
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TOWN CLERKS OF FICE

JUN 2 9 1999

TOWN OF LONGBOAT KEY