



Raymond Bagshaw  
Mayor

Jim Bozeman  
Council Member

**CITY COUNCIL AGENDA  
REGULAR MEETING  
City Hall – Council Chamber  
405 Larue Avenue, Edgewood, Florida  
Tuesday, June 21, 2011  
6:30 p.m.**

Judy Beardslee  
Council President

John Dowless  
Council Member

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**WELCOME!** We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however a five-minute limit has been set by Council. Large groups are asked to name a spokesperson. Robert's Rules of Order guide the conduct of the meeting. **PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING.** "THANK YOU" for participating in your City Government.

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**A. CALL TO ORDER**

**B. INVOCATION**

**C. PLEDGE OF ALLEGIANCE**

**D. CONSENT AGENDA**

1. Approve the minutes of the regular scheduled City Council meeting; February 15, 2011. **(Pages 1 – 7)**
2. Review and Consider Planning & Zoning Board's Recommendation of Approval of Variance Application No. 2011-02 Sean Milligan – Sean and Megan Milligan, 4905 Lake Gatlin Woods Court are requesting a variance for a minimum side set back in a R-1AA Zoning, for the purposes of constructed a boat dock. **(Pages 8 – 10)**

**E. PRESENTATIONS**

1. Proclamation: Police Officer Appreciation Day **(Page 11)**
2. Honor & Recognition of Officer Don Melville

**F. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)**

None.

**G. UNFINISHED BUSINESS**

1. Newsletter

**H. NEW BUSINESS**

1. Consideration and Approval of Preliminary Non – Ad valorem Assessment – FY 11/12  
(Pages 12 – 14)

**I. GENERAL INFORMATION (No action required) (Pages 15 – 20)**

1. Annual Filing of Financial Disclosure

| <b>WHO FILES</b>  | <b>WHEN FILED</b>   | <b>WHERE FILED</b>   |
|---|---|--|
| Local Officers as defined in Section 112.3145(1)(a), F.S.<br><br>Council Members, Planning & Zoning Board Members, Municipal Attorney, Police Chief and Municipal Clerk | Within 30 days of appointment or employment and then annually by July 1 of each year. | Supervisor of Elections in county where local officer resides. |

**J. CITIZEN COMMENTS**

**K. BOARDS & COMMITTEES**

**L. STAFF REPORTS**

1. Police Chief
2. City Clerk

**M. MAYOR & COUNCIL REPORTS**

**N. ADJOURNMENT**

**UPCOMING MEETINGS:**

July 19, 2011.....City Council Regular Meeting  
 August 16, 2011.....City Council Regular Meeting  
 September 20, 2011 .....City Council Regular Meeting

You are welcome to attend and express your opinion. Please be advised that Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made. In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.

**EDGEWOOD CITY COUNCIL  
REGULAR MEETING – FEBRUARY 15, 2011**

**Present:** Council President Beardslee  
Council Member Powell  
Council Member Bozeman

**Excused Absence:** Mayor Teague  
Council Member Willis  
Council Member Henley

**Staff:** City Clerk, Bea L. Meeks  
Police Chief, Pete Marcus  
City Attorney, Virginia Cassady

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Council President Beardslee called the regularly scheduled meeting of the City of Edgewood City Council to order at 6:30 p.m.

Invocation was given by Council Member Powell, followed by the Pledge of Allegiance led by Billy & Jason Flowers, Boy Scout Troop 23, Orlando, Florida.

Council President Beardslee introduced and welcomed the new City Clerk, Bea Meeks, and noted that she has previously served as Edgewood's City Clerk.

Council President Beardslee stated that she would like to move Consent Agenda Item D 3 for separate discussion. As to Agenda Items 1 and 2, ***Council Member Powell made the Motion to approve, with Second by Council Member Henley; the Motion passed unanimously.***

City Clerk Meeks noted the excused absences of Mayor Teague, Council Members Willis and Henley, and stated for the record that a quorum was present.

Council President Beardslee moved Item D-3 to the end of the Agenda.

Council President Beardslee deferred to Chief Marcus, who reported that the "Gatso" contract is on the Agenda for Council review, with a request that Council approve the contractual language of Holly Hill, and then he and the City Attorney will tailor to the needs of the City of Edgewood.

Council President Beardslee deferred to City Attorney Cassady, who confirmed that she reviewed the contract and was prepared to discuss.

Council Member Powell noted Amendment 1 (Gatso Fee) 2.1; regarding per camera fee of \$4600.00 per camera, per month. Council Member Powell said he doesn't understand this paragraph because the Agreement said it is cost neutral. Chief Marcus explained that the company's money comes off the top, if there is no revenue to support the camera, the City is not

charged. Chief Marcus said the City does not ever pay any money. Council Member Powell asked about the feasibility study; Chief Marcus said it will not be done until Council approves the agreement. Chief Marcus confirmed for Council President Beardslee that the City does not pay for the study. Chief Marcus explained how the revenues are generated by the camera and how disbursements are made.

***Council Member Powell moved to accept the preliminary presentation and move forward with the study, Council President Beardslee second the Motion with a question*** regarding the citation fee, and City Attorney Cassady said \$158.00 is the maximum citation fee for a red light camera violation. Responding to Council President Beardslee, Chief Marcus said the reason for the light is for traffic safety and not to generate revenues. Chief Marcus said the Police Department would only receive \$2.00 for the training fund per citation and anything after that goes to the general revenue fund. Chief Marcus said he is looking more at Gatlin and Orange for a red light camera, not Mary Jess and Orange Avenue. Council Member Bozeman asked about Item 4.4 in the Agreement regarding review of tickets, Chief Marcus explained the process and confirmed that he would send someone for training. Chief Marcus said that there would be no staff impact and no need for additional employees.

***Council President Beardslee called for the vote and the Motion passed unanimously.***

Council President Beardslee said the next item on the agenda is an agreement for Post Disaster Debris Removal, and explained her reason for requesting this item be placed on the agenda. She said law now prohibits cities from using its contracted disposal company, Waste Management. Council President Beardslee asked Council Member Powell about information he received from Mayor Teague, Council Member Powell said he has not heard back from Mayor Teague. Attorney Cassady said that Attorney Smith reviewed the contract Mayor Teague provided and it is legally sufficient. In response to Council President Beardslee, Attorney Cassady said she thinks the Mayor selected the Agreement that he thought was the best Agreement to review, and that Mayor Teague did not send the other agreements. Council President Beardslee asked Council Member Powell if he would look at the Agreement. City Clerk Meeks confirmed she would provide Council Member Powell, as well as all Council Members, with a copy of the Agreement and place the Agreement on the March Agenda, as requested by Council President Beardslee.

Council President Beardslee asked to have the City website placed on the agenda because it is a good tool for sharing information for Council and residents. She explained how she would like for the website to have the ability to provide residents with 48 hours notice of meetings, if a resident puts their email address into the system. Council President Beardslee said that she would like for staff to be cross trained. Chief Marcus said Officer Zane will be back next week, and will get with the City Clerk and work with her on the website. Council President Beardslee pointed out some capabilities that the website has but is not being utilized.

**Public Comments as it relates to the website**

Brian Leahy, 429 Oak Lynn Drive

Resident, Brian Leahy, ask if email notification could be generated. Council President Beardslee said she feels the City adheres to public notices however, she feels it can be done better. City Attorney Cassady suggested that the agenda packet access be updated and also suggested a citizen's alert.

No other public comments related to the website.

Council President Beardslee referred to a notice from Waste Management regarding a safety program. In response to Council President Beardslee, City Clerk Meeks said she cannot attend the program however noted who, from the City, was attending.

**Staff Report**

City Attorney Cassady:

No reports

Council Member Bozeman:

No reports

Council Member Powell:

Council Member Powell said that many cities around the states have a theme day, and gave examples. He said to his knowledge, Edgewood has never had any events, and suggested the City get residents' input through the City newsletter and website. He recommended having a committee and awarding prizes to encourage participation. Chief Marcus mentioned the City already participates in Toys For Tots and Halloween Safe Street. Council Member Powell stressed a theme was needed, and the event should be held annually. City Clerk Meeks agreed to put together a proposal based on Council Member Powell's suggestion and place on the March agenda for Council's consideration. J. T. Blanton, Regina Dunay and Brian Leahy agreed to serve as a committee.

Council Member Powell reported on water runoff at Harbor Island, and the damage caused by excessive water, possible undermining retaining wall. He discussed a possible solution with Engineer Miller. He also reported on street signage that was down (Jessamine Lane) and confirmed that Jerry Reynolds responded to his request to fix. Council Member Powell also reported that he contacted DOT and requested a speed limit sign be placed in the North bound lane of Orange Avenue.

Chief Marcus:

Chief Marcus reported on having new officers and that he prepared a folder with their bio information, along with an introduction of all officers; this was done in response to Council Member Powell's inquiry.

Chief Marcus said that his department has started a business contact plan, and that officers are out in the City making introductions and getting to know the business owners; they are also getting after hours contact info from the owners. This contact information will also help with disaster procedures. In response to Council Member Powell, Chief Marcus said he will see if it is viable to get owner pictures.

Chief Marcus requested direction from Council regarding having a light placed on the Southeast corner of City Hall, in response to Council Member Powell, Chief Marcus said he was not sure if it is a motion light or permanent light. ***Consensus of council to proceed.***

Chief Marcus said he talked to Mayor Teague about two new positions; one unpaid civilian volunteer and a reserve officer. Chief Marcus said there would be minimal fiscal impact, the new positions are not uniformed employees. He noted that one of the new employees will help with accreditation. ***Council Member Powell made the Motion to have unpaid volunteers help with accreditation; Second by Council President Beardslee; the Motion passed unanimously.*** Chief Marcus said the City is understrength as it relates to reserve officers, and there would be some fiscal impact for equipment however, he believes this is in the budget. Chief Marcus said the proposed reserve (David Ireland) is young and comes with good recommendation and already doing volunteer work. ***Council Member Powell made the Motion to approve reserve officer David Ireland with the understanding his hiring is within the existing police budget, if additional funds are needed, the item needs to come back to Council; Second by Council Member Bozeman; the Motion passed unanimously.***

Chief Marcus reported that City Attorney Smith looked at the Memorandum of Understanding regarding the transportation of people to a receiving facility. The subject Memorandum of Understanding is for the children's Crisis Stabilization Program. City Attorney Smith reviewed the Memorandum of Understanding and told the Chief it is good and okay to sign. Chief Marcus said the Memorandum of Understanding is a statutory requirement. City Attorney Cassady said there is no City Ordinance or other requirement that states the Mayor must sign and therefore recommends Council designate a Council member to sign. ***Council President Beardslee made the Motion that Council Member Powell sign the Memorandum of Understanding in lieu of the Mayor, with Second by Council Member Bozeman; the Motion passed unanimously.*** It was agreed that the Memorandum of Understanding will be signed after adjournment of the meeting.

### **Public Comments**

Brian Leahy, 429 Oak Lynn Drive

Mr. Leahy addressed Council Member Powell's suggestion of having pictures in database for officers to look at when responding to a business alarm. Mr. Leahy said not all owners respond to an alarm, and thinks the standard practices should be used (Chief said this is what City is using now). Council Member Powell clarified the reason for his suggestion.

City Clerk Meeks:

City Clerk Meeks noted that notice was emailed to everyone regarding submittal of agenda items and wanted to make sure Chief Marcus received one, out of concern that he was omitted.

City Clerk Meeks reminded Council of the swearing in of the new Mayor and Council members in the March meeting, and gave a reminder that final/terminated financial reports will be due in June. She reported that items on the March agenda will include electing a new Council President and appointment of new Planning & Zoning member.

City Clerk Meeks noted that invitations were forwarded to Council from Orange County Mayor Jacobs, regarding providing logo Partnership in the Central Orange County Economic & Job Summit, and with Council approval would like to forward the logo. She noted that there is no charge to include logo. ***Council President Beardslee made the Motion to participate; with Second by Council Member Powell; the Motion passed unanimously.***

City Clerk Meeks noted that in the December 21, 2010 meeting, a request was made to increase Debbie Wallace's pay by 10% for the position of acting City Clerk. City Clerk Meeks stated that Debbie Wallace would like to keep the pay increase; City Clerk Meeks said she has not worked with Debbie Wallace long enough to give a fair assessment therefore, requested to maintain the increase and bring back to Council. She noted that Chief Marcus requested the pay rates of other employees to compare equity of pay. ***Council President Beardslee made the Motion to continue with the 10% increase and bring back to Council in April, with an assessment of the pay and staffing plans; the Motion was Second by Council Member Powell and passed unanimously.***

City Clerk Meeks conveyed a "thank you" to Shannon Patterson, Police Clerk, for assisting her with payroll.

***Council President Beardslee requested to table agreed upon procedures review (Agenda Item H-2) until March City Council meeting; consensus of Council to table.***

Council President Beardslee explained why the Newsletter was pulled from Consent Agenda, as she wanted to make sure that everyone understood the point and purpose of the Newsletter. It is to serve as a conduit of information to the public that Council serves. She said she does not agree with censorship however, she does not think there is a lot of room in the newsletter to be a sounding board. She deferred to City Attorney Cassady who said she was prepared to discuss but deferred back to council to review. Council Members Powell and Bozeman said they have reviewed the draft Newsletter. Council Member Powell said that he has discussed the draft Newsletter with Mayor Elect Bagshaw; and noted his discussion was not a violation of sunshine

since Mr. Bagshaw has not been sworn in. Council Member Powell stated that Mayor Teague said in 2005 when he was elected that he wanted to change the format of the newsletter, and that he went along with it but now feels that citizen input is needed. Council Member Powell said citizens should have the availability and the Mayor elect agrees. Council Member Powell wants to “scrap” the newsletter and start over fresh. Council Member Bozeman said he thinks the letter needs to have more factual information. Council President Beardslee said the article is untrue and provided her explanation. Council President Beardslee said she has never been a proponent to negativity. Council Member Bozeman said he would not send the Newsletter out. Council Member Powell asked residents if they knew what Council was talking about. Council President Beardslee said Council is trying to decide if a newsletter with opinion instead of factual information should go out to the public. Resident, J.T. Blanton said he doesn’t consider it censorship if they want to pull a newsletter.

City Attorney Cassady remembers the history of the newsletter and how it went from being written by a private citizen to being prepared by the City. She prepared a Resolution because of first right amendment but council did not take action. She said Council has kept with the spirit of the intent by not having opinion, which insulates from first right amendment. City Attorney Cassady said that it appears that Mayor Teague submitted something that doesn’t appear to be appropriate to Council and explained why. City Attorney Cassady said if they see fit to not let a newsletter go out, it is the Council’s prerogative and explained their options. In response to Council President Beardslee regarding letters to the editors, she explained once you open the door, you cannot censor. City Clerk Meeks will locate the proposed 2005/2006 Resolution and bring back to Council so they can revisit the guidelines provided.

Council Member Powell suggested Council Members Henley and Bozeman or Council President Beardslee submit an article to the Newsletter. Council Member Bozeman agreed to write an article thanking Council Member Willis and Mayor Teague. City Clerk Meeks said she will contact the printer and request they continue to hold off on printing the Newsletter until further notice. Council President Beardslee also requested that the dates and times for HOA meetings be included in the Newsletter.

**Public Comments** as it relates to the Newsletter

JT Blanton suggested that the City put information in the newsletter letting citizens know they have the right to attend meetings and address concerns they may have with council. Council President Beardslee said that contact information for the Mayor and Council Members should be included as well.

Council President Beardslee noted that Council Member Powell has mentioned on several occasions that it would be nice if schools would come in and see how government works. She said that she talked to an instructor at Cornerstone, who is willing to give extra credit to his students. She again recognized Boy Scouts, Jason and Billy Flowers for attending the Council meeting. Council President Beardslee said she would like for the City Clerk to send an invitation to the administration at Corner Stone to attend any council meetings.

Council President Beardslee reminded everyone of the next regular scheduled meeting, and noted that Orange County Mayor, Teresa Jacobs, will swear in the Mayor and Council Members.

Council Member Powell commented on legislation that impacts municipal government; in particular, the development of the City being done by City Planner Hargrove, as it relates to the City's Evaluation Appraisal Report (EAR). Council Member Powell said this was fought and the Courts agreed but small print says except under special circumstances. Council Member Powell said he has talked to the City's local elected official, Eric Esinaugle about this. Council Member Powell said it is up to our lobbyist to fight and he encouraged citizens to put pressure on them; be proactive. Council President Beardslee said that legislative representatives for the City is on the City's website.

The request was made that the City Clerk ask Planner, Ellen Hardgrove to attend the April meeting.

In response to resident, J. T. Blanton, City Attorney Cassady explains what happens if a City doesn't prepare their EAR, and also explained the Comp Plan Act. Council President Beardslee said she is not a proponent of spending money

***Having no further business, Council President Beardslee made the Motion to adjourn the meeting; Council Member Powell Second the Motion the City Council meeting was adjourned at 8:15 by unanimous vote.***

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Judy Beardslee  
Council President

**ATTEST:**

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Bea L. Meeks, MMC, CPM  
City Clerk

MEMO

TO: Mayor Bagshaw, Council President Beardslee, Council Members Bozeman, Powell,  
Henley and Dowless

FROM: Bea L. Meeks, City Clerk 

DATE: June 17, 2011

RE: Planning & Zoning Board's Recommendation of Approval of Milligan Boat Dock  
Application For Variance, Received in City Hall May 4, 2011 (quorum established with 3  
members present)

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On June 13, 2011, the Planning & Zoning Board for the City of Edgewood held a meeting to consider one item, an Application For Variance on behalf of Sean and Megan Milligan. The review memo from Engineer Art Miller is attached for your review and consideration.

The following was the decision of the Board:

***Board Member Frank Aguilar made the Motion to approve the application with the condition that if the applicant moves the sidewalk portion of the dock, they cannot infringe on the 5' setback, and with the conditions presented by Engineer Miller, with Second by Board Member Susan Lomas; the Motion passed unanimously (3/0).***

As a reminder of the processes relevant to this quasi judicial proceeding, I am providing you with the relevant part of the Code regarding Council's review of a Board decision. Essentially, if Council is favorable to the Planning & Zoning Board's approval as presented; the variance is approved and nothing further needs to be done. As you will note in the information provided below, if Council rejects, modifies or tables the Planning & Zoning Board's decision, this item has to be pulled from the agenda, and a public hearing will be placed on the next Council Agenda, or when Council determines the date of the public hearing within the notice procedures provided by Statute and/or Code.

Sec. 134-108. Review of board's decisions or recommendations.

(a) *Generally.* All decisions of the board shall be in the form of recommendations to the city council. All such recommendations shall automatically go to the city council for its review and final decision at a duly called council meeting. The city council shall not be bound by the submitted recommendation and it may accept, reject, modify or table the same. However, the city council may not reject, modify or table a decision unless the city council shall first hold a public hearing thereon as provided in subsection (c) of this section. Otherwise, no formal hearing will be held unless an application for the same is filed as provided for in subsections (b) and (c) of this section.

# CITY OF EDGEWOOD

405 Larue Avenue - Edgewood, Florida 32809-3406  
(407) 851-2920

## MEMORANDUM

**TO:** MS. BEA MEEKS, CITY CLERK  
MS. DEBBIE WALLACE, CODE ENFORCEMENT OFFICER

**FROM:** ARTHUR R. MILLER, III, PE, PLS - CITY ENGINEER

**DATE:** JUNE 8, 2011

**SUBJECT:** REVIEW OF DOCK APPLICATION & VARIANCE – LAKE GATLIN  
4905 LAKE GATLIN WOODS COURT – SEAN MILLIGAN, OWNER

Pursuant to your request, we have reviewed the application for a dock and dock variance received 5/06/11 for the above referenced address. The request is for the construction of a dock on Lake Gatlin that does not meet the side setback requirements, although all other aspects of the proposed dock meet the provisions of Chapter 14 of the City Code.

This lot only has a limited access area to Lake Gatlin – approximately 20’ in width. The Code requires a minimum 10 foot side setback (if notarized consent forms from the adjoining neighbors are obtained – otherwise 15 feet). The proposed dock is shown to be 5 feet from the north property line and 10 feet from the south property line. Notarized consent forms from both adjoining property owners have been provided indicating “no objection” to the proposed dock.

The side setback requirement is primarily for safety reasons, to prevent docks being closer than 20 feet apart. In this case, existing docks on either side have already been constructed. The dock to the south will be approximately 32 feet from the proposed dock and the dock to the north will be approximately 93 feet from the proposed dock. The dock length and area waterward of the Normal High Water Line (NHWL) meet the provisions of the Code.

Pursuant to Section 14-11(d)(2) of the City Code, the following are the requirements for granting a dock variance:

- Average length of other docks in the surrounding 300-foot area;
- The reasonable use of the property by the owner;
- The effects the dock will have on navigation and safety of boaters;
- The overall general welfare of the neighborhood;
- Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;
- The effect of the proposed variance on abutting shoreline property owners;
- Whether the granting of the variance would be contrary to the intent and purpose of this article; and
- A variance from the maximum length of 65 feet [non-canal waterbodies] may be granted if it is necessary to reach a water depth suitable for boating, but in no event shall a dock be extended in length beyond where the water depth will exceed five feet as measured from the normal high water elevation.

With the consent of the adjoining neighbors, this application appears to meet the requirements for granting a dock variance, although the final decision will rest with the Planning & Zoning Board and City Council. If the Board agrees, we recommend approval subject to the following conditions:

1. Dock design and construction shall meet all requirements of Section 14 of the City Code (side setback excepted).

2. Prior to construction a building permit issued by Orange County Building Department shall be obtained after the City has approved the zoning/variance.
3. The survey shows the NHWL (elevation 86.9) pursuant to the ordinance. A scaled distance between the existing shoreline at the point where the dock is to be constructed and a permanent reference point shall be shown on the final dock plans.
4. Deck shall be at least 1' above the NHWL elevation of 86.9 (1.0' shown); no roof is shown. Enclosed side walls are not permitted.
5. The application shows a total deck area of 214 s.f. waterward of the NHWL (1,000 s.f. maximum allowed).
6. If approved by the City, no other work (i.e. clearing, removal of vegetation, excavation or filling, etc.) is authorized waterward of the NHWL.
7. City approval does not authorize removal of vegetation, trees or disturbing the shoreline. If trees are to be removed, a separate tree removal permit will be required. A shoreline alteration permit issued by Orange County is required to remove shoreline vegetation.
8. All construction shall adhere to the City of Edgewood's Erosion and Sediment Control Ordinance. Silt fences, turbidity barriers, hay bales or other measures shall be placed to prevent runoff into the lake, environmental swale or drainage system.
9. **Under Edgewood's current rules, notification shall be provided to all properties within 500 feet (due to the variance) as well as Orange County/Lake Conway Navigation & Control District Advisory Board (c/o Orange County EPD). If no objections are received within 15 days of notification, City Staff can complete processing the permit application (when completed). If objections are received, the application shall be reviewed by the City Council at a regular meeting.**

I will attend the June 13<sup>th</sup> Planning & Zoning Board meeting to answer questions at that time. The Applicant should be advised that their presence at the meeting is recommended also, to answer questions from the Board. Please review this information and contact our office if you have any questions. Thank you.

**END OF MEMORANDUM**

cc: Mayor  
Applicant (by City Hall Staff)

FILE: W\ARM\EDGEWD6511

**A PROCLAMATION OF THE  
CITY OF EDGEWOOD, FLORIDA  
PROCLAIMING  
JUNE 24, 2011  
AS  
CITY OF EDGEWOOD POLICE OFFICER  
APPRECIATION DAY**

**WHEREAS**, the Police Officers of the City of Edgewood provide an honorable and vital service to the City of Edgewood, its residents, businesses and guests; and

**WHEREAS**, our Police Officers protect the safety of those who reside in, work in, or pass through the City; and

**WHEREAS**, our Police Officers dedicate their time, services and energies to helping maintain the standard of living that we all value; and

**WHEREAS**, the City of Edgewood is ever mindful of the fact that its Police Officers often place themselves in harms way to protect the safety and well-being of others; and

**WHEREAS**, the City Council of the City of Edgewood desires to show its appreciation for the work and sacrifice made by all Police Officers of the City and all who have served as Police Officers of the City by declaring June 24<sup>th</sup>, 2011 as City of Edgewood Police Officer Appreciation Day; and

**WHEREAS**, the City Council of the City of Edgewood encourages all residents of the City Edgewood to take a moment and say "Thank You" to our Police Officers.

**Now therefore it be proclaimed**, by the City Council of the City of Edgewood that June 24, 2011 be recognized as City of Edgewood Police Officer Appreciation Day.

**Witness** by my hand and Seal of the City of Edgewood, Florida on this 21<sup>th</sup> day of June, 2011.

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**Ray Bagshaw, Mayor**

**ATTEST:**

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**Bea L. Meeks, MMC, CPM**  
City Clerk

**MEMORANDUM**

TO: The Honorable Mayor and City Council  
FROM: Bea L. Meeks, City Clerk   
DATE: June 17, 2011  
SUBJECT: Certification of Non Ad Valorem Assessments

As City Council is aware, the Orange County Tax Collector bills for residential solid waste collection charges on annual tax bills. Waste Management, in turn, bills the City on a monthly basis for residential solid waste collection services, including garbage, recycling, and yard waste. The benefit of an arrangement with the Tax Collector's Office is that the City typically receives the majority of its solid waste collections in advance of being billed by Waste Management for these services.

Currently 825 developed residential properties in the City of Edgewood receive the solid waste charge on their annual tax bills. During 2011, 20 residential properties received a certificate of occupancy and will be added to the above total.

For the 2010/2011 tax year, this residential solid waste collection (non-ad valorem assessment) was \$265.72. Pursuant to the City's franchise agreement with Waste Management, its rates are increased in January of each year in an amount equal to the Consumer Price Index (CPI) for the preceding year. The Bureau of Labor Statistics of the U.S. Department of Labor reports that the CPI for 2010 was 1.5 percent. (<http://www.bls.gov/cpi>)

At this time, the Orange County Property Appraiser's Office asks the City to provide preliminary certification of its non ad valorem assessment for inclusion on the Notice of Proposed Property Taxes which is mailed to all taxpayers in mid-August. This preliminary assessment must be provided to the Property Appraiser's Office no later than July 1, 2011. Given fuel cost increases and its ripple effect on other consumer products, along with the increase in Orange County's landfill dumping fees (schedule attached), it would be appropriate for City Council to consider an increase in its non ad valorem assessment for residential solid waste collection.

Following is a list of percentage increases based upon the current assessment of \$265.72 for City Council's consideration:

|                    |          |
|--------------------|----------|
| 3 percent increase | \$273.70 |
| 4 percent increase | \$276.35 |
| 5 percent increase | \$279.01 |
| 6 percent increase | \$281.66 |
| 7 percent increase | \$284.32 |

Recommendation: Historically, Council has approved annual increases of 5% for the non-advalorem assessment. In addition to the CPI and any increase in the "dumping" fees, the increase will also help to offset the administration fees of staff's oversight of the accounts payables/receivables and resident inquiries/requests regarding the City's solid waste collection, yard waste and recycling. For this reason, it is recommended that City Council consider not less than a five percent increase in the non ad valorem assessment for residential solid waste collection.

Upon certification of the percentage increase in the non ad valorem assessment, the City Clerk is directed to provide this information to the Property Appraiser's Office prior to July 1, 2011.

I would like to thank resident, J.T. Blanton, who assisted me in arriving at a recommendation for the City's non advalorem assessment.



**ORANGE COUNTY SOLID WASTE DISPOSAL RATES**  
 APPROVED BY THE BOARD OF COUNTY COMMISSIONERS  
 EFFECTIVE DECEMBER 1, 2010

**The minimum charge is \$6.00**

| Fee Category                           | Description  | Landfill     | Porter Transfer Station                          | McLeod Road Transfer Station                                 |
|--|--|--------------|--|--|
| Residential Solid Waste                | Garbage, putrescible waste (Class I)   | \$37.10/ton  | \$37.10/ton                                      | \$37.10/ton  |
| Commercial Solid Waste                 | Garbage, putrescible waste (Class I)   | \$39.80/ton  | \$39.80/ton                                      | \$39.80/ton  |
| Construction & Demolition Debris (C&D) | Clean fill, asphalt, broken concrete, wood, nonputrescible or water soluble waste, furniture, etc. (Class III) | \$25.60/ton  | N/A  | N/A  |
| Yard Waste                             | Vegetative landscape materials including tree and shrub clippings, etc.  | \$29.00/ton  | \$29.00/ton<br><i>accepted on Saturdays only</i> | \$29.00/ton<br><i>accepted on Saturdays and Sundays only</i> |
| Asbestos<br>(By Appointment Only)      | Must be packed according to FDEP and Orange County specifications  | \$110.00/ton | N/A  | N/A  |
| Tires                                  |  | \$148.00/ton | \$148.00/ton                                     | \$148.00/ton   |

- If you fail to weigh out, your fee will be calculated to the amount of the deposit collected.
- Due to space constraints, the transfer stations are unable to accept trucks longer than 30 ft. (bumper to bumper) or trailers with more than 12 ft. in cargo space.
- Uncovered loads will be charged a double fee.
- Any mixed loads will be charged the higher tonnage rate.
- Bulk loads of tires accepted only at the Landfill, Monday through Friday, 8:00 a.m. to 4:00 p.m.
- Forms of payments accepted include check, cash and all major credit cards.

For information about the Orange County Utilities Solid Waste Division,  
 please call the **Solid Waste Hotline at 407-836-6601.**

Para más información, por favor llame al Departamento de Servicios Públicos del Condado de Orange y pida hablar con un representante en español. El número de teléfono es 407-836-6601.

**FINANCIAL INTERESTS**

Please print or type your name, mailing address, agency name, and position below:

LAST NAME -- FIRST NAME -- MIDDLE NAME :

MAILING ADDRESS :

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF  CANDIDATE OR  NEW EMPLOYEE OR APPOINTEE

FOR OFFICE USE ONLY:

ID Code

ID No.

Conf. Code

P. Req. Code

**\*\*BOTH PARTS OF THIS SECTION MUST BE COMPLETED\*\***

**DISCLOSURE PERIOD:**

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

DECEMBER 31, 2010 OR  SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: \_\_\_\_\_

**MANNER OF CALCULATING REPORTABLE INTERESTS:**

THE LEGISLATURE ALLOWS FILERS THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). PLEASE STATE BELOW WHETHER THIS STATEMENT REFLECTS EITHER (must check one):

COMPARATIVE (PERCENTAGE) THRESHOLDS OR  DOLLAR VALUE THRESHOLDS

**PART A -- PRIMARY SOURCES OF INCOME** [Major sources of income to the reporting person]  
(If you have nothing to report, you must write "none" or "n/a")

| NAME OF SOURCE OF INCOME | SOURCE'S ADDRESS | DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY |
|--------------------------|------------------|---|
|                          |                  |   |
|                          |                  |   |
|                          |                  |   |
|                          |                  |   |

**PART B -- SECONDARY SOURCES OF INCOME** [Major customers, clients, and other sources of income to businesses owned by the reporting person]  
(If you have nothing to report, you must write "none" or "n/a")

| NAME OF BUSINESS ENTITY | NAME OF MAJOR SOURCES OF BUSINESS' INCOME | ADDRESS OF SOURCE | PRINCIPAL BUSINESS ACTIVITY OF SOURCE |
|-------------------------|---|-------------------|---------------------------------------|
|                         |   |                   |                                       |
|                         |   |                   |                                       |
|                         |   |                   |                                       |
|                         |   |                   |                                       |

**PART C -- REAL PROPERTY** [Land, buildings owned by the reporting person]  
(If you have nothing to report, you must write "none" or "n/a")

|  |
|--|
|  |
|  |
|  |
|  |

**FILING INSTRUCTIONS** for when and where to file this form are located at the bottom of page 2.

**INSTRUCTIONS** on who must file this form and how to fill it out begin on page 3.

**OTHER FORMS** you may need to file are described on page 6.

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**PART D — INTANGIBLE PERSONAL PROPERTY** [Stocks, bonds, certificates of deposit, etc.]  
 (If you have nothing to report, you must write "none" or "n/a")

| TYPE OF INTANGIBLE | BUSINESS ENTITY TO WHICH THE PROPERTY RELATES |
|--------------------|---|
|                    |   |
|                    |   |
|                    |   |
|                    |   |
|                    |   |

**PART E — LIABILITIES** [Major debts]  
 (If you have nothing to report, you must write "none" or "n/a")

| NAME OF CREDITOR | ADDRESS OF CREDITOR |
|------------------|---------------------|
|                  |                     |
|                  |                     |
|                  |                     |
|                  |                     |

**PART F — INTERESTS IN SPECIFIED BUSINESSES** [Ownership or positions in certain types of businesses]  
 (If you have nothing to report, you must write "none" or "n/a")

|   | BUSINESS ENTITY # 1 | BUSINESS ENTITY # 2 | BUSINESS ENTITY # 3 |
|---|---------------------|---------------------|---------------------|
| NAME OF BUSINESS ENTITY                       |                     |                     |                     |
| ADDRESS OF BUSINESS ENTITY                    |                     |                     |                     |
| PRINCIPAL BUSINESS ACTIVITY                   |                     |                     |                     |
| POSITION HELD WITH ENTITY                     |                     |                     |                     |
| I OWN MORE THAN A 5% INTEREST IN THE BUSINESS |                     |                     |                     |
| NATURE OF MY OWNERSHIP INTEREST               |                     |                     |                     |

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE (required):

DATE SIGNED (required):

**FILING INSTRUCTIONS:**

**WHAT TO FILE:**

After completing all parts of this form, including signing and dating it, send back only the first sheet (pages 1 and 2) for filing.

If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).

Facsimiles will not be accepted.

**NOTE:**

**MULTIPLE FILING UNNECESSARY:**

Generally, a person who has filed Form 1 for a calendar or fiscal year is not required to file a second Form 1 for the same year. However, a candidate who previously filed Form 1 because of another public position must at least file a copy of his or her original Form 1 when qualifying.

**WHERE TO FILE:**

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

**Local officers/employees** file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

**State officers or specified state employees** file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 3600 Maclay Boulevard, South, Suite 201, Tallahassee, FL 32312.

**Candidates** file this form together with their qualifying papers.

To determine what category your position falls under, see the "Who Must File" Instructions on page 3.

**WHEN TO FILE:**

**Initially**, each local officer/employee, state officer, and specified state employee must file *within 30 days* of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

**Candidates** for publicly-elected local office must file at the same time they file their qualifying papers.

**Thereafter**, local officers/employees, state officers, and specified state employees are required to file by July 1st following each calendar year in which they hold their positions.

**Finally**, at the end of office or employment, each local officer/employee, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment.

# INSTRUCTIONS FOR COMPLETING FORM 1 STATEMENT OF FINANCIAL INTERESTS

## WHO MUST FILE FORM 1:

All persons who fall within the categories of "state officers," "local officers/employees," "specified state employees," as well as candidates for elective local office, are required to file Form 1. Positions within these categories are listed below. Persons required to file full financial disclosure (Form 6) and officers of the judicial branch do not file Form 1 (see Form 6 for a list of persons who must file that form).

### **STATE OFFICERS** include the following positions for state officials:

1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of sole advisory bodies; but including judicial nominating commission members; Directors of the Florida Black Business Investment Board, Enterprise Florida, Scripps Florida Funding Corporation, Workforce Florida, and Space Florida; Members of the Florida Commission on Tourism, Florida Substance Abuse and Mental Health Corporation, and the Council on the Social Status of Black Men and Boys; and Governors and senior managers of Citizens Property Insurance Corporation and Florida Workers' Compensation Joint Underwriting Association.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, and the local Boards of Trustees and Presidents of state universities.

### **LOCAL OFFICERS/EMPLOYEES** include the following positions for officers and employees of local government:

1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a board of adjustment; a planning or zoning board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.

3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

4) Persons holding any of these positions in local government: Mayor; county or city manager; chief administrative employee of a county, municipal-

ity, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$20,000 for the local governmental unit.

5) Officers and employees of entities serving as chief administrative officer of a political subdivision.

### **SPECIFIED STATE EMPLOYEES** include the following positions for state employees:

1) Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

2) The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.

3) The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, Assistant Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.

4) Assistant State Attorneys, Assistant Public Defenders, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.

5) The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

6) State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$15,000.

7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

## INSTRUCTIONS FOR COMPLETING FORM 1:

### INTRODUCTORY INFORMATION (At Top of Form):

If your name, mailing address, public agency, and position are already printed on the form, you do not need to provide this information unless it should be changed. To change any of this information, write the correct information on the form, then contact your agency's financial disclosure coordinator. Your coordinator is identified in the financial disclosure portal on the Commission on Ethics website: [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

**NAME OF AGENCY:** This should be the name of the governmental unit which you serve or served, by which you are or were employed, or for which you are a candidate. For example, "City of Tallahassee," "Leon County," or "Department of Transportation."

**OFFICE OR POSITION HELD OR SOUGHT:** Use the title of the office or position you hold, are seeking, or held during the disclosure period (in some cases you may not hold that position now, but you still would be required to file to disclose your interests during the last year you held that position). For example, "City Council Member," "County Administrator," "Purchasing Agent," or "Bureau Chief." If you are a candidate for office or are a new employee or appointee, check the appropriate box.

**MAILING ADDRESS:** If your home address appears on the form but you prefer another address be shown, change the address as described above. If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the Commission is required to maintain the confidentiality of your home

address **if you submit a written request for confidentiality**. Persons listed in Section 119.071(4)(d), F.S., are encouraged to provide an address other than their home address.

**DISCLOSURE PERIOD:** The tax year for most individuals is the calendar year (January 1 through December 31). If that is the case for you, then your financial interests should be reported for the calendar year 2009; just check the box and you do not need to add any information in this part of the form. However, if you file your IRS tax return based on a tax year that is not the calendar year, you should specify the dates of your tax year in this portion of the form and check the appropriate box. This is the time frame or "disclosure period" for your report.

**MANNER OF CALCULATING REPORTABLE INTERESTS:** As noted in this portion of the form, the Legislature has given filers the option of reporting based on either thresholds that are comparative (usually, based on percentage values) or thresholds that are based on absolute dollar values. The instructions on the following pages specifically describe the different thresholds. Simply check the box that reflects the choice you have made. You must use the type of threshold you have chosen for each part of the form. In other words, if you choose to report based on absolute dollar value thresholds, you cannot use a percentage threshold on any part of the form.

(CONTINUED on page 4) 

## PART A — PRIMARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)1 or (b)1, Fla. Stat.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose the amount of income received. The sources should be listed in descending order, with the largest source first. Please list in this part of the form the name, address, and principal business activity of each source of your income which (depending on whether you have chosen to report based on percentage thresholds or on dollar value thresholds) either:

exceeded five percent (5%) of the gross income received by you in your own name or by any other person for your benefit or use during the disclosure period, or

exceeded \$2,500.00 (of gross income received during the disclosure period by you in your own name or by any other person for your use or benefit).

You need not list your public salary received from serving in the position(s) which requires you to file this form, but this amount should be included when calculating your gross income for the disclosure period. The income of your spouse need not be disclosed. However, if there is joint income to you and your spouse from property held by the entireties (such as interest or dividends from a bank account or stocks held by the entireties), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the threshold.

"Gross income" means the same as it does for income tax purposes, including all income from whatever source derived, such as compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, social security, distributive share of partnership gross income, and alimony, but not child support.

### Examples:

— If you were employed by a company that manufactures computers and received more than 5% of your gross income (salary, commissions, etc.) from the company (or, alternatively, \$2,500), then you should list the name of the company, its address, and its principal business activity (computer manufacturing).

— If you were a partner in a law firm and your distributive share of partnership gross income exceeded 5% of your gross income (or, alternatively, \$2,500), then you should list the name of the firm, its address, and its principal business activity (practice of law).

— If you were the sole proprietor of a retail gift business and your gross income from the business exceeded 5% of your total gross income (or, alternatively, \$2,500), then you should list the name of the business, its address, and its principal business activity (retail gift sales).

— If you received income from investments in stocks and bonds, you are required to list only each individual company from which you derived more than 5% of your gross income (or, alternatively, \$2,500), rather than aggregating all of your investment income.

— If more than 5% of your gross income (or, alternatively, \$2,500) was gain from the sale of property (not just the selling price), then you should list as a source of income the name of the purchaser, the purchaser's address, and the purchaser's principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.

— If more than 5% of your gross income (or, alternatively, \$2,500) was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

## PART B — SECONDARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)2 or (b)2, Fla. Stat.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. You will **not** have anything to report **unless**:

(a) If you are reporting based on percentage thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than ten percent (10%) of your gross income during the disclosure period from that business entity; **and**

(3) You received more than \$1,500 in gross income from that business entity during the period.

(b) If you are reporting based on dollar value thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded the appropriate thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded ten percent (10%) of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

### Examples:

— You are the sole proprietor of a dry cleaning business, from which you received more than 10% of your gross income (an amount that was more than \$1,500) (or, alternatively, more than \$5,000, if you are using dollar value thresholds). If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the thresholds listed above. You should list each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.

— You own an orange grove and sell all your oranges to one marketing cooperative. You should list the cooperative, its address, and its principal business activity if your income met the thresholds.

## PART C — REAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

In this part, please list the location or description of all real property (land and buildings) in Florida in which you owned directly or indirectly at any time during the previous tax year in excess of five percent (5%) of the property's value. This threshold is the same, whether you are using percentage thresholds or dollar thresholds. You are not required to list your residences and vacation homes; nor are you required to state the value of the property on the form.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you are more than a 5% partner in a partnership or stockholder in a corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more current appraisal.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. Although a legal description of the property will do, such a lengthy description is not required. Using simpler descriptions, such as "duplex, 115 Terrace Avenue, Tallahassee" or 40 acres located at the intersection of Hwy. 60 and I-95, Lake County" is sufficient. In some cases, the property tax identification number of the property will help in identifying it: "120 acre ranch on Hwy. 902, Hendry County, Tax ID # 131-45863."

(CONTINUED on page 5) 

Examples:

— You own 1/3 of a partnership or small corporation that owns both a vacant lot and a 12% interest in an office building. You should disclose the lot, but are not required to disclose the office building (because your 1/3 of the 12% interest—which equals 4%—does not exceed the 5% threshold).

— If you are a beneficiary of a trust that owns real property and your interest depends on the duration of an individual's life, the value of your interest should be determined by applying the appropriate actuarial table to the value of the property itself, regardless of the actual yield of the property.

## PART D — INTANGIBLE PERSONAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

Provide a general description of any intangible personal property that, at any time during the disclosure period, was worth more than:

(1) ten percent (10%) of your total assets (if you are using percentage thresholds), or

(2) \$10,000 (if you are using dollar value thresholds),

and state the business entity to which the property related. Intangible personal property includes such things as money, stocks, bonds, certificates of deposit, interests in partnerships, beneficial interests in a trust, promissory notes owed to you, accounts receivable by you, IRA's, and bank accounts. Such things as automobiles, houses, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity should be aggregated; for example, two certificates of deposit and a savings account with the same bank. Where property is owned by husband and wife as tenants by the entirety (which usually will be the case), the property should be valued at 100%.

Calculations: In order to decide whether the intangible property exceeds 10% of your total assets, you will need to total the value of all of your assets (including real property, intangible property, and tangible personal property such as automobiles, jewelry, furniture, etc.). When making this calculation, do not subtract any liabilities (debts) that may relate to the property—add only the fair market value of the property. Multiply the total figure by 10% to arrive at the disclosure threshold. List only the intangibles that exceed this threshold amount. Jointly owned property should be valued according to the percentage of your joint ownership, with the exception of property owned by husband and wife as tenants by the entirety, which should be valued at 100%. None of your calculations or the value of the property have to be disclosed on the form. If you are using dollar value thresholds, you do not need to make any of these calculations.

Examples for persons using comparative (percentage) thresholds:

— You own 50% of the stock of a small corporation that is worth \$100,000, according to generally accepted methods of valuing small businesses. The estimated fair market value of your home and other property (bank accounts, automobile, furniture, etc.) is \$200,000. As your total assets are worth \$250,000, you must disclose intangibles worth over \$25,000. Since the value of the stock exceeds this threshold, you should list "stock" and the name of the corporation. If your accounts with a particular bank exceed \$25,000, you should list "bank accounts" and bank's name.

— When you retired, your professional firm bought out your partnership interest by giving you a promissory note, the present value of which is \$100,000. You also have a certificate of deposit from a bank worth \$75,000 and an investment portfolio worth \$300,000, consisting of \$100,000 of IBM bonds and a variety of other investments worth between \$5,000 and \$50,000 each. The fair market value of your remaining assets (condominium, automobile, and other personal property) is \$225,000. Since your total assets are worth \$700,000, you must list each intangible worth more than \$70,000. Therefore, you would list "promissory note" and the name of your former partnership, "certificate of deposit" and the name of the bank, "bonds" and "IBM," but none of the rest of your investments.

## PART E — LIABILITIES

[Required by Sec. 112.3145(3)(a)4 or (b)4, Fla. Stat.]

In this part of the form, list the name and address of each private or governmental creditor to whom you were indebted for a liability in any amount that, at any time during the disclosure period, exceeded:

(1) your net worth (if you are using percentage thresholds), or

(2) \$10,000 (if you are using dollar value thresholds).

You are not required to list the amount of any indebtedness or your net worth. You do not have to disclose any of the following: credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, and accrued income taxes on net unrealized appreciation (an accounting concept). A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability; if you are using the \$10,000 threshold and the total amount of the debt (not just the percentage of your liability) exceeds \$10,000, such debts should be reported.

Calculations for persons using comparative (percentage) thresholds: In order to decide whether the debt exceeds your net worth, you will need to total all of your liabilities (including promissory notes, mortgages, credit card debts, lines of credit, judgments against you, etc.). Subtract this amount from the value of all your assets as calculated above for Part D. This is your "net worth." You must list on the form each creditor to whom your debt exceeded this amount unless it is one of the types of indebtedness listed in the paragraph above (credit card and retail installment accounts, etc.). Joint liabilities with others for which you are "jointly and severally liable," meaning that you may be liable for either your part or the whole of the obligation, should be included in your calculations based upon your percentage of liability, with the following exception: joint and several liability with your spouse for a debt which relates to property owned by both of you as "tenants by the entirety" (usually the case) should be included in your calculations by valuing the asset at 100% of its value and the liability at 100% of the amount owed.

Examples for persons using comparative (percentage) thresholds:

— You owe \$15,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 (with your spouse) to a savings and loan for a home mortgage. Your home (owned by you and your spouse) is worth \$80,000 and your other property is worth \$20,000. Since your net worth is \$20,000 (\$100,000 minus \$80,000), you must report only the name and address of the savings and loan.

— You and your 50% business partner have a \$100,000 business loan from a bank, for which you both are jointly and severally liable. The value of the business, taking into account the loan as a liability of the business, is \$50,000. Your other assets are worth \$25,000, and you owe \$5,000 on a credit card. Your total assets will be \$50,000 (half of a business worth \$50,000 plus \$25,000 of other assets). Your liabilities, for purposes of calculating your net worth, will be only \$5,000, because the full amount of the business loan already was included in valuing the business. Therefore, your net worth is \$45,000. Since your 50% share of the \$100,000 business loan exceeds this net worth figure, you must list the bank.

## PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by Sec. 112.3145(5), Fla. Stat.]

The types of businesses covered in this disclosure are only: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies (including insurance agencies); mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

(CONTINUED on page 6) 

You are required to disclose in this part of the form the fact that you owned during the disclosure period an interest in, or held any of certain positions with, particular types of businesses listed above. You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than five percent (5%) of the total assets or capital stock of one of the types of business entities granted a privilege to operate in Florida that are listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the

disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list (vertically for each business): the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

(End of Instructions.)

## PENALTIES

A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [Sec. 112.317, Florida Statutes]

Also, if the annual form is not filed by September 1st, a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. [Section 112.3145, F.S.].

## OTHER FORMS YOU MAY NEED TO FILE IN ORDER TO COMPLY WITH THE ETHICS LAWS

In addition to filing Form 1, you *may* be required to file one or more of the special purpose forms listed below, depending on your particular position, business activities, or interests. As it is your duty to obtain and file any of the special purpose forms which may be applicable to you, you should carefully read the brief description of each form to determine whether it applies.

**Form 1F — Final Statement of Financial Interests:** Required of *local officers, state officers, and specified state employees* within 60 days after leaving office or employment. This form is used to report financial interests between January 1st of the last year of office or employment and the last day of office or employment. [Sec. 112.3145(2)(b), Fla. Stat.]

**Form 1X — Amended Statement of Financial Interests:** To be used by *local officers, state officers, and specified state employees* to correct mistakes on previously filed Form 1's. [Sec. 112.3145(9), Fla. Stat.]

**Form 2 — Quarterly Client Disclosure:** Required of *local officers, state officers, and specified state employees* to disclose the names of clients represented for compensation by themselves or a partner or associate before agencies at the same level of government as they serve. The form should be filed by the end of the calendar quarter (March 31, June 30, Sept. 30, Dec. 31) following the calendar quarter in which a reportable representation was made. [Sec. 112.3145(4), Fla. Stat.]

**Form 3A — Statement of Interest in Competitive Bid for Public Business:** Required of public officers and public employees prior to or at the time of submission of a bid for public business which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12)(b), Fla. Stat.]

**Form 4A — Disclosure of Business Transaction, Relationship, or Interest:** Required of public officers and employees to disclose certain business transactions, relationships, or interests which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12) and (12)(e), Fla. Stat.]

**Form 8A — Memorandum of Voting Conflict for State Officers:** Required to be filed by a state officer within 15 days after having voted on a measure which inured to his or her special

private gain (or loss) or to the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed state officer who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

**Form 8B — Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers:** Required to be filed (within 15 days of abstention) by each local officer who must abstain from voting on a measure which would inure to his or her special private gain (or loss) or the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed local official who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

**Form 9 — Quarterly Gift Disclosure:** Required of *local officers, state officers, specified state employees, and state procurement employees* to report gifts over \$100 in value. The form should be filed by the end of the calendar quarter (March 31, June 30, September 30, or December 31) following the calendar quarter in which the gift was received. [Sec. 112.3148, Fla. Stat.]

**Form 10 — Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses:** Required of *local officers, state officers, specified state employees, and state procurement employees* to report gifts over \$100 in value received from certain agencies and direct support organizations; also to be utilized by these persons to report honorarium event-related expenses paid by certain persons and entities. The form should be filed by July 1 following the calendar year in which the gift or honorarium event-related expense was received. [Sec. 112.3148 and 112.3149, Fla. Stat.]

## AVAILABILITY OF FORMS; FOR MORE INFORMATION

**Copies of these forms** are available from the Supervisor of Elections in your county; from the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864; and at the Commission's web site: [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

**Questions** about any of these forms or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864.