

**The City of Madeira Beach, Florida
Board of Commissioners Minutes
December 9, 2008**

A. MEETING CALLED TO ORDER Mayor Shontz called the meeting to order at 7:01 p.m.

B. ROLL CALL

Members Present: Terry Lister, Commissioner District 1
Sarah Nichols, Commissioner District 2
Nancy T. Oakley, Commissioner District 3
Steve Kochick, Vice-Mayor and Commissioner District 4
Patricia J. Shontz, Mayor

Staff Present: W.D. Higginbotham Jr., City Manager (CM)
Michael A. Connolly, City Attorney (CA)
Denise M. Schlegel, City Clerk (CC)
Paula Cohen, Community Development Director (CDD)

C. PLEDGE OF ALLEGIANCE

D. APPROVAL OF MINUTES. The minutes of the November 4th were approved as presented.

E. APPROVAL OF AGENDA. The agenda for December 9th was approved as presented. City Clerk Schlegel announced the agenda items that would not be heard during this meeting. The agenda items consisted of 08.65, 08.70, 08.73; and 08.75.

REPORTS

A. Library Board (LB). Vice-Mayor Kochick reported the LB met on December 8th. The LB was happy to learn that Treasure Island has returned as a member of the Gulf Beaches Public Library. The LB:

- Made significant budget cuts
- Is in a reorganization process
- Has advertised for a new Library Director
- Decided to reimburse the Treasure Island residents that purchased a library card at the Gulf Beaches Public Library for \$100; and will attempt to have the other libraries reimburse the Treasure Island residents who purchased their library card elsewhere.
- Has new hours, a position was eliminated, and the library initiated a volunteer program.

Madeira Beach has offered to do the library's accounting at a cheaper rate.

Is in the process of creating a new Interlocal agreement to clarify the language on it.

CM Higginbotham advised he spoke with the CA Connolly who will work on an agreement that would require all five municipalities' approval. The agreement will integrate the accounting operations into the City to minimize the Library's cost and provide them with regular financial reports.

The LB:

- Appointed a Screening Search Committee of which CM Higginbotham was one of the four appointed.
- Requested the Chair to send a letter to each of the five municipalities to form an Ad Hoc Committee to redo the Interlocal Agreement among the five municipalities with a new funding formula.

Vice-Mayor Kochick thanked CM Higginbotham for his expertise which helped the library through this process.

B. Planning Commission (PC). Commissioner Nichols reported the PC met on November 10. CDD Cohen distributed a letter of resignation from Jim McGinty, the current Chairperson.

<u>Title</u>	<u>Current</u>	<u>New</u>
Chairperson	Jim McGinty	Peter Kociolek
1st Vice-Chairperson	Peter Kociolek	Tom Whalley
2nd Vice-Chairperson	Tom Whalley	To be selected at the next meeting.

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The PC reviewed and recommended approval of Ordinance 1143 to the Board of Commissioners (BC). It revises the nonconforming use provisions to clarify the grandfather status and termination of such non-conforming uses.

The PC reviewed and recommended approval of Ordinance 1144 to the BC. It revises the vegetation ordinance.

The PC started its review on Ordinance 1145, which is the future Land Use Update; and will continue its review at its next meeting.

- C. **Suncoast League of Cities (SLC)**. Vice-Mayor Kochick reported the SLC met on December 4th at the Bubba Gumps Shrimp Company in John's Pass Village. The agenda dealt with the upcoming legislative session in Tallahassee. The SLC will send representatives to share the SLC views on the issues. The SLC had a list of issues they felt were important, such as, the water management in Pinellas Park; Fire District consolidation, unfunded mandates, increasing public participation in public meetings; comprehensive land management, affordable housing, being able to put a special assessment to fund law enforcement services; and municipal pension plans. The SLC believes that Home Rule is very important.
- D. **City Attorney (CA)**. CA Connolly:
- Advised that at the December 2 workshop, the BC discussed the letter received by the City from Attorney S. Michael Ostow, who is representing heirs of the Welch and Archibald Family.
 - Stated that as directed, he called Mr. Ostow and there are two legal disagreements.
 - Advised that Attorney S. Michael Ostow and his client will meet with CM Higginbotham and himself.
- E. **City Manager (CM)**. CM Higginbotham advised the BC traditionally cancels its second meeting in December; and the BC agreed to cancel December 23rd regular meeting.

RECOGNITION AWARDS

Eva Gramlich. Mayor Shontz invited Eva Gramlich up to the podium and presented her with a plaque that read: In recognition of your distinguished and faithful public service, precious time, and dedicated efforts as an Employee of Madeira Beach for over 19 years; thereby making the City a better place to live. October 16, 1989 through December 12, 2008

Mayor Shontz elaborated on Eva's talents and accomplishments; and invited everyone to a reception for Eva after the meeting

Mrs. Gramlich thanked the BC and announced that today was her 62 Birthday. Everyone sang Happy Birthday to Eva.

Robin Moore. Mayor Shontz invited Robin Moore up to the podium and presented her with a plaque that read: In sincere appreciation and recognition for over 4 years of dedicated service and outstanding performance as a member of the Planning Commission. September 2004 through October 2008.

Ms. Moore thanked the BC and said it was a pleasure; and she had a lot of help from Commissioner Nichols while serving.

CITIZEN'S FORUM

Mike Ritner of 854 Bay Point Drive:

- Advised there was an advertised meeting in August where the BC agreed to the proposed changes to the Holiday Boat Parade route.
- The main reason for the route change was the safety of the participants and their boats. Over the past six years the canals have got narrower and narrower. Everyone is putting in docks and larger boats.
- Explained that on December 8th he went down the Boca Ciega Avenue canal and turned his 23 foot boat sideways and there was a sailboat on one side and twin power boat engines on the other and there is barely 30 feet in there.

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- Advised there was no way you could get two large boats through with lights.
- Advised there were two collisions last year and it is supposed to be a fun event.
- Advised he made one modification to the boat parade route to now go down the canal between Pruitt Drive and Normandy Road.
- Stated it was also a major time constraint on the participating Captains.

People, in the audience that expressed their disappointment that the Holiday Boat Parade would not be going down their canal and that the City should have notified the residents well in advance of this change, included:

Linda McArtor of 359 Boca Ciega Drive
David Holloway of 343 Boca Ciega Drive
Jerry Stockfish of 319 Boca Ciega Drive

People in the audience that expressed their concern about the lack of enforcement and the solicitation activity on the Boardwalk, included:

Lisa Coxon of Café Fresh at 206 Boardwalk Place
John Ryan of Fly n High Parasail and Water Sports at 207 Boardwalk Place
Peter Kucinski of Jack's Rentals at John's Pass aka Jack's Marina at 145 Boardwalk Place
Terry Ryan of Fly n High Parasail and Water Sports at 207 Boardwalk Place
Woody Pershing of Woody's Water Sports at 205 Boardwalk Place

Carol Reynolds of 600 Normandy Road inquired if the carnival conducted in John's Pass Village was profitable.

Frank Adis of 526 Lillian Drive inquired on the enforcement of handbills distributed in residential areas.

COMMISSION'S FORUM

Commissioner Oakley welcomed Treasure Island back as a member of the Gulf Beaches Public Library.

Commissioner Lister thanked people who expressed their dissatisfaction with the Holiday Boat Parade Route.

Vice-Mayor Kochick:

- Thanked the people who volunteered to participate in the Holiday Boat Parade.
- Agreed the City should have notified the residents on the canals where the route was changed.
- Expressed disappointment that, in the beginning there was not one boat from Madeira Beach registered in the parade.

CONSENT AGENDA

08.72a Veterans of Foreign Wars (VFW) Request to Renew Parking Permits. Consent authorizes the VFW to limited, free use of 30 metered parking spaces in John's Pass Village for bingo and other special events along with 5 special parking permits to be used daily, by the VFW Board members. The parking permits will be effective from January 1, 2009 through December 31, 2009.

08.72b Reappointment of Special Magistrate from January 20, 2008 through January 19, 2009. Consent authorizes the reappointment of Herbert E. Langford, Jr. as Special Magistrate to rule on Code Enforcement Cases, and applications for variances, special exception uses, as well as appeals from administrative decisions from January 20, 2009 through January 19, 2010.

08.72c Florida Boating Improvement Program Grant Agreement – Amendment No. 2 -Time Extension. Consent authorizes the Mayor to sign the Florida Boating Improvement Program Grant Agreement, FWC Contract No. 06145 – Amendment No. 2.

The City:

- Approved Resolution 06.10 in May 2006 to apply for funds for a new boat ramp and 2 boarding docks at the Marina.

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- In December 2006, received notification from the Florida Fish and Wildlife Conservation Commission (FFWCC) that the grant was funded in the amount of \$84,500.
- Amended the agreement on May 21, 2008 to extend the time for project completion to 12/15/08.
- Is aware that it will take several months for the Contractor to obtain permits from Pinellas County Water and Navigation, due to the size of the boarding docks. In order to ensure there was sufficient time to complete the construction project, the grant agency offered an additional time extension to the City. The Contractor is on site and construction is under-way; and all work under the grant must be completed by June 15, 2009.

- 08.72d Declaration of Surplus for the 1997 Ford Sanitation/Garbage Packer.** This vehicle is over 12 years old is in bad physical condition and is not being used at this time. Mileage is currently 84,117 and the hours are at 11,058. There is extensive body rust and damage. A replacement vehicle was purchased and delivered (FY 2008) earlier this year.
- 08.72e Purchase of a new 2009 Ford F-250 4x4 pickup truck.** Consent authorizes City Administration to use the Florida Sheriffs Association, Florida Associations of Counties & Florida Fire Chief's Association Vehicle Bid Award to purchase of a new 2009 Ford F-250 4x4 pickup truck in the amount of \$18,922. Budgeted \$19,500.
- 08.72f Purchase of a new 2009 Ford F-350 4x4 Cab & Chassis.** Consent authorizes City Administration to use the Florida Sheriffs Association, Florida Associations of Counties & Florida Fire Chief's Association Vehicle Bid Award to Purchase of a new 2009 Ford F-350 4x4 Cab & Chassis in the amount of \$20,918 to replace truck #41. Budgeted \$27,000.
- 08.73g Transfer of funds from General Fund Contingency for FY 2007-08 Reconciliation.** Consent approves the transfer of funds from the General Fund Contingency for FY 2007-08 Reconciliation to balance a shortfall in the Finance Department budget.
- 08.73h Award of Bid #09-01 – Marina Fuel System.** On October 26, 2008 the City advertised a Request for Bids for the Municipal Marina Fuel System. The project entails removal of two existing 4,000 gallon single-wall fuel tanks and installation of a new 20,000 gallon partitioned, double-wall fuel tank. This replacement is necessary to comply with a Florida Department of Environmental Protection mandate that all single-wall fuel tanks be replaced by double-wall fuel tanks by 2010. The City's Marina Fund contains an appropriation of \$275,000 for replacement of the fuel storage tanks.

Motion was made by Commissioner Lister, seconded Vice-Mayor Kochick to approve the Consent Agenda as presented.

Roll Call on the motion carried 5-0: Commissioner Nichols-Aye; Commissioner Oakley-Aye; Vice-Mayor Kochick-Aye; Commissioner Lister-Aye; Mayor Shontz-Aye.

UNFINISHED BUSINESS

- 08.61 PUBLIC HEARING to consider the 2nd Reading of Ordinance 1138 - Consistency of Land Development Regulations with the Pinellas Planning Council**

CA Connolly read **ORDINANCE 1138** by title only. **AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CITY OF MADEIRA BEACH CODE OF ORDINANCES, SUBPART B (LAND DEVELOPMENT REGULATIONS) IN ORDER TO COMPLY WITH THE PINELLAS PLANNING COUNCIL COUNTYWIDE PLAN AND RULES; PROVIDING FOR READING BY TITLE ONLY; BY PROVIDING FOR SEVERABILITY; TO REPEAL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND BY PROVIDING FOR AN EFFECTIVE DATE THEREOF.**

Motion was made by Vice-Mayor Kochick, seconded by Commissioner Lister to adopt Ordinance 1138.

On October 28, Ordinance 1138 passed unanimously on first reading.

Chapter 88-464, Laws of Florida, the "Special Act" creating the Pinellas Planning Council and the Countywide Rules require that future land plan maps and specific parts of local government comprehensive plans and Land Development regulations in Pinellas County be consistent with the Countywide Plan and Rules.

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The Countywide Planning Authority approved a Consistency Report in 2007 which reviewed all 25 local governments future land use plans and land development regulation. Any changes required in the City of Madeira Beach future land use plan were addressed in the adopted EAR-based amendments.

The consistency review of the City land development regulations included such issues as: nomenclature, major plan classifications, density / intensity standards, use and location characteristics, and special rules.

The ordinance depicts the changes to the Land Development Regulations which were prepared by the Gail Easley Company.

Additional changes have been included in Ordinance 1138 since the first reading in October. The changes pertain to citing the specific Section of the Countywide Rules for the development agreement which must be executed for tourist development projects and a correction to the Impervious Surface Ratio in the Public / Semi-Public District. The development agreement is a standard form of the Pinellas Planning Council.

Mayor Shontz opened the meeting for public hearing. Hearing no response, Mayor Shontz closed the public hearing.

Roll Call on the motion carried 5-0: Commissioner Nichols-Aye; Commissioner Oakley-Aye; Commissioner Lister-Aye; Vice-Mayor Kochick-Aye; Mayor Shontz-Aye.

- 08.65 PUBLIC HEARING to consider the 2nd Reading of Ordinance 1142.** This item was rescheduled to January 13, 2009 due to advertising error.

08.69a Purchase of a new 2008 Barber Surf Rake, Model 600HD

Motion was made by Vice-Mayor Kochick, seconded by Commissioner Oakley to waive the competitive bid requirements, as provided for in Section 2-193(3) of the Madeira Beach Code of Ordinances, and authorize the purchase from the contract price list established by the City of Tampa of the 2008 Barber Surf Rake 600HD from H. Barber & Sons, Inc. in Naugatuck, CT in the amount of \$45,868 and charge that amount to Account Number 0013100.6400 (Streets Department – Capital Equipment).

This unit would replace the 21 year old Barber Surf Rake purchased in 1988. This unit is currently in need of extensive repair.

The City of Tampa purchased a new Surf Rake in March of 2008.

The City budgeted \$50,000.00 for a new Surf Rake in the Streets Department, line item 001 3100.6400.

Mayor Shontz opened the meeting for public hearing. Hearing no response, Mayor Shontz closed the public hearing.

Roll Call on the motion carried 5-0: Commissioner Lister-Aye; Commissioner Nichols-Aye; Commissioner Oakley-Aye; Vice-Mayor Kochick-Aye; Mayor Shontz-Aye.

- 08.70 PUBLIC HEARING to consider the 2nd Reading of Ordinance 1144.** This item was rescheduled to January 13, 2009 due to advertising error.

NEW BUSINESS

- 08.73 PUBLIC HEARING to consider the 1st Reading of Ordinance 1145.** This item was *continued until after the January 12th Planning Commission.*

08.74 PUBLIC HEARING to consider the 1st Reading of Ordinance 1146

CA Connolly read **ORDINANCE 1144** by title only. **AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CITY OF MADEIRA BEACH CODE OF ORDINANCES, SUBPART A (GENERAL ORDINANCES), CHAPTER 46 (CANVASSERS AND SOLICITORS), ARTICLE I (IN GENERAL), BY AMENDING SECTION 46-1 (PUBLIC SOLICITATION) TO REGULATE THE TIME, PLACE, AND MANNER OF COMMERCIAL SPEECH; BY PROVIDING FOR READING BY TITLE ONLY; BY PROVIDING FOR SEVERABILITY AND REPEALER; AND BY PROVIDING FOR AN EFFECTIVE DATE.**

Motion was made by Commissioner Lister, seconded by Vice-Mayor Kochick to pass Ordinance 1144 on First Reading and schedule the Second and Final Reading for January 13, 2009.

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Ordinance 1124, adopted on December 11, 2007, prohibited public solicitation.

An employee of a tenant was cited for a violation of Section 46-1; and that citation is pending before the County Court. The attorneys have filed a motion asking the County Court to find Section 46-1 unconstitutional, in violation of the First Amendment.

The city can regulate the time, place and manner of commercial speech. However, such regulations cannot be any broader than necessary to accomplish the city's public health, safety and welfare goals. The pending motion asserts the current 46-1 is too broad and thus in violation of the First Amendment. The current 46-1 prohibits any public solicitation, even if it was passive, i.e. resulted from the citizen asking to be solicited.

The revision to Section 46-1 would:

- Still protect the city's health, safety and welfare concerns.
- Not prohibit an employee from responding to someone's request to be solicited.
- Prohibit public solicitation if the citizen solicited has a negative response to the solicitation or if the solicitation has the effect of impeding the passage and movement of the public.
- Still prohibit the temporary carts, kiosks, etc. on public sidewalks, rights of way, etc.

CDD Cohen advised the structure owned Woody Pershing of Woody's Water Sports at 205 Boardwalk Place was determined to be grandfathered, after the CA Connolly reviewed the building permits.

CDD Cohen advised there is another one under review located as you go up the Boardwalk by the Bell Tower, the one closest to Eagle Parasail. It has been called an information booth and is under the review by CA Connolly and the Attorney for Eagle Parasail. CA Connolly stated it is scheduled for the Special Magistrate in February.

Mayor Shontz opened the meeting for public hearing.

The following people stated there needed to be better enforcement of the solicitation code.

Terry Ryan of 207 Boardwalk Place
Guy Critelli of 206-208 Boardwalk Place
John Ryan of 207 Boardwalk Place

Hearing no additional response, Mayor Shontz closed the public hearing.

Roll Call on the motion carried 4-1: Commissioner Nichols-Nay; Commissioner Oakley-Aye; Vice-Mayor Kochick-Aye; Commissioner Lister-Aye; Mayor Shontz-Aye.

- 08.75 PUBLIC HEARING to consider Alcoholic Beverage Use Permit #08.08** for a SRX-4COP License for Land Trust K-175 and Land Trust A-111 for the property located at 14705 - 14709 Gulf Blvd, Madeira Beach, FL. An SRX-4COP license permits Beer, Wine, and Liquor consumption on premises in connection with a restaurant. Package sales not permitted. May only have spirituous beverages (liquor) in quarts, fifths or miniatures. Must meet certain requirements as to the number of seats, square footage, etc. Sale of alcoholic beverage prohibited when food service not available. F.S. 561.20(2). This item was tabled until January 13, 2009.

- 08.76 Request by former Commissioner, Art Thomas, for reimbursement of legal fees**

Mayor Shontz announced she had a Conflict of Interest regarding agenda item 08.76; and therefore recused herself and passed the gavel to Vice-Mayor Kochick to finish the meeting. A copy of *Form 8B Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers* is attached to these minutes.

Motion was made by Commissioner Oakley, seconded by Commissioner Nichols to reimburse Art Thomas for legal fees incurred in the amount of \$37,113.42 and to transfer this amount from the General Fund contingency account 001 1300.9900 to account 001 1300.3113 to fund the payment.

Former Commissioner Art Thomas was a defendant in 11 defamation cases that were filed against him as a result of a letter he wrote to the editor of the *Beach Beacon* newspaper, which was published January 12, 2006.

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At the March 7, 2006 Workshop, the BC reached a consensus that the City would not provide legal support for Commissioner Thomas. Mr. Thomas then retained legal counsel at his own expense. On June 26, 2007, a Renewed Motion for Summary Judgment was granted to Mr. Thomas; however, the 11 plaintiffs filed an appeal. The appeal was not successful, and Mr. Thomas' attorney wrote a letter dated October 14, 2008 in which demand is made to the City for reimbursement of \$37,113.42 expended by Mr. Thomas in defending himself against these suits. Staff has reviewed the documentation provided in support of this claim, and finds that the request is substantiated by legal bills and cancelled checks. Copies are available for your review in the Finance Department.

The City received a letter dated November 18, 2008 from PGCS Claim Services in which the City's insurance company, Preferred Governmental Insurance Trust (PGIT) has agreed to reimburse the reasonable costs and fees pertaining to this matter. It should also be noted that the City's Public Officials Liability Policy carries a \$5,000 deductible.

At the December 2, 2008 workshop, the BC reached a consensus that the City should pay Mr. Thomas in full and seek reimbursement from the insurance company, rather than the insurance company reimbursing Mr. Thomas directly.

Vice-Mayor Kochick opened the meeting for public hearing.

Dick Lewis of 561 Crystal Drive stated this issue was an injustice to the tax payers since the City was not a party to the lawsuit. Mr. Lewis commented that Mr. Thomas made it personal.

Martha Boos of 15316 Gulf Boulevard, Unit 603 advised the Attorney initially hired by Mr. Thomas became ill and left the legal profession and that is why Mr. Thomas had two attorneys. The fact the City has to pay now is because the former Commission, of which she was a party and a Commissioner, against her wishes, voted not to defend former Commissioner Thomas. If they had voted to defend former Commissioner Thomas, as the City Attorney recommended; none of this would be before this Commission tonight.

Hearing no additional response, Vice-Mayor Kochick closed the public hearing.

Roll Call on the motion carried 4-0: Commissioner Lister-Aye; Commissioner Nichols-Aye; Commissioner Oakley-Aye; Vice-Mayor Kochick-Aye.

CORRESPONDENCE

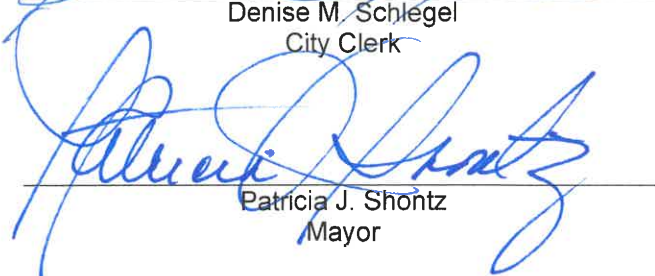
The BC wished everyone happy holidays.

ADJOURNMENT Being no further business to come before the BC, the meeting adjourned at 8:40 p.m.

Approved by the BC
on January 13, 2008



Denise M. Schlegel
City Clerk



Patricia J. Shontz
Mayor

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

LAST NAME—FIRST NAME—MIDDLE NAME Shontz, Patricia J.	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Board of Commissioners
MAILING ADDRESS 15334 Harbor Drive	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY Madeira Beach COUNTY Pinellas	NAME OF POLITICAL SUBDIVISION: City of Madeira Beach
DATE ON WHICH VOTE OCCURRED December 09, 2008	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Patricia J. Shontz, hereby disclose that on December 09, 20 08

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

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

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

With regard to the item listed below, I have a conflict of interest since I was one of the eleven named Plaintiffs to the lawsuit and its Notice to Appeal.

08.76 Request by former Commissioner, Art Thomas, for reimbursement of legal fees - Proposing to reimburse Art Thomas for legal fees incurred in the amount of \$37,113.42 and to transfer this amount from the General Fund contingency account 0011300.9900 to account 0011300.3113 to fund the payment

December 16, 2008

Date Filed

Signature

Patricia J. Shontz

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