



city council agenda

Agenda – CHANGE OF VENUE

February 20, 2018 * 5:30 PM
City Council Combined Session:

Workshop 5:30pm

Regular Session 6:30pm

Pine Castle Methodist Church, 731 Fairlane

Lydia Pisano Mayor	Kurt Ardaman City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Mike Sims District 4	Harv Readey District 5	Alexa Dowlen District 6	Sue Nielsen District 7
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Welcome Workshop Session – 5:30pm

Welcome to the City of Belle Isle City Council meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofbelleislefl.org.

1. Call to Order
2. Sunshine Law Review
3. Adjournment

Regular Session – 6:30pm

1. Call to Order and Confirmation of Quorum
2. Invocation and Pledge to Flag - Jeremy Weinsier - District 2
3. Consent Items - No Report.

4. Citizen's Comments

Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. **Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes.** Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you.

5. Unfinished Business

- a. Approval of Forensic Audit Bid
- b. Review of Open Space Zoning District Ordinance
- c. Appeal of Florida Wildlife Commission Decision on Bird Sanctuary

6. New Business

- a. Request For Proposal: City-Wide Traffic Study
- b. Approval of Easter Egg Hunt

7. Attorney's Report

8. City Manager's Report

- a. Reports of Holiday Events
- b. Candidate Forum
- c. Report on NAV Board Meeting
- d. Issues Log
- e. Chief's Report

"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." –Page 1 of 226

9. Mayor's Report

- a. AIRBnB
- b. Legislative Update
- c. Tri County League Luncheon update

10. Council Reports

11. Adjournment

Attachments

- [a.](#) Sunshine Law Memorandum to Council - February 20, 2018
- [b.](#) Sunshine Law Presentation Handout
- [c.](#) Easter Egg Hunt Events Budget 2018
- [d.](#) State Attorney's Findings Investigative Report
- [e.](#) Comm Weinsier's Response to the State Attorney Report and Roundtable Secret Society Allegations



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: February 20, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Forensic Audit

Background: The City Council directed that a forensic audit be done for the past ten fiscal years. The City received two proposals from qualified firms. The City Council tabled the decision on which firm to hire until the City Staff had the opportunity to review both proposals and the City Manager had the opportunity to speak with Council members to determine what years they may want to have audited.

The reasoning for auditing the years 2009-2017 is that those are the years when there was much turmoil and staff changes to include an employee stealing. It's also in this timeframe that Cornerstone Charter Academy was being formed and run by the City Council and City Manager. I am also concerned that if the Council chooses to eliminate any year, even if it is to lessen the cost of the audit, then it may send a message to the community that the Council might be trying to hide something in that particular year.

The staff reviewed both proposals and both are excellent firms.

Staff Recommendation: Approve the proposal of CliftonLarsonAllen for the years 2009-2017. Council to determine if they want to appoint an Advisory Committee

Suggested Motion: I move we approve the proposal of CliftonLarsonAllen for the years 2009-2017.

Alternatives: Approve the proposal of MSL or don't approve either proposal and cancel the forensic audit.

Fiscal Impact: NTE \$60,125

Attachments: Both Proposals



January 18, 2018

Proposal to Provide Forensic Services to:
City of Belle Isle, Florida

Prepared by:

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WEALTH ADVISORY | OUTSOURCING | AUDIT, TAX, AND CONSULTING

Investment advisory services are offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor.



CliftonLarsonAllen

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January 18, 2018

Bob Francis, City Manager
City of Belle Isle, Florida
1600 Nela Avenue
Belle Isle, FL 32809

RE: Request for Proposals (RFP) for Forensic Financial Auditing Services

Dear Members of the Evaluation Committee and Mr. Francis:

Thank you for inviting us to propose our services to you. CliftonLarsonAllen LLP ("CLA") gladly welcomes the opportunity to share our approach to helping the City of Belle Isle, Florida (City) meet its need for professional services. The enclosed proposal responds to your request for forensic services covering fiscal year 2009 through 2017.

Based on our understanding of your needs, you are seeking an investigation of financial records, accounts, business transactions, accounting practices, and internal controls and compliance for the City to identify and quantify any areas of fraud, waste, and abuse in procurement and other financial transactions. This type of engagement is commonly referred to as a forensic audit, and will hereinafter be referred to as such. If retained, we will perform this engagement in accordance with the Statement on Standards for Consulting Services, *Consulting Services: Definitions and Standards* (codified as CS Section 100 in *AICPA Professional Standards*) of the American Institute of Certified Public Accountants (AICPA).

As a national firm with more than 60 years of experience, we are excited to propose our services to the City. We believe we are the most qualified firm to provide forensic audit services to the City because of:

- **Understanding Your Needs by Providing the Best of Both Worlds.** We expect to provide a completely unique approach from any of our competitors. Andrew Laflin provides deep municipal auditing and consulting experience and spends nearly 100% of his time working with Florida counties and municipalities just like yours. Andrew is a leader within in the firm on internal control reviews and process improvement studies and is a frequent speaker at the FGFOA (Florida Government Finance Officers Association) Annual Conference, School of Government Finance, and regional FGFOA chapter meetings on topics ranging from fraud and internal controls to regulatory compliance. Ryan Merryman leads our forensic practice at CLA and has worked on small forensic engagements and multimillion dollar investigations. Ryan is a frequent speaker on topic of fraud detection using computerized data analysis tools. Ryan is a **Certified in Financial Forensics, Certified Fraud Examiner, and Certified Public Accountant** in the state of California. Additionally, Ryan is a current member of the AICPA's Certified Financial Forensics Credential Committee. This combination of PHA industry experience and specialization in forensic auditing shortens our learning curve and allows us to provide impact starting on day one of this engagement.
- **Commitment to Timeliness.** Being recognized as a top-ten professional services firm with over 5,000 employees means we can meet deadlines. With 302 employees in our Florida offices, we are committed to timely delivery of services. We already have plans to clear the schedules of the professionals in this proposal to work on this highly specialized forensic engagement.
- **Experience Providing Forensic Services to Governments.** Our unique approach to providing forensic services for our clients is the result of more than 60 years of experience working closely with public agency organizations like yours. CLA has more than 600 professionals serving more than 2,100 local and state

government agencies across the United States. Our forensic services team is comprised of Certified Public Accountants, Certified Fraud Examiners, professionals Certified in Financial Forensics, Certified Information Technology Professionals, and former law enforcement (including the Federal Bureau of Investigation).

- **Extensive Experience Serving Municipalities.** We have an extensive depth of experience serving entities similar to the City. Our industry professionals provide financial audit, single audit, and consulting services to hundreds of cities and counties nationwide. This knowledge in the government industry will result in more efficient, effective services saving you time and money.
- **No Surprises.** We provide a “no surprises” approach to our services, based on frequent and timely communication. As potential issues arise during the course of the engagement, we will engage the right people in timely and frank discussions as a means of gaining resolution immediately.

We are confident that our technical approach, insight, and resources will result in unparalleled client service for the City. Andrew Laflin will be your main point of contact and Ryan Merryman will be primarily responsible for overseeing and performing the forensic and data analysis technical work. We believe this approach will allow all team members to be more effective by combining municipal auditing and consulting experience and deep forensic expertise.

We are eager to work with you and welcome the chance to present our proposal to the City of Belle Isle. If you have any questions about our offerings, please do not hesitate to contact either of us via our contact information below.

Sincerely,
CliftonLarsonAllen LLP



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Audit Principal
Direct: 813-384-2711
Email: andrew.laflin@CLAconnect.com



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Forensic Principal
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TAB 2 – STATEMENT OF THE SCOPE

We understand that the scope of services outlined within the RFP involve identifying the most responsive and most qualified auditing firm to perform a forensic financial audit involving a factual investigation deemed necessary to identify and quantify any abnormal financial activity, if any during the above identified years. CLA's forensic and data analytics team and approach are well suited to meet the requirements of this RFP. CLA's approach to executing forensic and data analytics engagements is summarized below:

Forensic and Data Analytics Approach

CLA's forensic and data analytic services utilizes forensic investigative techniques in a proactive manner to focus procedures on identifying fraud and mitigating fraud risks. We draw on deep forensic experience and investigative skills to make meaningful interpretations. If we discover improprieties and wrong doing, we are experienced in assisting clients in matters involving litigation.

IDEA Data Analysis Software

IDEA is CLA's data analysis platform that enables users to quickly gather, summarize, and compare various forms of data. Data can be imported from almost any source or format including, but not limited to, spreadsheets, PDFs, and text files. Once the data is imported, the user can process the data in order to detect trends and anomalies indicative of potential fraud or error.

Common analyses performed using IDEA includes:

- Generating field statistics to search for anomalies
- Searching for duplicate entries to determine errors or potential fraudulent transaction
- Performing gap detection on numeric sequences to determine checks that out of sequence
- Performing Benford's law analysis
- Performing trend analysis
- Joining files to compare disparate sets of data

Analytics Platform

We will align our forensic data analysis testing with the City's requirements as it relates to Information and Evidence Gathering and identify patterns based on data points to create models to further any investigations. The following table shows our robust forensic data analysis methodology that provides efficiency and an innovative approach to analyzing voluminous amounts of data.

1. Extract Data	2. Analyze Data	3. Review & Refine Analysis	4. Reporting
1A. Planning the Electronic Data Extraction	2A. Normalize Electronic Data to Ensure Proper Import	3A. Identify Anomalies	4A. Provide Results to Client
1B. Conduct Meeting with Client, to determine what data is needed	2B. Completeness Testing	3B. Corroborate Results to Identified Risks	4B. Document Procedures and Results
1C. Obtain data from client and/or public and private sources as necessary	2C. Prepare Data for Analysis	3C. Assess Anomalies, provide visual representation of results	



1D. Assist/Monitor Client Data Extraction, if necessary

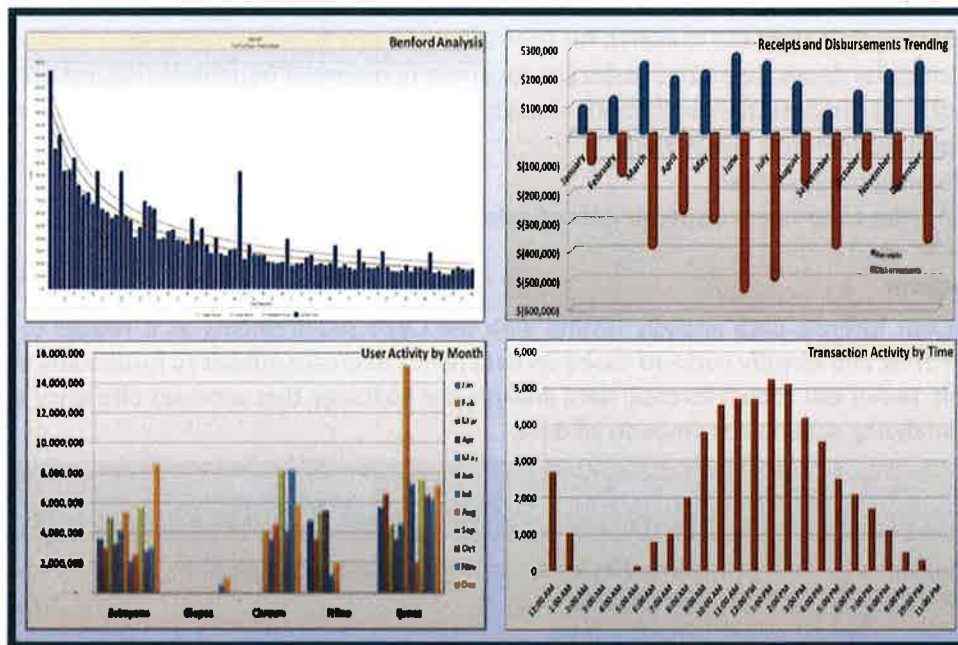
- 2D. Analytical Procedures
- Summarize
 - Trend
 - Extract
 - Join
 - Append

3D. Assess Need for Additional Analysis

With IDEA, our team is able to efficiently and effectively process voluminous sets of data. The methodology can then be incorporated to identify anomalies that are commonly indicative of fraud or misconduct.

We begin the process by acquiring and normalizing the data, many times extracted from multiple sources and systems. The next step is to run a series of pre-determined routines based on risk factors, the results of which will be used to identify anomalies that may be indicative of fraud or misconduct. We then graphically view trends over time and review and refine analyses where needed.

Typical tests our team uses include, but are not limited to, Benford's law, search for duplicate checks and invoices, generation of field statistics to identify irregularities, revenue trending, expense trending, round dollar testing, stratification of payments, and monthly entries made by users. We can then graphically display these results to identify anomalies that need to be further examined to decipher between false positives, errors, and misappropriations. Please see our example below.



We will then review what appears to be inappropriate activity and provide a listing of the higher risk items. CLA will to determine the source documentation we will review in order to further any investigations. Management will be able to review our findings in order to agree with any inappropriate and/or irregular activity so noted through our forensic data analytics.



Deriving Insight Through the Use of Data Analytics

Tremendous value and insight can be realized from the application of data analytics. Yet, realization only comes when the right groups of people collaborate throughout the process. Complimentary skills, knowledge and experience are required as business leaders and industry experts strategize, define needs, and identify risks. Data analysts skillfully design analytics, distill results and provide translation. The collective team then collaborates to interpret results.

Successful use of data analytics requires the process to be elastic and iterative whereby results are utilized to determine the need for confirmatory or supplementary testing. Findings are dynamic and continuously measured against expectations until insight is derived.

CLA has the highly skilled team necessary to derive insight from your data, we can help:

- Mitigate risk through analysis of entire populations of data with efficiency to
 - Identify high risk transactions indicative of potential errors or fraud
 - Make selections using risk and attribute based sampling methods
 - Derive better audit evidence in a more efficient manner
- Provide meaningful and more timely management reports such as,
 - Trends of business unit or product line results over time
 - Comparisons of teams from different geographic locations
 - Presentation of complex financial results into simple, more useful and impactful reports
 - Integration of disparate data to glean more meaningful business insights
- Provide insight into inappropriate activity such as,
 - Unauthorized physical access or use of organizational assets
 - Non-arms length relationships with third parties
 - Employee personal internet activity
 - Waste, misuse, and abuse of City assets
 - Non-compliance with applicable rules, laws and regulations
- Deliver more insightful and useful recommendations to management, including deeper insight into internal controls.

About our data analytics tools

One of CLA's advantages is our advanced audit tools and technology. CLA's personnel are experienced in using advanced data analytic and visualization software. These tools assist in enabling the team to quickly analyze account populations and select samples based on risk factors. CLA has developed a proprietary data analysis methodology that uses the most innovative technology and incorporates the knowledge and experience of trained technology professionals. With this technology, CLA is able to process and analyze substantial amounts of financial and nonfinancial data quickly and effectively. The technology can help identify anomalies and red flags, and can be tailored and customized to the City to help analyze an array of information.

This data analytics software and trained data analytics professionals will be utilized during the performance of this project. The size of the City, combined with its typical daily activities, likely results in hundreds to thousands of financial and nonfinancial transactions (and pieces of data) each day. The use of an advanced data analytics software tool is the only way to provide the City with an efficient and effective way to analyze and audit this population of data.



TAB 3 – EXECUTIVE SUMMARY

Forensic Services Practice

Today, more than ever before, the odds are high that some form of fraud or misconduct will surface in your organization. Although most frauds start out small, they grow over time and can lead to catastrophic consequences. CLA's forensic accounting practice focuses on solving fraud and mitigating fraud risks as well as assisting clients in matters involving litigation. The forensic accounting services we provide generally involve the application of specialized knowledge and investigative skills possessed by our CPAs and professionals. We collect, analyze and interpret data and then, as needed, communicate our findings in the boardroom, courtroom, or other venues.

Whether our clients' needs are reactive or proactive in nature, our teams of highly credentialed professionals report the results of our work objectively. Our team possesses extensive experience in forensic accounting, litigation services, regulatory compliance and the use of forensic technology.

Our forensic investigators have extensive experience working directly with management, boards of directors, audit committees, counsel, regulatory agencies, and other stakeholders at every stage of an investigation. Providing a range of services from confidential internal inquiries to expert witness testimony, our forensic investigators act as advisors who uphold the highest standards of accuracy and confidentiality.

Through our use of forensic data analysis, we are able to identify transactions related to potential inappropriate expenditures and activity. Once the relevant information and data is gathered and analyzed, the results aim to support the underlying efforts of the forensic investigation. Our forensic professionals will assist you in obtaining your objectives in the most efficient and effective approach possible.

Forensic Data Analysis

CLA's proprietary methodology helps analyze data to find potential issues of fraud and other types of misconduct. Our data analytics methodology coupled with interrogation software can efficiently analyze large amounts of financial and non-financial data, and includes the following benefits:

- Can be used in the prevention, detection, or response to fraud or other misconduct
- Built-in investigative functionality including powerful, fraud-related specific queries and a self-documenting audit trail;
- 100 percent data coverage, which means that forensic data analysis can be performed on entire populations, and not just samples;
- Unparalleled data access allows us to access and analyze data from virtually any computing environment; and
- More precise conclusions that help reduce the need to extrapolate information from errors — a common issue when manually auditing data.



Our methodology helps us identify anomalies and red flags that are indicative of fraud and other types of misconduct. We will:

- Acquire and normalize relevant electronic data
- Run custom analytics and compare results against trends
- Graphically view trends in data to decipher between false positives, errors, or misappropriations;
- Test high-risk items to verify appropriate or inappropriate transactions;
- Review inappropriate activity and supporting documentation to prove the transactions; and
- Provide you with models and protocols to demonstrate indications of fraud and to prevent future fraud.

Experience Conducting Investigations

CLA offers the resources of a national firm with the responsiveness, access, and personal service of a local firm. Our depth of forensic accounting and Specialized Advisory Services experience is highly integrated, allowing engagement activities and information to be easily shared and coordinated.

Experience Assessing Risk and Operating Efficiency

CLA is a leader in providing business risk and other consulting services including internal control reviews to governmental agencies, municipalities and other public sector entities. We are thoroughly capable of providing high-quality consulting services and technical expertise to you and we believe our proposed team will meet the needs and requirements you are seeking. In addition to identifying any abnormal or inappropriate activity, we believe that a comprehensive business function review will yield substantial information for management and is a valuable tool in identifying areas that can be strengthened. Effective services performed by our team can also provide:

- An objective look at your policies and procedures.
- Valuable suggestions for improvements in your financial, operational and compliance operations.
- Protection for current and future resources through improved internal controls.
- A deterrent to embezzlement and other fraudulent activities.

Experience with Data Mining and Performing Investigative Analysis of Volumes of Data

We use the most cutting edge data analysis technology and incorporate the knowledge and experience of trained and credentialed forensic accounting specialists to identify fraud red flags and anomalies across all types of financial and non-financial information. Through our use of forensic data analysis, we are able to identify transactions related to potential inappropriate expenditures and activity.

Our technological resources go beyond the analysis stage and into the presentation stage where we are able to distill massive amounts of data and complex tracing exercises into clear and concise demonstratives ready for inclusion in written or oral reports, in court, or for other audiences.



Forensic Service Clients

The table included below provides a list of clients for which CLA has successfully completed investigative and forensic services.

Housing Authorities and Housing Finance Agencies	State, State Agencies and Specialized Government Entities	Large Municipalities	Colleges and Universities	School Systems
Richmond Redevelopment and Housing Authority, VA Fairfax County Redevelopment and Housing Authority, VA California Housing Finance Agency, CA New Jersey Housing and Mortgage Finance Agency, NJ	State of South Carolina State of Kansas State of Delaware Washington Metropolitan Area Transit Authority, DC Delaware River and Bay Authority, Delaware Maryland Transportation Authority, Maryland NeighborWorks America South Orange County Wastewater Authority The State Bar of California Guidepost Solutions - IEBC	Baltimore County, MD Montgomery County, MD Prince George's County, MD Anne Arundel County, MD Queen Anne's County, MD Carroll County, Maryland Arlington County, VA City of Long Beach, CA New Castle County, DE Town of Elkton, MD City of Inglewood, CA Kickapoo Tribe in Kansas Nisqually Indian Tribe	Chaffey Community College District, CA Citrus Community College District, CA Mount San Antonio Community College District, CA Coast Community College District, CA Santa Monica Community College District, CA Long Beach Community College District, CA Pasadena City College, CA South Orange County Community College District, CA San Diego State University, CA Colorado Community College System, CO Humboldt State University MiraCosta College PASSHE - West Chester University	Alexandria City Public Schools, VA Arlington County Public Schools, VA Anne Arundel County Public Schools, MD Baltimore City Public Schools, MD Burbank Unified School District, CA Long Beach Unified School District, CA Los Angeles Unified School District, CA Orange County Department of Education, CA Pasadena Unified School District, CA San Diego County Office of Education, CA Camino Nuevo Charter Academy, CA Coachella Valley Unified School, CA Dublin Unified School District Fort Zumwalt School District Glendale Unified School District Oxnard Union High School District Poway Unified School District Mary Queen of Peace Catholic School San Marino Unified School District West Contra Costa Unified School District Los Angeles County Office of Education Mississippi Department of Education



TAB 4 – KEY PERSONNEL



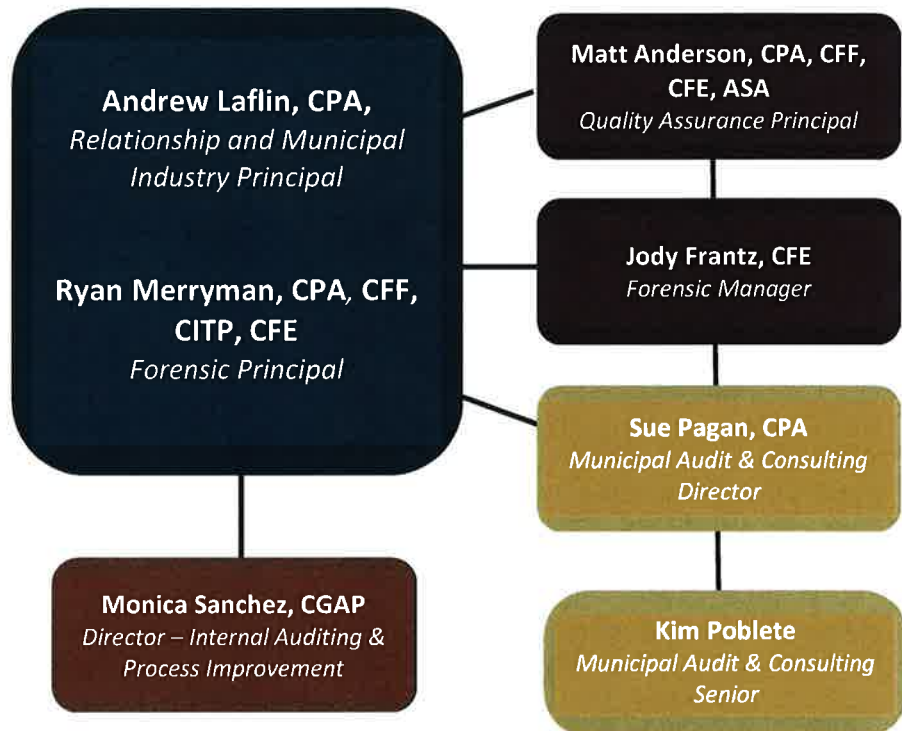
Our professionals are immersed in the industries they serve and have specialized knowledge of their operating and regulatory environments. With over 5,000 people, more than 100 U.S. locations, and a global affiliation, CLA brings a wide array of strategies to help clients in all markets, foreign and domestic.



Engagement Organizational Chart

An experienced engagement team has been aligned to provide you with the most value for your organization. The team members have performed numerous engagements of this nature and will commit the resources necessary to provide top quality service throughout the engagement. The following are our proposed key team members:

The most important resource any business has is people — the right people.



Resumes highlighting the education, work experience, professional licenses/registrations that are relevant to the scope of work in this RFP are available under **Appendix A: Key Project Members Resumes** of this proposal.



Key Members Job Functions and Titles

Relationship and Municipal Industry Principal – Andrew Laflin will have overall engagement responsibility including planning, supervising staff, and maintaining client contact throughout the engagement. Andrew is responsible for total client satisfaction through the deployment of all required resources and continuous communication with management and the engagement team.

Forensic Principal – Ryan Merryman will be the lead on the forensic analysis. He will be responsible for developing the forensic engagement approach. Ryan’s many years of providing forensic services to governmental entities will be an invaluable resource.

Internal Auditing and Process Improvement Director – Monica Sanchez will be a valuable resource for the engagement team as well as the City personnel relating to refining and improving existing processes in order to gain efficiencies and strengthen internal controls. Monica is a Certified Government Auditing Professional (CGAP) and has 18 years of experience serving the performance and management consulting needs of organizations, mainly in local and state government.

Quality Assurance Principal – Matt Anderson will complete the quality review of all work performed prior to issuance of final reporting deliverables. The focus of this review is to confirm adherence to industry and firm quality control guidelines and to make sure the work performed supports the engagement reports issued.

Forensic Manager – Jody Frantz will act as the lead manager on the engagement. In this role, Jody will assist both Andrew and Ryan with planning the engagement and performing complex engagement areas. Jody will be responsible for the day to day activities for this engagement, including the supervision of all staff assigned.

Municipal Auditing and Consulting Director – Sue Pagan is a member of Florida local government audit and consulting team and works exclusively with Florida local governments. Sue has over 20 years of experience serving Florida local governments, and her understanding of municipal operations and financial processes will prove valuable to this engagement. She will be using her Florida municipal experience to assist the team with understanding the daily functions of the City.

Engagement Senior – Kim Poblete has nearly 10 years of experience serving local governments in primarily auditing but also consulting and outsourcing capacities and will assist the team with the daily activities of engagement for the City.

Firm-wide Forensic Resources – Firm-wide we have a deep bench of resources performing fraud investigations. Firm-wide we have **65 Certified Fraud Examiners** and **18 individuals Certified in Financial Forensics**.



TAB 5 – OFFEROR HISTORY

Established on January 2, 2012, the joint firm CliftonLarsonAllen (CLA) – the result of a union between Clifton Gunderson and LarsonAllen – is unique in the industry due to its deep industry specialization, seamless integrated capabilities, primary focus on governments and nonprofits as well as privately held businesses and their owners, and career-building strategy. We continue to hold true to the values and culture that have made individual practices successful in the past. Structured to provide clients with highly specialized industry insight, the firm delivers its audit, accounting, tax, consulting, and advisory capabilities from industry-specific perspectives

Our professionals are immersed in the industries they serve and have specialized knowledge of their operating and regulatory environments. With more than 5,000 people, over 100 U.S. locations, and a global affiliation, CLA brings a wide array of solutions to help clients in all markets, foreign and domestic.



CLA professionals bring valuable experience in helping our governmental clients meet the complexities of satisfying their financial and legal obligations. We specialize in serving government entities, with such services being among our firm’s largest practice segments. CLA’s government practice is part of the firm’s public sector practice and accounts for approximately 23% of our total revenue. **We serve over 2,100 governmental engagements nationwide**, including states and state agencies, public school systems, counties, cities, municipalities, public pension plans, and public institutions of higher education.

Geographic Location of Offices and Support Staff

Our offices are organized geographically into regions. The City will be served by our state and local government professionals that have significant experience performing working with municipalities and providing forensic engagement services. The majority of our team will come from our local Florida-area offices with support from our national government practice leaders, who will be on-hand when necessary to provide added guidance and insight to our team. Our team will be utilizing the skills, abilities, and knowledge of our Florida offices’ state and local government professionals. The locations of these offices are as follows:



Florida Offices	
<p>Lakeland, Florida Office 402 South Kentucky Avenue, Suite 600 Lakeland, FL 33801</p>	<p>Orlando, Florida Office CNL Center II 420 South Orange Avenue, Suite 500 Orlando, FL 32801</p>
<p>Fort Myers, Florida Office 12800 University Drive, Suite 210 Fort Myers, FL 33907</p>	<p>Tampa, Florida Office 201 North Franklin Street, Suite 2500 Tampa, FL 33602</p>
<p>Winter Haven, Florida Office 141 Avenue C SW, Suite 160 Winter Haven, FL 33880</p>	<p>Sebring, Florida Office 435 South Commerce Avenue Sebring, FL 33870</p>
<p>Naples, Florida Office 4099 Tamiami Trail North, Suite 300 Naples, FL 34103</p>	

Our Florida offices’ staff breakdown is as follows:

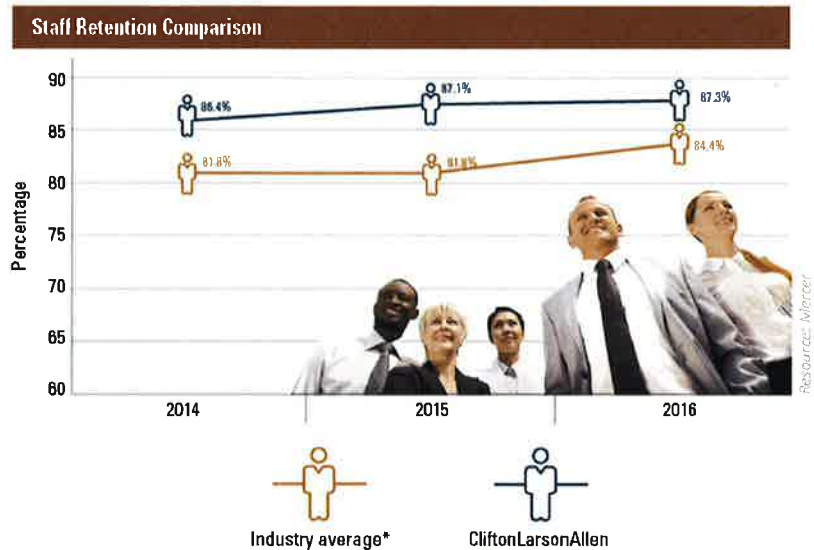
Staff Level	Headcount
Principal	44
Manager	29
Director	44
Senior	56
Associate	59
Intern	12
Support Staff	58
Total Employees	302

Continuity of Staff

It is our policy to maintain the same staff on engagements throughout the entire contract to ensure continuity and efficient service to the client. For the City, this means a consistent flow of staff knowledge and services over the engagement. This commitment is made possible by CLA consistently maintaining high staff retention rates and by giving considerable attention to the career development and progression of our professional staff; all of which we contend is a strong predictor of service quality. The below **Figure** shows that CLA's staff retention rates compared to the industry average.

Figure. Staff Retention Comparison. Due to CLA's high staff retention rates, our firm can ensure the City excellent continuity and availability of personnel familiar with your organization at all times.

Furthermore, because we are such a large firm with a large state and local government practice, the majority of our assurance professionals work on government client engagements, either on a regional or local office basis. In addition, many of our professional staff chose to specialize in serving similar entities like the City. As a result, every member of your engagement team both now and in the future will have experience working with similar government entities, and the necessary drive to provide exemplary services.



*Industry average for professional services firms exceeding \$100 million in revenue.



TAB 6 - REFERENCES

We recognize that quality of service, relevant experience, and depth of resources will be key factors as you prepare to select a firm to serve your engagement needs. We encourage you to contact our references for a first-hand account of our ability to meet contract objectives, adhere to deliverable schedules, and provide added value. We are confident that our references will attest to the competence, professionalism, and client service provided by CLA. We are pleased to provide you with the following references, who can describe their experience in greater detail:

Auditing References

City of Cape Coral, Florida	
Client Contact & Phone Number	Andrea Butola, City Auditor P:239-242-3380, Email: LRobinson@wpbha.org
Services Performed	Financial statement auditing services; consulting services (detailed internal control assessments)
Engagement Partners	Andrew Laflin, CPA; Martin Redovan, CPA
City of New Port Richey, Florida	
Client Contact & Phone Number	Crystal Feast, Finance Director, P: 727-853-1053, Email:feastc@cityofnewportrichey.org
Services Performed	Financial statement auditing services; HR assessment
Engagement Partners	Andrew Laflin, CPA
City of Safety Harbor, Florida	
Client Contact & Phone Number	June Solanes, Director of Finance/ P: 727-724-1555 Ext. 1222, Email: jsolanes@cityofsafetyharbor.com
Services Performed	Financial statement auditing services; IT security services (external penetration testing and internal vulnerability assessment)
Engagement Partners	Andrew Laflin, CPA



Forensic References

Forensic Audit for a Multi-State and International Not for Profit organization

Client Contact & Phone Number	Confidential Client – Retained Through Dray Kyekman Reed Healey PC (Legal Counsel), Nick Healey P:307-634-8831 E: Nick.Healey@draylaw.com
Address	204 East 22nd Street Cheyenne, WY 82001-3729
Engagement Partners	Ryan Merryman, CPA/CFF/CITP, CFE Matt Anderson, CPA/CFF, CFE, ASA

City of Portsmouth, Virginia

Client Contact & Phone Number	Mrs. Alice M. Kelly, CPA, Chief Financial Officer / 757-393-8831 ext. 6210
Address	801 Crawford Street, 5th Floor, Portsmouth, Virginia 23704
Engagement Partners	Ryan Merryman, CPA/CFF/CITP Greg Bussink, CPA

Dublin Unified School District, Dublin, California

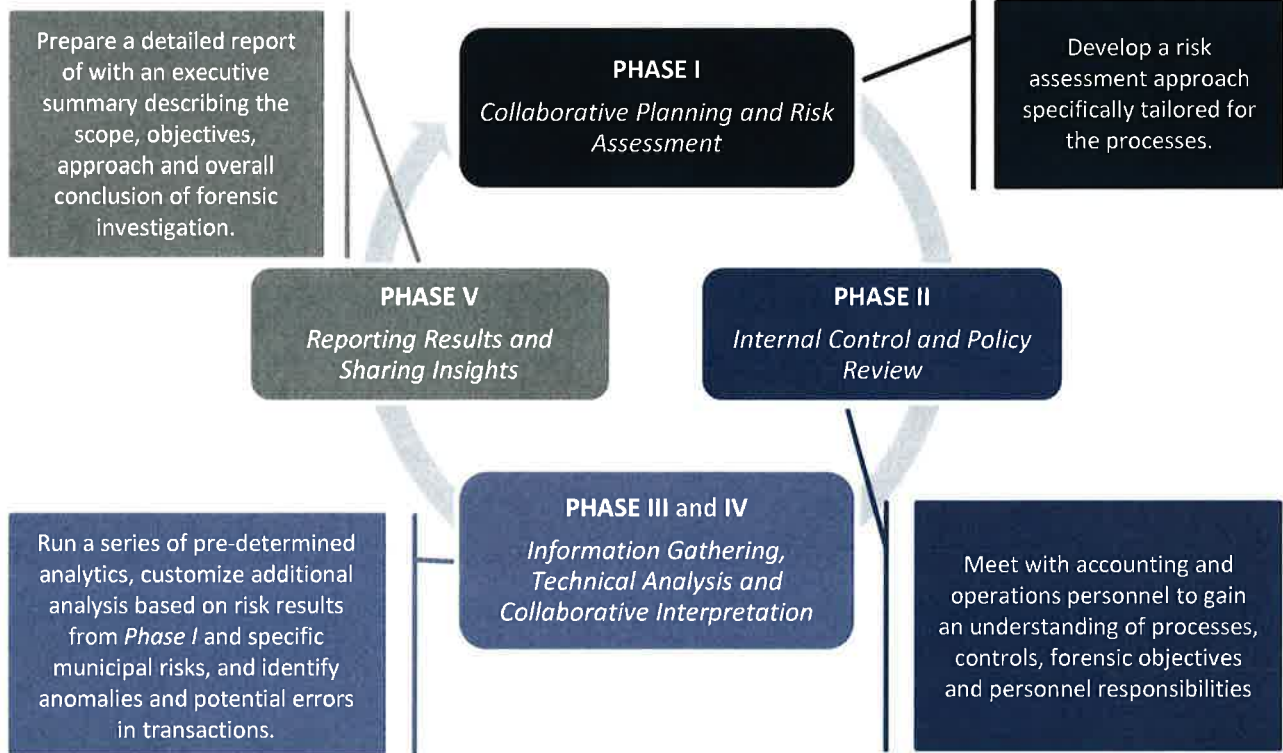
Client Contact & Phone Number	Dr. Leslie Boozer Superintendent 925-828-2551; email BoozerLeslie@dublinusd.org
Address	7471 Larkdale Avenue, Dublin, CA 94568;
Engagement Partners	Ernie Cooper, CPA/CFF, CFE



TAB 7 – FORENSIC AUDIT APPROACH

Forensic Approach

In order to deliver on the City’s expectations as well as our objectives to help improve the City’s overall operational efficiency and effectiveness we will follow the approach outlined below:



PHASE I: Collaborative Planning and Risk Assessment

We will work with the City and its stakeholders to determine the most efficient approach to the procedures and analytics including the following:

- Define CLA roles and responsibilities
- Establish communication protocols to ensure the most respectful and efficient working relationship is created at the very beginning of the process
- Define project plan and establishing milestones
- Identify resources to be utilized and logistical arrangements

Our team will develop a risk assessment approach specifically tailored for the processes of the City. We will review existing policies and procedures and conduct interviews with key City staff members to understand the City’s organizational structure, risks, and control activities. We will work with a specific City liaison to schedule risk assessment interviews and we will hold onsite discussions whenever possible.

Our team will begin by understanding the City’s structure, risks, and control activities. We will also perform an assessment to determine the following:

- The City’s background – Locations/People/Operations
- Understand the City’s business processes



- Identify centralized/decentralized processes
- Identify and review the accuracy and adequacy of controls that mitigate risks

We will utilize the documented procedures the City provides to CLA as a starting point to facilitate discussions and to gain an understanding of the current operating structure, processes utilized, internal and external controls, personnel involved, and supporting technology, if any. In addition, we will compare risks and related controls to the benchmark standards to identify areas of improvements. Procedures will consist of the following:

- Conduct interviews with identified stakeholders
- Document and summarize interview results, risks identified and control weaknesses

PHASE II: Internal Control and Policy Review

In this phase of the project, we will meet with the City's accounting and operations personnel. The objective is to gain an understanding of the processes, controls, engagement objectives and personnel responsibilities related to the area to be reviewed.

We will schedule and complete specific walkthroughs of selected internal controls and policies. We will schedule the work during the least disruptive times for process owners so that the engagement can be completed as efficiently and effectively as possible.

We also require that our auditors prioritize their findings and discuss with the appropriate management and staff.

PHASE III and IV: Information Gathering, Technical Analysis and Collaborative Interpretation

Our team has developed a forensic data analysis methodology that uses the most cutting edge technology and incorporates the knowledge and experience of trained forensic technology professionals to help identify anomalies and red flags that are indicative of misconduct. With this technology, we are able to process and analyze substantial amounts of financial and non-financial data quickly and effectively.

Our data analysis process begins with acquiring and normalizing the relevant electronic data (often retrieved from multiple systems) for use in our methodology. We generally run a series of pre-determined analytics, and then will customize additional analysis based on risk results from Phase I and specific industry risks, in order to identify anomalies and potential errors in transactions (i.e., overpayments to vendors, payments that are not supported by the backup, etc.)

We will then review what appears to be inappropriate activity and provide the City with a listing of the higher risk items. The City will provide the source documentation we will review in order to verify whether the high risk payments or transactional patterns have been made appropriately or inappropriately. City personnel will then be able to review our findings in order to agree with any inappropriate and/or irregular activity so noted through our forensic data analytics.

In addition to our data analysis performed, our testing will include:

- Examining fund balances and providing an explanation and detailed documentation for the depletion of fund balances
- Examining the budget process to determine the last fiscal year the City had a balance budget and we will provide an explanation and detailed documentation supporting our findings
- Evaluating compliance with GAAP and providing findings and recommendations to improve nonstandard or irregular accounting procedures and practices.



Commitment to Communication with Management

As you will see, we are committed to ongoing communication throughout the engagement. Continual communication starts when the contract is signed and continues until the completion or closeout of an engagement and throughout the remainder of the year. We believe effective communication is critical to a successful engagement. This communication includes the exchange of ideas and advice as changes are considered or implemented by the entity or the accounting profession.

During the engagement we will hold regular status meetings with the City to ensure day-to-day operations, results, and any issues are commonly understood and addressed. The objectives of tracking and formally reporting the engagement status are to:

- Provide a consistent technique for monitoring progress against plan
- Identify any issues quickly to allow for timely corrective action
- Provide an objective rather than subjective evaluation of status
- Provide timely information on a regular basis
- Assist with obtaining buy-in of any recommendations on a timely basis

Our proactive measures ensure communications, both written and oral, are ongoing, relevant and routine to our engagements. Our commitment to this practice ensures open lines of communication and often prevents and/or mitigates service delivery issues. Our professionals are trained in documenting observations, recommendations, business issues and new developments as part of their daily routine.

We will also plan to meet with the Belle Isle Forensic Audit Citizen Advisory Committee to ensure they are fully informed on the scope and progress of the engagement. We will disclose promptly any material weakness in internal controls, along with the suggestions for improvements.

We view frequent communication as a way to ensure the engagement stays on schedule and everyone's expectations are met.

PHASE V: Reporting Results and Sharing Insights

Once the City is in agreement with transactions considered as inappropriate, we will prepare a detailed report of our findings. Our team will draft a report with an executive summary describing the scope, objectives, approach and overall conclusion of forensic investigation, policy review and internal controls review project including the detail of any inappropriate transactions found. In addition, our report will describe in detail any identified control deficiencies and recommendations specific to each of the control deficiencies, and best practice recommendations for process improvements. We will also work collaboratively with the City to tailor the draft report to meet the needs of the City.

Our reports are issued timely after the completion of our fieldwork. CLA's communication framework is set up to ensure value-driven results. We require our team to prioritize their findings and discuss drafts of reports with the appropriate members of management and staff prior to issuance. We believe this approach accomplishes the following:

- Confirms the information contained in the report.
- Minimizes reaction to significant findings.
- Encourages buy-in from the process owners.
- Increases likelihood of implementation of recommendations.

Upon approval of the draft report, a final report will be issued to the City. Additionally, we will prepare a formal presentation for the Belle Isle Forensic Audit Citizen Advisory Committee and City Council, as necessary.



Use of Computer Assisted Techniques

One of CLA's advantages is access to advanced engagement tools and technology. Throughout the engagement we may employ the use of Computer Assisted Techniques to increase efficiency and effectiveness. The key CAATs that we will use include:

- **Interactive Data Extraction and Analysis (IDEA)** – IDEA is a statistical data analysis tool that has the ability to import data from virtually any data source or file type, with no limitations on the size of the data files that can be examined. IDEA utilizes powerful, built-in tools designed for the performance of audits and fraud investigations, providing the ability to:
 - Statistically sample, summarize, stratify and/or perform an aging of large data sets
 - Compare, join, append or otherwise manipulate multiple, related populations of data
 - Identify gaps or duplicates in record sequences
 - Extract subsets of data using a variety of criteria or filters
 - Build reports and graphs to summarize testing results
- **FX Engagement** – FX Engagement is our “paperless” engagement product. This product allows us to file and save all of our audit workpapers in an electronic storage capacity; allowing our firm to save time and resources associated with maintaining and storing paper files. FX Engagement also boasts a trial balance software program, which is utilized to produce financial statements, lead schedules, and allows us to perform trend analysis utilizing our clients’ trial balances.
- **Client Portal** – In addition to secure file transfer, clients can take advantage of a secure document portal to easily share documents and store files. This tool provides anytime, anywhere access to uploaded tax returns, financial statements and more from anywhere you have an Internet connection. Clients and CLA professionals can share and store confidential files in a secure environment. The portal has capacity for both long-term and transient file storage and provides access to all your documents in one place.
- **LeapFILE and Secure File Transfer Protocol** – CLA is committed to keeping client and member data secure. We utilize LeapFILE, a secure file transfer protocol (SFTP) software program, to receive and send encrypted files. LeapFILE allows us to transfer files to and receive files from our clients in a secure manner and keeps files with sensitive data out of our email boxes and hard drives.



CLA's Innovative Data Analysis Approach Used on Municipal Engagements

CLA's deep industry experience has paved the road for highly-specialized analysis that address the specific risks of municipal government. We have combined our industry experience with the latest data extraction and analysis software to assist in our testing and in the development of innovative procedures to benefit cities like yours, which will be outlined below.



Procurement and Vendor Payments

By using our data analysis software IDEA, we are able to perform several procedures to identify improper procurement and irregularities related to vendor payments. The following are procedures we have used on previous engagements:

- By importing all payments made to vendors into our system, we are able to aggregate all vendor payments and review any that exceed the City's procurement policy.
- We review payments made to vendors that fall just under the City's procurement thresholds. We perform this test to identify employees attempting to bypass the normal City procurement process by splitting larger purchases into smaller purchases.
- We compare the City's purchases to Benford's Law to check for possible irregularities. Benford's Law suggests in data sets of naturally occurring numbers, the number 1 occurs as the leading digit most frequently and then number 2 and so on, down to the number 9 being the least occurring first digit. By analyzing the City's payments using this law, we are able to identify possible instances of fraud.
- We are able to review for duplicate check numbers and review vendors that typically receive 12 payments a year, but received more than 12 payments in a year.

We analyze expenses by vendor and by type to review for unusually high vendor activity when compared to other similarly sized and structured properties.

General Ledger and Financial Recommendations

We strive to provide value and process improvement to our municipal clients. Some of the process improvements we note as a result of our testing include:

If we note an excessive amount of journal entries in areas that typically should not be posted via a journal entry, we will provide a list of modules we recommend the City to utilize for improved accuracy and efficiency.

- Reduction in the number of users that can post adjustments or journal entries to various modules.
- Recommendations on timing of reconciliations. This often noted we see accounts that are only reconciled one a year, when monthly reconciliations would be more efficient.
- User rights review to improve internal control environment.



TAB 8 – WORK PLAN AND TIMELINE

Quantities and Duration of Time Commitment

The table below provides an outline of each proposed major task required to complete the engagement and clearly describes quantities and duration of time commitment for members of the team. Also included are the approximate dates for beginning and ending each of the major tasks.

Tasks	Time Required	Personnel Assigned	Approximate Dates (start – finish)
PHASE I: Collaborative Planning and Risk Assessment	20-30 hours	<ul style="list-style-type: none"> • Andrew Laflin, Principal • Ryan Merryman, Principal • Monica Sanchez, Manager 	<ul style="list-style-type: none"> • February 2018 (or later if preferred by the City)
PHASE II: Internal Control and Policy Review	30-40 hours	<ul style="list-style-type: none"> • Andrew Laflin, Principal • Ryan Merryman, Principal • Sue Pagan, Director • Monica Sanchez, Director 	<ul style="list-style-type: none"> • February and March 2018
PHASE III and IV: Information Gathering, Technical Analysis and Collaborative Interpretation	120-200 hours	<ul style="list-style-type: none"> • Andrew Laflin, Principal • Ryan Merryman, Principal • Jody Frantz, Manager • Sue Pagan, Director • Kim Poblete, Senior 	<ul style="list-style-type: none"> • February, March, and April 2018
PHASE V: Reporting Results, Sharing Insights and Quality Review	35-55 hours	<ul style="list-style-type: none"> • Andrew Laflin, Principal • Ryan Merryman, Principal • Matt Anderson, Principal • Monica Sanchez, Director 	<ul style="list-style-type: none"> • April and May 2018
Total Hours			205 - 325

Above is our proposed time commitment and involvement of team members. We know from experience working on similar forensic engagements, you may want to expand the scope of the engagement. We will consult you regarding any foreseen changes in scope or difficulties encountered during our investigation that would affect our fees.

For a detailed breakout of our proposed work plan by individual segment and hours by segment for Phase I, III, and IV, refer to **Appendix B – Detailed Work Plan**.



TAB 9 – MANDATORY CRITERIA

Proper Licensing to Perform Services

CliftonLarsonAllen LLP and the principals and managers assigned to this engagement are properly licensed to perform the scope of services requested. Below is a sample of professional licenses for key members of the engagement team.

Andrew Laflin - CPA License for the State of Florida

Licensee Details	
Licensee Information	
Name:	LAFLIN, ANDREW PATRICK (Primary Name)
Main Address:	4240 W MORRISON AVE TAMPA Florida 33629
County:	HILLSBOROUGH
License Mailing:	
LicenseLocation:	
License Information	
License Type:	Certified Public Accountant
Rank:	CPA
License Number:	AC37570
Status:	Current, Active
Licensure Date:	02/23/2005
Expires:	12/31/2017

Monica Sanchez – Certified Government Auditing Professional

Home
Mandatory Monica Sanchez - 1621301

Monica Sanchez
Mandatory Member
CliftonLarsonAllen LLP
170 N. W. 5th Ave
Suite 2000
MIAMI, FL 33136
305.571.1111
www.cliftonlarsonallen.com

CGAP Certification
CGAP License Number: 1156
Expires: 11/30/2017

Attention:
Due to a US Holiday on 23 & 24 November 2017, there may be a delay in responding to incidents. Thank you for your patience.

Sue Pagan - CPA License for the State of Florida

Licensee Details	
Licensee Information	
Name:	PESSANO, SUZANNE KATHRYN (Primary Name)
Main Address:	3450 BEECH TRAIL CLEARWATER Florida 33761
County:	PINELLAS
License Mailing:	
LicenseLocation:	
License Information	
License Type:	Certified Public Accountant
Rank:	CPA
License Number:	AC0025346
Status:	Current, Active
Licensure Date:	05/07/1993
Expires:	12/31/2017



Independence Affirmation

CliftonLarsonAllen LLP and member of the City's engagement team are independent of the City of Belle Isle.

CliftonLarsonAllen's A&A Services Handbook includes detailed procedures designed to ensure compliance with independence requirements and to avoid conflicts of interest. Our policies are extensive and designed to meet the requirements of the American Institute of Certified Public Accountants (AICPA), the U.S. Securities and Exchange Commission (SEC), the Public Company Accounting Oversight Board (PCAOB), state licensing agencies, and the U.S. Government Accounting Office's *Government Auditing Standards*. Some of the key elements of our policies are:

- Independence training for all professionals
- Annual written representations of independence from all personnel who perform client services
- Extensive client and engagement acceptance and continuance policies
- Separate sections in our policies specific to independence over SEC engagements and engagements subject to *Government Auditing Standards*
- Requirements for confirming independence of outside accounting firms and independent contractors
- Maintenance of a firm-wide client list and a restricted entities list

Peer Review Standards

In the most recent peer review report, we received a rating of *pass*, which is the most positive report a firm can receive. We are proud of this accomplishment and its strong evidence of our commitment to technical excellence and quality service. The full report is provided in the Appendix of this proposal.

The Public Company Accounting Oversight Board (PCAOB) conducts inspections of CliftonLarsonAllen's quality control procedures relating to audits of public companies, while the remainder of our assurance practice is peer reviewed under American Institute of Certified Public Accountants (AICPA) standards. PCAOB inspection reports are available on the PCAOB website.

In addition to an external peer review, we have implemented an intensive internal quality control system to provide reasonable assurance that the firm and our personnel comply with professional standards and applicable legal and regulatory requirements. Our quality control system includes the following:

- A quality control document that dictates the quality control policies of our firm. In many cases, these policies exceed the requirements of standard setters and regulatory bodies. Firm leadership promotes and demonstrates a culture of quality that is pervasive throughout the firm's operations. To monitor our adherence to our policies and procedures, and to foster quality and accuracy in our services, internal inspections are performed annually.
- Quality control standards as prescribed by the AICPA. The engagement principal is involved in the planning, fieldwork, and post-fieldwork review. In addition, an appropriately experienced professional performs a risk-based second review of the engagement prior to issuance of the reports.
- Hiring decisions and professional development programs designed so personnel possess the competence, capabilities, and commitment to ethical principles, including independence, integrity, and objectivity, to perform our services with due professional care.
- An annual internal inspection program to monitor compliance with CliftonLarsonAllen's quality control policies. Workpapers from a representative sample of engagements are reviewed and improvements to our practices and processes are made, if necessary, based on the results of the internal inspection.



- Strict adherence to the AICPA's rules of professional conduct, which specifically require maintaining the confidentiality of client records and information. Privacy and trust are implicit in the accounting profession, and CliftonLarsonAllen strives to act in a way that will honor the public trust.

A requirement that all single audit engagements be reviewed by a designated single audit reviewer, thereby confirming we are in compliance with the standards set forth in the Uniform Guidance and OMB Circular A-133.



System Review Report

To the Principals of CliftonLarsonAllen LLP
and the AICPA National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of CliftonLarsonAllen LLP (the "firm") applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended July 31, 2016. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards*, audits of employee benefit plans, audits performed under FDICIA, and examinations of service organizations [Service Organizations Control (SOC) 1 and SOC 2 engagements].

In our opinion, the system of quality control for the accounting and auditing practice of CliftonLarsonAllen LLP applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended July 31, 2016, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of pass, pass with deficiency(ies) or fail. CliftonLarsonAllen LLP has received a peer review rating of pass.

Cherry Bekaert LLP

Cherry Bekaert LLP
November 21, 2016



Staff Training and Education

CLA invests in our government practice by hiring high caliber professionals and providing additional training to develop and enhance our expertise. With seasoned experts, we provide valuable insight into your day-to-day operations and your accounting systems and controls.

CLA consistently offers our clients the most current information—continuing education for our professionals helps us stay current. Each member of our professional team, including partners, attends at least 40 hours of technical training annually. When team members work extensively in one of our industry segments, they also attend specific training for that field. They are highly trained in government accounting and auditing matters and have substantially exceeded all of the Continuing Professional Education (CPE) requirements imposed by the “Yellow Book” issued by the Comptroller General of the United States.

As described in *Figure 1* below, CLA professionals are specifically trained in the industry at a level beyond our competitors:

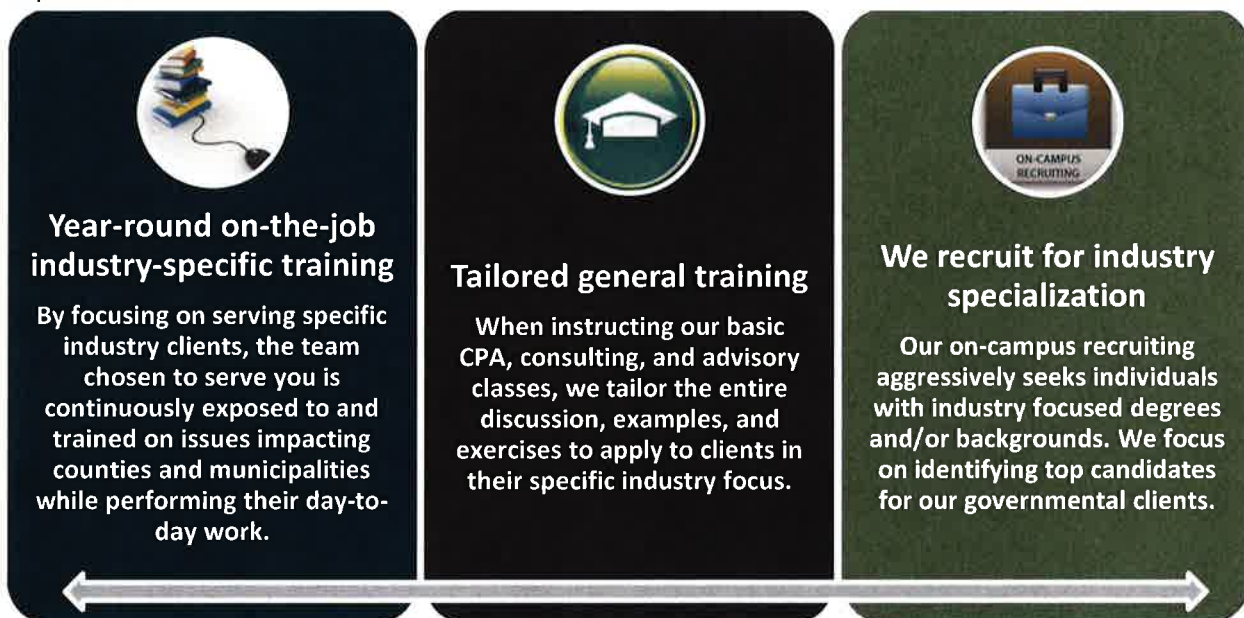


Figure 1. Effective Continuing Professional Education. *Our greatest strength is the time and talent of our staff. Our professionals are more efficient and effective due to the new ideas they implement from our in-depth training and continuing professional education.*



TAB 10 – USE OF SUBCONTRACTORS

While we are not a small or minority-owned business, we are committed to utilizing the services of such firms whenever possible. This includes using small and/or minority-owned businesses as subcontractors, as well as vendors. For this engagement, however, we do not foresee using any subcontractors.



TAB 11 - COMPENSATION

Our fees for the services to be provided within this proposal are as follows:

Professional Services	Estimated Hours to Complete	Blended Hourly Rate	Maximum Not-To-Exceed Fee for Services
Forensic Financial Auditing Services	205 – 325 hrs	\$185/hr	\$60,125
Other Services	See hourly rate table below	See hourly rate table below	See hourly rate table below

Schedule of Hourly Rates by Level		
Level	Standard Hourly Rates	Quoted Hourly Rates
Principal	\$315	\$225
Manager/Director	\$265	\$185
Senior	\$170	\$110
Associate	\$120	\$90

Our fees are based on the timely delivery of services provided, the experience of personnel assigned to the engagement, and our commitment to meeting your deadlines.

We have found over the years that our clients don't like fee surprises. Neither do we. We commit to you, as we do all of our clients, that:

- We will be available for brief routine questions at no additional charge, a welcome investment in an ongoing relationship.
- Any additional charges not discussed in this proposal will be mutually agreed upon up front.
- We will always be candid and fair in our fee discussions, and we will avoid surprises.

Ongoing Consultation

We have a 24-48 hour response policy to return calls/emails from your supervisory committee, board, or management to provide effective and timely communication. CLA's personnel are always available to provide assistance by telephone without additional cost to you. If the person you need to talk to is not available at the time you call, we will contact him/her and have him/her get back to you. We have a number of qualified principals on our staff that can provide you with timely and competent assistance.

Additionally, in order to provide the most direct access to your team, we will provide the cell phone numbers of your engagement principal and engagement manager upon acceptance of our proposal.



ADDITIONAL INFORMATION

Industry Participation

CLA actively supports industry education as a thought leader and industry speaker. Our firm focuses on supporting the educational needs of the industry through nationally sponsored trade events. Our team of governmental professionals is sought after, both as educators and as experienced speakers who are invited to speak and teach at major professional events by leading trade associations.



Additional Resources and Services for the City

CLA goes beyond the numbers and offers value-added strategies. You will hear from us throughout the year. We send periodic email publications and host webcasts to keep clients and friends of the firm informed of relevant industry updates. Below are just a few of the resources we offer:

- **State and Local Government Perspectives** — A periodic e-newsletter providing news, tips, strategies, insights, and updates on regulatory and industry issues as well as subjects relevant to government entities.
- **National industry webcasts** — Web-based seminars designed to provide information on upcoming industry trends, accounting, tax, risk, and other issues in either the accounting or public sector industry. Many of webcasts are complimentary and some provide attendees with an opportunity to obtain CPE credit.
- **Speaking engagements and workshops** — We share our industry knowledge and experience by presenting at national, regional, and local events, as well as hosting our own industry events in various markets. We provide quality insight and education in the areas of improving profitability, reducing risk, building business value, and planning for succession.
- **Recent industry articles** — In addition to our direct participation with national organizations, CLA has had numerous articles published by our public sector industry professionals.
- **In-person events** — Annual economic, capital markets, and tax outlook seminars are presented by local professionals and CliftonLarsonAllen Wealth Advisors, LLC investment committee members.



Investment Advisory Services offered through CliftonLarsonAllen Wealth Advisors, LLC, an SEC-registered investment advisor.

You can register for our webcasts and find our extensive resource library on our website, CLAconnect.com.

Additional Services

In addition to the services outlined in the Scope of Services for this proposal, CLA collectively offers a wide breadth of highly-customized services and capabilities to meet our clients' wants and needs, including a sampling of the following:

- Financial statement and forensic engagements
- Fraud risk assessment and investigations
- Internal audit, risk assessments, and evaluations



- Strategic, financial, and operational consulting
- Implementation assistance for complex accounting standards
- Outsourced accounting and public administration
- ACA Reporting
- Strategic, business, and capital planning
- Operational and financial systems consulting
- Organizational and financial health assessment
- Operations and performance improvement
- Training and educational seminars
- Self-insured medical and PBM claim audits
- Telecom cost savings assessments
- IT security and network vulnerability assessments

We pride ourselves on taking the initiative to meet each and every need of our clients, and therefore are always prepared to take on additional projects. However, independence is our first concern when providing additional services. Independence can easily become impaired when providing consulting services; therefore, we do not provide any services to our clients beyond those allowed.

If additional work is requested by the City outside of the scope of the engagement, we will discuss with you our proposed fee for additional services prior to beginning the new services.



APPENDIX A: KEY PROJECT MEMBER RESUMES

Andrew P. Laflin, CPA

CliftonLarsonAllen LLP

Principal
Tampa, Florida

813-384-2711
andrew.laflin@CLAconnect.com



Profile

Andrew is a principal within the State and Local Government Practice with CliftonLarsonAllen in the state of Florida. Andrew has 14 years of public accounting experience.

Experience serving clients and conducting similar audits

Andrew's practice is entirely devoted to serving Florida local governments, including counties, cities, transportation authorities, and numerous other special districts. He is a frequent speaker at various local and state-wide conferences throughout Florida, primarily affiliated with the Florida Institute of Certified Public Accountants (FICPA) and Florida Government Finance Officers Association (FGFOA). He also has approximately five years of teaching experience as an adjunct professor in the fields of financial and cost accounting at the University of Tampa and Hillsborough Community College in Tampa, Florida.

Experience in the building industry

Andrew has an understanding of the activities within development services and building activities, specifically the key processes and related controls over building and permitting operations, accumulated over many years auditing counties and municipalities. The in-depth knowledge in these business areas is provided by our subcontractor, Calvin, Giordano & Associates, Inc.

Education/Professional Certifications

- Bachelor's of arts in accounting from the University of Notre Dame, Notre Dame, Indiana
- Master's of accountancy from the University of South Florida, Tampa, Florida
- Certified Public Accountant in the state of Florida

Professional involvement

- American Institute of Certified Public Accountants
- Florida Institute of Certified Public Accountants (FICPA)
- Government Finance Officers Association (GFOA)
- Florida Government Finance Officers Association (FGFOA)
- Association of Government Accountants (AGA)
- Adjunct professor in financial accounting and cost/managerial accounting at the University of Tampa and Hillsborough Community College-Tampa, Florida.

Ryan Merryman, CPA, CFF, CITP, CFE

CliftonLarsonAllen LLP

Forensic Principal



Profile

Ryan is a Principal in CliftonLarsonAllen LLP's forensic and valuation services practice and is based in California. He is an experienced financial consultant specializing in fraud and misconduct investigations, forensic data analysis, litigation consulting, and fraud risk management.

He is a Certified Public Accountant, Certified in Financial Forensics, Certified Information Technology Professional and a Certified Fraud Examiner. Prior to CliftonLarsonAllen LLP, Ryan was a Manager with KPMG LLP's forensic group and also served in their audit practice.

Technical Experience

- Fraud and Misconduct Investigations
- Forensic Data Analysis
- Litigation Consulting
- Fraud Risk Management
- Mitigating Audit Risk by Conducting Data analytics

Education/Professional Involvement

- Bachelor of Arts in Business Economics with Emphasis in Accounting, University of California, Santa Barbara, California
- American Institute of Certified Public Accountants, Member
- Association of Certified Fraud Examiners, Member
- California Society of Certified Public Accountants, Member

Certifications

- Certified Public Accountant in the state of California
- Certified Fraud Examiner
- Certified in Financial Forensics
- Private Investigator
- FBI Academy

Experience Serving Clients

Investigative

- Designed and performed data analytics that successfully addressed an over \$10 million difference in cash balances between the accounting records and the bank balances for a healthcare client. The process included importing activity from approximately 30 bank accounts and more than 20 million transactions from the accounting system.
- Investigated a company's co-founder for abuse of executive and fiduciary duty concerning an investment fund that managed billions in assets. Performed forensic data analysis in the areas of: journal entries, cash disbursements and receipts, company credit cards, building access logs and web activity.
- Analyzed a public corporation's foreign cash disbursements and performed procedures to detect bribery, kickbacks, and other non-compliance with the Foreign Corrupt Practices Act.



- Performed forensic audit at the direction of a district judge, which included a dispute between two international toy manufacturers.
- Investigated fraudulent financial reporting of a multinational corporation. Designed custom data analytics to ascertain the pervasiveness and value of fraud.
- Provided investigative services in a scheme where investors contended that seventy million dollars of real estate investments were squandered due to fraud.
- Examined a real estate Ponzi scheme where test work required forensic data analysis of multiple accounting systems. Quantified cash investments and amounts potentially lost due to fraud.
- Conducted an asset misappropriation investigation of a precious metal manufacturer. Designed and conducted forensic data analysis of the company's proprietary inventory management system.
- Directed email review of a public corporation and coordinated findings with the company's auditors. Successfully completed work within an extremely tight deadline resulting in a timely filing of financial statements.

Fraud risk management and assurance

- Assisted a manufacturing company to implement its anti-fraud policy and design internal controls in compliance with domestic and international rules and regulations including the Foreign Corrupt Practices Act. Helped to author code of conduct and internal policies.
- Analyzed the annual disbursed payments for a state pension fund that consisted of over three million checks which totaled over six billion dollars. This complex analysis identified evidence of duplicate payments, unfounded payments, ghost payees, and addresses receiving multiple payments.
- Provided proactive fraud risk management services to audit teams by helping to identify high risk journal entries.
- Performed accounting analysis over specific set of accounts used by the company to book unsupported journal entries. Assisted the company to correct the account balances and correct financial statements.
- Assisted audit teams to comply with SAS 99/AU 316 "Consideration of Fraud in a Financial Statement Audit" requirements by helping to identify risk factors, conduct interviews and performed fieldwork.
- Experienced auditor including the preparation of 10-K and 10-Q filings. Performed consolidations of corporations with several international subsidiaries.

Other

- Prior member of the AICPA's Certified in Financial Forensics examination writing committee, was an ongoing participant since 2010.
- Current member of the AICPA's Certified in Financial Forensics credential committee, been serving in this leadership role since 2015.
- Have instructed three forensic classes with the California Society of CPAs, including:
 - The Audit of the Future, Today – Forensic Auditing
 - Fighting Fraud Using Data Analysis
 - Financial Fraud Investigation Methodology



Mathew W. Anderson, CPA, CFF, CFE, ASA

CliftonLarsonAllen LLP

Quality Assurance Principal



Profile

Mathew Anderson, CPA/CFF, CFE, ASA is a Principal in CliftonLarsonAllen's Greenwood Village office. Mr. Anderson has 19 years of experience in complex financial and accounting analysis, accounting reconstruction, forensic accounting, valuation, financial consulting and financial statement assurance. Matt has provided financial and accounting advisory services to attorneys, corporations, non-profits and government entities. Matt's primary industry focus is health care with clients including large and small health systems, hospitals, and physician groups.

Matt has been involved with forensic accounting assignments including, financial statement fraud, embezzlement, misappropriation of assets, and various types of funds tracing. Matt has also provided commercial litigation dispute analysis and litigation support, including calculation of economic damages, complex electronic data analysis, royalty audit, and earnout dispute analysis. Matt has testified as an expert witness.

Prior to joining CliftonLarsonAllen LLP (fka Clifton Gunderson LLP), Matt was a forensic accountant with Ernst & Young LLP performing complex forensic accounting consulting across the country and internationally involving clients in a broad range of industries, including telecommunications, financial services, healthcare, manufacturing and distribution, construction, and logistics.

Technical Experience

- Valuation and financial consulting.
- Data analytics and fraud investigation.
- Complex financial and accounting analysis.
- Complex commercial litigation experience in financial and accounting investigations and analysis related to securities and shareholder class action issues, *alter ego*, intellectual property disputes, accounting malpractice issues, and lost profits/breach of contract disputes.

Certifications

- Certified Public Accountant in the state of California
- Certified Fraud Examiner
- Certified in Financial Forensics
- Accredited Senior Appraiser

Education/Professional Involvement

- Bachelor of Arts in Business/Economics with an Accounting Emphasis, University of California at Santa Barbara
- American Institute of Certified Public Accountants, Member
- Colorado Society of Certified Public Accountants, Member
- Association of Certified Fraud Examiners, Member
- American Society of Appraisers, Member,
- The Leukemia & Lymphoma Society – Rocky Mountain Chapter, Board of Trustees, 2010 to 2017



Experience Serving Clients

Valuation and Financial Consulting

- Health Care consulting – Business appraisals, compensation analyses, financial analyses, data analytics, and Stark Law and Anti-Kickback Statute analysis and consulting.
- Financial and tax compliance valuation – ASC 805 Business Combinations, ASC 350 Intangibles, Goodwill and Other, ASC 718 Stock Compensation, IRC Section 409A. Performed purchase price allocation valuation analysis for numerous clients in the following industries: healthcare, software, data center/colocation, agrochemical, manufacturing, transportation logistics, financial services, oil & gas.
- Valuation – Performed business valuations of various operating business entities for purposes including: potential sale, gift & estate tax, executive compensation arrangements.
- Due Diligence – Assisted various clients in financial and accounting due diligence with a focus on data analytics applied to Target company financial data.
- Royalty Consulting – Led royalty consulting engagements to assess the completeness, accuracy and comprehensibility of royalty reporting for various entities in industries including health sciences, consumer electronics, gaming, software, and web categorization.

Fraud Prevention and Investigation

- Proactive Fraud Prevention – Assisted various clients with fraud risk assessment, internal audit functions, internal control assessment, and data analytics in the context of fraud prevention and mitigation.
- Reactive Fraud Investigation – Assisted various clients and individuals with fraud investigations including alleged asset misappropriation, financial fraud, and white collar crime.
- Data Analytics – Provided data analytics using risk based and attribute sampling techniques applied to analysis of 100% of the population of financial and non-financial data sets.
- Audit Assistance – Assisted our assurance practice with data analytics and fraud risk assessment for high risk audit clients in the following industries: health care, automotive, manufacturing and distribution, organic dairy, trust services, online marketing, and insurance.



M. Monica Sanchez, ME, CGAP

CliftonLarsonAllen LLP

Engagement Director
Tampa, Florida

813-384-2722
monica.sanchez@CLAconnect.com



Profile

Monica is an engagement director in the specialty advisory services group who focuses on evaluating efficiency and effectiveness of business functions, programs, operations, processes, services, and making recommendations for improvement. She applies her experience to any organizational latitude, from production to transactional systems, from field to business functions, or from a single process to the entity as a whole. She has 18 years of experience serving the performance and management consulting needs of organizations, mainly in local and state government.

Experience serving clients and conducting similar audits

Monica has vast experience leading managing consultative projects of various types, including:

- Performance audits following Government Auditing Standards. Monica has conducted many performance audits, several of which have been for Hillsborough County. Performance Audits include:
 - Health and Human Services
 - Transportation
 - Facilities Maintenance
 - Sheriff Department
 - Jail Operations
 - Homelessness and Affordable Housing
 - Industrial Control Systems
 - Public Works
 - Vehicle Fleet
 - Budget and Management
 - Minority and Business Enterprise programs
 - Airport Operations
 - General Services
 - Motor Vehicle
 - Parks and Recreation
 - Public Libraries
 - Attorney and Litigation
 - Network Security and IT Assessments
- Development and implementation of performance measurement systems. Measurement and testing of performance measures/indicators.
- Application of best practices in the areas of organizational structure and staffing, policies and procedures, financial information systems and their use, including reporting, monitoring and controlling activities, and determining the extent to which the organization implements such practices.
- Monica is a firm-wide technical resource on performance audits

Experience in the building industry

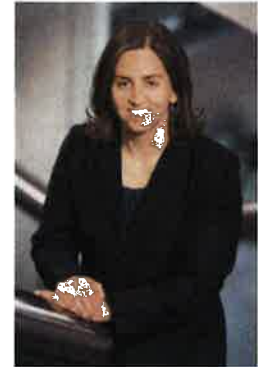
As part of a Public Works Department and a Code Enforcement Department performance audits, Monica became familiar with some building operation activities. The in-depth knowledge in these business areas is provided by our subcontractor, Calvin, Giordano & Associates, Inc.

Education/Professional Certifications

- Masters degree in engineering systems management from the University of South Florida
- Bachelor of Arts in industrial engineering from Universidad Nacional Experimental del Tachira, Venezuela.
- Institute of Internal Auditors (IIA), Certified Government Auditing Professional (CGAP)
- Florida Government Finance Officers Association (FGFOA)



Jody Frantz, MBA, CFE
CliftonLarsonAllen LLP
Forensic Manager



Profile

As Manager in the Forensic Services and Valuation group, Jody performs analysis related to forensic accounting, fraud investigation, and fraud prevention including fraud detection, risk assessment, internal control assessment, financial record reconstruction, asset searches, data extraction, validation and analysis. She also provide analysis for litigation support and apply analytical skills, accounting and finance knowledge to design and perform large-scale and complex data analytics.

Technical Experience

Experience with large health service providers by electronically reconstructing years of provider payroll from hard copy records and comparing provider records to the State’s billing documentation to classify legitimate versus fraudulent billing. Findings were relied upon by the Department of Justice and the State of Minnesota in developing their prosecution cases.

For a County Budget and Accounting Office, reviewed and assessed the cash handling procedures of the property revenue collection office by interviewing personnel and observing the processes in place at that time. Using an easy-to-follow flowchart format, documented existing processes and controls and noted the areas and instances where the County could minimize the handling of cash, reduce the risk of theft and cash loss, decrease the time taken for the cash receipt to deposit cycles and improve overall processing efficiency. The tools provided to the County serve as living documents that can be used both as process documentation for audit purposes and also as devices for training new employees and establishing expectations.

In response to an anonymous letter sent to the auditors of a Maryland municipality alleging asset misappropriation and misuse by City employees, performed a comprehensive examination of the City’s financial policies and procedures and applied data analytics to financial data to assess the claims within the letter and provide suggestions for internal control improvements.

For a County Treasurer, investigated the operation of a County unit involved in extracting and selling County-owned natural resources. Investigation included the analysis of theft of the County’s natural resources, equipment and financial assets by County personnel. In addition to providing the information that identified the perpetrators of the fraud, provided an operational assessment suggesting ways the County could change their practices in order to prevent fraud in the future.

For a large metropolitan school district, performed a complete risk assessment of the District’s grants management policies, procedures and practices through interviews with staff, reviews of manuals and consideration of industry best practices. Produced a comprehensive risk matrix identifying the District’s most critical and high risk areas. Created a comprehensive grants management policy and procedure manual addressing the risks identified and linking policies and procedures to the current laws and regulations governing grant-funded programs.

Genmar Holdings, Inc.: Captured data from bankruptcy filings including creditor information and claim amounts. Used captured data to create electronic database enabling summarization across entities and creditors and



created more efficient method of extracting data given a variety of criteria. For example, creditors associated with specific types of claims could be quickly extracted and analyzed in greater detail.

John Joseph Hewett, MD v. Tri-State Radiology, P.C., et al.: Used IDEA® to electronically capture and verify provider and patient data from approximately 40,000 hard copy medical transcripts to create electronic database. Analyzed data and presented comparison of days worked in simple calendar format to demonstrate the effort levels of each doctor in order to refute the physician's claims of entitlement to additional compensation from overtime.

Dr. Aristo Vojdani and Immunosciences Lab, Inc. v. Gottfried Kellerman, et al.: Extracted two companies' customer sales records from hard copy and created databases. Performed cross comparison of databases to ascertain if customer list theft had occurred. Quantified and summarized sales by customer and by product type.

Shakopee Chevrolet & Pontiac, Inc. v. General Motors Corporation: Compiled and analyzed dealership order information by model to develop demand estimation. Created database using historic vehicle service records then analyzed the types of services performed and the revenue per visit to determine, the average parts and service revenue generated per the life of the vehicle.

API, INC. Asbestos Settlement Trust v. Atlantic Mutual Insurance Company: Compiled claimant information from approximately 2,400 asbestos-related claims. Used data to reconstruct opposing expert's claims. Performed claim categorization analysis by evaluating claim information relative to insurance carrier's coverage period. Estimated carrier's risk exposure based on insurance industry measure of "time on risk".

Education/Professional Involvement

- Master of Business Administration from the University of Chicago, Chicago, Illinois
- Bachelor of Science in Ecology, Evolution and Behavioral Biology, Beloit College, Beloit, Wisconsin
- Association of Certified Fraud Examiners, Member
- Institute of Internal Auditors, Member

Certifications

- Certified Forensic Examiner



Sue Pagan, CPA
CliftonLarsonAllen LLP
Engagement Manager
Tampa, Florida



813-384-2713

Sue.Pagan@CLAconnect.com



Profile

Sue is an audit engagement director with CLA. Sue joined CLA in 2015 and has more than 20 years of auditing experience in the public sector serving Florida government clients. During this time she has served 5 Florida counties, nearly a dozen cities, 3 school districts, and several special districts. Sue is a member of AICPA and FICPA. Sue is a licensed CPA in the State of Florida.

Technical/Client Experience

Sue has over 20 years of experience in public accounting servicing local governments, many of which require federal and/or state single audits. Sue has client experience using the following accounting software products: Oracle, SunGard Public Sector (NaviLine), Great Plains, Peoplesoft, Integrated Financial Accounting System (iFAS), and others. During her career, she has provided audit and accounting services to:

- City of Cape Coral *
- City of Clearwater *
- City of Largo *
- City of Madeira Beach *
- City of New Port Richey *
- City of Pinellas Park *
- City of Safety Harbor *
- City of Saint Petersburg *
- City of Tarpon Springs *
- Clearwater Downtown Development Board
- Collier County (Including Constitutionals)*
- Hernando County (Including Constitutionals)*
- Hillsborough County School District *
- Juvenile Welfare Board
- Pasco County *
- Pinellas County (Including Constitutionals)*
- Pinellas County Construction Licensing Board
- Pinellas County School District *
- Pinellas County Planning Council
- Pinellas Suncoast Transit Authority (PSTA)
- Sarasota County*
- Sarasota County School District
- Tampa Bay Estuary Program
- Tampa Bay Regional Planning Council
- Virgin Islands Water and Power Authority

**Receives the GFOA Certificate of Achievement for Excellence in Financial Reporting.*

Education/Professional Involvement

- Bachelor of Science in Accounting from University of South Florida
- Certified Public Accountant in the State of Florida since 5/7/1993
- American Institute of Certified Public Accountants (AICPA)
- Florida Institute of Certified Public Accountants (FICPA)
- Florida Government Finance Officers Association (FGFOA)



Kimberly Poblete

CliftonLarsonAllen LLP

Financial Audit Senior

Tampa, Florida



CliftonLarsonAllen

813-384-2700

Kim.Poblete@CLAconnect.com



Profile

Kimberly (Kim) is an audit senior with CLA. Kim joined CLA in 2015 and has more than 9 years of auditing experience (formerly with Deloitte) in the public sector serving governmental entities and nonprofit organizations, which includes federal and state single audit experience.

Technical/Client Experience

Kim's experience is very heavily concentrated on providing service to governmental entities, including municipalities, counties, and component units. She has served on the audit engagements listed below:

- City of Clearwater*
- Clearwater Downtown Development Board
- City of New Port Richey*
- Government of Guam
- Guam Power Authority
- Guam Waterworks Authority
- Guam Visitors Bureau
- Sarasota County*
- Hillsborough Transit Authority (HART)*
- Guam Community College
- University of Guam
- Diocese of Southwest Florida
- Ruth Eckerd Hall
- St. Pete Free Clinic
- The Salvation Army of Guam
- Pinellas Suncoast Transit Authority*
- CareerSource Pinellas

**Receives the GFOA Certificate of Achievement for Excellence in Financial Reporting.*

Education/Professional Involvement

- Bachelor of Business Administration in accounting from University of Guam
- Florida Government Finance Officers Association (FGFOA)



APPENDIX B: DETAILED WORK PLAN





City of Belle Isle
Forensic Accounting Consulting
for the period of Fiscal Year 2009 - 2016
Draft Work Plan & Estimated Budget as of January 18, 2018

Collaborative Planning and Risk Assessment

Phase		Procedure	Status and Notes	Est. Hrs. Low	Est. Hrs. High	Est. % Hrs.
Phase 1	1.1	Conduct ongoing planning meetings with City of Belle Isle. Continuous assessment of procedures, ensuring work is focused and addresses risk, maintain work plan.		3.4	5.5	2%
Phase 1	1.2	Gain a background understanding of the City of Belle Isle, specifically the key players and the various issues at hand. Review key memos, schedules, the past work performed by the client, and other work done and pertinent background information provided by City of Belle Isle. Collaborate with City of Belle Isle and understand the work already conducted and information already reviewed.		9.1	14.9	2%
Phase 1	1.3	Collaborate and brainstorm with City of Belle Isle, and as a team, identify areas of risk, understand past results and areas of abuse. Begin designing analytics and procedures that will accomplish engagement objectives while addressing risks. Ensure analysis benefit from industry expertise.		6.7	11.0	4%
Subtotal:				19.2	31.3	8%

Information and Evidence Gathering

Phase		Procedure	Status and Notes	Est. Hrs. Low	Est. Hrs. High	Est. % Hrs.
Phase 3	3.1	Obtain necessary General Ledger data from the accounting systems. Additionally, obtain supplemental information such as, a chart of accounts, data dictionary and accounting procedure memorandum. Additionally, beginning and ending trial balances.		3.4	5.5	2%
Phase 3	3.2	Obtain necessary Accounts Payable and Cash Disbursements data from the accounting system. Additionally, obtain supplemental information such as, vendor master and employee master files, change logs, etc. and accounting procedure memorandum.		3.4	5.5	2%
Phase 3	3.3	Obtain Payroll and other compensation data. Additionally, obtain supplemental information such as, employee master files, change logs, etc. and accounting procedure memorandum.		5.0	8.2	3%
Phase 3	3.4	Obtain necessary Employee Reimbursement and Credit Card data. Additionally, obtain supplemental information such as, employee master files, change logs, etc. and accounting procedure memorandum. Obtain statements and electronic transaction download from the credit card company.		5.0	8.2	3%
Phase 3	3.5	Obtain City of Belle Isle bank data for the period, including statements and electronic download directly from the bank.		5.0	8.2	3%
Phase 3	3.6	Obtain necessary Accounts Receivable and Cash Receipt data from the accounting system and from manual procedures. Additionally, obtain relevant hard copy documentation including hand written and physical receipts.		5.0	8.2	3%
Phase 3	3.7	Preserve electronic evidence that may serve as valuable investigative evidence. Consider the need to preserve with forensic imaging procedures of: Email, Instant Messages, Phone Records, Building access logs, Personal Computer, Server, Smartphone, backup locations. It is our understanding that many such electronic evidence sources may not have ever existed or may not be available due to the passing of time.	May be considered at a later date.	-	-	0%
Subtotal:				26.9	43.9	16%

Technical Analysis and Collaborative Interpretation

Phase		Procedure	Status and Notes	Est. Hrs. Low	Est. Hrs. High	Est. % Hrs.
Phase 3	3.8	Perform General Ledger data analytics. Develop analytics to understand transactions entered and/or approved by the alleged perpetrator and understand whether the entries match expectations and job function.		21.8	35.6	13%
Phase 3	3.9	Perform Accounts Payable and Cash Disbursement data analytics. Develop analytics specific to City of Belle Isle; example analytics may include: -Payments to unauthorized Vendors -Payment trending by Vendor by Month -Suspicious payment streams to Vendors -Payments in excess of approved limits -Payments to fake Vendors		16.8	27.4	10%
Phase 3	3.10	Perform Payroll and compensation data analytics. Develop analytics specific to City of Belle Isle; example analytics may include: -Identify payments before and after authorized time of employment -Improper supplemental payroll payments within Accounts Payable and/or Employee Expense reimbursement -Improper bonus, or incentive compensation payments -Inflated salaries and/or inflated hours		8.4	13.7	5%
Phase 3	3.11	Perform Credit Card and Employee Reimbursement analytics. Develop analytics specific to City of Belle Isle; example analytics may include: -Identification of inappropriate and/or personal use -Duplicate and reimbursement schemes -Analysis of Standard Industry Codes (SIC) -Comparisons of use across business units -Analysis of travel spending		13.4	21.9	8%

Phase		Procedure	Status and Notes	Est. Hrs. Low	Est. Hrs. High	Est. % Hrs.
Phase 3	3.12	Review City of Belle Isle bank activity to assess whether deposits/disbursement transactions recorded in the bank data were materially reflecting in the cash disbursement and cash receipt detail in the G/L. Identify expenditures outside the scope of business, including expenditure that appears to be personal in nature.		20.2	32.9	12%
Phase 3	3.13	Review City of Belle Isle cash receipt information and assess whether transactions recorded in the accounting system reflect what is evidenced in the bank data. Assess whether there is evidence that cash receipts were not deposited in the bank.		13.4	21.9	8%
Phase 3	3.14	Perform strategic review of relevant employee(s) email and documents, corroborate facts learned from email review and data analytics to gain insight. Perform forensic procedures to identify electronic information for relevant individual's business computer(s). Perform procedures to potentially recover deleted electronic information. Analyze electronic log data.	Estimated time will be a function of the volume of the received information.	-	-	0%
Subtotal:				94.1	153.5	56%

Reporting

Phase		Procedure	Status and Notes	Est. Hrs. Low	Est. Hrs. High	Est. % Hrs.
Phase 4	4.1	Periodically update City of Belle Isle of ongoing findings.		8.4	13.7	5%
Phase 4	4.2	Prepare report and accompanying schedules. <i>*This work plan does not contemplate expert witness services.</i>		25.2	41.1	15%
Subtotal:				33.6	54.8	20%
Total:				173.8	283.5	100%



CPAs & ADVISORS



*Proposal for Forensic
Financial Auditing Services*

The City of Belle Isle



PROPOSER

Moore Stephens Lovelace, P.A.
255 South Orange Ave., Suite 600
Orlando, FL 32801

SUBMITTED BY

William Blend, CPA, CFE
Shareholder
wblend@mslcpa.com
800.683.5401



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Executive Summary / Transmittal Letter

February 1, 2018

City Council
City of Belle Isle
1600 Nela Ave.
Belle Isle, FL 32809

Re: Request for Proposal to Provide Forensic Auditing Services

Dear City Council:

Moore, Stephen Lovelace, P.A. (MSL) would like to thank the City of Belle Isle's (City) Council for this opportunity to provide you with our qualifications to serve as the Council's forensic auditing firm. Our complete response provides greater detail of how we intend to provide the services requested, as well as the qualifications of our team members. It also addresses the requirements in the *City of Belle Isle Request for Proposal Forensic Financial Auditing Services* (RFP). Ultimately, our goal will be to exceed the City's expectations.

When our engagement is completed, we believe the following Council goals will be achieved:

- ❖ **Restore the public's confidence related to accounting and reporting at the City,**
- ❖ **Provide a comprehensive review of all types of payments for the period specified by the City's Council,**
- ❖ **Thorough review of internal control systems,**
- ❖ **Provide an explanation and detailed documentation for the depletion of the City's five major governmental funds balances,**
- ❖ **Ensure citywide compliance with the Generally Accepted Accounting Principles (GAAP) and provide findings and recommendations to correct identified accounting procedures or practices that are nonstandard or irregular, if any, and**
- ❖ **Provide guidance and recommendations aimed at enhancing and strengthening the City's internal control policies and procedures to minimize the possibility of errors or irregularities occurring in the future.**

In accomplishing these goals, our team will evaluate the cause of all errors uncovered and evaluate the breakdown or lack of internal controls to prevent the errors. This evaluation will determine if the cause was human error, fraud, waste or abuse. We will assume nothing.

Our responsibility will be to the **Citizens of Belle Isle** and the **City Council**. We will report only to the City Council, unless directed otherwise by the Council.

City Council
City of Belle Isle
February 1, 2018
Page 2

We fully understand the scope of work the City Council is requesting, as outlined in the RFP. We will formulate the information and data gathered during our engagement and report our findings to the Council. As identified in the RFP, our Firm meets the independence and the peer review standards of the AICPA and *Government Auditing Standards*. We will report the status of our work to the Council, at a minimum, on a monthly basis. When matters arise that require more frequent communication, we will notify the Council immediately and request a meeting with the Mayor and all Council Members. In addition, we recommend that weekly status reports be provided to the Council via e-mail or other chosen form of communication.

As mentioned above, we are committed to exceeding the City's expectations. We will deliver the requested services efficiently and effectively utilizing all of our resources.

Our response sets out our detailed plan to accomplish the engagement scope of services within the timeframe requested, as well as the experience of our Firm and team members. We believe that once you have had an opportunity to review our response and the quality of the engagement team, you will agree that we are the right team for the job. As Engagement Shareholder, I am authorized to make representations for the engagement team and for MSL. I can be contacted at my office at (800) 683-5401, extension 1174, or on my cell phone at (407) 920-2158.

Sincerely,



William Blend, CPA, CFE
Shareholder
wblend@mslcpa.com



Statement of the Scope

Outline the firm's approach to the City's project including scope of services to be performed.

We fully understand the scope of work the City Council is requesting, as outlined in the RFP. We will formulate the information and data gathered during our engagement and report our findings to the Council.

We will use a systematic and objective approach in performing this forensic engagement. We will perform the following general forensic and investigative activities related to all five major governmental funds (General Fund, Transportation Impact Fee Funds, Stormwater Funds, Law Enforcement Education Fund and Charter Fund) during the project:

- Review documentation related to each fund's organizational structure and operations, including policies, contractual agreements, and other management reports and documents, as applicable.
- Analyze the books and records, financial activities, detailed general ledger and account activities.
- Perform interviews of funds' staff to obtain a full understanding of the daily activities of staff, as well as obtain an understanding of funds' activities.
- Perform on-site observation of key work processes and workflows to confirm document review and interview findings.
- Perform statistically valid sampling utilizing IDEA software.
- Perform other sampling methodologies when, based upon our professional judgment and that facts and circumstances of the population to be tested, we deem they would be more effective.
- Perform testing of all types of payments on a sample basis under each fund, as requested in Section 3-A of the City's RFP.
- Perform a review of internal control systems under each fund, as requested in Section 3-B of the City's RFP.
- Prepare summary of findings that will also include the results of our forensic procedures, including the identification of improprieties and findings of noncompliance with policies and procedures. In addition, we will make recommendations for improvement to the City's internal controls and policies and procedures. All recommendations will be made for the purpose of enhancing and strengthening of the City's practices.

Ability of the firm and staff to meet the requirements and schedule.

To accomplish the goals and complete the engagement, we can commit a team large enough and with the knowledge, skills and experience to do so. To that end, our team is comprised of governmental specialists with over 40 years of combined governmental experience, **including ten years as Certified Fraud Examiners**. Our specialists have developed and implemented corporate integrity programs, performed antifraud training, prepared corrective action plans, and conducted investigations for public, private, governmental and not-for-profit enterprises. Should it be required, we have the experience to provide expert witness testimony regarding the specifics of this forensic engagement.





CPAs & ADVISORS

Evidence of appropriate license or certification necessary to perform the services in the State of Florida.

Our Firm and the team assigned to the engagement are properly licensed to perform the scope of services requested and has complied with the general standards of qualifications, including continuing education requirements of *Government Auditing Standards*. Copies of licenses are provided in the *Mandatory Criteria* section of this document.



Key Personnel

William Blend, CPA, CFE

Engagement Shareholder

Education and Certifications

- B.S. Degree in Accounting, Long Island University
- C.P.A., Certified Public Accountant - Florida
- C.F.E., Certified Fraud Examiner

Professional Memberships and Affiliations

- AICPA
- FICPA
- Florida Government Finance Officers Association (FGFOA)
- FGFOA Conference Committee
- FGFOA Technical Committee
- Instructor for the FGFOA and develops and teaches Firm auditing classes
- FICPA Instructor - Ethics for Governmental CPAs in Florida
- FICPA Technical Committee
- Association of Certified Fraud Examiners (ACFE)
- FICPA State and Local Government Section
- FICPA Compliance Practice Aid Team Member
- FICPA High School Coordinator for Seminole County
- Seminole County Chamber of Commerce Government Affairs Committee

Background - Bill Blend is a member of the Firm's Governmental Practice Group. Bill has over 25 years of public accounting, governmental and not-for-profit experience. He has provided services to numerous municipalities, counties, and other governmental entities.

Professional Experience - Bill has extensive experience in auditing the governmental financial operations of municipalities, counties, special districts, and authorities. He also provides consulting services in the areas of internal control assessments, litigation support, fraud remediation, and performance reviews.

He has authored numerous CPE courses on governmental accounting and auditing and has instructed CPE sponsored by the FGFOA and the FICPA. Bill is one of only a few CPAs in the state qualified by the FICPA to teach their government ethics class, and he is often sought out as a speaker around the state. He is a two-time recipient of the FICPA Outstanding Discussion Leader Award.

Bill is a Certified Fraud Examiner and is trained in the use of IDEA data-mining software.





CPAs & ADVISORS

William Blend, CPA, CFE (Continued)

Engagement Shareholder

Governmental, educational, and other entities served include the following:

Counties

- Broward*
- Citrus*
- Indian River*
- Lake*
- Osceola*
- Seminole*
- Volusia*

Municipalities

- Altamonte Springs
- Apopka*
- Casselberry*
- Cocoa Beach*
- Coral Springs*
- Davie
- Daytona Beach*
- DeBary*
- Deltona*
- Dunedin*
- Gulfport*
- Indian River Shores
- Indian Rocks Beach

Municipalities (Continued)

- Kissimmee*
- Lake Helen
- Leesburg*
- Maitland*
- Mt. Dora*
- New Smyrna Beach*
- Oak Hill
- Orlando*
- Palm Bay*
- Palm Beach Gardens*
- Pembroke Pines*
- Port Orange*
- Sanford*
- St. Cloud*
- Tampa*
- Tarpon Springs*
- Temple Terrace
- Venice*
- Vero Beach*
- Winter Park*

Special Districts and Authorities

- Barefoot Bay Recreation District
- Central Florida Expressway Authority
- East Central Florida Regional Planning Council*
- Florida Intergovernmental Finance Commission
- Greater Orlando Aviation Authority (GOAA)*
- Hobe Sound Water Management District
- Memphis-Shelby County Airport Authority
- MetroPlan Orlando*
- Miami-Dade Expressway Authority*
- New Smyrna Beach Utility Authority*
- Sanford Airport Authority*
- TOHO Water Authority*
- West Volusia Hospital Authority

Educational

- Academie DaVinci Charter School
- The Reading Edge Academy
- Florida A&M University*
- Florida Virtual School *
- School District of Manatee County*
- School District of Broward County*
- School District of Escambia County*
- School District of Osceola County*
- School District of Pasco County*
- School District of Seminole County*
- School District of Volusia County*

***Indicates Single Audit included**





CPAs & ADVISORS

Joel Knopp, CPA
Managing Shareholder

Education and Certifications

- B.S. Degree in Accounting - Eastern University
- C.P.A., Certified Public Accountant - Florida and Virginia

Professional Memberships and Affiliations

- American Institute of Certified Public Accountants (AICPA)
- Florida Institute of Certified Public Accountants (FICPA)
- Florida Government Finance Officers Association (FGFOA)
- FGFOA Conference Planning Committee

Background - Joel Knopp is a member of the Firm's Governmental Practice Group. Joel has over 18 years of experience in accounting and auditing and works primarily with governmental clients.

Professional Experience - Joel has performed audits on over 40 governmental entities. He has substantial experience in planning, performing, supervising, reviewing and preparing financial statements related to the audits of governmental entities and not-for-profit organizations subject to *Government Auditing Standards* and federal and state Single Audit requirements.

Joel's previous experience includes work as an audit director for a CPA firm in Virginia, where he managed numerous audits of Virginia local governmental agencies and municipalities. Joel also has extensive experience providing tax consulting and preparation services at the federal and state levels for businesses, not-for-profit organizations, and individuals.





Joel Knopp, CPA (Continued)

Managing Shareholder

Governmental, educational, and other entities served include the following:

Counties	Municipalities	Special Districts and Authorities
Broward*	Altamonte Springs	Barefoot Bay Recreation District
Citrus*	Casselberry*	Central Florida Expressway Authority
Lake*	Coral Springs*	Early Learning Coalition of Flagler/Volusia Counties, Inc.*
Osceola*	Dunedin*	East Central Florida Regional Planning Council*
Seminole*	Gulfport*	Greater Orlando Aviation Authority*
Northampton (VA)*	Indian Rocks Beach	Lake-Sumter Metropolitan Planning Organization*
	Kissimmee*	MetroPlan Orlando*
	Leesburg*	Miami-Dade Expressway Authority*
	Orlando*	Sanford Airport Authority*
	Sanford*	Eastern Shore Community Services Board (VA) *
	Tampa*	Northwestern Regional Juvenile Detention Ctr. Comm.(VA)
	Tarpon Springs*	Staunton Industrial Development Authority (VA)
	Temple Terrace	Valley Community Services Board (VA) *
	Venice*	Waynesboro Industrial Development Authority (VA)
	Staunton (VA)*	Winchester Industrial Development Authority (VA)
	Town of Iron Gate (VA)	
	Waynesboro (VA) *	
	Winchester (VA) *	

Educational

- School District of Brevard County*
- School District of Escambia County*
- School District of Lee County*
- School District of Manatee County*
- School District of Osceola County*
- School District of Pasco County*
- School District of Seminole County*
- School District of Volusia County*
- Genesis Alternative Education Program (VA)
- Northampton County School Board (VA)
- Staunton City School Board (VA)
- Waynesboro City School Board (VA)
- Winchester City School Board (VA)

***Indicates Single Audit included**



Michal Gurgacz, ACCA
Senior Auditor

Education and Certifications

- M.A. in Financial Management – Nowy Sacz School of Business in Poland
- B.A. in Marketing and Management – Nowy Sacz School of Business in Poland

Professional Memberships and Affiliations

- ACCA, Association of Chartered Certified Accountants
- Central Florida Chapter of ISACA

Skills and Knowledge

- COBIT
- ISO 27001
- NIST Cybersecurity Framework
- IFRS
- US GAAP
- Sarbanes-Oxley Act
- Basel III
- IDEA
- Visio, VBA, advanced Excel
- SQL, SAP and Oracle

Governmental, educational, and other entities served include the following:

Counties

- Citrus*
- Lake*
- Osceola*

Municipalities

- Leesburg*
- Orlando*
- Stuart
- Winter Park*

Special Districts and Authorities

- Greater Orlando Aviation Authority*
- Sanford Airport Authority*
- SLM Corporation
- TOHO Water Authority*

***Indicates Single Audit included**

Background – Michal Gurgacz is a KPMG-trained auditor with over 9 years of accounting, IT and finance experience. He performs all IT assessments and security reviews on MSL’s clients.

Professional Experience – Michal has spent his accounting and IT career providing assurance and consulting services to various clients, including Fortune 500 companies. He currently leads all risk assessments and information system audits at MSL. He has planned, coordinated and executed audits of information security, information technology and business continuity in the financial, governmental and healthcare industries, investigating and developing audit solutions for unique and complex situations.

Michal also has experience with process transformation, system implementation and data migration.





Offeror History

MSL is a Florida corporation that has been in business for over **40 years** and has grown to be one of the largest independently owned and operated certified public accounting firms in the Southeast. We are a nationally recognized CPA firm, serving clients in more than 20 states and 8 countries. **MSL is owned by a group of 17 shareholders, many of whom are nationally recognized specialists in their field of practice.** The Firm and all of its CPAs are actively involved with the FICPA and AICPA. Members of our Governmental Practice Group are involved with the AICPA Governmental Audit Quality Center. We have offices in Orlando (Headquarters), Miami, the Tampa area, and Tallahassee.

Many firms have a difficult time finding qualified staff who want to work in the governmental sector and have difficulty keeping up with the training. Our reputation allows for professionals who want to serve the governmental sector to seek us out. Our top-quality, in-house governmental training courses allow us to address specific areas that impact our clients. We also believe our staff is the best trained in the state. Our CPE program is structured and our instructors are some of the best.

Key Factors for Consideration - MSL was recently selected as one of the 2017 Orlando Sentinel Top 100 Companies. The list was created by the Orlando Sentinel and Best Companies Group.

Our statewide presence gives us an enormous advantage over other firms as far as recruiting. Whether it is campus recruiting or seasoned veterans, potential recruits can pick and choose where they want to locate. Recruiting has been a real challenge for CPA firms across the country.

MSL provides client service through management consulting, tax and business advisory services, and financial, accounting and assurance services. We have provided a variety of services to governmental entities related to risk assessment for internal controls, fraud litigation, efficiency and cost studies, and policy reviews and monitoring.





References

Below is a listing of MSL’s clients that we have worked with during the last five years, including the requested contact information for each client:

Clients	Contact Name Contact Telephone Website	Services Provided	Length of Service
City of Orlando	Bill Spinelli (407) 246-2165 www.cityoforlando.net	Annual Audit	2013 - present
City of Sanford	Cynthia Lindsay (407) 688-5022 www.sanfordfl.gov	Annual Audit	2008 - present
TOHO Water Authority	Rodney Henderson (407) 944-5130 www.tohowater.com	Annual Audit	2005 - present
The Grove Counseling Center (not-for-profit provided as a forensic engagement reference)	Ken Enlow (407) 247-0790 www.thegrove.org	Forensic Audit	2015 - present

MSL grants its consent for the City to contact the above references for purposes of evaluating MSL for this contract and acknowledges that any information obtained from the references will not be disclosed to MSL.





Forensic Audit Approach

We will perform an analysis of the funds' activities and operations to assure Citywide compliance with Generally Accepted Accounting Principles, as well as provide findings and recommendations, if any, to correct any identified accounting procedures or practices that are nonstandard or irregular. Procedures described below will help us to identify, analyze and document reasons for the depletion of the funds' balances.

Our initial procedures will include review of the City's books and records, policies and procedures, detailed general ledger, and the City's Comprehensive Annual Financial Report. We will also conduct walkthroughs and interviews of funds' management and staff, as necessary, and evaluate controls in place to prevent and detect fraud, waste and abuse. These general procedures are essential to ensuring the best and most efficient results of our engagement. Therefore, we will place significant emphasis on this phase to ensure that all of the appropriate data and facts are identified.

Once these general procedures are completed, a more in-depth analysis is performed in areas identified. Controls or operational activities will be assessed, including the following areas:

- Cash
- Personal checks (including payroll)
- Credit cards
- Online payments
- Deposits
- Automatic payments
- Other payment transactions.

In addition to the review of internal control systems, we will test a sample of transactions from each area identified above. The focus of our sampling will be to maximize the opportunity for our team to identify errors, fraud or noncompliance with policies operations and controls. For each item selected for testing, we will request and review supporting evidence, including relevant authorizations.

We will also perform data analysis using IDEA software. IDEA is a data-mining software that enables virtually every form of electronic data, including reports, to be converted into a systematic format, which can then be analyzed by our forensic team. The data analysis will be focused on identifying suspicious activity and any red flags relating to payment transactions, including, but not limited to:

- Round sum payments
- Payments just below authorization level
- Payments made on weekends or holidays
- Payments made to a supplier not on the authorized supplier list
- Gap detection (missing checks or invoices)





Our forensic team has the prerequisite skill set to use this tool in an efficient and effective manner to ensure that the results of our work can be relied upon by the City to project errors over sample populations based upon statistically valid methodologies. Finally, we will incorporate the use of our information technology (IT) specialist to evaluate the related City IT functions supporting the areas under review. This will include a security analysis over these functions.

During the course of the investigation, and prior to a final report being presented to the Council, we will meet with an ad-hoc committee formed by City Council called the *Belle Isle Forensic Audit Citizen Advisory Committee* (BIFACAC). The goal of this meeting is to ensure that all possible information has been identified and evaluated before we issue our final report. The final report would then be presented to the City Council.

After completion of the testing phase, we will issue a written report communicating all discovered abnormal financial activity, past or present, its quantification, cause and consequence, including instances of criminal activity, illegal acts, and potential fraudulent activity, or civil liabilities that could support future legal action to the City. We will also issue a letter to the Mayor, members of the City Council and City Manager indicating any reportable conditions found during the forensic audit.

We understand that the scope of work may be further expanded or altered at the recommendation and approval by the City Council and the City Manager, with written changes approved in writing by the City Manager. It is possible that the initial forensic audit may uncover new facts, unknown data or relevant queries that could change the scope of the audit.





Work Plan and Timeline

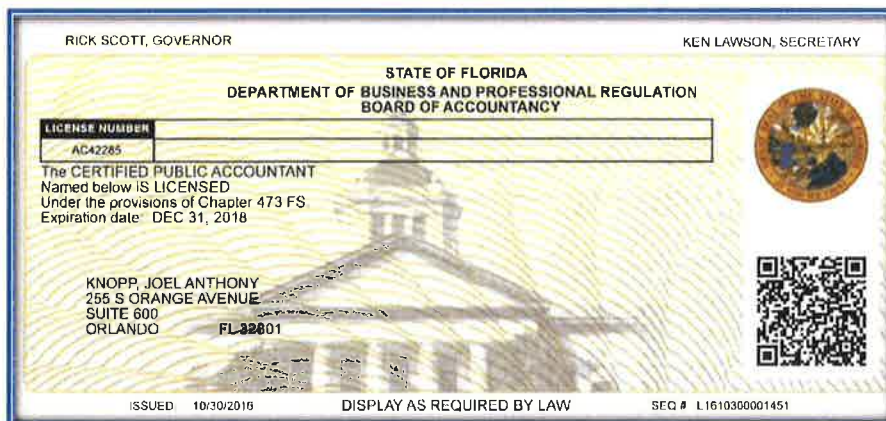
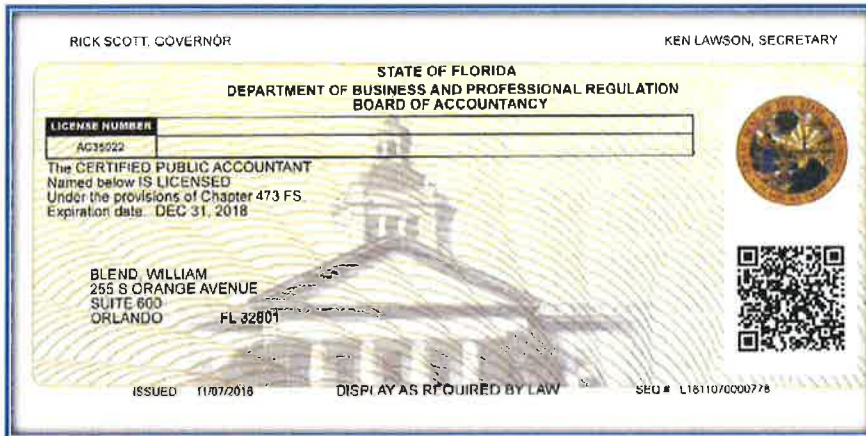
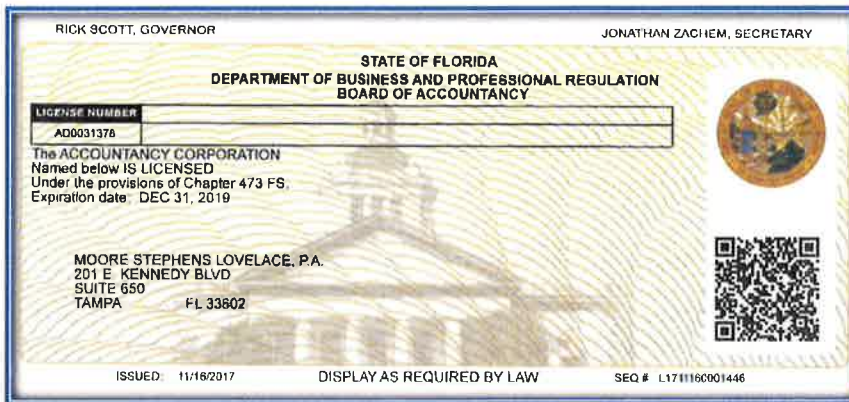
Below is a proposed engagement timeline. The actual periods in which procedures will be performed by departments will be dependent upon staffing availability and information obtained during the planning phase of the engagement. We believe that the timeline below, along with the resources discussed above, demonstrates our ability to meet the desired timelines and deadlines.

February/March 2018	Meetings with City Council, funds management and staff.
March 2018	Perform departmental walkthroughs and verification of information obtained during the planning phase of the engagement.
March/April 2018	Perform detailed testing of transactions and other forensic procedures of the final engagement plan.
April 2018	Document findings and perform follow-up procedures, as necessary, based on testing results performed. Meeting with BIFACAC.
May 2018	Wrap-up and issue the final report.



Mandatory Criteria

Our Firm meets the independence and the peer review standards of the AICPA and *Government Auditing Standards*. Our Firm and the team assigned to the engagement are properly licensed to perform the scope of services requested and have complied with the general standards of qualifications, including continuing education requirements of the *Government Auditing Standards*. Copies of relevant licenses are provided below.





Subcontracting

MSL does not intend to subcontract any of the required services.





Compensation

Our compensation schedule below is prepared to provide the City with options on what forensic services you would want to be performed and the related costs. We understand the desire to have all of these services provided, however, doing so may be cost prohibitive. Therefore, we are providing a menu of services from which the Council can select some or all. At a minimum, we would anticipate that the Council would want the Base Services described below performed and then determine how many years of prior transactions are necessary to be evaluated.

Base Services

Service Provided	Estimated Hours		Total Base Services Fee
	Shareholder	Senior Auditor	
Internal Controls Walkthroughs	-	30	
Interviews – Elected Officials, City Manager, Finance Director and Others	26	26	
Analysis of Funds Balances Depletion	-	30	
Reporting	20	20	
Total Hours	46	106	
Hourly Rate	\$300	\$160	
Total	\$13,800	\$16,960	\$30,760

The Base Services fee provided above was developed based upon our general expectations of the staffing requirements we will have for this engagement and the rates and hours noted above.

Fiscal Year Transaction Testing Cost

The Base Services fee does not include substantive testing procedures for which certain assumptions relating to scope, population size and sampling input had to be made in order to provide the best estimate of the final, all-inclusive fee.

Estimated cost of transactions testing

The table below demonstrates what the cost of testing one and ten FY would be:

No. of transactions to be tested	Hours	Hourly Rate	Total
100 (1 year)	10	\$160	\$1,600
1,000 (10 years)	100	\$160	\$16,000

We will charge the City based upon work performed to date at the end of each month that services are provided. Additional information would be detailed in our engagement letter.





**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: February 20, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Open Space Zoning District

Background: The City is in the process of rezoning the Wallace Street Property to public open space. The only Zoning Classification in the BIMC for this is Public buildings district PUB. The City Council directed the city staff to develop an ordinance to add an Open Space Classification to the BIMC. This classification would provide for open space and be more stringent in protecting those areas that the City will want to preserve strictly for open space initiatives.

At the November 7 Council meeting, the Council directed revisions to the draft OS Classification. Those changes have been made to clarify the definition of Passive Recreation, add a definition of Open Space; and to limit what development can take place on OS parcels.

At the November 21 Meeting, Council accepted the changes and directed the ordinance be put in final form for 1st Reading.

Staff Recommendation: Read Ordinance 18-01 for the first time

Suggested Motion: I move we read Ordinance 18-01 for the first time

Alternatives: Do not approve the classification and pass Ordinance 17-12 for the second time to rezone the Wallace field as PUB.

Fiscal Impact: None to add new classification to the BIMC

Attachments: Ordinance 18-01 Open Space

ORDINANCE 18-01

1
2
3 AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY'S
4 LAND DEVELOPMENT CODE TO ADD A NEW SECTION 54-84 CREATING AN OPEN SPACE LAND
5 USE AND ZONING CLASSIFICATION; PROVIDING FOR THE INTENT AND PURPOSE OF THE
6 CLASSIFICATION; PROVIDING FOR DEFINITIONS; PROVIDING FOR PERMITTED
7 USES, SPECIAL EXCEPTIONS, PROHIBITED USES, DEVELOPMENT STANDARDS,
8 AND GENERAL REQUIREMENTS; PROVIDING FOR SEVERABILITY, CONFLICTS,
9 CODIFICATION, AND EFFECTIVE DATE.

10
11 WHEREAS, the City of Belle Land Development Code provides for land use
12 classifications; and

13
14 WHEREAS, the Land Development Code does not specifically have a land use
15 classification for open space; and

16
17 WHEREAS, the City Council of the City of Belle Isle, Florida has determined that
18 there is a need for a new land use classification called Open Space for the
19 protection of environmentally sensitive natural systems, to preserve major open
20 spaces, and to provide for passive and active recreational needs of the city; and

21
22 WHEREAS, the City Council of the City of Belle Isle Florida has determined it to
23 be in the best interest of the citizens of Belle Isle to create an Open Space
24 Classification as provided in this Ordinance.

1
2 NOW, THEREFORE BE IN ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE,
3 FLORIDA, AS FOLLOWS,
4

5 **Section 1. Recitals**

6 The foregoing recitals are hereby ratified and confirmed as being true and correct
7 and are hereby made a part of this ordinance.
8

9 **Section 2. Purpose of Open Space Land Use Classifications**

10 The open space district is primarily intended to help protect environmentally
11 sensitive natural systems, preserve major open spaces, and provide for
12 passive recreational needs of the city. Permitted uses are restricted to
13 those with low-intensity characteristics, designed to protect open tracts of
14 land that are owned by municipal, state, or federal governments.
15

16 **Section 3. Land Development Code Amendment**

17 Chapter 54, Article III of the City Land Development Code is hereby amended to add
18 a new Section 54-84, as follows:

19 Sec. 54-84. - Open Space District.

20 a) Intent and purpose of district. The open space district is
21 primarily intended to help protect environmentally sensitive natural
22 systems, preserve major open spaces, and provide for passive
23 recreational needs of the city. Permitted uses are restricted to those
24 with low-intensity characteristics, designed to protect open tracts of
25 land that are owned by municipal, state, or federal governments.

1 b) Definitions: The following definitions apply to the open space
2 district:

3 1) Active Recreation: Active recreation is generally any recreational
4 activity that requires significant infrastructure for the purposes of
5 active sports or organized events. It is about engaging in adventure
6 sports or outdoor games. An active park refers to structured
7 recreational activities which require specialized parkland
8 development and management which may restrict general use of the
9 parkland or facility. Examples of active recreation include, but are
10 not limited to, sports fields, ball fields, playgrounds, skateparks,
11 swimming pools, gymnasiums, and outdoor theaters.

12 2) Passive Recreation: Passive recreation area is generally an
13 undeveloped space or environmentally sensitive area that requires
14 minimal development. Emphasis is placed on preservation of wildlife
15 and the environment. Passive park use refers to less structured
16 recreational activities which require little or no specialized
17 parkland development and management, and therefore can be provided at
18 a low cost to communities. It involves casual activities and pursuit
19 of hobbies, with no adverse impact to the natural habitat. Examples
20 of passive recreation include, but are not limited to, walking and
21 jogging, hiking and nature walks, community gardens, painting,
22 photography, kite flying, picnicking, Frisbee, fishing, and outdoor
23 theaters.

24 c) Uses permitted. The following uses are permitted in the open space
25 district:

1) Passive recreational uses;

1 2) Noncommercial agriculture or horticulture such as community
2 gardens; and,

3 3) Customary accessory uses in support of the primary uses listed in
4 1 and 2 above.

5 d) Special exceptions. The following uses shall be permitted in the
6 open space district through the special exception process:

7 1) Active recreational uses; and,

8 2) Public municipal government buildings, without repair facilities
9 or outdoor storage yards.

10 e) Uses prohibited. The following uses are prohibited in the open
11 space district:

12 1) Any use that is not owned by a municipal, state, or federal
13 governmental agency;

14 2) Any use that is owned by a municipal, state, or federal
15 governmental agency, but not identified in subsection (b), (c) or
16 (d) of this section; and

17 3) Parking that is not associated with the recreational use of the
18 property.

19 f) Development standards. The following development standards apply
20 to the open space district:

21 1) No parking shall be located within 25 feet of any residentially
22 zoned property nor within 15 feet of any right-of-way line;
23

1 2) No building, or structure, except fences or walls, shall be
2 located within 50 feet of any residentially zoned property line or
3 right-of-way line; and,

4 3) Impervious surfaces shall not cover more than 35% of the lot area;
5 and,

6 4) Maximum building height is restricted to 35 feet.

7
8 g) *General requirements.* General requirements in the open space
9 district shall be as follows:

10 1) The first one inch of rainfall from each storm shall be retained
11 and either percolated into the ground or collected and evaporated.
12 All drainage systems shall include special engineering design
13 features to minimize pollution from oil, suspended solids and other
14 objectionable material in stormwater runoff within limits set by the
15 SJRWMD rules. Treatment facilities shall be designed by a state-
16 registered engineer to adequately treat the stormwater runoff
17 resulting from rainstorms of the maximum intensity predicted for the
18 Belle Isle area at 25-year intervals for major drainageways and ten-
19 year intervals for all other drainageways and shall be subject to
20 approval by the council prior to construction. The SJRWMD shall
21 determine which drainageways shall be classified as major.

22 2) Each application for a building permit shall be accompanied with a
23 site plan incorporating the regulations established herein. Said
24 site plan shall be submitted to the board for review and approval.

1 The board shall approve the site plan prior to the granting of a
2 building permit. Upon such approval, said site plan becomes a part
3 of the building permit and may be amended only by the board.
4

5 **Section 4. Severability**

6 If any section, subsection, sentence, clause, phrase, word, provision, or portion
7 of this Ordinance is held by a court of competent jurisdiction to be invalid,
8 unlawful, or unconstitutional, such shall not invalidate or impair the validity,
9 force or effect of any other section or portion of a section or subsection or part
10 of this Ordinance.
11

12 **Section 5. Conflicts**

13 In the event of a conflict or conflicts between this Ordinance and any other
14 ordinance or provision of law, this Ordinance controls to the extent of the
15 conflict, as allowable under the law.
16

17 **Section 6. Codification**

18 This Ordinance shall be incorporated into the Land Development Code of the City of
19 Belle Isle, Florida. Any section, paragraph number, letter and/or any heading may
20 be changed or modified as necessary to effectuate the foregoing. Grammatical,
21 typographical and similar or like errors may be corrected, and additions,
22 alterations, and omissions not affecting the construction or meaning of this
23 ordinance or the Land Development Code may be freely made.
24
25

1 **Section 7. Effective Date**

2 This Ordinance shall take effect immediately upon its final passage and adoption
3 by the City Council of the City of Belle Isle, Florida.

4

5 First reading on _____, 2018.

6 Second Reading and Adoption this ___ day of _____, 2018.

7

	YES	NO	ABSENT
9 Ed Gold	_____	_____	_____
10 Anthony Carugno	_____	_____	_____
11 Jeremy Weinsier	_____	_____	_____
12 Bobby Lance	_____	_____	_____
13 Harvey Readey	_____	_____	_____
14 Alexa Dowlen	_____	_____	_____
15 Sue Nielsen	_____	_____	_____

16

17 ATTEST: _____

18 Yolanda Quiceno, CMC-City Clerk

Lydia Pisano, Mayor

19

20 _____

21 Approved as to form and legality

22 Kurt Ardaman, City Attorney

23

24

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STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 18-01 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____, 2018, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: February 6, 2018

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Appeal of the FWC Denial on Bird Sanctuary Application

Background: The City received a letter from FWC denying the City's application for a bird sanctuary. The City Council directed the City Attorney to appeal the decision. The City Attorney appealed the decision. The City Attorney will be able to explain more.

Staff Recommendation: Continue to work with FWC and also look at other ways to resolve duck hunting issues. Also continue to contact Director Sutton for updates on the issues he is to research for the City.

Suggested Motion: None Suggested

Alternatives: None

Fiscal Impact: None

Attachments: Appeal submitted by City Attorney

**STATE OF FLORIDA
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

CITY OF BELLE ISLE, a
Florida municipal corporation,

CASE NO.:

Petitioner,

v.

FLORIDA FISH AND WILDLIFE
CONSERVATION COMMISSION,

Respondent.

PETITION FOR FORMAL ADMINISTRATIVE HEARING

Petitioner, City of Belle Isle (“City”), files this Petition for Formal Hearing Involving Disputed Issues of Material Fact pursuant to sections 120.569 and 120.57(1), Florida Statutes, and Florida Administrative Code Chapter 28 (Uniform Rules of Procedure) and Rule 68-1.001, to contest the Florida Fish and Wildlife Conservation Commission’s (“Commission”) denial of the City’s request to establish a bird sanctuary for the protection of all birds and wildlife and establish restrictive hunting areas within the City, including but not limited to, the Conway Chain of Lakes. In further support, the City states as follows:

Statement of the Issues

1. Whether the City is entitled to the establishment of bird sanctuaries/restricted hunting areas for the protection of all birds and other wildlife within City designated and developed areas under the City’s jurisdiction upon: a) the City’s written request to the Commission seeking establishment of such bird sanctuary/restricted hunting areas; and b) the City’s adoption of a lawful ordinance in which the City officially agrees to assume the

responsibility for enforcement of regulations of the Commission that apply to such areas in accordance with Florida Administrative Code Rule 68A-19.002(1).

2. Whether the Commission's determinations that the City's proposed bird sanctuary/restricted hunting areas are not so dense or sufficiently developed so as to preclude recreational hunting in the interest of safety and that the closure of such areas to recreational hunting would result in a denial of reasonable and lawful hunting opportunities are lawful, supported by competent substantial evidence, and are otherwise sustainable in accordance with Florida Administrative Code Rule 68A-19.002(2).

Agency Affected

3. The agency affected is the Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600. The Commission's file or identification numbers regarding this matter are unknown. The Commission has certain enumerated regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life as set forth in Article IV, Section 9 of the Florida Constitution, and the Commission has enacted certain administrative rules and procedures regarding the establishment and recognition of bird sanctuaries in the state as set forth in Florida Administrative Code Rule 68A-19.002.

Petitioner City's Contact Information

4. The City is a Florida municipal corporation whose address is 1600 Nela Avenue, Belle Isle, Florida 32809; Telephone No.: (407) 851-7730; Facsimile No.: (407) 240-2222. For purposes of this Petition, the City's address and contact information are that of its undersigned counsel.

Notice of Commission's Determination

5. The City received correspondence dated January 22, 2018, from the Commission's Executive Director, Eric Sutton, constituting a denial of the City's request for the Commission to establish the City, including the Conway Chain of Lakes in the City limits, as a bird sanctuary/restricted hunting area. A true and accurate copy of the denial is attached as Exhibit "A." Pursuant to Florida Administrative Code Rule 68-1.009 and its incorporation of the Delegations of Authority by the Fish and Wildlife Conservation Commission to the Executive Director adopted on February 14, 2013, it appears that the Executive Director is delegated authority to take actions or render decisions regarding municipal requests to establish bird sanctuaries under Florida Administrative Code Rule 68A-19.002. *See, e.g.*, Delegations of Authority by the Fish and Wildlife Conservation Commission to the Executive Director, Delegation #17 ("The Executive Director may grant, renew, or deny any . . . authorization as provided in Commission rule or appropriate statute. . ."). Alternatively, the Commission itself considered and rendered the determination denying establishment of the bird sanctuary as set forth in the above-referenced correspondence.

Nature of Proceedings and City's Substantial Interests

6. On or about October 16, 2017, the City formally requested that the Commission establish a bird sanctuary for the protection of all birds and wildlife and establish restrictive hunting areas within the City, including but not limited to, the Conway Chain of Lakes that are in the jurisdictional limits of the City (the "Sanctuary Request"). A true and accurate copy of the Sanctuary Request is attached as Exhibit "B."

7. The Sanctuary Request outlined many of the City's concerns and public policy rationales for establishing such bird sanctuary and otherwise limiting hunting areas and activities

within the City due to public safety concerns and complaints as well as animal rights and environmental stewardship issues. *See* Exhibit “B.”

8. Previously, on or about September 19, 2017, the City unanimously approved and lawfully enacted Ordinance 17-07 to establish that “all the land and airway area embraced within the city limits of Belle Isle, Florida is hereby declared to be and shall hereafter by designated as a ‘Bird Sanctuary.’” *See* Exhibit “B,” Ordinance 17-07, § 1. Additionally, Ordinance 17-07 provides:

The City Public Works Department and private property owners will post the area boundary with signs bearing the words “RESTRICTED HUNTING AREA, Hunting by Special Permit Only” or “BIRD SANCTUARY, No Hunting” established by Rule 68A-19.002, F.A.C., which shall be placed at intervals of no more than 500 feet, be easily visible from any point of ingress or egress and provide other necessary notice of such area to the public.

* * *

The Belle Isle Police Department, including the Marine Patrol, shall be responsible for enforcement of regulations of the Florida Fish and Wildlife Conservation Commission and this ordinance.

Exhibit “B,” Ordinance 17-07, § 3. A copy of Ordinance 17-07 was included in the Sanctuary Request materials.

9. Following site inspections, meetings, and discussions between the City, Commission staff, and other interested parties, the Commission issued its denial of the City’s request on January 22, 2018. Exhibit “A.”

10. The Commission’s denial states, in relevant part:

As you are aware, Rule 68A-19.002, Florida Administrative Code, sets forth the procedures for establishing bird sanctuaries/restricted hunting areas. Per this rule, an area under consideration must be sufficiently developed as to preclude recreational hunting in the interest of safety and that its closure will not result in a denial of reasonable and lawful hunting opportunity. Based on our staff’s assessment, specifically the Conway Chain of Lakes . . . , we have found it not to be sufficiently developed as to preclude recreational hunting in the interest of

safety and its closure would result in the denial of reasonable and lawful hunting opportunity. Your request is hereby denied based on this assessment.

Exhibit "A."

11. The City, as a Florida municipality, is afforded all governmental, corporate, and proprietary powers to enable it to conduct and perform governmental functions and render municipal services, which includes the lawful and broad exercise of home rule powers granted by the Florida Constitution. *See* § 166.021(1), (4), Fla. Stat.

12. The City has substantial interests in the outcome of this proceeding as evidenced through its efforts to gain lawful Commission approval of the bird sanctuary designation/restriction of hunting areas, implementation of City Ordinance No. 17-07, and related attempts at requirements and standards regarding protection of natural resources, protection of property, and public safety. Certainly, these interests must be balanced and squared with Commission duties and responsibilities regarding the implementation of the provisions of Article IV, Section 9 of the Florida Constitution, and legislative enactments, including section 379.104, Florida Statutes, relating to the right to hunt and fish in the state of Florida.

13. The City has suffered an immediate injury in fact through the denial of the City's request. As outlined in the City's Sanctuary Request, the City has suffered several incidents of hunters firing weapons from their blinds and watercraft in the direction of and directly over various residences within the City. *See* Exhibit "B." Moreover, City Ordinance 17-07 is essentially rendered unenforceable and meaningless in light of the Commission's denial of bird sanctuary/restricted hunting area status. Indeed, enforcement of City Ordinance 17-07 would subject the public and the City to potential liability under section 379.105, Florida Statutes, relating to the harassment of hunters and the interference with or attempted prevention of the lawful taking of game or nongame animals by another on any state-owned water body.

14. The City also has substantial interests in ensuring the public safety and welfare of its residents and businesses that have desired to make a developmentally dense suburb of metropolitan Orlando their home. Additionally, as expressed in City Ordinance 17-07, the City has determined that there is an urgency and emergency for the preservation and protection of birds, wildlife, and their habitat within the City. *See* Exhibit “B.” In particular, given the Commission’s basis of denial (i.e., that the City “is not sufficiently developed as to preclude recreational hunting in the interest of safety and its closure would result in the denial of reasonable and lawful hunting opportunity”), the issues raised herein are matters that cannot be resolved without a fact-finding proceeding.

15. The City’s substantial interests are of a type or nature which an administrative proceeding is designed to protect. Relevant Commission regulations and authority as set forth in chapter 379, Florida Statutes, and as codified in Florida Administrative Code Rule 68A-19.002, attempt to strike a delicate balance between hunting rights and municipal authority to legislate in the areas of public safety and conservation relating to hunting activity occurring in densely populated and developed municipalities. Notably, the rulemaking authority for Florida Administrative Code Rule 68-19.002 is noted as Article IV, Section 9 of the Florida Constitution, which states, in relevant part:

The commission shall exercise the regulatory and executive powers of the state with respect to wild animal life The commission shall establish procedures to ensure adequate due process in the exercise of its regulatory and executive functions.

Here, the heart of this proceeding goes to the Commission’s responsibility and exercise of powers relating to animal life, conservation, environmental stewardship, and public safety, which competes against and overlaps with the municipal exercise of powers that similarly relate to animal life, conservation, environmental stewardship, and public safety.

16. Additionally, the nature of the City's substantial interests is revealed through the regulations set forth in Ordinance No. 17-07. Ordinance No. 17-07 makes it unlawful for any person to take any wildlife "in any bird sanctuary using a gun unless such taking is authorized by specific rule relating to such sanctuary." See Exhibit "B," Ordinance No. 17-07, § 4. This regulation is consistent with the Commission's Florida Administrative Code Rule 68A-19.004 stating: "No person shall take any wildlife in any bird sanctuary using a gun unless such taking is authorized by specific rule relating to such sanctuary." Of course, such provision is unenforceable unless the Sanctuary Request is granted; however, this juxtaposition and overlap demonstrates the sufficient zone of interest or zone of protection gleaned from the Commission's substantive regulatory scheme in this area.

Disputed Issues of Material Fact

17. The disputed issues of material fact include, but are not limited to, the following:
- a. Whether the City, in whole or in part, and the City's requested bird sanctuary areas/restricted hunting areas, in whole or in part, are sufficiently developed so as to preclude recreational hunting in the interest of safety;
 - b. Whether the establishment of the City's requested bird sanctuary areas/restricted hunting areas, in whole or in part, will not result in a denial of reasonable and lawful hunting opportunity; and
 - c. Whether the Commission has granted or otherwise established bird sanctuary areas/restricted hunting areas upon the request of other Florida local governmental bodies where such areas are: 1) similar to those areas proposed by the City; 2) proximately located to the metropolitan city of Orlando; or 3) of lesser or similar size or developmental density to those areas proposed by the City.

Statement of Ultimate Facts

18. The City is located within Orange County, and City Hall is located minutes from downtown Orlando (approximately six (6) miles separates the city halls of Belle Isle and Orlando). The City is 5.1 square miles with a population of approximately 6,277 with approximately 2,573.3 persons per square mile. Notably, the city of Orlando has a population density of approximately 2,327 persons per square mile. *See* World Population Review, Orlando Population 2018, available at <http://worldpopulationreview.com/us-cities/orlando-population/> (last visited February 8, 2018). The City is densely populated, heavily developed, and is essentially “built-out.”

19. There are approximately 872 lots and parcels that front on the Conway Chain of Lakes within the City, and approximately 785 of these lots and parcels have docks that are constructed onto and into the Conway Chain of Lakes. Further, all of the lots and parcels are afforded expansive and valuable littoral rights, including but not limited to, the right to utilize the lakes, rights of view and access, rights to wharf out, and rights relating to peaceful and quiet enjoyment of the lakes. Notably, public docks/boat ramps also exist on the Conway Chain of Lakes allowing enjoyment and use by both residents and non-residents.

20. The Conway Chain of Lakes and littoral areas within the City are an integral and inseparable part of the City, and the City’s residents and business, as well as non-residents and guests, frequently utilize the Conway Chain of Lakes and littoral areas within the City for swimming, boating, view, recreational, and other purposes on a regular and intense basis. In fact, the Conway Chain of Lakes even has two seaplane bases (Lake Conway North Seaplane Base, FAA Identifier: 91FL and Lake Conway South Seaplane Base, FAA Identifier: 0FL5),

which are Federal Aviation Administration designated water runways utilized for seaplane water landings and aviation transportation.

21. As set forth briefly in the Nature of Proceedings and City's Substantial Interests section set forth above, in accordance with Florida Administrative Code Rule 68A-19.002, the City requested through its Sanctuary Request that the Commission establish a bird sanctuary/restricted hunting area to expand within the jurisdictional boundaries of the City on or about October 16, 2017.

22. Further, in accordance with Florida Administrative Code Rule 68A-19.002, the City lawfully enacted Ordinance No. 17-07, which includes the required Rule 68A-19.002(1) provisions regarding the City's official agreement to assume the responsibility for enforcement of regulations of the Commission, including but not limited to, posting signage and instructing the City's duly authorized law enforcement personnel to enforce various Commission regulations within the designated area. *See, e.g.*, Exhibit "B," Ordinance No. 17-07, §§ 3-4.

23. As stated in the Commission's denial of the Sanctuary Request, the City, Commission staff, and other interested parties conducted site inspections, meetings, and discussions regarding the Commission's consideration of the Sanctuary Request. Exhibit "A." Ultimately, the Commission's denial of the Sanctuary Request was based on bare conclusory findings that: 1) the City's proposed area was not sufficiently developed as to preclude recreational hunting in the interest of safety; and 2) the City's proposed area closure to hunting activities would result in the denial of reasonable and lawful hunting opportunity. *See* Exhibit "A."

24. As set forth herein, the City's proposed bird sanctuary/restricted hunting area is "sufficiently developed" so as to preclude recreational hunting in the interests of the public

safety. This developmental density is evidenced through the City's population density and multiple other factors. The population density of the City is greater than the population density of the proximate urban city of Orlando. The developed lots and parcels with homes and businesses within the City, the hundreds of docks, and the intense use of the Conway Chain of Lakes for innumerable activities, including seaplane landings, reflect significant and substantial development at a magnitude far greater than the Commission's threshold requirement here. Examination of publicly available aerial maps plainly demonstrates the preceding. The density, nature, and intensity of use and development that is concentrated throughout the City meet and exceed the Commission's threshold to establish a bird sanctuary/restricted hunting area.

25. Further, the City's developmental density and significant population abutting the Conway Chain of Lakes within the City's jurisdictional limits results in significant issues relating to baiting and unlawful hunting issues in violation of Commission and federal regulations regarding same. For instance, numerous citizens lawfully feed migratory bird species throughout the year and approximately two hundred (200) migratory duck homes have been constructed on the Conway Chain of Lakes. Pursuant to Florida Administrative Code Rule 68A-16.001, the Commission has adopted many federal standards regarding proper and sportsmanlike hunting practices, including the Migratory Bird Treaty Act (the "Treaty Act"). The Treaty Act, as set forth in 16 U.S.C. § 704(b), states: "It shall be unlawful for any person to -- (1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area." Notably, 50 C.F.R. § 20.11(j) defines "baiting" as:

[T]he direct or indirect placing, exposing, depositing, distributing, or scattering of salt, grain, or other feed that could serve as a lure or attraction for migratory game birds to, on, or over any areas where hunters are attempting to take them.

These areas remain “baited areas” for “ten days following the complete removal of all such salt, grain, or other feed.” *Id.* at (i). Accordingly, the City and its residents are faced with hunters populating the waters of various bodies of the Conway Chain of Lakes who are able to—in an unsportsmanlike and unlawful manner—engage in a migratory bird turkey shoot premised upon the bird feeding activities of citizens residing proximate to such littoral zones.

26. Additionally, the City’s proposed bird sanctuary/restricted hunting area does not result in the “denial of reasonable and lawful hunting opportunity.” Section 379.104, Florida Statutes, recognizes a right to hunt and fish; however, such right only extends to the “right to hunt, fish, and take game, subject to the regulations and restrictions prescribed by general law and by s. 9, Art. IV of the State Constitution.” It is difficult to envision that limitations and regulations on hunting and taking game within the entirety of a 5.1 mile municipal limit unlawfully abridge section 379.104, Florida Statutes. Indeed, the Sanctuary Request does not run afoul of other regulatory attempts that do not “affect alike all persons similarly situated” or are “unjustly discriminatory or merely arbitrary.” *See State ex rel. Spence v. Bryan*, 99 So. 327, 329 (Fla. 1924). Notably, reasonable hunting accommodations and locations are found outside the jurisdictional limits of the City—such alternative accommodations and access would maximize public safety and further quell the above-referenced migratory bird turkey shoot.

27. Finally, the Commission has granted or otherwise established bird sanctuary areas/restricted hunting areas upon the request of other Florida local governmental bodies having jurisdiction over such areas that are of similar or smaller size, lesser density, and from more remote locations than the City. Accordingly, denial of the City’s request is unlawful, arbitrary and capricious, and not supported by substantial competent evidence.

28. The ultimate facts asserted here—separately and cumulatively—warrant reversal or modification of the Commission’s denial of the Sanctuary Request.

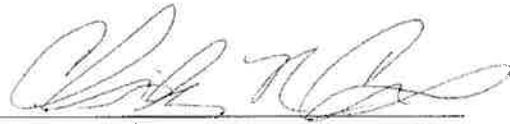
Statement of Specific Statutes and/or Rules that Require Reversal

29. The specific Florida Administrative Code Rule that requires reversal of the Commission’s denial of the Sanctuary Request, includes but is not limited to, Florida Administrative Code Rule 68A-19.002 as well as other Florida Administrative Code Rules or Florida statutory provisions cited herein. In particular, the City posits that the Commission’s denial was based upon incorrect, unlawful, and unsupportable determinations that the proposed bird sanctuary area/restricted hunting area is not sufficiently developed so as to preclude recreational hunting in the interest of safety and that the area’s closure would result in a denial of reasonable and lawful hunting opportunity.

Statement of Relief Sought by City

30. City requests that this matter be set for a formal hearing before the Division of Administrative Hearings with a request that an administrative law judge be assigned to conduct a formal hearing on the issues raised above, that the Commission grant the City’s request to establish a bird sanctuary/restricted hunting area expanding throughout the entire jurisdictional limits of the City in accordance with Florida Administrative Code Rule 68A-19.002, and that the Commission render a Final Order granting the City’s request to establish a bird sanctuary/restricted hunting area expanding throughout the entire jurisdictional limits of the City in accordance with Florida Administrative Code Rule 68A-19.002.

Respectfully submitted this 9th day of February, 2018.



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Telephone No.: (407) 262-8400
Facsimile No.: (407) 262-8402
Attorneys for Petitioner, City of Belle Isle



January 22, 2018

Florida Fish and Wildlife Conservation Commission

Lydia Pisano, Mayor
City of Belle Isle
1600 Nela Avenue
Belle Isle, FL 32809

Dear Mayor Pisano:

Commissioners

Bo Rivard
Chairman
Panama City

Robert A. Spottswood
Vice Chairman
Key West

Gary Lester
Oxford

Gary Nicklaus
Jupiter

Sonya Rood
St. Augustine

Michael W. Sole
Tampa

I am responding to your October 16, 2017, letter requesting the Florida Fish and Wildlife Conservation Commission (FWC) establish the City of Belle Isle, including the Conway Chain of Lakes in the city limits of the City of Belle Isle, as a bird sanctuary/restricted hunting area.

We have carefully reviewed the concerns and situation on the Conway Chain of Lakes concerning waterfowl hunting, including a site inspection in 2016 with you, some of Belle Isle's officials and staff, several other interested parties, and our staff. Since then, we have met several times with you and with concerned residents to discuss the issue. We have offered suggestions and avenues to help address any potentially illegal or unsafe activity that may occur, and we have prepared outreach information to help you inform Belle Isle residents of these things.

As you are aware, Rule 68A-19.002, Florida Administrative Code, sets forth the procedures for establishing bird sanctuaries/restricted hunting areas. Per this rule, an area under consideration must be sufficiently developed as to preclude recreational hunting in the interest of safety and that its closure will not result in a denial of reasonable and lawful hunting opportunity. Based on our staff's assessment, specifically the Conway Chain of Lakes in the city limits of the City of Belle Isle, we have found it not to be sufficiently developed as to preclude recreational hunting in the interest of safety and its closure would result in the denial of reasonable and lawful hunting opportunity. Your request is hereby denied based on this assessment.

Although your request is not approved, we remain ready to discuss other ideas you may have and will continue to provide enforcement of FWC rules on the Conway Chain of Lakes. Shannon Wright, our Northeast Regional Director, will continue to be your contact person, so please feel free to work with her on this or other issues where we may be able to assist. We thank you for your interest in conservation of Florida's wildlife and your citizens' ability to safely enjoy being outdoors.

Office of the
Executive Director
Eric Sutton
Executive Director
Thomas H. Eason, Ph.D.
Assistant Executive Director
Jennifer Fitzwater
Chief of Staff

850-487-3796
850-921-5786 FAX

Managing fish and wildlife
resources for their long-term
well-being and the benefit
of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: 850-488-4676

Hearing/speech-impaired:
800-955-8771 (T)
800-955-8770 (V)

MyFWC.com

Respectfully,

Eric Sutton
Executive Director

cc: FWC Commissioners





CITY OF BELLE ISLE, FLORIDA

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

October 16, 2017

Florida Fish and Wildlife Conservation Commission
620 South Meridian Street
Tallahassee, FL 32399-1600

RE: Request for Bird Sanctuary

Dear Commissioners:

The City of Belle Isle is requesting the Commission establish a bird sanctuary for the protection of all birds and wildlife and establish restrictive hunting areas within the City of Belle Isle including the Conway Chain of Lakes that are in the city limits of the City of Belle Isle.

This request is based on several incidents of hunters firing weapons from their blinds and watercraft in the direction of, and directly over, residences on Lake Conway in Belle Isle. There have been several instances of bird shot raining down on rooftops. In many areas of Belle Isle, hunters are less than 100 feet from docks and backyards.

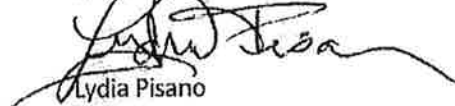
We are not seeking a bird sanctuary for this reason only. Although safety to our residents and protection of their property is one factor, the other reason for this request is to protect the birds from unnecessary cruelty under Florida Statute 828.12, Cruelty to Animals. Many times, duck hunters only wound their prey and therefore, the hunters end up clubbing ducks they wound, or later ducks are found washed up on shore because they die later or ducks who recover from wounds incurred and then suffer some disability as a result of the wound. There has been instances of hunters "training" their retrieval dogs and untrained dogs have mutilated wounded ducks before the hunters could control the dogs. Also these ducks are considered tame and there have been instances of hunters coming close to shore to spook resting ducks and then shoot them as they take flight. We are also concerned about the safety and protection of the multitude of other species of birds that inhabit the area around the lakes. Eagles, osprey, owls, and red shoulder hawks make their homes in this area and we need to look out for their protection as well. Belle Isle has a very unique ecosystem with some of the best water quality in Florida which is the reason for these species of birds being here. They all need to be protected.

**Exhibit
"B"**

Please know that there are plenty of sportsmen living in Belle Isle but they do not hunt waterfowl here. One only has to look at the enclosed Facebook post to know demonstrate the insensitivity of non-resident hunters to Belle Isle residents and waterfowl that call Lake Conway home.

As you read the ordinance adopted by the City of Belle Isle, you will see that the City fully intends to comply with all of the requirements outlined in Rule 68A-19.002, F.A.C. The residents of Belle Isle have consistently proven to be good stewards of the Lake and the wildlife that inhabit the Conway Chain of Lakes and we believe that having this area designated as a bird sanctuary will enhance that stewardship. Thank you.

Sincerely,



Lydia Pisano

Mayor



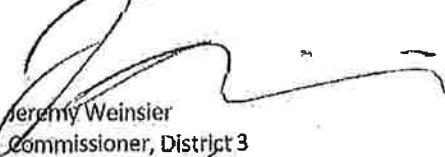
Ed Gold

Commissioner, District 1



Anthony Carugno

Commissioner, District 2



Jeremy Weinsier

Commissioner, District 3



Bobby Lance

Commissioner, District 4



Harvey Readey

Commissioner, District 5



Sue Nielsen

Commissioner, District 7

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ORDINANCE 17-07

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA. DESIGNATING THE CITY OF BELLE ISLE AS A BIRD SANCTUARY; SPECIFYING UNLAWFUL ACTS; AMENDING CHAPTER 4, SECTION 4-1 OF THE BELLE ISLE MUNICIPAL CODE PROVIDING FOR PRESERVATION OF WETLANDS AND THE CONWAY CHAIN OF LAKES WITHIN THE CITY; ESTABLISHING RESPONSIBILITIES OF CERTAIN CITY DEPARTMENTS; PROHIBITIVE ACTIVITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Belle Isle is an environmentally concerned city, sensitive and dedicated to the preservation of birds and wildlife; and

WHEREAS, habitat destruction is the greatest threat to birds and wildlife, and the City of Belle Isle is dedicated and committed to the protection of such habitat wherever reasonably possible; and

WHEREAS, the Orange County Audubon Society recognizes and accredits the City of Belle Isle's efforts to preserve and enhance bird and wildlife sanctuary programs, and the Society is prepared to assist in making the program successful; and

WHEREAS, the Cornerstone Charter Academy School believes that the key to understanding environmental concerns is education. Cornerstone Charter Academy commits to providing learning experiences for students to enhance their awareness of the environment and the role played by birds and wildlife in that environment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:

SECTION 1. That all the land and airway area embraced within the city limits of Belle Isle, Florida is hereby declared to be and shall hereafter be designated as a "Bird Sanctuary".

SECTION 2. That all City owned property shall be managed in such a manner as to promote both human enjoyment and the development of bird and wildlife habitat.

1 SECTION 3. That wherever possible the City will leave the environment in its natural state. The City,
2 through its Public Works Department, will attempt to mitigate the effect of development of
3 roads, parking facilities, utilities and other necessary improvements through seasonal plantings
4 and feeding stations. Enhancement programs, such as bird houses for birds and private
5 preserves will be encouraged. The City will also provide relief from drought stress. The City
6 Public Works Department and private property owners will post the area boundary with signs
7 bearing the words "RESTRICTED HUNTING AREA, Hunting by Special Permit Only" or "BIRD
8 SANCTUARY, No Hunting" established by Rule 68A-19.002, F.A.C., which shall be placed at
9 intervals of no more than 500 feet, be easily visible from any point of ingress or egress and
10 provide other necessary notice of such area to the public. In addition, the City may protect
11 "wetlands" as they exist in the City. Wetlands which are prime habitat of birds and other
12 wildlife, may not be drained, filled, or destroyed in such a manner as to render them
13 unacceptable to birds and wildlife as temporary or permanent habitat.

14 The Belle Isle Police Department, including the Marine Patrol, shall be responsible for
15 enforcement of regulations of the Florida Fish and Wildlife Conservation Commission and this
16 ordinance.

17 SECTION 4. That it shall be unlawful to trap, hunt, shoot, or attempt to shoot or molest in any manner any
18 bird or wild fowl, or to rob bird nests or wild fowl nests within the City. No person shall take
19 any wildlife in any bird sanctuary using a gun unless such taking is authorized by specific rule
20 relating to such sanctuary. Provided; the sanctuary established by this section shall not include
21 protection of (Columbia livia) feral pigeon populations or other invasive and/or non-native
22 species such as Starlings, House Wrens, which are not protected by state or federal law and
23 which may threaten native bird species. In the event that other invasive and/or non-native
24 species are found congregating in numbers in a particular locality within the city limits, as to
25

1 constitute a public nuisance or menace to the public health or to private or public property,
2 then in that event or any of them, the congregated birds or wild fowl may be destroyed as is
3 deemed advisable by and under the supervision and control of the Police Department of the
4 city.

5 SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be
6 invalid or unconstitutional the remaining provisions of this ordinance shall remain in full force
7 and effect.

8 SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance
9 shall be deemed to be guilty of a Misdemeanor of the First Degree and upon conviction in the
10 District Court shall be punished by a fine not to exceed One Thousand (\$1,000.00) Dollars for
11 each offense.

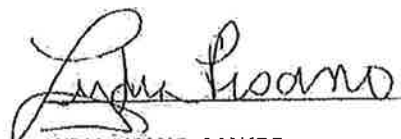
12 SECTION 7. That the present ordinances of the City of Belle Isle are inadequate to properly protect birds,
13 wildlife and their habitat within the City of Belle Isle, creates an urgency and an emergency for
14 the preservation of the public health, safety, and welfare and requires that this ordinance shall
15 take effect immediately from and after its passage and publication of said ordinance, as the law
16 in such cases provides.


17 SECTION 8: Severability: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is
18 for any reason held invalid or unconstitutional by any court of competent jurisdiction, such
19 portion shall be deemed a separate, distinct, and independent provision and such holding shall
20 not affect the validity of the remaining portion hereto.


21 SECTION 9: Effective Date: This Ordinance shall take effect upon its passage and as provided by law.
22 First Reading held this 5th day of September, 2017
23 Second Reading held this 19th day of September, 2017
24 Advertised for Second Reading on the 9th day of September, 2017.
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	YES	NO	ABSENT
Ed Gold	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Carugno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jeremy Weinsier	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bobby Lance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Harvey Readey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lenny Mosse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sue Nielsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

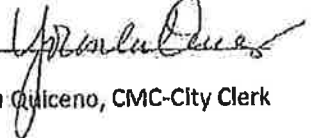

 LYDIA PISANO, MAYOR

ATTEST: 
 Yolanda Quiceno, CMC-City Clerk


 Approved as to form and legality City Attorney

STATE OF FLORIDA
 COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document
 ORDINANCE 17-07 was duly and legally passed by the Belle Isle City Council, in session assembled on the
 19th day of September, 2017, at which session a quorum of its members were present.


 Yolanda Quiceno, CMC-City Clerk



**CITY OF BELLE ISLE, FLORIDA
CITY COUNCIL AGENDA ITEM COVER SHEET**

Meeting Date: July 18, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: RFP for City-Wide Traffic Study (Traffic Management Plan)

Background: The City Council directed the City Manager draft a Request for Proposals for a City-wide traffic study (Traffic Management Plan). This is an important plan to start on with the Council's direction to start the annexation process.

Staff Recommendation: Review the RFP to see if it meets the goal of Council's direction.

Suggested Motion: I move that we approve the RFP and direct the City Manager to advertise the RFP

Alternatives: Do not approve

Fiscal Impact: Estimate is \$75,000

Attachments: RFP draft

REQUEST FOR PROPOSALS

City of Belle Isle

Transportation Master Plan

Closing Date:

March 21, 2018 at 2:00 P.M. (Local Time) City Hall – Council

Chambers

1600 Nela Ave.

Belle Isle, FL

**For Additional Information contact: Bob Francis, City
Manager**

City of Belle Isle

1600 Nela Ave.

Belle Isle, FL

Telephone: 407-851-7730

Fax: 407-240-2222

Email: bfrancis@belleislefl.gov

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REQUEST FOR PROPOSAL SUMMARY

Transportation Master Plan

The City of Belle Isle is requesting proposals from qualified professional consultants or firms to develop a Transportation Master Plan for the community. The Proponent will be responsible to:

- Review City planning documents which will form the development of the Transportation Master Plan
- Identify existing transportation conditions
- Plan and lead a public consultation process regarding transportation in the community
- Analyze identified and projected future road deficiencies
- Analyze identified and projected future deficiencies to active transportation
- Provide a final report, including existing conditions, and recommendations for mitigation, in addition to a final master transportation plan

Proponents must refer to the complete Request for Proposals Documents for detailed information regarding proposal submission requirements. The project is to be completed by October of 2018 with the presentation of a final report to Council on **October 23, 2018**.

The City of Belle Isle reserves the right to waive informalities in or reject any or all proposals. The City also reserves the right to negotiate scope and price with the selected preferred proponent, without obligation to any other proponent. The job will be awarded to the proposal deemed to be the most favorable to the interests of the City of Belle Isle. Proposal evaluation will be based on methodology and approach, pricing, and relevant experience/references, as outlined in the evaluation matrix attached to the RFP documents. The City of Belle Isle shall not be obligated in any manner to any Proponent whatsoever until a written agreement has been duly executed relating to a Council approved proposal. Questions regarding the project may be directed to Bob Francis, City Manager, at 407-851-7730 or bfrancis@belleislefl.gov

Proposals will be accepted up to **2:00 p.m. (local time) March 21, 2018**.

Proposals in a sealed envelope, shall be clearly marked "**RFP – Transportation Master Plan**" and will be received by:

Yolanda Quiceno, City Clerk
City of Belle Isle
1600 Nela Ave.
Belle Isle, FL 32809

BACKGROUND

1. PREAMBLE

Community Overview

The City of Belle Isle is a community that enjoys its lush landscape, Lake Conway and surrounding chain of lakes. Established in 1924, the city is now home to more than 6,400 friendly residents and covers approximately 3 square miles.

The City is located in Orange County south of Orlando and just north and west of the Orlando International Airport. Belle Isle is bordered by three major roadways: Beachline Expressway (FL 528) to the south; Conway Road (FL 15) to the east and S. Orange Avenue (FL527) to the west. Belle Isle is also serviced by Sunrail via the Sand Lake Station. Hoffner Avenue, Nela Avenue, and McCoy Road all run east-west and service Belle Isle in the north, central, and south part of the City respectively.

As population and development has grown over the years in Orlando, challenges within the Belle Isle transportation system have emerged. The popularity of Orlando, the close proximity to theme parks and an international airport, as well as recreational opportunities offered by the Conway Chain of Lakes have all contributed to increased traffic demands in the City of Belle Isle. As with smaller cities in the area, the transportation system focuses on automobiles. Also in need of examination, major intersections are experiencing congestion and safety issues (especially safety for cyclists and pedestrians) that have been identified by residents.

Planning in Belle Isle and Transportation Goals

The City of Belle Isle is again undertaking several planning initiatives such as annexation, land acquisition, and infrastructure upgrades. With annexation, the City hopes to bring more commercial development within its boundaries to the east and west of the City. The Master Transportation Plan is expected to be consistent with and supportive of these initiatives.

The Comprehensive Plan is the over-arching policy document that guides decision-making at the City and will provide direction for the Master Transportation Plan.

The Comprehensive Plan's transportation section elaborates on the role of transportation within the City and illustrates the transportation network of highways, arterials, collectors, and local roads.

2. PURPOSE AND OBJECTIVE OF THE STUDY

The City of Belle Isle (City) requests a proposal for professional consulting services to develop a Master Transportation Plan. Specific project objectives are to create an innovative plan which:

- Follows the City's goals and guiding principles, and helps implement the goals, objectives, policies, in the Comp Plan;
- Where possible, delivers on the objectives of other Planning initiatives dealing with the environmental, economic, social, and cultural sustainability of the community; and,
- Identifies present and projected future deficiencies in the transportation network, ranked by type and projected cost of improvement.

3. SCOPE OF THE STUDY PLANNING PROCESS - TASKS

The tasks identified below identify the project scope and shall be used as a guide to develop proposals for the Master Transportation Plan. Bidders are encouraged to be innovative in their response while ensuring that the proposed approach and work plan achieve the fundamental objectives of the study. The successful consultant will be expected to:

3.1 COLLECT AND REVIEW BACKGROUND INFORMATION AND DATA

3.2 IDENTIFY EXISTING TRANSPORTATION CONDITIONS, INCLUDING:

- Community profile identifying the qualitative nature of transportation in the City; City goals, guiding principles, and policies as they relate to transportation; and past/present improvement initiatives,
- Mapping information including the identification of population densities; land use patterns as they relate to transportation including destinations / trip generators; existing transportation network; projected population and employment growth patterns,
- Statistical information including census data and collision data,

3.3 UNDERTAKE A STAKEHOLDERS MEETING PROCESS* Stakeholder and public consultation must, at a minimum, include:

- Two open houses within Belle Isle;
- A one-page survey;
- Consultation meetings with the following audiences:
 - (1) Technical and other staff (possibly a Project Committee);
 - (2) City Council;
 - (3) Key stakeholders including, but not limited to,
 - Government organizations with a stake in transportation and infrastructure;
 - Schools
 - Non-profit groups;
 - Seniors and youth;
 - Commuters;
 - Businesses and goods movements operators;
 - the general public.

*City staff will provide logistics coordination and advertising.

3.4 ANALYZE IDENTIFIED AND PROJECTED FUTURE ROAD DEFICIENCIES:

- may include road standards, levels of service, obstacles to universal accessibility, traffic calming options, use of roundabouts, transportation demand management strategies;
- ranked by type and projected cost of improvement.

3.5 ANALYZE PRESENT AND PROJECTED FUTURE DEFICIENCIES TO ACTIVE TRANSPORTATION

- may include obstacles to universal accessibility and connectivity, transportation demand management strategies, landscaping;
- ranked by type and projected cost of improvement.

3.6 MAKE RECOMMENDATIONS

- Compile and synthesize information and analyses obtained throughout the project to develop recommendations. (Refer to “Project Deliverables” below).

4. PROJECT DELIVERABLES

- Report on Existing Conditions
- Draft Master Transportation Plan
- Final Master Transportation Plan

Based on the results of this investigation, the consultant will submit two draft copies (hard and e-file) of the report, which may be posted on the City website and be further distributed as required, and must include:

- Profile and existing transportation conditions;
- Road Network Plan, which must identify present and projected future road deficiencies ranked by type and projected cost of improvement, and traffic calming options ranked by type and projected costs;
- Active Transportation Plan, which must identify present and projected future deficiencies to active transportation ranked by type and projected cost of improvement;
- Transportation Demand Management Strategies;
- Overview of public and stakeholder consultation activities and outcomes;
- Recommendations for implementation which may include phasing, priorities, funding sources, partners, and capital planning and other strategic information.
- A final presentation to Council on October 23, 2018.

5. SCHEDULE/PROJECT TIMELINE

Milestones / Major Task Categories	2018 Schedule
Award study	April 10, 2018
Undertake research, modelling, analysis, and public engagement	April - August 2018
Draft report and review	Early October 2018
Final report & presentation to Council	October 23, 2018

6. Public Records

All proposals submitted become the property of the City of Belle Isle and as such are subject to the Florida Public Records law and available for public inspection.

7. LIABILITY FOR ERRORS

While the City of Belle Isle has used considerable efforts to ensure an accurate representation of information in this Request for Proposal, the information contained in this Request for Proposal is supplied solely as a guideline for Proponents. The information is not guaranteed or warranted to be accurate by the City of Belle Isle, nor is it necessarily comprehensive or exhaustive. Nothing in this Request for Proposal is intended to relieve Proponents from forming their own opinions and conclusions with respect to the matters addressed in this Request for Proposals.

8. MODIFICATION OF TERMS

The City of Belle Isle reserves the right to modify the terms of this Request for Proposal at any time in its sole discretion. This includes the right to cancel this request for Proposal at any time prior to entering into a contract with the successful Proponent. The City reserves the right to request or obtain additional information about any and all proposals.

PROPOSAL SUBMISSION INSTRUCTIONS

9. CLOSING DATE AND TIME

Proposals will be accepted up to **2:00 p.m. (local time) March 21, 2018.**

10. REQUESTS FOR CLARIFICATION

Proponents may inquire into and clarify any requirements of this RFP. Questions must be communicated to the contact person at least five days prior to the RFP closing. Inquiries, in writing, must be directed to Bob Francis, City Manager, at bfrancis@belleislefl.gov

It is the proponent's responsibility to clarify any details prior to submitting a proposal. The City of Belle Isle will assume no responsibility for any oral instruction or suggestion.

11. OMISSIONS AND DISCREPANCIES

If a proponent finds discrepancies in, or omissions from the proposal documents, or if he/she is in doubt as to their meaning, he/she should advise the City immediately.

Responses, if not already addressed in the RFP, will be addressed in the form of addendum, if required and posted to the City website: www.cityofbelleislefl.org. No oral interpretations will be effective to modify any provisions of the Proposal, unless a written addendum has been issued by the City Manager, prior to the advertised closing date and time. The Proponent is solely responsible for ensuring any addenda are downloaded, reviewed, and included in their proposal.

12. PROPOSAL IRREVOCABILITY

By submission of a clear and detailed written notice, the Proponent may amend or withdraw its proposal prior to the closing date and time. Any amendment submitted which results in the disclosure of pricing or other salient points of the original proposal will result in disqualification of the Proponent. At closing time, all proposals become irrevocable.

Proposals shall be firm for a period of at least 30 days from the RFP closing date, and shall be used as the basis for and be included as part of the contractual agreement that will be entered into with the selected firm.

By submission of a proposal, the Proponent agrees that should its proposal be successful, the Proponent will enter into a contract for the work with the City of Belle Isle, the content and format of such contract to be determined by the City of Belle Isle.

13. EXPENSE OF PREPARING PROPOSAL

Proponents shall bear sole responsibility for any costs associated with preparing a Proposal in response to this RFP. In no event will the City of Belle Isle be responsible for the costs of preparation or submission of any Proposal. Furthermore, by submitting a proposal, it is agreed that no claim for damages, for whatever reason, relating to the Agreement or in respect of the expense incurred in preparing a proposal will be brought against the City. The consultant, by submitting a proposal, waives any claim for loss of profits if no agreement is entered into.

Pre-contractual expenses are defined as expenses incurred by bidders and the selected consultant, if any, in:

- Preparing and submitting information in response to the Request for Proposal
- Negotiations with the City on any matter related to this procurement
- Costs associated with interviews, meetings, travel or presentations
- All other expenses incurred by a bidder/consultant prior to the date of award and a formal notice to proceed

14. EVALUATION AND SELECTION PROCESS

The City of Belle Isle will first check proposals against the mandatory requirements. Proposals not meeting all mandatory requirements will be rejected without further consideration. Proposals that meet all the mandatory requirements will then be assessed against the criteria for assessment.

Only the information contained in the proposal will be used to evaluate the proposal. There will not be an opportunity to make a presentation to the evaluation committee beyond the information contained in the proposal.

The possibility of actual or perceived conflict of interest or lack in independence will be considered. If, in the opinion of the City of Belle Isle a reasonable person would perceive there to be a conflict of interest or lack of independence on the part of the Proponent, the proposal will be rejected.

14.1 Mandatory Requirements

The following are mandatory requirements. Proposals not clearly demonstrating that they meet them will receive no further consideration during the evaluation process.

- The proposal must be received at the closing location by the specified closing date and time, delivered in an opaque envelope and clearly marked "RFP Transportation Master Plan".
- The proposal must be signed by a person authorized to sign on behalf of the Proponent.
- The Proponent must provide written confirmation of the Proponent's independence and that the Proponent has no conflict of interest with respect to the public body.

14.2 Criteria for Assessment

Proposals meeting the mandatory requirements will be assessed against the criteria noted below, and using the evaluation matrix on page 10:

14.2.1 Capability of Consultant/Firm and Team

- An organizational overview of the consultant firm, including the experience and current capabilities of its partners, managers and staff, an outline of the responsibilities that will be assigned to each team member proposed, and information regarding any additional staff or sub-contractors required by the firm to complete the project, including resumes, experience, and tasks to be assigned to any sub-consultant;
- The proposed team's experience with previous projects of a similar or relevant nature, particularly with projects in cooperation with local government, preferably in Orange County; including two references for clients with whom the proponent has completed similar or relevant work;
- The proponent's availability of resources and a proposed work plan/timeline to ensure the project is completed as per the Schedule outlined in Section 5 are met;
- Policies on notification to clients of changes in key personnel;

14.2.2 Proposed Methodology/Work plan,

- including the public and stakeholder engagement strategy,

14.2.3 Pricing

- The total project cost, including all fees, levies, charges, and permits but excluding taxes, shall be clearly indicated.
- Following the total project cost please provide cost breakdowns as follows:
 - o principal consultant fees – hourly rate and estimated hours required to complete project
 - o sub-consultant fees, if any – total amount allocated for sub-contracted work
 - o travel costs – total amount allocated for travel
 - o other out of pocket costs and reimbursable expenses shall be identified
 - o contingency, if allocated;

The proposal submitted is irrevocable, and will remain in effect and open for acceptance by the proponents for a period of thirty (30) days after the deadline for submission of proposals.

The budget estimate for this study is \$75,000.

EVALUATION MATRIX	Score	Possible Points
VENDOR CAPABILITIES (30% of total points) 0-3 pts. Minimally addressed requirements 4-7 pts. Meets requirements 8-10 pts. Exceeds expectations		10
Experience with government clients: Does the bidder demonstrate experience with clients similar to the size and scope required in the RFP? How clearly does the bidder detail this information?		10
Project personnel qualifications: Are key personnel roles, responsibilities and resumes identified and provided? Did they clearly identify personnel? Does the organization chart support the level of service required? Does the bidder clearly explain any subcontractor roles, responsibility and qualifications?		10
References and professional memberships or certification: Does the bidder provide information on current professional memberships and certifications? To what extent do the references reflect ability? Did the bidder provide sufficient detail to determine ability?		10
<i>Total Vendor Capability Points (A)</i>		30
WORK PLAN (30% of total points) 0-3 pts. Minimally addressed requirements 4-7 pts. Meets requirements 8-10 pts. Exceeds expectations		10
Completeness of descriptive narrative work plan: Did the narrative sufficiently explain how work will be performed, identifies staff, timelines, equipment, supplies, subcontract supervision, strategies, reporting, overall quality of the work plan? Was the plan well organized and presented in a clear, concise and logical manner?		10
Acceptability of proposed plan: Did the bidder provide sufficient detail and insight to the responsibilities? Is work plan clearly and explicitly defined? Was the plan well organized and presented in a clear concise and logical manner?		10
Does the work plan explicitly explain how services are to be provided? To what extent? Did the work plan explain in detail how each aspect of the contract services would be provided?		10
<i>Total Work Plan Points (B)</i>		30
COST (40% of total points)		
(Low bid/this bid) x total maximum points for cost = points (C)		40
<i>Total Cost Points (C)</i>		40
GRAND TOTAL WORKSHEET POINTS (A+B+C) = D (D)		100

15. PROPOSAL SUBMISSION

- The proposal submission should address all factors identified in the same order as identified in Section 15. Failure to address all factors will impair the proposal and the City of Belle Isle will not be obliged to seek clarification or inclusion of vague or incomplete information in making its selection.
- The proponent should include statements concerning independence as follows:
 - Confirming that any other services performed by the proponent for the City of Belle Isle will neither prejudice the independence of this project nor be in conflict of interest under any governing code of professional ethics; and
 - Confirming that the proponent will not benefit financially from the provisions of the Master Transportation Plan.
- The proponent should disclose information where there may be a conflict of interest or perceived conflict of interest (or state that there is no conflict of interest), including:
 - Information on the proponent's partners, managers and members of their immediate family who are on the Council of the City of Belle Isle or in a senior management capacity with the City of Belle Isle.
 - Clients or agents of the firm who are members of the Council or senior management of the City of Belle Isle.
 - Any other information that should be provided to the Council that may influence the consideration of the proposal.

PROPOSAL ADMINISTRATION

The following procedures will be followed:

- a. The proposals received will be reviewed and the City of Belle Isle reserves the right to seek clarification with respect to proposal content.
- b. City staff may conduct interviews of any or all proponent representatives at this stage.
- c. City staff will provide Council with a summary report of the proposals including a recommended proposal.
- d. The City of Belle Isle Council will review the report and select a proposal.
- e. The City of Belle Isle Council will then enter into a contract with the selected proponent. The City of Belle Isle reserves the right to negotiate terms with the highest quality proponent.

SPECIAL EVENTS - STAFF TIME/EQUIPMENT

EVENT: SNOWDAY

		Reg Hrs	OT Hrs	Pay Rate	Reg Benefit %	Regular Total	OT Benefit %	OT Total	TOTAL	
<i>Staff Time</i>	Bob Francis	3	0	59.0000	27.86%	\$ 226.31	7.65%	\$ -	\$ 226.31	
	Yolanda Quiceno	3	0	30.3361	42.71%	\$ 129.88	7.65%	\$ -	\$ 129.88	
	Laura Houston	3	0	44.5200	25.93%	\$ 168.19	7.65%	\$ -	\$ 168.19	
	Travis Grimm	3	0	32.2605	27.04%	\$ 122.95	7.65%	\$ -	\$ 122.95	
	Dwayne Bennett	6	0	23.7210	29.85%	\$ 184.81	7.65%	\$ -	\$ 184.81	
	Ramchand Arjune	3	3	12.4800	58.13%	\$ 59.20	7.65%	\$ 60.46	\$ 119.66	
	Henry Cox	3	3	12.4800	59.01%	\$ 59.53	7.65%	\$ 60.46	\$ 119.99	
\$ 1,071.79										
<i>Equipment</i>	Lights from Sunbelt 4 hours								\$ 155.00	Donation
	Fuel to run generator for lights								\$ 11.50	
	\$ 166.50									
\$ 1,238.29 Total										

EVENT: SANTA RIDE

		Reg Hrs	OT Hrs	Pay Rate	Reg Benefit %	Regular Total	OT Benefit %	OT Total	TOTAL
<i>Staff Time</i>	Laura Houston	3	0	44.5200	25.93%	\$ 168.19	7.65%	\$ -	\$ 168.19
	Travis Grimm	3	0	32.2605	27.04%	\$ 122.95	7.65%	\$ -	\$ 122.95
	Officer Lugo	3	0	19.8750	47.68%	\$ 88.05	7.65%	\$ -	\$ 88.05
\$ 379.20									
<i>Equipment</i>		Hours	Rate						
	Patrol Car	3	15.69						
	Patrol Car	3	15.69						
\$ 94.14									
\$ 473.34 Total									

EVENT: TOY DRIVE

<i>Equipment</i>	City Hall Chambers (3 days @ \$75/day)	\$ 225.00 Total
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EVENT: EASTER EGG HUNT

		Reg Hrs	OT Hrs	Pay Rate	Reg Benefit %	Regular Total	OT Benefit %	OT Total	TOTAL
<i>Staff Time</i>	Laura Houston	2	0	44.5200	25.93%	\$ 112.13	7.65%	\$ -	\$ 112.13
	Officer Lugo	2	0	19.8750	47.68%	\$ 58.70	7.65%	\$ -	\$ 58.70
	Dwayne Bennett	1	0	23.7210	29.85%	\$ 30.80	7.65%	\$ -	\$ 30.80
	Ramchand Arjune	1	0	12.4800	58.13%	\$ 19.73	107.65%	\$ -	\$ 19.73
	Henry Cox	1	0	12.4800	59.01%	\$ 19.84	207.65%	\$ -	\$ 19.84
\$ 241.21									
<i>Equipment</i>	(4) bags Ortho Fire Ant Killer (\$16.97/ea)								\$ 67.88
\$ 309.09 Total									



CITY OF BELLE ISLE, FL

1600 NELA AVENUE, BELLE ISLE, FL 32809 * TEL 407-851-7730

MEMORANDUM

From the Desk of Bob Francis, City Manager

To: Special Events Committee
City Council
Date: December 28, 2017
Re: After Action Report on Santa's Ride

INTRODUCTION

The City conducted a special event called "Santa's Ride" on December 21, 2017. This event was approved by the Special Events Committee and the City Council. The event included Santa being driven around town and toys thrown to children along the route.

AFTER ACTION REPORT OVERVIEW

This report is a compilation of information from the different individuals and staff who participated in the event and also comments that were received during and after the event. I will make note that I did not attend this event; however, I spoke with those who participated for their opinions.

The recommendations in this AAR should be viewed with considerable attention to the needs for a successful and safe event. In some cases, the Special Events Committee, City Council and/or staff may determine that the benefits of implementation are insufficient to outweigh cost. In other cases, they may identify alternative solutions that are more effective. However, they should review the recommendations and determine the most appropriate action and time needed for implementation.

The issues addressed in this AAR are being requested to be reviewed and thoroughly examined for the appropriation of needed resources to ensure the functions of event are efficient and effective.

Event Overview:

The event was a drive through in town with Santa and the Mayor riding the back of a truck throwing toys out to children along the route. There was a police escort for the vehicle. The event was publicized on the City website with a route map and a “Santa Tracker” for residents to know where Santa may be.

Duration:

The event started at 5:30 PM and ended approximately at 8:45 PM.

Sponsor:

The City of Belle Isle was the event sponsor.

Funding Source:

See the attached budget for the event.

Participating Organizations:

City of Belle Isle

STRENGTHS

- Residents enjoyed it
- Well-advertised through social media
- Donation of vehicle
- Police
- Completed early

AREAS OF IMPROVEMENT

- Map and route
- Communication
- Space of Truck

RECOMMENDATIONS

- Start planning earlier. Events need to start being planned 3-4 months in advance to allow for enough time to get permits from Orange County if needed and to get vehicles if they are not city vehicles.
- The map of the route was published, however there were no street names published on the map. This led to problems with the vehicles staying on the published route. It also caused some confusion for residents who expected to see Santa, but didn't because the vehicles did not follow the published route.

- Ensure that Santa Tracker and working properly. Some residents were late coming out because Santa Tracker lagged behind the actual location.
- As an alternate plan to a drive through, the Committee should strongly consider having predesignated areas throughout the City (maybe 2 per District) where families could gather and wait for Santa to show at the area. The area could be decorated by volunteers days before Santa's ride, so families know where to go. Santa would arrive and hand out toys and spend some time (maybe 15-20 minutes) per stop and then move to the next stop. This would eliminate the need to change the route. Santa could ride on a designated route between stops so families could line the route. There should be no deviations from the route once published.
- As Santa rides between destinations, more "helper elves" should be able to ride with Santa. Santa should be waving to the crowd and the elves could throw out the toys in between stops. In order to do this, a minimum of toys should be on the truck with Santa. Those could be on another sleigh (truck) behind Santa's sleigh. When there are road closures, a permit should be completed even though it's a city event.
- Santa's elves could be other elected officials. Having other officials on the ride would not be a violation of the Sunshine laws as no city business, or decisions, would be discussed.
- Santa's sleigh should be a "float" pulled by another vehicle. The float would have rails for safety of those riding. The Special Events Committee need to include the Police Chief in this discussion on how best to accomplish this.
- Although the event concluded close to the time listed, the Committee should consider this as a two-night event. It would give Santa more time to meet with children. One night Santa could go through Districts 3, 4, and 5 and the next night go through Districts 1, 2, 6, and 7. This will also give families who may have missed the event, the opportunity to make one of the two nights.

CONCLUSION AND NEXT STEPS

This event has potential to be one of the best events that City sponsors. The Special Events Committee needs to start the planning soon to develop a budget early (by June) for inclusion in the City's Annual Operating Budget. The Committee should also consider whether this will continue as it is or change as recommended and also start the conversation early with the Police chief on how to best accomplish Santa's ride. If the event stays as it is, then a map with street names should be published and there should be no deviations from the published route. I believe it would be fairly easy to recruit volunteers to decorate the "Santa stops" and to decorate a float for Santa's sleigh.

IMPROVEMENT PLANNING MATRIX

IMPROVEMENT PLANNING MATRIX

This is an example of the improvement planning matrix that should be completed by the Special Events Committee.

<u>Area of Improvement</u>	<u>Improvement Action</u>	<u>Responsible Party/Areas</u>	<u>Targeted Completion Date</u>	<u>Status</u>
1)				
2)				
3)				
4)				
5)				
6)				
7)				
8)				
9)				
10)				
11)				
12)				
13)				
14)				
15)				
16)				
17)				
18)				



CITY OF BELLE ISLE, FL
1600 NELA AVENUE, BELLE ISLE, FL 32809 * TEL 407-851-7730

MEMORANDUM

From the Desk of Bob Francis, City Manager

To: Special Events Committee
City Council
Date: December 28, 2017
Re: After Action Report on Snow Day

INTRODUCTION

The City conducted a special event called "Snow Day and tree Lighting" on December 5, 2017 from 5:30 PM to approximately 8:30 PM. This event was approved by the Special Events Committee and the City Council. The event included manufactured snow, food cart, Santa, tree lighting and music.

AFTER ACTION REPORT OVERVIEW

This report is a compilation of information from the different individuals and staff who participated in the event and also comments that were received during and after the event. I attended this event.

The recommendations in this AAR should be viewed with considerable attention to the needs for a successful and safe event. In some cases, the Special Events Committee, City Council and/or staff may determine that the benefits of implementation are insufficient to outweigh cost. In other cases, they may identify alternative solutions that are more effective. However, they should review the recommendations and determine the most appropriate action and time needed for implementation.

The issues addressed in this AAR are being requested to be reviewed and thoroughly examined for the appropriation of needed resources to ensure the functions of event are efficient and effective.

Event Overview:

The event was held at the Cornerstone Charter Academy, both on campus and off campus. The on-campus area was a fenced-in area (drainage swale) that provided security and a safe, contained area where small children could play in “snow” in a controlled environment. Santa’s area was setup in the fire lane on Fairlane Street. The street was blocked off by Belle Isle Police. A food truck was also parked in the fire lane of the blocked off street. A small table was setup to provide cookies and soft drinks to visitors. The events were to have music, remarks by City officials, followed by the tree lighting, and snow. If not playing in the snow, children could visit with Santa.

Duration:

The event started at 5:30 PM and ended approximately at 7:30 PM, followed by the staff cleaning up until approximately 8:30 PM.

Sponsor:

The City of Belle Isle was the event sponsor.

Funding Source:

See the attached budget for the event.

Participating Organizations:

City of Belle Isle Staff; Cornerstone Band and Chorus, City Special Events Committee

STRENGTHS

- Venue
- Well Advertised
- Well Attended
- Staff Setup/Cleanup
- Police
- Children had fun
- Some Equipment donated
- Council attended
- No reported injuries

AREAS OF IMPROVEMENT

- Venue layout
- Food Vendor
- PA System
- Administration
- Lack of Volunteers
- Length of the Event

RECOMMENDATIONS

- Start planning earlier. Events need to start being planned 3-4 months in advance to allow participants to list it on their calendar, especially vendors. The Special Events Committee was recently formed, so this should not be a problem for future events.
- The layout of the venue should be changed, or change the venue completely. Although the swale provides a contained environment that allows children to play, there is little or no room for spectators. Santa should be more visible by being on a decorated platform. The use of a generator for lighting should not be a generator running next to Santa's area. Not only is it difficult to hear over the running generator, it is a safety hazard to have a generator running next to children. A site plan should be submitted showing closures, parking, vendor locations, etc.
- When there are road closures, a permit should be completed even though it's a city event.
- Although there were no reported injuries, the "snow" did sting people and some others complained about being hit with ice. One person had his glasses knocked off from a snowball being thrown. There is no recommendation at this time for a replacement for this snow, but the Committee and/or City should consider the risk for this. Although it has been stated that the police will watch for this and warnings are given not to make and throw snowballs (ice balls) there is no way to monitor or control this. Police should not be snow monitors.
- As part of the venue, the PA system needs to be moved to a place where music and people speaking could be easily heard. This could be difficult considering the noise that enthusiastic children are making, but if placed in a different area, it could be more effective.
- There was only one food vendor there. The only other option was the cookies and soft drink being given out by the city. Vendors need to be contacted early to determine if they will commit to this event. The event planners should consider charging food carts a nominal fee to setup at the event. They are making money at the event so they should pay to be there.
- The City staff works a full day at their regular positions and then setup the event; stay through the event in case of logistical problems; and then they remain to cleanup. This is usually a 14-hour day. The event planners should recruit volunteers to setup and/or cleanup after the event. Volunteers need to have specific responsibilities such as setup, cleanup, man barricades, and man gates.
- Administration of the event needs to capture the actual cost of the event. Some city time was not recorded as an expense to the event, nor was the donation of items such as the generator recorded as revenue. Without this being done, a true cost of the event cannot be determined.

- The event was scheduled to be 3 hours. At the end of the second hour, the majority of the crowd had left. The staff was not released. The Committee should consider this as a two hour event. If it stays at 3 hours, then volunteers should be there for the last hour and the staff released.

CONCLUSION AND NEXT STEPS

This event has potential to be a better event if the venue is properly setup, the time adjusted, and managed by committee. The Special Events Committee needs to start the planning soon to develop a budget early (by June) for inclusion in the City's Annual Operating Budget. The Committee should be responsible for getting donations for this event and finding vendors. The Committee and the City Council also need to evaluate the risk of serious injury to those attending the event. The Committee could investigate what other communities and organizations do when they advertise "snow" events, or conduct activities for children that are successful in other cities. Planning needs to be started early and decisions made on vendors, venue setup, and recruiting volunteer who will assist in setup and cleanup, and other responsibilities during the event. If the City is going to give away cookies and soft drinks, then maybe not recruit food carts, or if there are food carts, then not give away cookies. Vendors are there to make money and if they know that there are free refreshments, they may not want to participate.

IMPROVEMENT PLANNING MATRIX

IMPROVEMENT PLANNING MATRIX

This is an example of the improvement planning matrix that should be completed by the Special Events Committee.

	<u>Area of Improvement</u>	<u>Improvement Action</u>	<u>Responsible Party/Areas</u>	<u>Targeted Completion Date</u>	<u>Status</u>
1)	Venue	Better plan for setup or move venue	Special Events	June 30, 2018	Ongoing
2)	Vendors	Yes or No. If yes, what type	Special Events	June 18, 2018	
3)	Event Risk	Make Event safer or risk injury	City Council	March	
4)	Volunteers	Recruit more	Special Events		
5)					
6)					
7)					
8)					
9)					
10)					
11)					
12)					
13)					
14)					
15)					
16)					
17)					
18)					



CITY OF BELLE ISLE, FL

1600 NELA AVENUE, BELLE ISLE, FL 32809 * TEL 407-851-7730

MEMORANDUM

From the Desk of Bob Francis, City Manager

To: Special Events Committee
City Council
Date: December 28, 2017
Re: After Action Report on Toy Drive

INTRODUCTION

The Mayor conducted a toy drive in December. This event was approved by the Special Events Committee and the City Council. The event was to collect donations of toys, sundries, clothes, and food to distribute to those who needed help.

AFTER ACTION REPORT OVERVIEW

This report is a compilation of observations made by me and the staff as the donations were collected, wrapped, and distributed at City Hall.

The recommendations in this AAR should be viewed with considerable attention to the needs for a successful event. In some cases, the Special Events Committee, City Council and/or staff may determine that the benefits of implementation are insufficient to outweigh cost. In other cases, they may identify alternative solutions that are more effective. However, they should review the recommendations and determine the most appropriate action and time needed for implementation.

The issues addressed in this AAR are being requested to be reviewed and thoroughly examined for the appropriation of needed resources to ensure the functions of event are efficient and effective.

Event Overview:

The event was to collect, wrap and distribute donations of toys, food, sundries, and clothes to those who needed help in the Community. City Hall was the collection center.

Duration:

The event started about December 15 at and ended Christmas Day.

Sponsor:

The City of Belle Isle was the event sponsor.

Funding Source:

See the attached budget for the event.

Participating Organizations:

City of Belle Isle (Mayor)

STRENGTHS

- Well-advertised on social media
- Residents were very generous
- Volunteers came to wrap donations

AREAS OF IMPROVEMENT

- Space
- Cleanup
- Disposition of remaining items

RECOMMENDATIONS

- The Committee should investigate finding a new location for this event. City Hall is too small to hold the donations, separate them, wrap them, and then tag them for distribution.
- When City Hall opened for business after Christmas, there was an enormous amount of donated items left. If City Hall will still be the collection center, the area (Council Chambers) needs to be cleaned before the next business day. Having remaining items, trash, and shelves in the Council Chambers is not acceptable. There is no place to conduct city business if the Council Chambers is needed.
- The disposition of the remaining donated items is unclear. If this event has the City's name attached to it, then the City should have some accountability in the disposition of those remaining items. The City should not be held accountable when asked about the disposition of donations by the public if the City has no say in where they go or how this

event is run. If role of the City is strictly operating as a donation drop-off center and nothing more, then the Committee should consider renting a storage container to collect or hold items until they are distributed.

CONCLUSION AND NEXT STEPS

A written plan developed for this event that outlines how those families receiving donations are determined; if donations are only to help those families in Belle Isle and if not, what is the extent of the donations, and most importantly, what the disposition is of those remaining donated items. If this is a Special Events Committee or City sponsored event, a written plan needs to be developed to address these issues.

IMPROVEMENT PLANNING MATRIX

IMPROVEMENT PLANNING MATRIX

This is an example of the improvement planning matrix that should be completed by the Special Events Committee.

<u>Area of Improvement</u>	<u>Improvement Action</u>	<u>Responsible Party/Areas</u>	<u>Targeted Completion Date</u>	<u>Status</u>
1)				
2)				
3)				
4)				
5)				
6)				
7)				
8)				
9)				
10)				
11)				
12)				
13)				
14)				
15)				
16)				
17)				
18)				



CITY OF BELLE ISLE, FL

1600 NELA AVENUE, BELLE ISLE, FL 32809 * TEL 407-851-7730

MEMORANDUM

From the Desk of Bob Francis, City Manager

To: Mayor and Council
Date: February 14, 2018
Re: Lake Conway navigation Board Meeting

Synopsis of the February 13, 2018 Lake Conway navigation Board Meeting

1. **Under Public Comment:** I submitted a letter to the Board (attached) requesting funds for a new marine patrol boat. This was a follow up from the August 4, 2017 letter that I sent requesting funding for the boat, street sweeper, and storm water projects. Street Sweeping is addressed later. The board considered the boat request later in the meeting.
2. **Marine patrol Report:** In January, OC and BIPD worked 18 shifts between them. Last month, 9 citations were issued; 8 of those were non-residents at Randolph ramp. Shifts for the patrol have been worked at 4 hours/week, Wed.-Fri. OC asked to go back to 2 hours/week until April and they will increase again. The shift time (2 hours) starts from the time they leave the shop until they return to the shop, so they are not on the water for the entire 2 hours.
3. **Update on off-Duty Lake Patrol Rate Increase:** This issue will be placed on the OC Board of County Commissioners Consent Agenda for 2/20/18. If approved, the rate increase will start on 4/1/18.
4. **COBI Stormwater Outfall Maintenance:** Both the City and County checked the area in question and found no buildup of sediment that needs to be dredged. The issue is now closed.
5. **Street Sweeping Assessment:** In August, the City sent a request to the Board to help the City fund a new street sweeper. Instead of funding the street sweeper, the County wanted to pick-up the remainder of the Belle Isle streets under the County's sweeping contract. The Board voted to fund the additional street sweeping costs. Not all streets will be swept by the County because there are some streets that are not accessible by the sweeper. A packet is attached showing the additional streets.
6. **Board Reports:** Bobby Lance spoke about Pioneer Days, Feb 24 and 25 (10 am- 5pm). Marine Patrol and BIPD will set up a booth. Alvin Luther asked me the status of the request to FWC on the bird

sanctuary. I explained that the appeal was denied and why. I also explained that we are doing what we can at the local level to enforce noise ordinances. I also told the board that the City is appealing the FWC denial.

7. Water Elevation Report: David Wood reported on the lake levels. Attached is a copy of the report and an explanation on how to read the report. You might want to consider signing up for Lake Conway reports and important emails at <https://tecengr.yolasite.com/cnb.php>
8. Non-Agenda Items: The Board discussed the City's request for funding the marine patrol boat. After several minutes of discussion, the Board voted in favor of funding the boat for 5 years at \$5,000/year for a total of \$25,000. This approval is contingent on the County attorneys opinion if this can be done.
9. Non-Agenda Items: I brought up that the City was receiving complaints about the area around the steps at the Sunoco station on Daetwyler. I wanted to know who allowed those steps to be put in. I was told the EPD allowed the steps to go in to prevent erosion of the bank. I stated that the area always has garbage and litter there and it is being used as a toilet. Tara Urbanik is going to see if it is County property. I told her if it was then the City could consider erecting a fence there to prevent the steps from being used.
10. The meeting adjourned at 8:00 PM.

Attachments

- Minutes of 1/9/18 Meeting
- City Funding Request for boat
- Street Sweeping packet
- Lake level report with instructions

**Lake Conway Water and Navigation Control District Advisory Board
Regular Meeting
Orange County Facilities Management Training Room
January 9, 2018**

Board Members Present: Rabon Vause (Chairman), Bobby Lance (Vice-Chairman), Micky Blackton and Alvin Luther

Board Members Absent: Jay Herrington and Gary Meloon

Staff & Guests: Tara Urbanik, Orange County Environmental Protection Division (EPD); Corporal Bim Lowers, Orange County Sheriff's Office (OCSO); Bob Francis, City Manager of Belle Isle

Residents: None

I. Call to Order:

With a quorum present, Rabon (Ray) Vause called the meeting of the Lake Conway Water and Navigation Control District Advisory Board (Advisory Board) to order at 6:41 p.m.

II. Approval of the December 12, 2017 Meeting Minutes

Upon a motion by Micky Blackton, seconded by Alvin Luther, and carried with all present members voting AYE by voice vote; with Gary Meloon and Jay Herrington being absent; the Advisory Board approved the December 12, 2017 minutes as presented.

III. Public Comment on Propositions before the Advisory Board

No public comments.

IV. Comments of the Chairman

The Lake Conway annual boat parade was magnificent; there were many boats participating in the event this year.

V. Marine Patrol Report

EPD called in a concern to the Sherriff's Office of a suspicious submerged package at the Ferncreek Boat Ramp. The Sheriff's Office and the Orange County Fire Department responded to the call, discussion ensued. The marine patrol report was presented. Citations have increased for careless driving of personal watercrafts (PWCs).

VI. Orange County EPD Report

Update on Off-Duty Lake Patrol Rate Increase Request

The Lake Jessamine and Butler Chain of Lakes Advisory Boards also support the off-duty lake patrol rate increase to \$50.00 per hour. This item will be reviewed by the Board of County Commissioners at a later date.

City of Belle Isle Stormwater Outfall Maintenance Discussion

Ms. Urbanik has not yet assessed the site from the lake; an update will be provided at the next meeting.

Lyngbya Treatment Update

Ms. Urbanik provided a handout on the proposed cost breakdown for the annual *Lyngbya* treatments in the finger canals. Using the Copper Komeen Crystals with the GreenClean liquid formula, the new annual cost is \$39,173 compared to the \$50,000 that was spent last year.

VII. Advisory Board Member Report

- Chairman Ray Vause : No comment
- Vice Chairman Bobby Lance: Mr. Lance stated duck hunting has started again on the lake.
- Micky Blackton: No comment
- Alvin Luther: No comment

VIII. Lake Conway Water Elevation Report

No report discussed.

IX. Non-Agenda Items

Mr. Lance will be in Tallahassee next week for the 2018 Florida Tourism Day event, and he will mention the duck hunting concern on Lake Conway. Bob Francis, City Manager of Belle Isle, stated the City Council recently passed another ordinance to establish a bird sanctuary. The ordinance is now being reviewed by the Florida Fish and Wildlife Conservation Commission's (FWC) legal section, in preparation for the upcoming FWC February Commission meeting.

X. Meeting Adjourned

Chairman Vause adjourned the meeting at 7:16 p.m.

Rabon Vause, Chairman

Date

Minutes prepared by Tara Urbanik

Date



CITY OF BELLE ISLE, FLORIDA

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

February 13, 2018

Lake Conway Navigation Control Advisory Board
Orange County Government
Lake Management Section
3165 McCrory Place, Suite 200
Orlando, FL 32803

RE: Request for Funding

Dear Board Members:

The City of Belle Isle is requesting the following funding to assist the City with Marine Patrol issues. The City and County personnel discussed the possibility of the City using County boats for the City's use on the lakes. After having the Belle Isle Marine Patrol personnel inspect the County boat available, the City determined that the boat is not acceptable for the City's use for the following reasons:

1. The boat offered is 20 years old
2. Quoted time frame for BIPD taking possession is minimally 6 months.
3. Quoted \$8,000 to add emergency equipment, replace insignia, install collapse-able top.
4. The boat is in need of some engine work, but it is not known to what extent and what costs would be.
5. It would be more fiscally responsible to invest in a boat the City of Belle Isle owns and can maintain possession of.

This is a very generous offer by Orange County, it is in the best interest of the City to decline this offer and move forward with the City's original request, dated August 4, 2017, for the purchase of a newer vessel with the assistance of the Navigation Board as follows:

\$23,000 to assist the City in the purchase of a new Marine Patrol Boat. The total cost of this craft is \$46,133 and the City Council approved this as part of the capital plan for the FY2017-18 fiscal year. If the Board does not want to fund this in one budget year, then we request the Board fund this equipment by allocating \$5,000 per year for the next five years.

The City believes this request for funding is authorized under Florida Law 59-1649 which states, in part, "Section 19...The Board is also authorized and empowered to expend funds collected by the taxing, and fee provisions of this law, to build, construct, erect, and maintain wells, canals, and drainage facilities and to provide suitable personnel and equipment to regulate the control of watercraft using the said waters of the district, and in general to carry out the intent and purpose of this act."

Therefore in order to help in the intent and purpose of the Lake Conway Navigation Control District Board, the City requests that the funding for the project described above be approved and authorized by the Board. The City does not expect the funding to come from the County's General Fund, but from the Lake Conway MSTU that all Belle Isle residents are required to pay. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Francis', with a long horizontal flourish extending to the right.

Bob Francis, ICMA-CM
City Manager

Proposed Sweeping Additions 2018

Route	Curbed	Uncurbed	Miami	Other	Total curb miles
Original	27.8	17.0	28.9	6.4	80.1
Proposed	28.3	29.5	30.0	6.4	94.2
Percent change	2%	75%	4%	0%	18%

Proposed Sweeping Route A (Weekly, 72/year)

Cost	Curbed Cost	Uncurbed Cost	Miami Cost	Other	Total Cost
Original	\$48,020.43	\$29,407.65	\$49,865.80	\$11,076.00	\$138,369.88
Proposed	\$48,908.11	\$51,029.83	\$51,763.40	\$11,076.00	\$162,777.35

Cost Increase: \$24,407.47

Proposed Sweeping Route B (Uncurbed Semiannually)

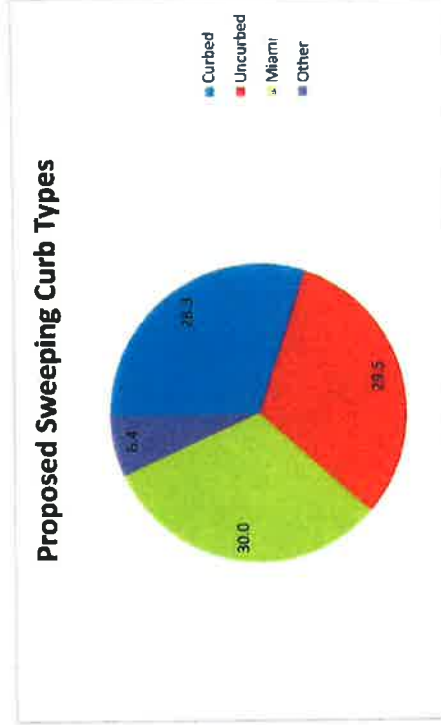
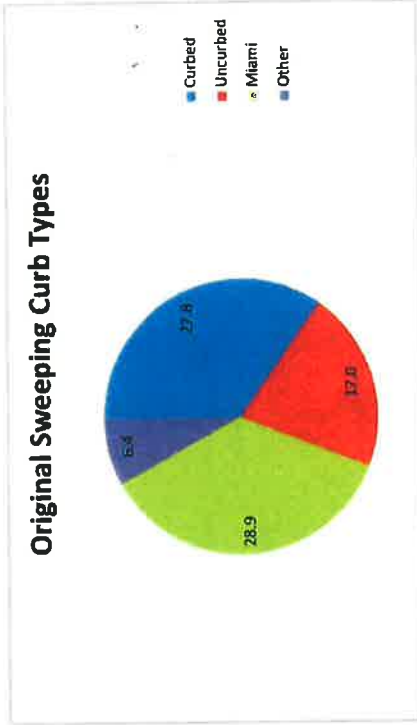
Cost	Curbed Cost	Uncurbed Cost	Miami Cost	Other	Total Cost
Original	\$48,020.43	\$816.88	\$49,865.80	\$11,076.00	\$109,779.11
Proposed	\$48,908.11	\$1,417.50	\$51,763.40	\$11,076.00	\$113,165.01

Cost Decrease: \$25,204.87

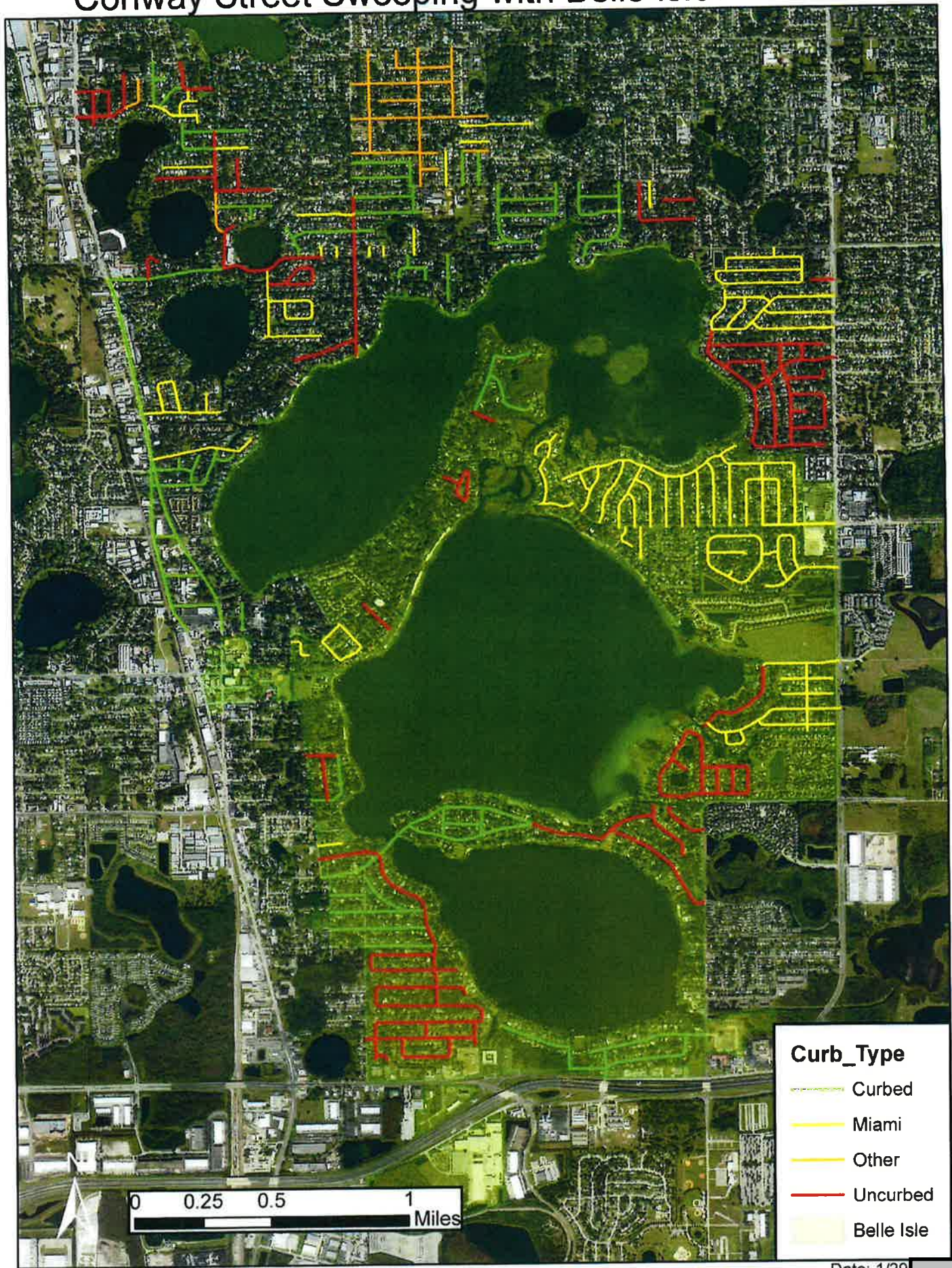
Proposed Sweeping Route C (Uncurbed Monthly)

Cost	Curbed Cost	Uncurbed Cost	Miami Cost	Other	Total Cost
Original	\$48,020.43	\$4,901.27	\$49,865.80	\$11,076.00	\$113,863.51
Proposed	\$48,908.11	\$8,504.97	\$51,763.40	\$11,076.00	\$120,252.49

Cost Decrease: \$18,117.39

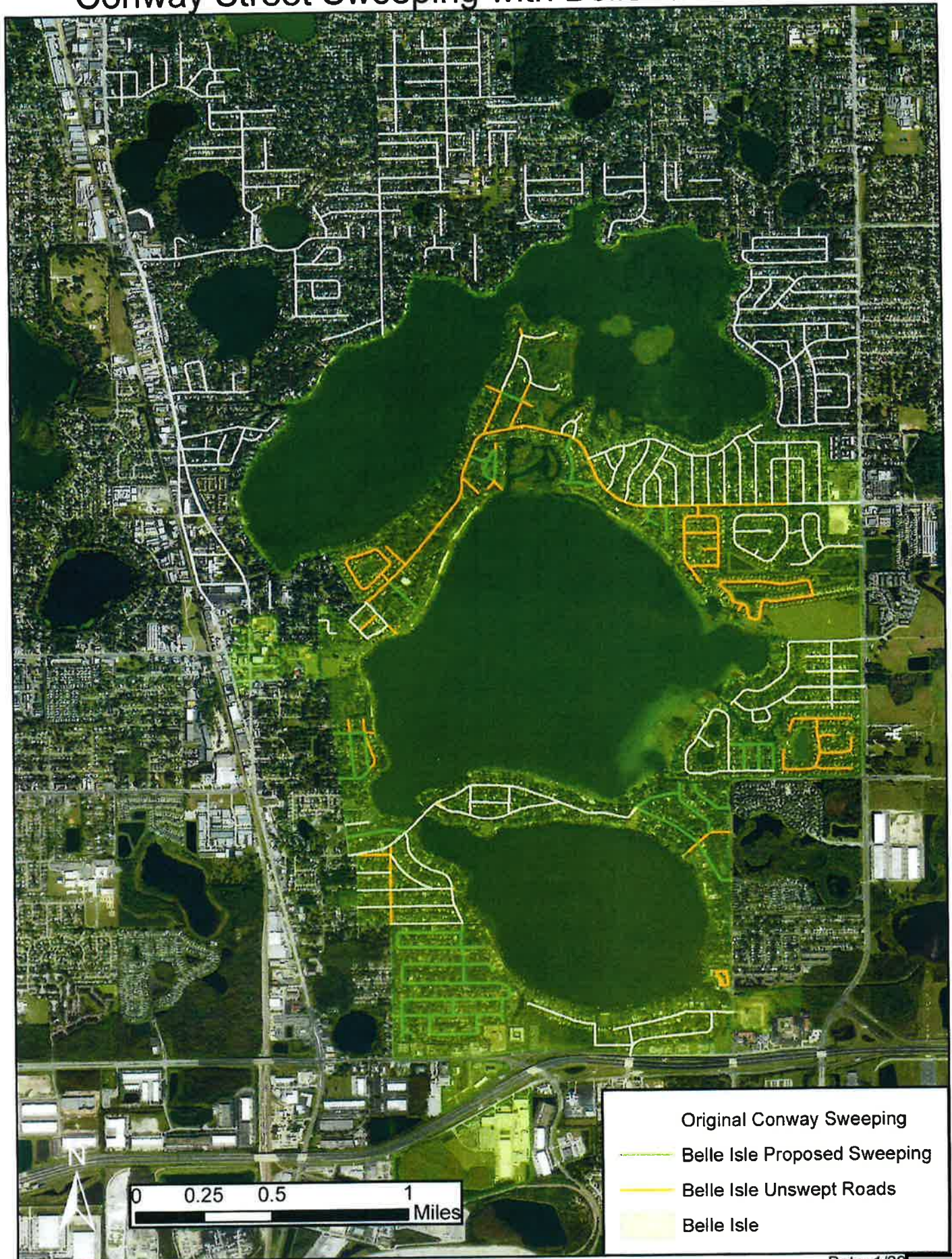


Conway Street Sweeping with Belle Isle Additions



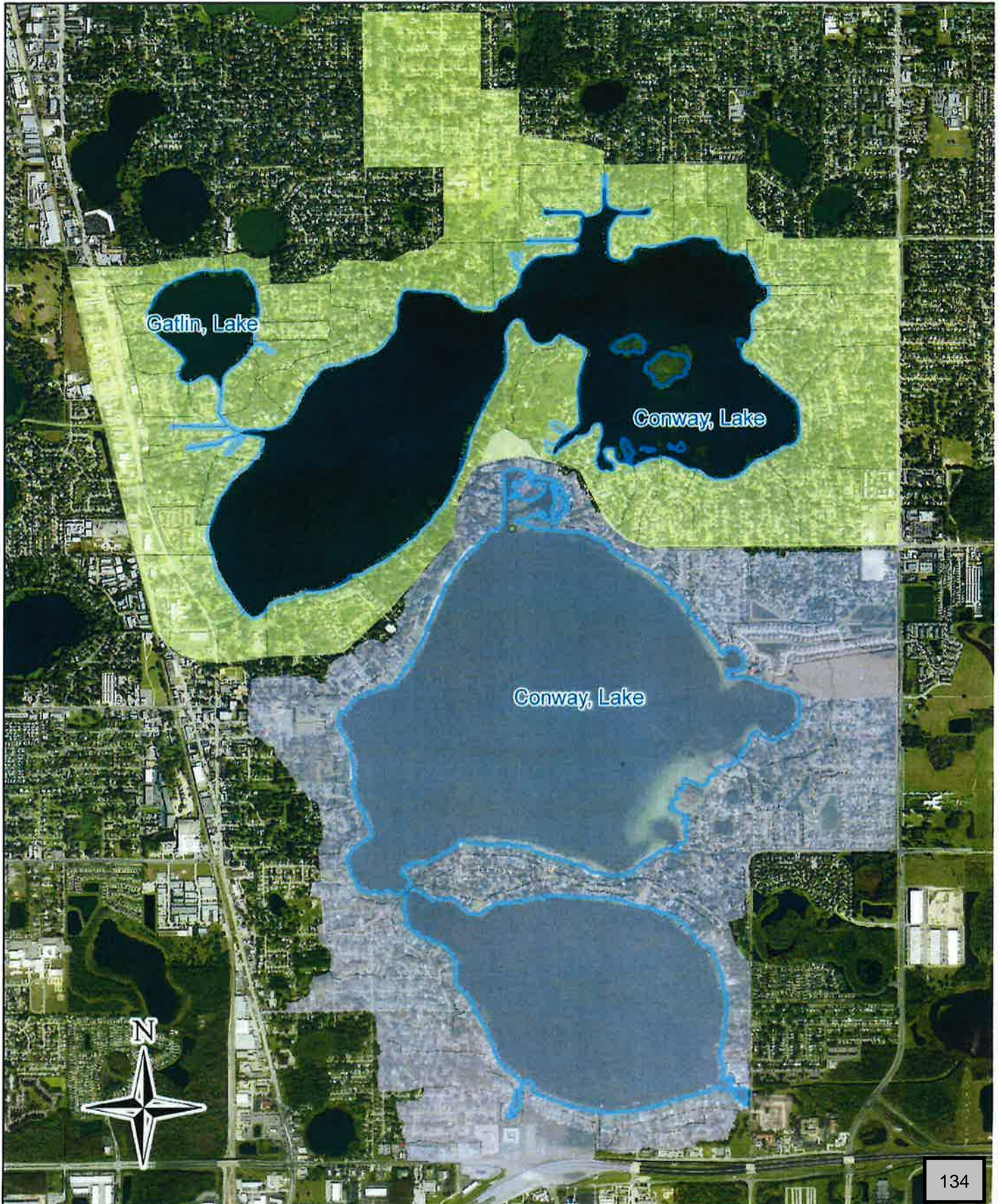
Date: 1/29

Conway Street Sweeping with Belle Isle Additions



Date: 1/29

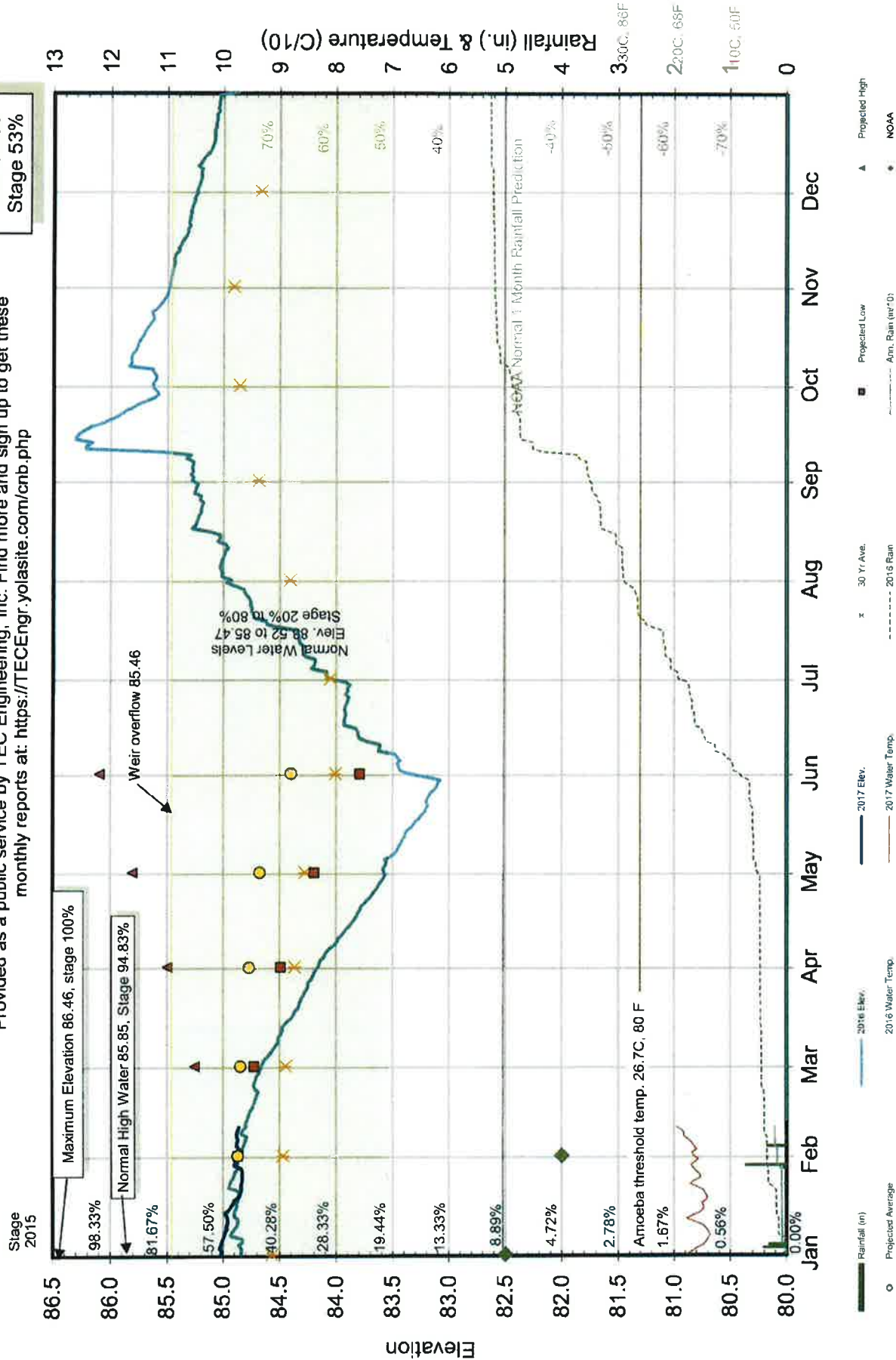
Conway Chain of Lakes Drainage Basin



Lake Conway 2018 Elevations (NAVD 88)

Provided as a public service by TEC Engineering, Inc. Find more and sign up to get these monthly reports at: <https://TECEngr.yolasite.com/cnb.php>

1/31/18
Elev 84.88
Stage 53%



Lake Conway Water Surface 2018.xls


2/12/2018


Understanding the Level Chart


We are glad you are interested enough in your lake to take a look at this chart. It will be updated monthly just before the Orange County Lake Conway Water and Navigation Control District Advisory Board meeting which is the second Tuesday of each month. The "Nav. Board" is where you can find more information about our lakes. You can also report issues regarding water quality and navigation to them at the meetings. Currently these meetings are being held at the Orange County Facilities Training Room, 2010 E. Michigan Street, Orlando, FL at 6:30 PM. Be sure to check the meeting place and time [here](#).

The primary purpose of this chart is to show you the relationship between the current elevation of the lake and the normal level. To accomplish this we have included markers indicating the average elevation of the lake for each month and the daily elevation for the last year. Based on the data from the 30 year period between 1986 and 2015 we also provide a 4 month projection of where the lake level may go. It also contains other information that may be of interest such as the amount of rainfall and water surface temperature. The following description of the data should make it much easier to understand.

Each data description is preceded by a symbol which represents how the data will look on the chart.

 **THIS YEAR ELEVATION** - This is the daily lake level for the current year. Its scale is on the left side of the chart.


 **LAST YEAR ELEVATION** - This shows the daily lake level for last year to help show the expected variation throughout the year. Its scale is also on the left side of the chart.


 **PROJECTED AVERAGE** - This is the lake level we would expect if all conditions in the next month or two match the averages recorded during the 30 years including 1981 to 2015 for these months. Its scale in feet is on the left side of the chart. This average was obtained by averaging all the level rises and falls for each month in that 30 year period.

So here is how to read it. Use the numbers on the right side and multiply them by 10. 2 would be 20 degrees and 3 would be 30 degrees Celsius. Since most of us are used to Fahrenheit here is a conversion table.

Chart	Deg. C	Deg. F	Chart	Deg. C	Deg. F
1.5	15	59.0	2.6	26	78.8
1.6	16	60.8	2.7	27	80.6
1.7	17	62.6	2.8	28	82.4
1.8	18	64.4	2.9	29	84.2
1.9	19	66.2	3.0	30	86.0
2.0	20	68.0	3.1	31	87.8
2.1	21	69.8	3.2	32	89.6
2.2	22	71.6	3.3	33	91.4
2.3	23	73.4	3.4	34	93.2
2.4	24	75.2	3.5	35	95.0
2.5	25	77.0	3.6	36	96.8

— **AMOEBIA THRESHOLD TEMP.** - The horizontal orange line on the lower part of the chart represents the temperature above which the *Naegleria fowleri* amoeba begins to thrive in lake water and extra precautions should be taken to prevent infection. It is wise to always assume a possible presence of the amoeba in all warm fresh water bodies. When the lake temperature is above 80 F or 27.6 C there is a higher potential of this organism entering one's body and causing brain damage which usually results in death. For more information on this amoeba please [click here](#).

 **WEIR ELEVATION** - Lake Conway has a weir on the south lake at a nominal elevation of 86.4 (Since the datum elevation was adjusted on 8/31/2000 and the weir has settled some by 2009 when it was stabilized the actual elevation is between 86.03 and 86.36).

 **NORMAL WATER LEVELS** - According to Orange County regulations the Normal High Water (NIW) is established as 6" above the weir elevation. The Normal High Water elevation (NIW) was established 10/1/1982 using NVGD 29 (National Vertical Geodetic Datum 1929) by code using an elevation 6" above the top of the weir at Daetwyler Ave. which was 86.4 on the same datum. In 2015 Orange County converted to using NAVD 88 (North American Vertical Datum

percentage of months below that can be calculated resulting in the Lake Stage percentage for that elevation range.

Since the Lake Stage is calculated using 30 years worth of data a 1 year shift in the data does not create a substantial difference in the results so the Lake Stage data will only be updated every 5 years. The "2020 Lake Stage" data will be recalculated in early 2021 using information from 1991 through 2020.

Belle Isle Issues Log

2/6/2018

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Completed Action</u>	<u>Next steps</u>
NPDES Reporting	Prepare NPDES TMDL Plan and MS4 Reporting to State	10/1/2016	CM	31-Dec-17 Completed 11/9/17	City Manager and Engineer are making corrections to the plan. State Accepted MS4 Plan. Now yearly plan update	NPDES Audit by Florida DEP scheduled for march 28, 2018
Cornerstone Charter Academy Stormwater Discharge issue	In November, Orange County made City aware of turbidity issue with storm water discharge from CCA Property to OC Storm pipe. OC may fine City is not corrected.	1/11/2016	CM/CE	9/30/2017	Water sampling revealed that there are high levels of nitrogen causing algae blooms. OCEPD reviewing fertilizer put on the field. Harris Engineering to use GPR to find any unrecorded pipes.	SJWMD approved city request to divert water from OC culvert to Wallace Field. City will divert water from drainage ditch to Wallace Field
Gene Polk Park (Delia Beach)	Drainage issue at Gene Polk Park caused erosion problems and makes the park unattractive. At least 3 plans have been developed for the drainage and Council allocated \$180,000 to correct the problem.	4/3/2017	CM/CE	11/30/2017	CM met with neighbors to go over plan. Neighbors will review plan as a group and then present their comments to City.	Construction plans are complete. Contract documents are being prepared for bid.
Street Paving	Council approved project for paving several streets in the City. Middlesex Paving is the contractor	8/12/2017	PW/CM	9/30/2017 Completed 10-Nov-17	Paving of Windsor Place, Lake Conway East, Venetian, Peninsula, and McCawley completed.	Projects complete for 2016-17 Budget. Start to look at paving other streets for FY2017-18 Budget.
Storm Drainage	Several individual projects are being looked at to complete. St. Partens, McCawley Ct., Swann Beach, 3101 Trentwood.	4/3/2017	PW/ENG	9/30/2017	City Manager determined areas that need to have a priority of work for stormwater fixes. Working with the Engineer to address these areas	Construction plans being developed for St. Partins, Wind Drift, Nela Ave, and area near St. Moritz , and Cullen Lake Shore Dr. FEMA Funding requested
Nela/Hoffner Bridges	Work on Nela/Hoffner Bridges include new lights and painting. Work under Nela Bridge	5/1/2017	PW/CM	7/31/2017	City Manger working with Orange County on Hoffner painting. Reviewing FDOT inspection report on nela Bridge.	Nela Bridge recently inspected by FDOT Engineers. City will plan required work for next budget year.
Traffic Studies	Council allocated funds for traffic study at Trentwood/Daetwyler Rd. Council directed city-wide traffic study to improve traffic flow.	4/3/2017	CM/Eng.	12/31/2017	Trentwood Study completed. CM, Police Chief, Traffic Engineer and Comm. Lance met with HOA Board on November 15 with results. Engineer to do additional speed study on Flowertree. CM and Traffic Engineer working on a scope of work for city-wide study.	Mattamy Homes will not fund traffic changes. Temporary Speed Humps are installed on Flowertree and Trentwood. Scope of work for city-wide study to be on February 20 Agenda

Belle Isle Issues Log

2/6/2018

Fountain at Nela/Overlook	Council approved funding to convert the planter at Nela/Overlook to a fountain.	4/3/2017	CM	9/30/2017	Contacting fountain installers for quotes. Art work to be contest for residents. Initial Quotes received were for \$75K and \$51K without art work. CM to receive new quote based on new Scope of Work	G'Werks to do fountain. City to put out survey for centerpiece. Cost is estimated at \$17,000. BING funding will be used. Survey to residents next week on choice of centerpiece
Standardize Park Signage	Council held a workshop on June 14 to discuss park issues. Standardize signage was one of the issues. Council reviewed proposed signs and directed to move forward.	6/14/2017	CM	9/30/2017	New signs will be made and replace the current signs for parks. Meeting with sign maker on August 1st. New signs in for design	Waiting on cost estimate for signs for Regal Park, Gene Polk Park, Cross Lake Beach, Swann Beach. Lesser Park, Holloway Park, Trimble Park
Standardize Boat Ramp Signs	Council held a workshop on June 14 to discuss boat ramp issues. Standardize signage was one of the issues. Council reviewed proposed signs and directed to move forward.	6/14/2017	CM	9/30./17	New signs will be made and replace the current signs for ramps. Perkins and Venetian ramps will have same rules. Lake level closure decided. New signs in for design. Sign Maker making new Perkins Ramp Sign. Venetian being designed. Fence at Venetian installed.	Venetian sign is in for proofing at sign maker. Perkins sign done and waiting installation.
Wallace/Matchett Area	City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2.	6/14/2017	Dist.2 Comm and CM	12/31/2017	Fence quotes received. Zoning change in progress. Agreement for CCA use of the field being sent to school (waiting school response)	Dist. 2 Comm. to reschedule meeting with area residents. New Open Space designation being finalized (should be on February 20 agenda) City. CCA reviewing agreement for the school to use the field.
Perkins Boat Ramps	Council discussed issues at June 14 meeting for Perkins ramp . Rules need to be put in place according to Ordinance 18-20. Perkins also needs to be upgrade with new fencing, ramp construction and road and dock construction. New drainage also needs to be installed. Council allocated \$38,.000 to drainage.	4/3/2017	CM	12/31/2017	Closure level agreed upon. New sign is at sign maker. Fencing is delayed due to lack of materials (wood). Starting the process to complete other issues (drainage, fill in the void at end of the ramp, wheel stops on ramp, trailer parking).	FEMA inspected Perkins Ramp and may fund some improvements and repair. New fence at Perkins Ramp. New sign to be installed and parking reconfigured. Chain link fence for drainage area installed. Ramp improvements will occur when water levels go down in February/March.

Belle Isle Issues Log

2/6/2018

Charter School (CCA)	There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease.	4/3/2017	CM	Ongoing	Engineers inspected CCA facilities. Report received by City and is under review. A Capital Facility Plan will be developed for funding infrastructure. Meeting was held with City and CCA to determine who is responsible for costs of facility maintenance. Once CFP is developed, then a joint agreement will be developed outlining which entity is responsible for maintenance costs.	CIP complete except for funding questions. CM and Finance Director to discuss funding with trustee. CCA considering purchase of property
Strategic Plan	The City currently has no Strategic Plan. Strategic planning is the process to develop a vision of what the City would like in 10, 15, or 20 years, based on forecasted needs and conditions. It defines goals and objectives to achieve those goals. It is not the same as the Comp Plan.	4/3/2017	Council/CM	Ongoing	Council to decide if it wants a Strategic Plan and then to set up a process for developing the plan. If Council moves forward, an outside consultant should be hired to contact the meetings, gather the information, conduct the surveys and develop the draft plan.	Need guidance from council on when they want to do planning.
Bird Sanctuary Designation	The City has an ordinance designating Belle Isle as a Bird Sanctuary; however it is not recognized by the state (FWC). In speaking with the FWC Regional Director, the city has not applied for the designation IAW Florida Statutes. The Council would like to have BI recognized as a bird sanctuary hoping that it will protect many of the birds that call Lake Conway home.	4/3/2017	CM	12/31/2017	Application completed per Florida Statutes and sent to FWC for consideration at FWC January Meeting. New ordinance adopted IAW FWC guidelines and FAL 68a-19.002	Appeal in progress
Social Media Policy	City Council expressed concerns that there were postings to social media sites that were not representative of the City government views. The Council requested a social media policy be developed.	4/3/2017	CM	Completed 7/18/2017	Policy drafted. Council review on 7/18/17. Council adopted policy on 7/18/17 Applications received for social media Specialist. CM to review applications and schedule interviews.	Restarting the process for Social Media Specialist
Municipal Code Update	The City Council contracted with a planner to update the municipal code. This process was not completed and needs to be completed. There have been significant code changes in the past few years that need to be in the code.	4/3/2017	CM/CC	Ongoing	Meet with consultant to determine what was done and what is left to do.	It was determined that no code revisions have been completed. CM will start the process by March 1.

Belle Isle Issues Log

2/6/2018

Charter Review	The City Council started the process of reviewing the charter for changes. The Council held two workshops and needs to finish the changes in time to be placed on the next ballot.	12/1/2016	Council/CM	3/31/2018	Set another workshop to review changes made and to finish the Charter review. Revisions completed by CA.	Ballots mailed.
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan. In March, the consultant told the Council that the plan is up to date and no changes are necessary. CM believes that changes are needed. They could be made anytime.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	Any changes should go to P&Z Board for recommendation to Council. No changes were made. Process to start March 1, 2018
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Council CM	12/31/2017	Council to determine the priority to annex especially with the establishment of the Pine Castle Urban Center on S. Orange Ave. CA provided information to Council on annexation. Workshop should be scheduled to discuss	Workshop held on 1/11/18. Council discussion at February meeting. Staff starting to look at process by reviewing documents from previous annexation attempt.
Sustainability	Council discussed sustainability and energy initiatives.	4/3/2017	CM	12/31/2107	Look at LED lighting and Solar power for city facilities. Look at Community Garden (possibly at Wallace/Matchett)	Due to hurricane installation is delayed until February 1.
Tree Issues	There have been several issues regarding trees, tree care, and concerns on landscaping requirements to save trees. The City recently created a Tree Advisory Board that will review the standards of tree care and the processes involved in tree care, removal, and protection.	11/21/2017	CM Tree Board	3/31/2018	Tree Advisory Board to review current tree ordinances and processes for tree care, removal and protection.	Tree ordinance finalized by Tree Board. For Council review in March

MEMORANDUM

TO: Mayor and City Commissioners
FROM: A. Kurt Ardaman, City Attorney
DATE: February 20, 2018
RE: The Sunshine Law and its Application to the Belle Isle City Council

The following information is an overview of the Government in the Sunshine Law and its application to the City Council and persons elected to the City Council who have not yet taken office.

Scope of the Sunshine Law

Florida's Government in the Sunshine Law, commonly referred to as the Sunshine Law, provides a right of access to governmental proceedings at both the state and local levels. The law is applicable to the Belle Isle City Council and has been applied to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action. The law also applies to candidates that have been elected to serve on the City Council (Commissioner-elect) prior to taking office (i.e. being sworn in) to prohibit communications between individuals who will serve on the same City Council regarding matters foreseeably to come before the City Council. Thus, for the purposes of the Sunshine Law, a Commissioner-elect is treated the same as a sitting Commissioner. There are three basic requirements of section 286.011, Florida Statutes:

- (1) Meetings of the City Council must be open to the public;
- (2) Reasonable notice of such meetings must be given; and
- (3) Minutes of the meetings must be taken.

The key to understanding the Sunshine Law is the recognition of what constitutes a meeting of the City Council.

Meeting Subject to the Sunshine Law

The Sunshine Law is applicable to any gathering, whether formal or casual, of two or more Members of the City Council to discuss some matter on which foreseeable action will be taken by the City Council. The law extends to the discussions and deliberations as well as the formal action taken by a public board or commission. There is no requirement that a quorum be present for a meeting between the Commissioners to be subject to section 286.011, Florida Statutes. Therefore, you should not have a discussion (by any method) with any Commissioner or other Commissioner-elect regarding any matter that may foreseeably come before the City Council, outside of a duly noticed public meeting. In no event should an individual Commissioner, outside of a public Council meeting, solicit responses from another Commissioner or respond to a communication from another Commissioner regarding a matter that may foreseeably come before the City Council. Methods deemed to frustrate the purpose of the Sunshine Law might also trigger application of Sunshine Law to individual Commissioners or persons acting on their behalf.

Written Correspondence Between Commissioners

The use of a written correspondence, including e-mail correspondence, prior to a public hearing by one Member to discuss with, solicit opinions and comments from, or inform other Members a subject of which will be discussed at a public hearing is a violation of the Sunshine Law. In addition, written correspondence including e-mail messages made or received by the Members in connection with official business are public records and subject to disclosure under the Public Records Act.

A Commissioner may prepare and circulate an informational memorandum or position paper to other Commissioners; however, the use of a memorandum to solicit comment from other Commissioners or the circulation of responsive memoranda by another Commissioner would violate the Sunshine Law. See AGO 01-20; AGO 90-03 (circulation of proposed contract among board members for comment to be provided to other members prohibited); AGO 96-35 (use of memorandum or position paper by school board member to solicit comments from other members prohibited).

If a Commissioner responds to another Commissioner's informational memorandum or position paper relating to a matter likely to come before the Council, such response would violate the Sunshine Law. Thus, to avoid the possibility of another Commissioner responding to a position paper or informational memorandum in violation of the Sunshine Law, it is recommended that Commissioners not circulate correspondence to another Commissioner or Commissioners relating to matters likely to come before the Council prior to a public Council meeting.

As seen above, the key to whether a Sunshine Law violation occurs is whether a communication between board members solicits or results in responsive communications from other board members. Nevertheless, the Florida Attorney General has strongly discouraged the practice of board members circulating position statements among themselves even where no responsive communications occur. See AGO 2001-21.

Telephone Conversations

The use of a telephone to conduct discussions between Commissioners does not remove the conversation from the requirements of section 286.011, Florida Statutes.

Use of Computer/E-mail

The use of private or public computers by Commissioners to communicate among themselves on issues pending before the Council subject to the Sunshine Law. Furthermore, e-mail messages made or received by a Commissioner in connection with official business are public records and subject to disclosure in the absence of a statutory exemption from public inspection. Under Chapter 119, Florida Statutes (the Public Records Act), it is the nature of the record itself, not its physical location, which determines whether a record qualifies as a “public record.” Emails and other written correspondence made or received by a Commissioner in connection with City business are public records and are subject to disclosure and proper retention. If emails are of a purely personal nature and do not include information pertaining to the conduct of City business, such emails need not be disclosed. Public records retain their public character and remain subject to public disclosure and retention regardless of whether they are stored, sent or received in private or public email accounts. Thus, regardless where a record is stored, if such record was made in connection with the transaction of official City business, such record must be disclosed and properly retained unless there exists an applicable statutory exemption. In addition, information stored in a City computer is as much a public record as a written page in a file stored in a filing cabinet. Therefore, it is recommended that you do not use the City e-mail system or use the City’s computers to convey personal messages or store personal files that you want kept private.

Use of Websites/blogs

The use of a website blog or message board to solicit comment from other members of the Council by their response on matters that would come before the Council would trigger the requirements of the Sunshine Law. Such action would amount to a discussion of public business through the use of the electronic format without appropriate notice, public input, or statutorily required recording of the minutes of the meeting. While the mere posting of a position does not

implicate the Sunshine Law, it would appear that any subsequent postings by other Commissioners on the subject of the initial posting could be construed as a response which would be subject to the statute.

While there is no statutory prohibition against a Commissioner posting comments on a privately maintained electronic bulletin board or blog, nor is there any statutory proscription against a Commissioner serving as the webmaster of such a site, Commissioners must not engage in an exchange or discussion of matters that foreseeably will come before the Council for official action. The Florida Attorney General has stated that use of such an electronic means of posting one's comments and the inherent availability of other participants or contributors to act as liaisons would create an environment that could easily become a forum for Commissioners to discuss official issues which should most appropriately be conducted at a public meeting in compliance with the Government in the Sunshine Law. It would be incumbent upon the Commissioners to avoid any action that could be construed as an attempt to evade the requirements of the law.

Furthermore, the Florida Attorney General has opined that a Commissioner's postings on a private website or blogs commenting on matters involving the Commissioner's public duties or City business is subject to the requirements of the Public Records Act. The individual Commissioner who creates the public documents through e-mails and posted comments on a private website or blog would be responsible for ensuring that the information is maintained in accordance with the Public Records Law and the City's retention schedule.

Use of Nonmembers as Liaisons Between Commissioners

The Sunshine Law is applicable to meetings between a Commissioner and an individual who is not a Commissioner when that individual is being used as a liaison between, or to conduct a de facto meeting of, the Commissioners. The City Manager is not a Member of the City

Council and thus, may meet with individual Commissioners; however, the Manager may not act as a liaison for Commissioners by circulating information and thoughts of individual Commissioners. Therefore, a City Manager should refrain from asking each Commissioner to state his or her position on a specific matter which will foreseeably be considered by the Council at a public meeting in order to provide the information to the other Members.

A Commissioner may express his or her views or voting intent on an upcoming matter to a news reporter prior to the scheduled public meeting without violating the Sunshine Law, so long as the reporter is not being used by the Member as an intermediary in order to circumvent the Sunshine Law requirements.

Discussions Covered by the Sunshine Law

Fact-finding Committees

A limited exception to the applicability of the Sunshine Law to advisory committees has been recognized for committees established for fact-finding only. When a committee has been established strictly for, and conducts only, fact-finding activities, i.e., strictly information gathering and reporting, the activities of that committee are not subject to section 286.011, Florida Statutes. The fact-finding exception to Sunshine Law does not apply to the City Council, since the City Council makes the ultimate decisions for the City.

Investigative Meetings or Meetings to Consider Confidential Material

The Sunshine Law is applicable to investigative inquiries of the City Council. The fact that a meeting concerns alleged violations of laws or regulations does not remove it from the scope of the law. The Florida Supreme Court has stated that in the absence of a statute exempting a meeting in which privileged material is discussed, section 286.011, Florida Statutes, should be construed as containing no exceptions.

Legal Matters

The City Attorney is not a member of the City Council, thus the City Attorney may meet and discuss matters with an individual Commissioner. However, the City Attorney cannot meet or correspond with more than one Commissioner at a time to discuss City business foreseeably to come before the City Council for action absent the existence and use of one of the few statutory exemptions for open public meetings. There are statutory exemptions that apply to some discussions of pending litigation between the City Council and its attorney. The City Council may meet in private with the City Attorney to discuss pending litigation to which the City is presently a party before a court or administrative agency, provided that the following conditions are met:

- a. The Council's attorney shall advise the Council at a public meeting that he desires advice concerning the litigation.
- b. The subject matter of the meeting shall be limited to settlement negotiations or strategy sessions related to litigation expenditures.
- c. The entire session shall be recorded by a certified court reporter.
- d. The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session.
- e. The transcript shall be made part of the public record upon conclusion of the litigation.

The legislative history of the private Council – attorney meetings exemption to the Sunshine Law indicates that this exception was only intended to apply to discussions concerning pending litigation, rather than a final action relating to settlement negotiations or litigation expenditures. The decision to settle a case for a certain amount of money is a decision which must be voted on by the City Council in public. Only the City Council, City Manager, City Attorneys (including outside counsel retained for litigation) and the court reporter are authorized to attend a closed Council - attorney session. All other staff members or consultants are not allowed to be present. This type of City Council – City Attorney meeting to discuss pending litigation not in a public forum is often referred to as an Attorney-Client Executive Session or Executive Session.

Interviews of Persons Appointed by City Council

The Sunshine Law applies to meetings of the City Council when interviewing applicants for City positions appointed by the Council, when conducting job evaluations of City employees answering to and serving at the pleasure of the Council, and when conducting employment termination interviews of City employees who serve at the pleasure of the Council. A selection committee appointed to screen applications, and rank selected applicants for submission to the City Council would be subject to the Sunshine Law even if the City Council were not bound by the committee's rankings.

Quasi-judicial Proceedings

The Florida Supreme Court has stated that there is no exception to the Sunshine Law which would allow closed-door hearings or deliberations when a Council is acting in a "quasi-judicial" capacity. Examples of when quasi-judicial hearings will be conducted by the City Council are requests for variances, site plans, special exceptions and development order approvals affecting a small group of individuals or properties.

When quasi-judicial proceedings are necessary, certain elements of due process must be given to the parties in those proceedings exceeding the requirements of the Sunshine Law. The right of due process includes the right: to reasonable notice, to a hearing, to give and submit testimony and evidence at a hearing on the quasi-judicial matter, and for the Council's decision to be based on the testimony and evidence entered in the record at the hearing.

Communications with parties to quasi-judicial proceedings outside of the context of a public hearing, or ex parte communications, do not violate the Sunshine Law. Parties to a quasi-judicial proceeding would include the applicant, persons speaking in favor or against the proposed approval and the City's staff. However, such ex-parte communications may constitute a presumptive prejudice of another party's due process rights, which can subject the Council's action to challenge, unless such communications are disclosed during the public hearing concerning the matter discussed.

If ex parte communications are sent or received by a Commissioner, it is necessary that such Commissioner disclose at the public hearing on the quasi-judicial matter the nature of the ex parte communication. Disclosing the ex parte communication at the public hearing will allow the aggrieved party the opportunity for rebuttal and provide the some due process protection for any party who has been prejudiced by the ex parte communication. It is recommendation that the ex parte communication disclosure occur during the public hearing prior to the presentations from the applicant and other persons who desire to participate in the public hearing.

Sunshine Law Application to Other Situations

Members of Different Boards

The Sunshine Law does not apply to a meeting between individuals who are members of different boards unless one or more of the individuals has been delegated the authority to act on behalf of his board.

Community Forums Sponsored by Private Organizations

A “Candidates' Night” sponsored by a private organization at which candidates for public office, including several incumbent City Commissioners, will speak about their political philosophies, trends, and issues facing the City, is not subject to the Sunshine Law unless the Commissioners discuss issues coming before the Council among themselves.

City Commissioners Attending Other City Board Meetings

The Sunshine Law does not prohibit a Commissioner from attending other City board meetings and commenting on agenda items that may subsequently come before the City Council for final action. However, a Commissioner attending such a meeting may not discuss or argue those issues with another Commissioner attending the same meeting. Thus, if two or more Commissioners are present at another City board meeting, it is recommended that Commissioner(s) not comment on matters likely to come before the Council in the presence of other Commissioner(s) to avoid the potential of a response by another Commissioner in violation of the Sunshine Law. Please note however, that if City Commissioners attend other City boards meetings dealing with issues that may subsequently come before the City Council in a quasi-judicial hearing, caution should be used. A Commissioner’s discussions with the other City board in this context may constitute a violation of the due process rights of the persons involved in the quasi-judicial hearing, since the Commissioner may be sitting as a judge/decision maker in a subsequent quasi-judicial proceeding on the matter.

Social Events

Members of the City Commission are not prohibited under the Sunshine Law from meeting together socially, provided that matters, which may come before the City Council, are not discussed at such gatherings.

Sunshine Law Notice and Procedural Requirements

Notice

A key element of the Sunshine Law is the requirement that boards subject to the law provide "reasonable notice" of all meetings. Notice is required even though meetings of the City Council are "of general knowledge" and are not conducted in a closed-door manner.

Place Where Public Meeting Held

The courts have recognized that the mere fact that a meeting is held in a public room does not make it public within the meaning of the Sunshine Law. Advance notice must be given, the public must be afforded a reasonable opportunity to attend, and minutes must be promptly recorded and made available for inspection. For a meeting to be "public," the public must be given advance notice and provided with a reasonable opportunity to attend. For example, a board workshop held outside county limits over 100 miles away from the board's headquarters violated the Sunshine Law where the only advantage to the board resulting from the out-of-town gathering (elimination of travel time and expense due to the fact that the board members were attending a conference at the site) did not outweigh the interests of the public in having a reasonable opportunity to attend. For public meetings where a large turnout of the public is expected, reasonable steps should be taken to ensure the facilities where the meeting will be held will accommodate the anticipated turnout. The Florida Attorney General has opined that if a huge public turnout is anticipated for a particular issue and the largest available public meeting room cannot accommodate all of those who are expected to attend, the use of video technology (e.g., a television screen outside the meeting room) may be appropriate.

Exclusion of Certain Members of Public

All persons who choose to attend a public meeting may attend. The City Council may adopt reasonable rules and policies which ensure the orderly conduct of a public meeting and which require orderly behavior of the part of those persons attending a public meeting. A rule or policy, which prohibits the use of nondisruptive or silent tape recording and video recording devices, is invalid. A court has held that a government agency board violated the Sunshine Law by requesting that bidders responding to a request for proposal from the agency voluntarily excuse themselves from each others' presentations since the action amounted to a de facto exclusion of the competitors.

Inaudible Discussions

A violation of the Sunshine Law may occur, if, during a recess of a public meeting Commission members discuss issues before the Council in a manner not generally audible to the public attending the meeting. Therefore, even in the public forum, refrain from passing notes or whispering comments between other Commissioners concerning matters pending or likely to come before the City Council.

Abstaining From Voting at Public Meeting

Section 286.012, Florida Statutes, provides that no Commissioner who is present at any City Council meeting at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting. A vote shall be recorded or counted for each City Commissioner present, except when: (i) with respect to any such Member, there is, or appears to be, a possible conflict of interest prescribed in Chapter 112, Florida Statutes, or (ii) in the context of a quasi-judicial proceeding abstention from a Member is needed to ensure a fair proceeding free from potential bias. Therefore, a Commissioner who is present at a meeting must vote unless one of the two above situations exists.

A voting conflict exists when a vote:

- would inure to the Commissioner’s special private gain or loss;
- the Commissioner knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained;
- Commissioner knows would inure to the special private gain or loss or a relative or business associate of the member.

Please consult with the City Attorney in advance of a meeting in which the applicable vote will occur if you believe that you may have a voting conflict or you are uncertain as to whether you have a voting conflict.

Penalties for Violating Sunshine Law

Criminal Penalties

Any Commissioner who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second-degree. A person convicted of a second-degree misdemeanor may be sentenced to a term of imprisonment not to exceed 60 days and/or fined up to \$500.

Removal From Office

The Governor may suspend a Commissioner who is indicted or informed against for any misdemeanor arising directly out of his or her official duties; this includes an allegation of a Sunshine Law violation. If convicted, the Commissioner may be removed from office by executive order of the Governor.

Non-criminal Infractions

The Sunshine Law imposes non-criminal penalties for violations of the Sunshine Law by providing that any public official violating the provisions of the Sunshine Law is guilty of a non-criminal infraction, punishable by a fine not exceeding \$500. A non-criminal violation of the Sunshine Law *does not require a knowingly* violation by a Commissioner. Therefore, a

Commissioner need not have intended to circumvent the purpose of the Sunshine Law to have a non-criminal penalty imposed against the Commissioner.

Attorney's Fees

Reasonable attorney's fees will be assessed against the City Council if it is found to have violated section 286.011, Florida Statutes. Such fees may be assessed against the individual Commissioner except in those cases where the Council sought, and took, the advice of its attorney; such fees may not be assessed against the individual Commissioners.

Civil Actions for Injunctive Relief

The Sunshine Law gives the Circuit Court the jurisdiction to issue injunctions enjoining any violation of the Sunshine Law. On a showing by any citizen that the Sunshine Law was violated in particular respects, a court may enjoin a future violation that bears some resemblance to the past violation.

Validity of Action Taken in Violation of the Sunshine Law and Subsequent Corrective Action

The Sunshine Law provides that no resolution, rule, regulation or formal action shall be considered binding except as taken or made at an open meeting. Recognizing that the Sunshine Law should be construed so as to frustrate all evasive devices, the courts have held that action taken in violation of the law was void.

City of Belle Isle City Council Workshop

February 20, 2018

Presented by A. Kurt Ardaman, City Attorney

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ATTORNEYS AND COUNSELORS AT LAW

Sunshine Law

Section 286.011, Florida Statutes

- ▶ Mayor and Commissioners are subject to the Government in the Sunshine Law.
- ▶ The law has been applied to any gathering between two or more members of the same board to discuss some matter which will foreseeably come before that board for action. There is no requirement for a quorum to be present for a meeting to be subject to Sunshine Law.
- ▶ There are three basic requirements of Sec. 286.011, Fla. Stat.:
 - ▶ Meetings of Board must be open to the public;
 - ▶ Reasonable notice of such meetings must be given; and
 - ▶ Minutes of the meetings must be taken.

Florida Constitution:

Article I, Section 24(b) -

All meetings of any collegial public body of the executive branch of state government or of any collegial public body of a county, **municipality**, school district, or special district, at which official acts are to be taken or at which public business of such body is to be transacted or discussed, shall be open and noticed to the public and meetings of the legislature shall be open and noticed as provided in Article III, Section 4(e), except with respect to meetings exempted pursuant to this section or specifically closed by this Constitution.

Sunshine Law

- ▶ If the requirements for a meeting are not met, discussions between two or more members of the same board to discuss with, solicit opinions and comments from, or inform other members of a subject which will be or foreseeably will be discussed at a public meeting of the Council is a violation of the Sunshine Law.
- ▶ The key is for each member of the Council to not have any discussion with any other member of the Council concerning City business which will foreseeably come before the Council for a decision unless it is during a public meeting of the Council.
- ▶ Meeting or discussion with another Commissioner includes communications by:
 - ▶ In person meetings
 - ▶ E-mail, social media, internet blogs, etc.
 - ▶ Memos, mail, passing notes, letters, etc.
 - ▶ Telephone
 - ▶ Use of liaisons between members

Sunshine Law

- ▶ Even during the public meeting, refrain from passing notes or whispering comments between other Commissioners concerning matters pending or likely to come before the Council.
- ▶ When receiving emails from the City staff or members of the public directed to two or more members of the Council regarding City business foreseeably to come before the Council, Do Not "Reply All" to the email, as it creates the potential for a Sunshine Law violation.
- ▶ If you have questions or comments about a City staff member's email to the Commissioners, reply only to the City staff member or call the City staff member to discuss.

Sunshine Law

Penalties for Violations

- ▶ Any Commissioner who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second degree, which is punishable by imprisonment up to 60 days and/or a fine of \$500.00.
- ▶ Suspension upon indictment, and removal from office upon conviction.
- ▶ Non-criminal penalties for violations are punishable by a fine up to \$500.00 and reasonable attorney's fees assessed against the violating member.
- ▶ Violations of the Sunshine Law create the potential to void certain Council actions.

Ex parte Communications

- ▶ Communications with persons or parties to quasi-judicial proceedings outside of the public hearing, may constitute a presumptive prejudice of the other party's due process rights and be a basis for challenging the Council's decision.
- ▶ Parties to a quasi-judicial proceeding include the applicant, persons speaking for or against the application, and city staff.
- ▶ Pursuant to section 286.0115(1), Florida Statutes, if ex parte communications are sent or received by a Commissioner, it is necessary for the Commissioner to disclose during the public hearing and before final action the subject of the ex parte communications and the identity of the person, group, or entity with whom the communications took place.
- ▶ The recommended time for such ex parte disclosures is prior to the applicant or members of the public speaking on the matter so that they are aware of such disclosures before they are afforded an opportunity to speak.

Quasi-Judicial Proceedings

A quasi-judicial proceeding is a proceeding in which the Council is applying an existing ordinance, rule or policy to a small number of people or a particular piece of property.

Except for annexations and comprehensive plan amendments (legislative decisions), most of the land development decisions of the Council are quasi-judicial in nature, including:

- ▶ Rezoning, variances, special exceptions, preliminary plats/site plans and lot splits

In a quasi-judicial proceeding, certain elements of due process must be afforded the applicants and participants, such as:

- ▶ Reasonable notice of a hearing
- ▶ Right to be heard and submit evidence at the hearing
- ▶ Recommendations and decisions of board must be based on competent substantial evidence in the record.
- ▶ Conduct of proceedings must be in accordance with established rules and principles such that interested parties may meaningfully participate in the process

Refrain from taking a position for or against an application that involves a quasi-judicial decision until after hearing all the evidence presented at the public hearing.

Avoid making statements in advance of Council deliberations that would subject you or the Council to scrutiny for having your mind made up or being prejudicially biased for or against an application and/or interested party/person.

Decision Based on Criteria

- ▶ Quasi-judicial decisions should be based on the applicable criteria for the approval or matter being sought.
- ▶ The Council's duty is to determine whether based on competent, substantial evidence in the record made at the hearing, the application meets or fails to meet the criteria. If the criteria is met, the application is to be approved.

Competent Substantial Evidence

- ▶ Substantial evidence has been described as such evidence as will establish a substantial basis of fact from which the fact at issue can be reasonably inferred.
- ▶ For the “substantial” evidence to also constitute “competent” evidence, the evidence relied upon should be sufficiently relevant and material that a reasonable mind would accept it as adequate to support for the conclusion reached.
- ▶ Some of the items that can be relied upon as competent substantial evidence are:
 - ❖ City staff reports and testimony
 - ❖ Fact based applicant and citizen testimony
 - ❖ Comprehensive plan and zoning maps and ordinances
 - ❖ Expert testimony and reports.

Voting Conflicts

Section 286.012, Florida Statutes, provides that no Commissioner who is present at any Council meeting at which a official decision, ruling, or other official act is to be taken or adopted may abstain from voting, except

- ▶ when, with respect to any such Commissioner, there is, or appears to be, a possible conflict of interest prescribed in Chapter 112, Florida Statutes; or
- ▶ in a quasi-judicial proceeding, the Commissioner abstains from voting to assure a fair proceeding free from potential bias or prejudice.

Voting Conflicts

Chapter 112, Florida Statutes

- ▶ No Commissioner shall vote upon any matter which:
 - ▶ would inure to the Commissioner's special private gain or loss;
 - ▶ the Commissioner knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained;
 - ▶ He or she knows would inure to the special private gain or loss or a relative or business associate of the member.

Voting Conflicts

Chapter 112, Florida Statutes

- ▶ A Commissioner with a voting conflict shall:
 - ▶ Abstain from voting on the conflicting matter.
 - ▶ Prior to the vote being taken, publicly state to the assembly the nature of the Commissioner's interest in the matter from which he or she is abstaining from voting. Recommend that the disclosure occur after the item is first called.
 - ▶ Within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person recording the Council minutes.

Voting Conflicts of Interest Section 112.3143(1)(d), Fla. Stat.

“Special private gain or loss” = economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class of persons, in which case there are statutory factors to consider. How to measure if officer is part of a class affected by the vote or action?

Minimum factors to be considered:

- ▶ size of the class;
- ▶ nature of the interests involved;
- ▶ degree to which all class members are affected;
- ▶ benefit or burden received by official compared to others in class; and
- ▶ The degree of uncertainty as to economic benefit or harm and, if it is uncertain, the nature or degree of the economic benefit or harm must also be considered.

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Size of Class Test:

Size of Class Examined on a Case-by-Case Basis:

Example: In CEO 90-17, a Town of Melbourne Beach Commissioner lived in a subdivision with 83 lots and owned 1.2% of the lots. Could he vote to impose a special assessment on all 83 lots to dredge canals for drainage of the subdivision? Because his interest was so small in comparison to the size of the class, no voting conflict of interest.

Example: In CEO 92-37 a City Commissioner owned 5 hotel or apartment buildings in an area that might be added to a historic preservation district. The Commissioner either owned 5 of 60 eligible sites (8.3%) or 5 of 168 eligible sites (3.0%), depending upon how big the area of potential designation would be. Voting conflict of interest? Commission of Ethics says: Yes.

Key point: There is not a bright line rule but if you are more than 1% or 2% of the class affected by the vote, you likely have a voting conflict of interest based on Commission on Ethics' opinions.

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An Alternative Test: the Remote & Speculative Test

- ▶ If the interest of the voting official or that of his principal, business associate, or relative is remote and speculative enough, then a voting conflict of interest will not be found to exist.
- ▶ However, remember that you may abstain if there appears to be a possible conflict of interest.

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Participation in Matter Where Voting Conflicts Exist

State law allows members of elected governing bodies to participate in the discussion, but a member who does so should be careful to avoid misuse of position (Section 112.313(6), Fla. Stat.).

Also consider the appearance of impropriety.

To avoid complaints it is better to keep quiet on matters for which you are abstaining from voting for a conflict of interest.

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Who Decides if there was a Voting Conflict or an Ethics Code Violation?

- ▶ Answer: The Florida Commission on Ethics
- ▶ The Commission on Ethics has a staff that investigates and prosecutes ethics violations when a complaint is filed.
- ▶ The Commission on Ethics also issues opinions with regard to what would or would not constitute an ethics code violation.
- ▶ <http://www.ethics.state.fl.us/>

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Portions of Art. II, Sec. 8, Florida Constitution:

- ▶ A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:
 - ▶ All public officers...shall file full and public disclosure of their financial interests;
 - ▶ All elected public officers and candidates for such offices shall report and file full and public disclosure of their campaign finances;
 - ▶ Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law;
 - ▶ Any public officer or employee who is convicted of a felony involving breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law;
 - ▶ There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust;
 - ▶ These provisions are not construed so as to limit disclosures and prohibitions that may be established by law to preserve the public trust and conflicts of interest.

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Gift and Financial Disclosures for Public Officers Section 112.3148, Fla. Stat.

- ▶ There are gift restrictions for all reporting individuals who must file financial disclosures, including City Commissioners.
- ▶ If the gift is under \$100, no reporting required (However, PAC/lobbyist/vendors doing business with the City must report between gifts valued between \$25 and \$100).
- ▶ If the gift is over \$100 and not from a PAC/lobbyist/vendor doing business with the City, you can accept and but must report it. You must report every gift received exceeding \$100 in value using the forms provided by the Commission on Ethics. However, there is no reporting required if gift is from a relative as defined by Section 112.312(12), Fla. Stat.
 - ▶ Relative for gift purposes means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee identifies as family or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.
- ▶ If the gift is over \$100 and from a PAC/lobbyist/vendor doing business with the City, you cannot accept.
- ▶ Cannot solicit a gift of any value from a PAC/lobbyist/vendor for personal benefit or that of a parent, spouse, child or sibling or for the personal benefit of another person required to report gifts under the law.

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Gift and Financial Disclosures for Public Officers Employees Section 112.3148, Fla. Stat.

- ▶ Applies to elected officials, members of planning and zoning boards, community redevelopment area boards and boards of adjustments
- ▶ Does not apply to citizen advisory boards or technical coordinating committees
- ▶ Applies to manager or administrator, attorney, finance director, chief building code inspector, water resources coordinator, pollution or environmental control director, police/fire chief, clerk, and purchasing agent of municipality or county

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What is a “Gift” Under State Law?

Anything accepted by a person or on that person's behalf . . . for which an equal or greater consideration is not given within 90 days of the receipt of the gift.
Sec. 112.312(12)(a), Fla. Stat.

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Included in a “Gift”

- ▶ real property or the use thereof;
- ▶ tangible or intangible personal property or the use thereof;
- ▶ a preferential rate or terms on a transaction not available to others similarly situated;
- ▶ forgiveness of a debt;
- ▶ transportation (unless provided by an agency in relation to officially approved governmental business), lodging, or parking;
- ▶ food or beverage;
- ▶ dues, fees, and tickets;
- ▶ plants and flowers;
- ▶ personal services for which a fee is normally charged by the provider; and
- ▶ any other thing or service having an attributable value.

See §112.312(12)(a), Fla. Stat.

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Excluded from a “Gift”

- ▶ salary, benefits, services, fees, gifts, commissions, or expenses associated primarily with one's employment, business, or service as an officer or director of a corporation or organization;
- ▶ campaign contributions or expenditures pursuant to the election laws;
- ▶ an honorarium or honorarium expense; an award, plaque, certificate, etc., given in recognition of public, civic, charitable, or professional service;
- ▶ honorary membership in a service or fraternal organization;
- ▶ the use of a public facility or public property made available by a governmental agency for a public purpose; and
- ▶ transportation provided by an agency in relation to officially approved governmental business. See §112.312(12)(b), Fla. Stat.; Rule 34-13.214, Fla. Admin. Code.

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Gifts Seeking To Influence Public Official Section 112.313(4), Fla. Stat.

- ▶ May not accept anything of value when you know, or should know with the exercise of reasonable care, that it is being given to influence a vote or other official action
- ▶ Applies to the official, the official's spouse and minor children.

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Financial Disclosure Requirements for Public Officers Employees

Section 112.3145, Fla. Stat. and F.A.C. 34-8.202 & 34-8.209

- ▶ File Form 1 (municipal) financial disclosures annually by July 1, reporting income and liability by category and percentage thresholds.
- ▶ Elected official may create a blind trust in order to avoid voting conflicts arising from ownership of assets
- ▶ Electronic financial disclosures available
- ▶ De Minimis amendment to financial disclosure form before September 1 - a free do-over.

Misuse of Public Position by Public Official/Employee/Attorney

Section 112.313(6), Fla. Stat.

- ▶ May not “corruptly” use or attempt to use position to obtain a special privilege for self or for another
- ▶ “Corruptly” means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties. §112.312(9), Fla. Stat.
- ▶ To make a corrupt use of one’s position, one must act “with reasonable notice that conduct was inconsistent with the proper performance of [one’s] . . . public duties and would be a violation of the law or the code of ethics.” *Blackburn v. Commission on Ethics*, 589 So. 2d 431 (Fla. 1st DCA 1991).

Examples: Corrupt Use of Position

Use of agency business cards. CEO 02-13: an elected official who distributes a City business card with the intent of promoting himself or herself for personal profit or gain is engaging in a “corrupt use” of one’s position.

- ▶ City business cards have a nominal cost to the governmental agency. Elected officials regularly distribute the cards to identify themselves to constituents and others to promote the community that elected them.
- ▶ Do not use a city business card as a means of introducing yourself when engaged in personal business matters, but you can use your city business card when there is a valid public purpose for doing so.
- ▶ Law is not violated in situations where there is a valid public purpose for the use, notwithstanding that the use provides an *incidental* private benefit to the official.

Disclosure/Use of Information By Public Official Section 112.313(8), Fla. Stat.

- ▶ A current or former public officer, employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

Prohibition of Public Official Doing Business with City

Section 112.313(3), Fla. Stat.

- ▶ While acting in official capacity, may not purchase, rent or lease any realty, goods or services for the City from a business entity in which the official owns a material interest (more than 5%), or is an officer/director/partner.
- ▶ While acting in private capacity, may not sell, rent or lease any realty, goods or services to the City.
- ▶ There are a few exemptions. Consult with City Attorney if questions.

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Conflicting Employment for Public Officer

Section 112.313(7), Fla. Stat.

- ▶ May not have employment or contract with an entity doing business with or regulated by the City.
- ▶ May not have employment or contractual relationship that will pose a continuing or frequently recurring conflict between private interest and public duty, or which will impede the full and faithful discharge of public duties (See *Zerweck* case on next slide).
- ▶ There are a few exemptions. Also, this shall not be construed to prevent employment if it doesn't interfere with faithful discharge of duties. See Section 112.316, Fla. Stat.

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Penalties for Public Officers Under State Code of Ethics Section 112.317(1)(a)-(b)

- ▶ Impeachment, suspension or removal from office and public censure and reprimand for officers
- ▶ Dismissal, suspension, demotion, or salary reduction for employees
- ▶ Forfeiture of part of public salary or compensation
- ▶ Civil penalty not to exceed \$10,000
- ▶ Restitution of pecuniary benefit received

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Public Records

- ▶ Public records are subject to public inspection and proper retention.
- ▶ The City Clerk is the custodian of the City's records.
- ▶ If you generate or receive public records during your service on the Council for which the City Clerk or the City's computer server would not otherwise have the original or copy, for record keeping purposes, it is a good practice and highly recommended that you provide the City Clerk a copy of such record for preservation and maintenance.

Public Records

- ▶ E-mail messages, text messages, social media posts, other written correspondence, recordings, pictures, videos, or other records generated or received by a Commissioner in connection with City business are public records and subject to disclosure in the absence of a statutory exemption from public inspection.
- ▶ Under Chapter 119, Florida Statutes (the Public Records Act), it is the nature of the record itself, not its physical location, which determines whether a record qualifies as a “public record.”
- ▶ Even texts or emails generated or received on private email account or privately owned cell phones can be a public record if it relates to City business.

Ethics Training Statutory Requirement

Section 112.3142, Florida Statutes

Ethics training for specified constitutional officers and elected municipal officers.—Beginning January 1, 2015, all elected municipal officers must complete 4 hours of ethics training each calendar year which addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state.

2018 -Easter Egg Hunt - Budget

		TYPE OF RESOURCES	IN-KIND	GENERAL FUND	Actual
		Description	Revenues	Expenses	
Project Scope	Responses				
1 Name of Project	Easter Egg Hunt				
2 Purpose of Project	Easter Egg Hunt, have approx 40 children volunteers for school hours at City Hall	Set Up - 5 Volunteers at 8.00 hr@ 3 hrs	\$ 120.00	\$ 120.00	
3 Specific project information	Easter Egg Hunt	Field Prep, Officers, PW	\$ 310.00	\$ 310.00	
4 Estimated timeline: Start Date and Completion Date at the park	March 31, 2018 - 10am-12noon - have approx 40 children volunteers for school	Set Up - 5 Volunteers at 8.00 hr@ 3 hrs	\$ 120.00	\$ 120.00	
5 Preliminary sketch of project - before/after	N/A	Mr. & Mrs. Bunny		\$ 50.00	
6 Photos of project site	Wallace property	Sponsors	\$ 945.00		
7 Cost estimates for materials and labor	See Budget	Candy Bags		\$ 80.00	
8 Estimate of number of volunteers needed (detailed)	40-Cornerstone Volunteers to stuff candy bags and hide eggs	Candy and Eggs		\$ 600.00	
9 Source of funding for project	Sponsorships	Table Cloths	\$ 20.00	\$ 20.00	
10 Estimate of continued maintenance costs (yearly or monthly) and funding sources	N/A	Refreshments		\$ 175.00	
		Cups/Napkins		\$ 40.00	
		Sub-Total	\$ 1,515.00	\$ 1,515.00	

MEMORANDUM

TO: State Attorney Aramis D. Ayala
CC: CASA Deborah Barra, Bureau Chief Mark Wixtrom & Chief Eric Edwards
FROM: ASA Richard Wallsh
DATE: February 5, 2018
RE: City of Belle Isle Sunshine Law Investigation

On December 1, 2015, a complaint was lodged with this office regarding potential criminal violations of Florida Statute §286.011 (commonly referred to as the Sunshine Law) committed by members of the Belle Isle City Commission. Chief Edwards assigned then-SAO investigator Jeff Harris to conduct an investigation. SAO Investigator Emmett Browning was later assigned to assist Inv. Harris, however, Harris was still lead investigator and maintained primary responsibility to conduct and document the investigation. The lead officer left the employ of this office in January 2017 and has since been uncooperative and unresponsive to requests for assistance about his assignments as a state attorney employee.

The Belle Isle case was initially classified as State Attorney Investigation Number 2015-IN-0080. It was later reclassified as internal Case Number 2017-NM-3789.

To prove a criminal misdemeanor violation of the Sunshine Law, the state must prove beyond a reasonable doubt that members of the Belle Isle City Commission knowingly attended a meeting at which official acts were to be taken without complying with the requirements of 1) reasonable meeting notice and 2) promptly recorded meeting minutes open to public inspection. *See, Florida Statute §286.011.* The statute also allows for a noncriminal infraction (fine not to exceed \$500) for unknowing sunshine law violations.

The basis for a criminal prosecution thus becomes proof of communication between two or more city commissioners about official city business outside of a noticed meeting or gathering. The offending communication need not be in a formal meeting setting. The case law allows prosecution for informal communication such as conversations, emails, text messages, correspondence and so forth. State Attorney Investigators set out to determine if such unlawful communication occurred and, to that end, subpoenaed an extensive number of documents from various sources. The full details are contained in the investigative reports.

As the investigation proceeded to the interview stage, the investigators were confronted with reluctant witnesses. State Attorney Jeffrey Ashton made the strategic decision to grant use-immunity to certain witnesses by compelling their testimony through the issuance of state attorney investigative subpoenas. Among these immunized witnesses was the mayor of Belle Isle, Lydia Pisano, who was herself a member of the city commission. The details of her sworn recorded testimony are contained in other documentation generated by the investigation. In summary, Mayor Pisano admitted to violating

the sunshine law in general and implicated other members of the commission in her testimony, however, she did not provide specifics. Also immunized under the same process was City Commissioner Ed Gold. The use-immunity makes it extraordinarily difficult (but not legally impossible) to prosecute Pisano or Gold for the same subject matter as their sworn testimony.

While Mayor Pisano's testimony in particular revealed unlawful communication among certain city commissioners, the investigators sought physical evidence or other testimony to support those claims. After reviewing Inv. Harris' work product I identified potential sunshine law violations. These are fully set out in the thirty page Timeline Supplemental Report signed December 9, 2016. However, the state has no corroborating physical or other evidence and it is my opinion that significant proof deficiencies preclude filing charges.

For example, Inv. Harris asserts that certain email communications which could form the basis for prosecution were blind copies (bcc) between city commissioners in contravention of the sunshine law. However, Inv. Browning and I reviewed the documents in our possession and we cannot locate proof/authentication that the copies were indeed bcc's sent from one commissioner to another. Although the copies in our possession are most likely blind copies, we lack proof beyond a reasonable doubt. We do not have access to computer hard drives for independent forensic analysis.

In an attempt to obtain such corroborating evidence I entered into pre-charge plea discussions with a particular city commissioner's lawyer. The goal was to afford that commissioner a favorable sentence in return for truthful testimony which we expected would corroborate Mayor Pisano's immunized testimony and also authenticate various documents in the state's possession. Those plea negotiations were not successful and the proof deficiencies have not been solved.



Aramis D. Ayala
State Attorney
Ninth Judicial Circuit
Orange and Osceola County, Florida

Deborah Barra
Chief Assistant State Attorney
Harold V. Bennett III
Deputy Chief Assistant State Attorney
Josephine Colón
Deputy Chief Assistant State Attorney
Kamilah L. Perry
Executive Director

On December 1, 2015, an investigation was assigned regarding alleged violations of Florida State Statute 286.011, which regulates public meetings and is also known as the “Sunshine Law,” by members of the Belle Isle City Commission.

To prove the crime of violating the Government in the Sunshine Law, a jury must find that members of a board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation or political subdivision knowingly attended a meeting at which official acts were to be taken without complying with the requirements of:

- a. reasonable notice of meetings
- b. promptly recording meeting minutes open to public inspection

As part of the investigation, a public records request was made for all communications with each commissioner, to include: email, text messages, phone records, social media messages and any other form of recorded communication. After receiving the requested information, the items were reviewed in an effort to determine if any violations had occurred. Several items were flagged as needing clarification or additional review. (See attached timeline supplemental report).

As part of the investigative process, State Attorney Investigators Emmett Browning and Jeff Harris obtained sworn recorded statements from city employees, commissioners, residents and the mayor. Below is a synopsis of each interview.

On September 21, 2016, City of Belle Isle administrative assistant Judith Hunter was interviewed. Judith Hunter has been employed by the City of Belle Isle for three years. Judith Hunter was unable to provide any personal observations of potential “Sunshine Law” violations.

On September 22, 2016, City of Belle Isle attorney Frank Kruppenbacher was interviewed. He is the current acting city manager. Kruppenbacher reported, part of his duties was to provide training for newly elected Belle Isle city commissioners and on occasions he provided additional private counselling to several of the commissioners. However, Kruppenbacher was unable to provide any specific information about violations of the “Sunshine Law” by the city commission.

On September 22, 2016, City of Belle Isle Finance Manager Tracey Richardson was interviewed. She has been employed by the city for approximately four years. Richardson could provide no specific information about any violations of the "Sunshine Law." This is due in part, to her limited interaction with members of the city commission. She usually leaves prior to the beginning of commission meetings or before the arrival of commissioners for the meetings.

On September 22, 2016, City of Belle Isle City Clerk Yolanda Quiceno was interviewed. She has been the city clerk since 2011. Quiceno reported, as part of her duties she provides each newly elected commissioner a book on the "Sunshine Law," via email.

Based on her knowledge of the "Sunshine Law" she's unable to recall any specific violations by members of the Belle Isle Commission. Quiceno reported, she witnessed on a number of occasions, commissioners gathering in the city hall parking lot shortly after meetings. She believed it gave the appearance the commissioners were discussing city business in violation of the "Sunshine Law."

Quiceno specially recalled an incident on August 31, 2016, in which the city commission was to interview the three finalists to fill the vacant city manager's position. The meeting was cancelled,¹ due to an approaching tropical system. Shortly after the cancellation notifications were sent, Commissioners Sue Nielsen, Ed Gold, Harvey Readey, Jeremy Weinsier, Katherine McGinnis and Robert Lance arrived at city hall. Quiceno reported she was informed by some of the commissioners, they were contacted by another commissioner and informed the meeting would take place. The only commissioner not to show was Lenny Mosse.

The commissioners Nielsen, Lance and McGinnis began discussing dates and times to reschedule the next meeting. According to Quiceno, this discussion was outside of an actual meeting and in violation the city charter, which requires all meetings be planned within a public meeting. **Note: Attempts to recover video of this incident were unsuccessful, due to the video system being on a five day loop, where after five days all recorded material is lost.**

Quiceno reported the following additional incidents, in which she suspected commissioners were conducting city business in violation of the "Sunshine Law":

-During City Manager Keith Severns' final days of his employment and prior to any official public announcement of his resignation, a prominent Belle Isle resident, Charline Kennedy's son, Patrick Kennedy, submitted his resume for the soon to be vacant city manager's position. Quiceno suspected collusion between commissioners Nielsen, Readey and Weinsier to hire their friend, Charline Kennedy's son.

-After an unrelated public records request by a citizen, Commissioner Paul Lance informed her he deletes his text messages every Friday. Quiceno suspected this to be an attempt to conceal possible "Sunshine Law" violations.

¹ Notification of the meeting cancellation was sent to each commissioner with a follow up by Mayor Pisano to ensure the notification was received.

On September 23, 2016, City of Belle Isle Code Enforcement Officer Robyn Winters provided a voluntary sworn statement. She has worked for the city for approximately five years and maintains a desk at city hall. Winters was questioned about any personal observations of potential violations of the “Sunshine Law” by elected officials. Robyn Winters could provide no specific information or violations.

On September 30, 2016, Charline Kennedy was interviewed. Kennedy is a long time resident of Belle Isle, and the mother of Patrick Kennedy, who is one of the City Manager finalists. Kennedy acknowledged her friendships with Commissioners, Readey, Nielsen and Weinsier, who all have publically expressed support for Patrick Kennedy for the city manager vacancy during commission meetings.

Kennedy provided an interesting facet in reference to a special city commission meeting in which the city manager candidates were to have been interviewed. She reported, after the meeting was cancelled, she received a call from Commissioner Nielsen, advising Kennedy to contact her son Patrick and inform him not to leave the area. Commissioner Nielsen told her the meeting would be held, despite the cancellation. Therefore, Kennedy notified her son and informed him of her conversation with Commissioner Nielsen.

Kennedy was questioned about emails to various commissioners and her use of “**blind carbon copy**” (Bcc) when sending emails to one commissioner and including another commissioner, via Bcc. She did not provide a reasonable explanation, but indicated it was not her intention to be deceptive. However, Kennedy reported, because she served on the Belle Isle planning and zoning board in the 1980’s, she is familiar with the “Sunshine Law.” (Note: **Bcc allows the sender of a message to conceal the person entered in the Bcc field from the other recipients.**)

No additional information relevant to potential “Sunshine Law” violations were obtained from Kennedy’s interview.

On September 30, 2016, Sarah Goodwin was interviewed in response to her being served with an Investigative Subpoena. Chief Assistant State Attorney Rick Wallsh administered the oath, and informed Goodwin of her rights related to the subpoena. Goodwin is a long time resident of Belle Isle and a former Belle Isle City Commissioner. Goodwin reported to be familiar with the “Sunshine Law” and to have received training on it during her tenure as commissioner. Goodwin is the current president of her Home Owners Association. She has an interest in the drainage project for her neighborhood, which has gone before the commission on numerous occasions. She reported to have a “**business relationship**” with Commissioner Nielsen and current Mayor Lydia Pisano.

Goodwin engaged in email conversations with Commissioner Nielsen on a regular basis. These conversations were usually about the drainage issue within her neighborhood, in which other commissioners were recipients and Commissioner Nielsen was Bcc. She was specifically questioned why it was necessary to include Commissioner Nielsen in everything she discussed with other commissioners. She could not provide a reasonable explanation for her actions and denied receiving any request or direction for Commissioner Nielsen to be included on email messages related to city business. The overwhelming number of emails sent, through Bcc to Commissioner Nielsen, whether intentional or unintentional, were suggestive of someone acting as a conduit to circumvent the “Sunshine Law.” Goodwin alleged she included Commissioner Nielsen in her email discussion, because she believed Commissioner Nielsen to be the “**most effective.**”

On October 5, 2016, Keith Severns provided a voluntary sworn statement. Severns reported, he was appointed as a city commissioner for the City of Belle Isle sometime in or around 2009. During his tenure as City Commissioner, approximately 2012 he took the position as city manager. Because the city charter prohibited the hiring of a commissioner within two years of their tenure, he did not receive a salary his first two years as city manager. Severns reported, around 2014 a contract was ratified by the city commission and providing him a \$150,000 annual salary. He worked in the city manager position, at that salary, until his departure in January 2016.

Severns was questioned about any specific violations of the “Sunshine Law” he may have observed during his tenure as the city manager. He did frequently observe members of the city commission conversing in the parking lot of city hall following meetings, he could not provide any details of their conversations or any specific details about any potential violations of the “Sunshine Law” by members of the commission.

On October 25, 2016, Mayor Lydia Pisano was interviewed. Chief Assistant State Attorney Rick Wallsh administered the oath, and informed Pisano of her rights related to the subpoena. Pisano has been the mayor for the City of Belle Isle since April 2016, and served as a commissioner for about 10 years prior to her being elected mayor. Pisano reported, during her service as commissioner she received training on the “Sunshine Law,” and she demonstrated her knowledge of the law by explaining some of the prohibited acts, in condensed form. It was explained to her, we are investigating alleged violations of the “Sunshine Law,” and this will be the main focus of the interview. Pisano was questioned, if anyone outside of a public meeting attempted to initiate conversations with her regarding the dismissal of then city manager, Keith Severns. Pisano stated, “*Sue Nielsen tried to have the conversation multiple times.*” She reported these attempts to discuss the dismissal of Keith Severns took place “**after meetings**”, and Commissioner Nielsen told her Severns “**needs to go.**” Pisano indicated she did engage in discussions about the dismissal of Keith Severns, outside of a public meeting. When asked if other individuals attempted to engage in similar conversations, Pisano stated, Nielsen was “**the only one.**” On another occasion, she was confronted by Nielsen in the parking lot after a commission meeting, in which Pisano had voiced support for Keith Severns. Nielsen stated, “**I cannot believe you did that... Now we have Keith, but I’m not done yet.**”

Pisano reported she learned from Commissioner Gold of “**underground meetings,**” in which were attended by Commissioners Gold, Readey and Nielsen. During these meetings the dismissal of Keith Severns was a frequent topic.

Pisano was questioned, if anyone had approached her regarding her run for mayor. Specifically, if anyone suggested her opponent (Greg Gent) in the mayoral race would drop out of the race if she voted to dismiss Keith Severns. Pisano replied, “**Yes, a few people.**” To clarify, Pisano advised she was contacted by Belle Isle residents Keith Ingersoll and Nancy Weinsier.

Keith Ingersoll told her, “**he had been talking to Ed and talking to Sue [Commissioner Nielsen]... If you vote for Keith to be gone, don’t worry I’ll take care of Greg Gent.**” In addition, Ingersoll told her, “**Sue is going to back you and Sue is going to help you, if you vote to get rid of Keith Severns.**” At the time Belle Isle resident Jeremy Weinsier was also named by Ingersoll as an individual attempting to influence Pisano to vote to dismiss Keith Severns.

Pisano did not provide details of her conversations with Nancy Weinsier, but it was also in reference to the mayoral race and the need to dismiss Severns.

Pisano was questioned if she *ever overheard other commissioners discussing city business*, to which she replied, “**Absolutely, in the parking lot.**” She heard Commissioners Nielsen, Gold and Katy McGinnis discussing city business in the parking lot. When asked what they were discussing, Pisano stated “**Agenda items or oh, I can’t believe you did this.**” Pisano reported, after nearly every commission meeting Commissioners Nielsen, Weinsier, Readey, Gold and Katy McGinnis were in the parking lot and she overheard them discussing city agenda items. When questioned if City Manager Keith Severns was ever a topic their discussions, Pisano reported, she had overheard Commissioners Nielsen and Readey and at the time Belle Isle resident Jeremy Weinsier discussing the need for Severns to be terminated. **(Note: Jeremy Weinsier was elected Belle Isle City Commissioner replacing former Commissioner Karl Shuck in March 2016).**

Pisano was questioned about the process in filling the city manager vacancy and specifically the candidate, Patrick Kennedy. Pisano reported, Commissioner Nielsen had mentioned Patrick Kennedy, by name, at her first meeting as a city commissioner, when she proposed Keith Severns to be terminated. This would have occurred in the May 2014 commission meeting.

Pisano referred to her hand written notes and advised she was told by Nielsen multiple times and outside of public meetings that she has a personal “**vengeance**” for Keith Severns and her “**last thing would be to get rid of him.**”

Pisano was questioned if she engaged in conversations with Commissioner Nielsen when she was approached outside of public meetings, by Commissioner Nielsen. Pisano admitted that she did engage in those conversations and never attempted to discourage Nielsen from speaking to her about agenda items. Pisano also confirmed, she has, without question, heard Commissioners Gold, Readey, Nielsen, Lance and McGinnis discussing city business outside of public meetings.

On October 28, 2016, Commissioner Ed Gold was interviewed in response to him being served with an Investigative Subpoena. Gold was accompanied by his attorney, Warren Lindsey. Chief Assistant State Attorney Rick Wallsh administered the oath, and informed Gold of his rights related to the subpoena. Gold was elected as commissioner in March 2014 and confirmed to have received training in reference to the "Sunshine Law." Gold informed us of an official training session he attended as well as self-research and he sought guidance from Belle Isle resident Jeremy Weinsier. Gold reported, he was a member of a small group of concerned citizens, known as **"The Roundtable,"** which met at Belle Isle resident Charline Kennedy's home. He listed the members of this group as Belle Isle residents Stuart Bernstein, Ruth Bernstein, Charline Kennedy, Jack Kennedy, Dina Goodenow, Jeremy Weinsier, Nancy Weinsier, Richard Weinsier, Sue Nielsen and Amy Morton. This group discussed strategies for campaigning and placing citizens favorable to the group's agenda on the city commission. He became a member of **"The Roundtable"** in 2013. Gold indicated his involvement in this group inspired him to run for city commissioner due to the perceived corruption within the Belle Isle City Government.

Gold was questioned about his relationship with Jeremy Weinsier. He reported, Weinsier is an attorney and will often author items for him. Gold was shown and questioned about a Facebook messenger (January 12, 2015) conversation which suggested he was using Facebook to monitor other Belle Isle commissioner's activity and to learn their position on city agenda items. Gold confirmed this to be true and acknowledged it being inappropriate. Gold confirmed Pisano's testimony, he is regularly in the city hall parking lot after meetings, discussing with other commissioners on voted agenda items. It was Gold's belief that the discussion of voted items was not in violation of the "Sunshine Law."

Gold was questioned about a correspondence (September 15, 2015) with Pisano, where he suggested she gain the backing of Jeremy Weinsier in her bid for mayor. When asked why Weinsier's support would be relevant in her campaign, Gold stated that Weinsier was still part of **"The Roundtable,"** and gaining the support of this group would allow her to **"win easily."** Gold added, **"You need to talk to Jeremy to get his group backing you."** It was suggested to Gold by these investigators, **"The Roundtable"** appears to be the power behind the city, and Gold replied **"they're certainly a powerful lobbying group."**

Gold noted that, although not a member of the Roundtable, Commissioner Harvey Readey had attended as a guest.

Gold was asked if he had any other conversations with commissioners about city business outside of public meetings. Gold stated, **"We had lots of conversations in the parking lot."** Gold provided no other information relevant to violations of the "Sunshine Law."

On November 8, 2016, Sue Nielsen provided a voluntary sworn statement. Nielsen was accompanied by her attorney, Jacob Stuart. Nielsen became a commissioner in March 2014. She confirmed to have received training in the “Sunshine Law” at a training class, in which she attended in March 2015. Nielsen was shown a certificate of completion for the training class, which she confirmed as being the one she attended. She claimed to have no knowledge of the “Sunshine Law” prior to her election to the Belle Isle commission. Nielsen did acknowledge to having political experience from working in election campaigns when she was a resident of Alabama. Nielsen reported, she became interested in becoming a member of the Belle Isle city commission after hearing of “secret meetings” going on within the city government. She learned of these alleged secret meetings while attending a meeting at Charline Kennedy’s residence known as “**The Roundtable.**” Nielsen confirmed Gold’s testimony about “**The Roundtable**” and members names. In addition, she identified Jeremy Weinsier to be chairman. Nielsen was questioned, if she understood the email feature, “blind copied” (Bcc) and how it worked. She confirmed she understood the feature and it conceal the person entered in the Bcc field from the email recipients.

Nielsen was given examples of instances where she was Bcc in emails, in which other commissioners were recipients and in discussions with Belle Isle residents about city agenda items. Nielsen was asked if these examples seemed appropriate and she acknowledged it was not. She alleged to have verbally instructed Belle Isle resident Sarah Goodwin, not to blind copy her in emails. (Note: Sarah Goodwin in an earlier interview reported Nielsen never instructed her not to blind copy her.)

Nielsen was questioned about an email message (June 15, 2015) in which Belle Isle resident, Daniel Lucey inquired about budget reserves for the City of Belle Isle. In the Nielsen’s response, Nielsen instructed Lucey to have Karl (Shuck) bring it up at the commission meeting and she (Nielsen) would second the motion. Nielsen further instructed Lucey not to let Shuck know she had suggested it, because this would be a “*Sunshine violation for me.*” Nielsen defended her actions by stating she didn’t expect Lucey to suggest this to Karl Shuck, despite her (Nielsen) having given Lucey specific instructions on doing so and to not tell Karl Shuck.

Nielsen was questioned about an email she received from Sarah Goodwin, where Goodwin asked Nielsen to write a letter for her to send to Commissioners Gold, Readey and Pisano. The letter was in regards to a city agenda item, dealing with a drainage issue. Nielsen’s response to Goodwin included the requested note to the listed commissioners about the drainage project. When asked if this would be a “Sunshine Law” violation, she replied, “**I guess it would be.**” At that point in the interview, her attorney asked for a moment to speak with his client. After their discussion, attorney Stuart advised they wished to stop the interview at this time. Their desire to terminate the interview was recorded and the interview ended.

The interview ended prematurely preventing these investigators from confronting Nielsen with the allegations made by Pisano implicating the two of them in several “Sunshine Law” violations.

Commissioners Harvey Readey and Katherine McGinnis were offered the opportunity to provide a sworn statement. Both declined.

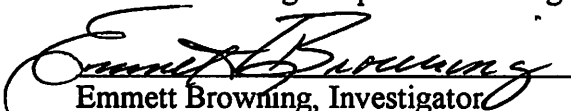
A thorough review of the requested communications by and to each commissioner, combined with information gained during interviews, confirms communication between commissioners, both direct and indirect, were taking place in the City of Belle Isle. This communication took place despite each commissioner having received training and education on the "Sunshine Law".

Also discovered during this investigation is the existence of a group of citizens calling themselves "The Roundtable." Of the individuals identified as being members, Jeremy Weinsier, Ed Gold and Sue Nielsen all became city commissioners. One of the city manager finalists, Patrick Kennedy, is the son of Roundtable members Charline and Jack Kennedy. Reported Roundtable member Stuart Bernstein (deceased) had served as a member of the Planning and Zoning board. Roundtable member Dina Goodenow, is actively involved in a recurring commission agenda item known as "Delia Beach." It appears that the influence and membership of this group allows the opportunity for unlimited direct access to a majority of the members of the city commission outside of official meetings.

The influence of membership in this group can be confirmed through Ed Gold's statements about these individuals and the need to maintain a close relationship with them for political gain. Their influence can also be seen in the presentation of Charline Kennedy's son as a top candidate for the city manager position. Former and/or current Roundtable members, Commissioners Sue Nielsen and Jeremy Weinsier, along with Commissioner Harvey Readey have voiced their support for Patrick Kennedy. Although Commissioner Ed Gold rated the other city manager candidates ahead of Patrick Kennedy, he expressed he would be willing to support the other commissioner's decision.

All of the materials referenced in this report, as well as the timeline supplemental report, are attached. Additional details about items referenced in this report can be gained through a review of the timeline supplemental report, the referenced communication attachments and the recorded interviews. Those items along with a this report were sent to State Attorney Jeffrey Ashton and Chief Assistant State Attorney Richard Wallsh for their review in November of 2016. A final signed report, after being reviewed by Chief Investigator Eric Edwards, was forwarded to now Assistant State Attorney Richard Wallsh for his final review and consideration.

Note: Investigator Jeff Harris, the co-author of the aforementioned narration is no longer employed by the State Attorney's Office. Therefore, co-author Investigator Emmett Browning has provided his signature.


Emmett Browning, Investigator
Office of the State Attorney, 9th Judicial Circuit

5/25/17
Date signed

Wm. Eric Edwards

Chief Investigator Wm. Eric Edwards
Office of the State Attorney, 9th Judicial Circuit
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5/25/2017
Date reviewed/signed



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NINTH JUDICIAL CIRCUIT
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CHIEF ASSISTANT STATE ATTORNEY

RICHARD I. WALLSH
CHIEF ASSISTANT/EXECUTIVE DIRECTOR

TIMELINE SUPPLEMENTAL REPORT

On December 1, 2015, I was notified by Chief Edwards of a complaint made to this office regarding possible Sunshine Law violations by the Belle Isle City Commission. I was provided emails to review and informed that a meeting with Belle Isle Police Chief Rich Ring had been scheduled for the following morning at 1000 hours.

On December 2, 2015, at 1000 hours, Investigations Supervisor Abbe Radke, Investigator Angel Taylor and I met with Chief Ring in the first floor conference room at the State Attorney's Office. We obtained a sworn recorded statement regarding the possible Sunshine Law violations. We learned that the city manager had informed Chief Ring of possible Sunshine Law violations, at which time Chief Ring, believing a criminal act may have occurred, initiated a criminal investigation. As part of his investigation Chief Ring conducted sworn recorded interviews with Eric Spaulding and Anita Sacco, both residents of Belle Isle. Those interviews were turned over to this office. I requested any and all documents pertaining to this complaint be provided to me by Chief Ring.

On December 10, 2015 Investigator Browning and I met with Chief Ring at the Belle Isle Police Department. Chief Ring provided me a copy of a police report¹ he authored concerning his involvement in this matter. I then met with Yolanda Quiceno, the Belle Isle City Clerk. I informed Ms. Quiceno that I would need the names, addresses, phone numbers, cell phone numbers and any email addresses used by the members of the city commission and the mayor. Ms. Quiceno stated that although all of the commissioners have a city email address, some of them use their personal email addresses. This is even demonstrated on the business card of Commissioner Lydia Pisano, (lydiapisano@sprint.blackberry.net).

¹ Attachment #1 Belle Isle police report case number 15-600606.

I received a copy of a memorandum² from City Manager Keith Severns to Chief Ring directing him to conduct a criminal investigation into allegations that violations of the “Sunshine Law” had been committed by Commissioners Lydia Pisano, Ed Gold, Harvey Readey and Sue Nielsen. I also received a copy of an email³ sent from Belle Isle resident Sandra Mellow to Commissioners Ed Gold, Keith Van Dyke, Karl Shuck, Larry Ady, Harvey Readey, Lydia Pisano, Sue Nielsen and Mayor Bill Brooks wherein Ms. Mellow expresses concerns that violations of the “Sunshine Law” had occurred with regards to the upcoming resolutions 15-19 and 15-20, which call for the termination of City Manager Keith Severns and a cap on employee salaries. Ms. Mellow states that her concern for violations of the “Sunshine Law” are based on a *“Memo from Commissioner Readey to his followers”* referring to an email⁴ sent by Commissioner Readey to several residents calling for a large turnout at the December 1, 2015 council meeting where resolutions 15-19 and 15-20 would be introduced. In this email, Commissioner Readey says, *“Commissioners (including myself) and numerous citizens agree it’s time for Mr. Severns to go.”*

On December 23, 2015, at about 1119 hours, I received a telephone phone call from Chief Ring. During the telephone call I was informed that the sole candidate running against the established candidate (Lydia Pisano) in the mayoral race had dropped out of the contest, at the last minute on the last day for candidate entry or withdraw from the election race. Chief Ring stated that the belief among politically interested individuals in Belle Isle is that the subject (Greg Gent) entered the mayoral race only so it would not appear Lydia Pisano was running unopposed, thus potentially drawing an unknown candidate into the race. Chief Ring stated it was further believed by several residents and subjects within the Belle Isle political circle, that the intention all along was for Greg Gent to drop out of the race at the last minute, so that Lydia Pisano would become the default winner without having to endure an election against another unknown candidate.

On January 5, 2016, I sent a public records request (via email)⁵ to Yolanda Quiceno, the Belle Isle City Clerk. In my request I asked for all emails, phone logs, text messages (from both city and personal accounts/devices) for each commissioner, Mayor Bill Brooks and City Manager Keith Severns for the time frame of January 1, 2015 through December 31, 2015. On January 6, 2016, I received a voice message from Belle Isle City Attorney Frank Kruppenbacher asking me to call him to clarify my request. In his voice message Mr. Kruppenbacher states that the clarification was at the request of some members of the city commission.

² Attachment #2 Memorandum from Keith Severns to Chief Ring dated November 30, 2015.

³ Attachment #3 Electronic mail from Sandra Mellow to council members sent November 29, 2015 at 1:47am.

⁴ Attachment #4 Electronic mail from Commissioner Readey to several citizens sent November 27, 2015 at 2:35pm.

⁵ Attachment #5 Electronic mail public records request and clarification correspondence with Yolanda Quiceno sent January 5, 2016

On January 7, 2015, at about 1530 hours I, along with Chief Investigator Eric Edwards, contacted Mr. Frank Kruppenbacher. As we made contact, Mr. Kruppenbacher stated that he had received inquiries from the commissioners about my public records request. Mr. Kruppenbacher further stated that one commissioner (name unknown) told him that they had been having phone problems, and that they would need to do a “factory reset.” This would reportedly cause all data on the cellular telephone to be lost. Mr. Kruppenbacher also advised another commissioner inquired about the large amount of personal email they possess for the period that I requested and that it would be impossible for them to go through all their emails and separate their personal email from their business related emails. Mr. Kruppenbacher inquired as to the process for filtering personal and business emails. Mr. Kruppenbacher was instructed to contact State Attorney Jeff Ashton’s assistant and schedule an appointment to meet with him regarding answering all of his questions about my public records request.

On January 8, 2016, I received an email⁶ from Mr. Kruppenbacher which was addressed to all of the Belle Isle City Commissioners. The email advised them that he will meet with State Attorney Ashton the following week for the purpose of the public record request. The email further advised them not to delete anything in an effort to preserve any items of evidentiary value.

On January 20, 2016, at 0930 hours, Chief Edwards and I met with State Attorney Ashton and Belle Isle City Attorney Frank Kruppenbacher at the State Attorney’s Office to discuss the public records request. During the meeting, Mr. Kruppenbacher asked if all items delivered to this office in response to the public records request would be made public record at the conclusion of the investigation. It was determined that all items delivered to this office, regardless if related to Belle Isle city business or personal in nature, would become public record and made available to anyone requesting the information at the conclusion of the investigation.

On January 26, 2016, I sent an updated, detailed public records request⁷ to Belle Isle City Attorney Frank Kruppenbacher. The request detailed all of the items requested relating to the alleged Sunshine Law violations. Mr. Kruppenbacher acknowledged receipt of the request and stated he would deliver the request to the members of the Belle Isle City Commission, city manager and mayor during the scheduled commission workshop to be held on January 27, 2016, at 0900.

On January 27, 2016, Investigator Browning and I attended the commission workshop held at the Belle Isle City Hall. During the meeting, City Attorney Frank Kruppenbacher delivered the public records requests to each of the commissioners. Mr. Kruppenbacher explained that anything delivered to this office would be made public record. Mr. Kruppenbacher explained that each commissioner was responsible for producing the requested items and that complete cooperation and transparency was necessary. Former City Manager Keith Severns and current Mayor William Brooks were not present at the meeting and did not receive the public records request from Mr. Kruppenbacher at the same time as the commissioners.

⁶ Attachment #6 Electronic mail from Frank Kruppenbacher to all commissioners sent January 8, 2016 at 9am.

⁷ Attachment #7 Electronic mail with public records request sent to Frank Kruppenbacher January 26, 2016 at 436pm.

On January 29, 2016, at about 1600 hours I delivered the original public records request, on State Attorney letterhead, to the Belle Isle City Hall. The requests were given to Yolanda Quiceno. As the requests were delivered, I was informed by Yolanda Quiceno that a public records request had been made to the City of Belle Isle by John Evertsen, a resident of the City of Belle Isle.

Immediately following the delivery of the public records requests to the Belle Isle City Hall, I telephoned Belle Isle Police Chief Rich Ring. I inquired about an individual I observed at the January 27, 2016, commission workshop that was taking notes during the meeting. The individual appeared to have a great interest in the commission activity, more so than most of the other citizens. I learned that the individual was Anthony Carugno, a candidate for the upcoming Belle Isle commission district 2 elections. I also inquired of Chief Ring if there had been any additional discussion about this investigation after Investigator Browning and I left the meeting, which was prior to adjournment. Chief Ring stated there was no additional discussion.

On February 17, 2016, I received, via hand delivery, a package from Belle Isle City Attorney Frank Kruppenbacher, a package said to contain all of the requested items. These items were delivered in various electronic formats such as thumb drives, DVD and a SD card. I took these items to Jay Spencer in the Management Information Systems department of the State Attorney's Office and requested he copy each storage device so that I may have a working copy. The original items and copies were delivered to me later that same day.

On February 18, 2016, I began to review the items provided to me by Frank Kruppenbacher. A cursory examination revealed that a great deal of requested information was not provided. I sent an email⁸ to Frank Kruppenbacher informing him of the deficiency in the provided information and requested he assist in obtaining the remainder of the information. My email request was followed up by a call from Frank Kruppenbacher acknowledging receipt of my email and his assurance that he would direct the non-compliant individuals to immediately comply with my request. The non-compliant individuals were: Lydia Pisano, Keith Severns, William Brooks, Laurance Ady and only partial information had been received from Keith Van Dyke.

Information requested as part of this investigation has been received and reviewed. During my review of the provided information several items of interest were discovered. In this writer's opinion these items contained information needing clarification, potential law violations or clear law violations. Below is a list, by commissioner, of the items of interest. The information provided by Lydia Pisano came sporadically and was reviewed after all other provided information due to the delay in its receipt.

⁸ Attachment #8 Electronic mail to Frank Kruppenbacher sent February 18, 2016 at 11:25am

Items for Commissioner Harvey Readey

On February 24, 2015, Belle Isle resident Sarah Goodwin sent an email⁹ to several subjects regarding a drainage issue which was, and continues to be, an agenda item¹⁰. Commissioner Harvey Readey was blind copied on the email. This is observed several times with this resident and other commissioners.

On March 2, 2015, an email was sent from Commissioner Harvey Readey to contact@belleislesun.org, which is the email address for Jeremy Weinsier¹¹. It was observed several times throughout my review that nearly all commissioners sent items to Jeremy Weinsier. It appeared most of the commissioners would solicit the advice and input of Jeremy Weinsier before deciding on an action or stance for a particular issue. The email¹² from Commissioner Harvey Readey to Jeremy Weinsier asks for Weinsier's opinion about an upcoming candidate debate where Commissioner Harvey Readey was to answer questions presented by the debate moderator.

May 24, 2015, Commissioner Harvey Readey sent an email¹³ to Belle Isle City Clerk Yolanda Quiceno advising her to change his preferred method of electronic contact to harveyreadey@gmail.com. In a response dated May 26, 2015, Yolanda Quiceno acknowledges receipt of the message from Commissioner Harvey Readey and reminds him that, *"using an email other than the City (sic) email address, as discussed in past meetings, is not advisable."*

July 6, 2015, Commissioner Harvey Readey sent an email¹⁴ to Jeremy Weinsier informing him that he would be absent from the (council meeting on July 7, 2015). Commissioner Harvey Readey also expressed his displeasure with not having the opportunity to provide any input. Commissioner Harvey Readey stated, *"The mayor has added no provisions such as for counsel Memeber cmmnts (sic) so I would be given the opportunity of making a motion directing the city manager to have the moss removed from all trees..."*

July 7, 2015, Commissioner Harvey Readey sent an email¹⁵ to Jeremy Weinsier asking, *"Can the council rezone lakefron (sic) R1 property to R2 without first revoking a standing ordinance that prohibits the BI council from doing so? The city attorney and developers seem to think so. What do the citizens think?"* This would not be the first time Commissioner Harvey Readey questioned the city attorney's opinion on a topic where the city attorney's opinion did not match his own.

⁹ Attachment #9 Electronic mail from Sarah Goodwin regarding drainage issue (agenda item). Sent February 24, 2015 at 3:04pm. Commissioner Readey blind copied.

¹⁰ Attachment #10 all commission and workshop minutes where the drainage issue was discussed.

¹¹ Jeremy Weinsier is the owner/operator of the web blog The Belle Isle Sun (belleislesun.org). Jeremy Weinsier is now an elected member of the city council.

¹² Attachment #11 Electronic mail from Commissioner Harvey Readey to Jeremy Weinsier sent March 2, 2015 at 9:06am.

¹³ Attachment #12 Electronic mail from Commissioner Harvey Ready to city clerk Yolanda Quiceno sent May 24, 2015 at 7:44pm and her response sent May 26, 2015 at 5:33pm.

¹⁴ Attachment #13 Electronic mail from Commissioner Harvey Readey to Jeremy Weinsier sent July 6, 2015 at 9:27pm.

¹⁵ Attachment #14 Electronic mail from Commissioner Harvey Readey to Jeremy Weinsier sent July 7, 2015 at 8:51pm.

On August 2, 2015, Commissioner Harvey Readey was blind copied on an email¹⁶ from resident Sarah Goodwin to Commissioner Lydia Pisano regarding a drainage and erosion issue which has been, and continues to be an agenda item.

On August 3, 2015, Commissioner Harvey Readey responded to the email¹⁷ sent to Lydia Pisano from resident Sarah Goodwin. In his response, Commissioner Harvey Readey expressed his displeasure with the city manager (Keith Severns), and refers to him as ***“an un-trainable bull headed old man.”*** Commissioner Harvey Readey further stated, ***“ I am through trying to work with this bull shit artist scorn me out of ignorance (sic)”*** In his final sentence, Commissioner Harvey Readey said, ***“This is a form of insanity Brooks introduced now we live with it but not for long should the voters wake up.”***

On August 3, 2015, Commissioner Harvey Readey sent an email¹⁸ to Sarah Goodwin regarding the canal repair and erosion. In his message, Commissioner Harvey Readey says, ***“Have text for answer which I await a response for.. Did you check the budget tosee (sic) if it is listed as a line item or not?”*** (It should be noted that no text messages were received from Harvey Readey as part of my public records request). A response from Sarah Goodwin dated August 4, 2015, was included with this email. In her response, Sarah Goodwin stated, ***“Either Sue of Lydia will bring it up tonight...”*** This confirms Sarah Goodwin communicated with Commissioners Harvey Readey, Sue Nielsen and Lydia Pisano, directly and through blind copied emails. This was confirmed through a thorough review of Commissioner Sue Nielsen’s emails as well.

On August 7, 2015, Commissioner Harvey Readey sent an email¹⁹ to resident Greg Gent regarding his presentation at the August 4, 2015, commission meeting. In his email, Commissioner Harvey Readey stated, ***“The attorney representing the neighborhood citizens helped convince the council sewer hookup was required. The city attorney’s counter argument against sewers was weak from council’s viewpoint. The council remembers the original proposed high density development...”*** These statements suggest some form of communication may have taken place between council members regarding the effectiveness of the arguments by each attorney sometime between the August 4, 2015 meeting and the August 7, 2015 email.

¹⁶ Attachment #15 Electronic mail sent from Sarah Goodwin to Lydia Pisano August 2, 2015 at 8:29pm.

¹⁷ Attachment #16 Electronic mail sent by Commissioner Harvey Readey to resident Sarah Goodwin August 3, 2015 at 4:34pm.

¹⁸ Attachment #17 Electronic mail from Commissioner Harvey Readey to Sarah Goodwin sent August 3, 2015 at 8:30pm. Electronic mail response from Sarah Goodwin to Commissioner Harvey Readey sent August 4, 2015 at 10:10am is also included.

¹⁹ Attachment #18 Electronic mail from Commissioner Harvey Readey to Greg Gent sent August 7, 2015 at 10:41pm.

On August 12, 2015, Commissioner Lydia Pisano sent an email²⁰ to resident Sarah Goodwin regarding the drainage and erosion issue. In her message, Commissioner Lydia Pisano stated, ***“Sarah, I have to bring up at workshop on the 26th...”*** This message is included in the blind copy sent to Commissioner Harvey Readey on August 12, 2015, at 10:19am where Sarah Goodwin responded to Commissioner Lydia Pisano. This same resident included Commissioners Harvey Readey, Sue Nielsen and Lydia Pisano in several blind copied messages as seen in Sue Nielsen’s provided information. Several email messages in Sue Nielsen’s provided information confirm that Sarah Goodwin acted as a communication conduit between commissioners. This will be better detailed later in this report.

September 9, 2015, in an email²¹ exchange with resident Charline Kennedy, Harvey Readey sent an email stating, ***“Sue and I are boxed in. A new mayor along with new commissioners are the only answers.”***

On September 23, 2015, Commissioner Harvey Readey sent an email²² to City Manager Keith Severns stating, ***“BUT, if you continue to operate independently of council direction, I can almost guarantee you service will end when the Mayor and his cronies are no longer servicing this community. I think you have good management skills but remember who you work for, (sic).”***

On October 16, 2015, Commissioner Harvey Readey sent an email²³ to Commissioner Sue Nielsen, using personal email accounts, which was titled ***“City Employee Pay Data with no Date on it.”*** This topic was the subject of proposed resolution 15-20 which was later introduced by Commissioner Sue Nielsen and addressed a maximum employee salary of \$85,000. While there was no attachment provided in the information given by Commissioner Harvey Readey, the very topic of employee salaries being discussed less than 2 months prior to the introduction of resolution 15-20 regulating employee maximum salaries suggests collusion by Commissioners Sue Nielsen and Harvey Readey with regards to at least one resolution.

²⁰ Attachment #19 Electronic mail from Lydia Pisano to Sarah Goodwin sent August 12, 2015 at 9:43am. Also included is an electronic mail from Sarah Goodwin to Lydia Pisano sent August 12, 2015 at 10:19am.

²¹ Attachment #20 Electronic mail from Commissioner Harvey Readey to Charline Kennedy sent September 9, 2015 at 3:19pm.

²² Attachment #21 Electronic mail from Commissioner Harvey Readey to city manager Keith Severns sent September 23, 2015 at 9:00pm.

²³ Attachment #22 Electronic mail from Commissioner Harvey Readey to Commissioner Sue Nielsen sent October 16, 2015 at 4:56pm.

On October 20, 2015, Commissioner Harvey Readey sent an email²⁴ to Jeremy Weinsier regarding his displeasure with City Manager Keith Severns. In his email, Commissioner Harvey Ready explained that he met with Keith Severns and informed him that he “works for council” and that he was “in contempt of council.” Commissioner Harvey Readey’s apparent displeasure with City Manager Keith Severn’s was coincidentally timed with Commissioner Sue Nielsen’s resolution 15-19, which called for the termination of Mr. Severns at the December commission meeting. This also appears to have coincided with resolution 15-20, also introduced by Commissioner Sue Nielsen, which was detailed in the previous paragraph explaining an email between Commissioner Sue Nielsen and Commissioner Harvey Readey, where the subject of the communication was employee salaries. The two resolutions introduced by Commissioner Sue Nielsen in December 2015 were also the topic of the email sent by Commissioner Harvey Readey on November 27, 2015, to residents of Belle Isle. Without illegal communications between Commissioner Harvey Readey and Commissioner Sue Nielsen, as shown by these emails, Commissioner Harvey Readey would not have knowledge of the proposed resolutions. Additionally, Commissioner Harvey Readey appears to have had clear control problems with Keith Severns, informing him he was “in contempt of council” and reminding him that he “works for council.” In his email to the citizens, Commissioner Harvey Readey explains the commission’s plans for replacing the city manager, once the proposed resolutions passed on December 1, 2015. Again, this knowledge appears to have been gained through what appears to be illegal communications with other council members.

Items for Commissioner Sue Nielsen

On January 5, 2015, Commissioner Sue Nielsen sent an email²⁵ to Sarah Goodwin stating, ***“Here are a few ideas. I do not remember exactly what I was thinking when we first talked. Harvey has a great campaign team up and running, so check with Nancy²⁶ if you are interested. See you tomorrow!”*** This email included an attachment, but that attachment was not included in the information provided to the State Attorney’s Office. Note: This email would require additional information to potentially provide clarity as to the topic since Sarah Goodwin has been shown to have previously been a conduit between commissioners, especially relating to the drainage and canal erosion topic which continues to be heard by the commission.

²⁴ Attachment #23 Electronic mail from Commissioner Harvey Readey to Jeremy Weinsier sent October 20, 2015 at 10:06am.

²⁵ Attachment #24 Electronic mail from Commissioner Sue Nielsen to Sarah Goodwin sent January 5, 2015 at 9:26pm.

²⁶ Nancy refers to Nancy Weinsier, the mother of now commissioner Jeremy Weinsier.

On January 15, 2015, Nancy Weinsier sent an email²⁷ to Commissioner Sue Nielsen and Jeremy Weinsier regarding, “LM’s²⁸ candidacy on Facebook.” The final sentence of her email stated, “Should I send this to Ed?”²⁹ This appears to be constant with the ongoing third party communication between commissioners.

On February 10, 2015, Sarah Goodwin sent an email³⁰ to Commissioner Harvey Readey, Commissioner Sue Nielsen, Nancy Weinsier and Charline Kennedy where the subject was, “meeting on Friday ANAC.” In the email chain it stated, “We will meet on Friday @9am. did (sic) you get a notice?” It also stated, “We need to get together and push for Harv.”

On March 5, 2015, Charline Kennedy sent an email³¹ to Commissioner Lydia Pisano regarding the upcoming election between incumbent Commissioner Harvey Readey and candidate Larry Miles. Charlie Kennedy also referenced a “posting” by Larry Miles. Commissioner Sue Nielsen was blind copied on the email to Commissioner Lydia Pisano.

On June 15, 2015, resident Daniel Lucey engaged in an email conversation³² with Commissioner Sue Nielsen. In that conversation, about financial reserves for the City of Belle Isle, Commissioner Sue Nielsen stated, “The council would have to vote to do it. If you can get Karl³³ to bring it up and make that suggestion, I will certainly back him up. Or of course I can bring it up.” The following sentence stated, “Karl could do much better if he could just realize we need to do a better job. It really does not seem to me that he understands how much power³⁴ and responsibility he has as a commissioner.” In a later email to Daniel Lucey, sent the same day by Commissioner Sue Nielsen as part of the same conversation, Commissioner Sue Nielsen stated, “I hope you do talk to Karl. But please do not tell him that I suggested it. I am not trying to pass a message to him through you because that would be a sunshine violation for me.” (Emphasis Added)

²⁷ Attachment #25 Electronic mail from Nancy Weinsier to Commissioner Sue Nielsen and Jeremy Weinsier sent January 15, 2015 at 11:13am.

²⁸ LM refers to resident Larry Miles, a candidate for commission during the 2016 election.

²⁹ Ed refers to Commissioner Ed Gold.

³⁰ Attachment #26 Electronic mail from Sarah Goodwin to Commissioner Harvey Readey, Commissioner Sue Nielsen, Nancy Weinsier and Charline Kennedy sent February 10, 2015 at 9:57am.

³¹ Attachment #27 Electronic mail from Charline Kennedy to Commissioner Lydia Pisano where Commissioner Sue Nielsen is blind copied. Sent March 5, 2015 at 2:44pm.

³² Attachment #28 Electronic mail conversation between Daniel Lucey and Commissioner Sue Nielsen sent June 15, 2015 between 1:03pm and 3:18pm.

³³ Karl refers to Commissioner Karl Shuck.

³⁴ Reference to how much “power” is possessed by commissioners speaks to their mindset. This same belief is echoed throughout many of the emails sent by Commissioner Harvey Readey.

On July 10, 2015, Commissioner Sue Nielsen sent an email³⁵ to Commissioner Ed Gold and Nancy Weinsier regarding taxes and fees. The body of the message stated, ***“This is from the Orange County Tax Collector’s Office. It’s only what they collect. Most cities have additional fees that they do not. If you have questions, I may already have the answer, if I asked the same question.”*** In a response to Commissioner Sue Nielsen, Commissioner Ed Gold wrote, ***“Thanks Sue! These numbers match almost exactly with what I got from the Property Appraiser’s website.”*** It should be noted that a common theme throughout Commissioner Ed Gold’s communications was annexation and tax revenue generated by potential annexation³⁶. The researching of taxes and potential revenue generation appears to have been related to the desire to annex residential areas. This topic would be a future agenda item.

On July 11, 2015, Commissioner Sue Nielsen sent an email³⁷ to Commissioner Ed Gold in response to his comment about the numbers in the previous email from the Property Appraiser’s Site. Commissioner Sue Nielsen stated, ***“Just thought it mite (sic) help with thinking up a matrix, and comparisons of particular municipalities.”***

On July 17, 2015, Daniel Lucey sent an email³⁸ to Commissioner Sue Nielsen, which included attachments from a forwarded email. The email and attachments originated from Tracey Richardson, Finance Manager for the City of Belle Isle, and were originally sent to Commissioner Karl Shuck. Commissioner Karl Shuck then sent the attachments to Daniel Lucey, who forwarded them to Commissioner Sue Nielsen. The attachments were labeled ***“09-30-04 CARF.pdf.”*** This attachment was not included with the information provided to the State Attorney’s Office. I contacted Tracey Richardson with the City of Belle Isle and requested she send me that attachment. I received the attachment, which was the year-end financial statement for the city. This would be the very topic Daniel Lucey and Commissioner Sue Nielsen were discussing in the earlier email, where she instructed Daniel Lucey to request Commissioner Karl Shuck raise the issue so she could second his motion. While Daniel Lucey is discussing this item with both commissioners, it appears that Commissioner Sue Nielsen was aware of the conduit of information, but Commissioner Karl Shuck was not.

³⁵ Attachment #29 Electronic mail sent between Commissioner Sue Nielsen and Commissioner Ed Gold. Included in the electronic mail conversation is Nancy Weinsier. Sent July 10, 2015 at 5:05pm and 9:55pm.

³⁶ Annexation refers to the bringing of real property into the City of Belle Isle when they are currently outside the incorporated city limits. This results in additional tax revenue for the City of Belle Isle and requires additional services to be extended to the newly annexed property.

³⁷ Attachment #30 Electronic mail sent from Commissioner Sue Nielsen to Commissioner Ed Gold on July 11, 2015 at 6:38am.

³⁸ Attachment #31 Electronic mail from Daniel Lucey to Commissioner Sue Nielsen showing forwarding of information from Commissioner Karl Shuck. Sent July 17, 2015 at 4:22pm.

On July 17, 2015, Daniel Lucey sent an email³⁹ to Commissioner Sue Nielsen containing an attachment named “09-30-05 CAFR.pdf.” This email originated from City of Belle Isle Finance Manager Tracey Richardson and was sent to Commissioner Karl Shuck. Commissioner Karl Shuck forwarded the information to Daniel Lucey, who then forwarded it to Commissioner Sue Nielsen. As with the previous forwarded attachment, it was necessary for me to retrieve the item from Tracey Richardson. This was another year-end financial statement, as with the previous email. This related to the same topic as the previous emails between Daniel Lucey and Sue Nielsen regarding financial reserves and Commissioner Sue Nielsen’s suggestion that Daniel Lucey instruct Commissioner Karl Shuck to make a motion regarding reserves so that she can second his motion.

On July 26, 2015, Annette (Nielsen) sent an email⁴⁰ to her mother, Commissioner Sue Nielsen, with a subject of “Facebook.” The email included an attachment, which was not provided to the State Attorney’s Office with the email.

On July 28, 2015, Sarah Goodwin sent an email⁴¹ to Commissioner Lydia Pisano inquiring about the requirements to gain admission into the city’s charter school. Commissioner Sue Nielsen was blind copied on the email.

On August 2, 2015, Sarah Goodwin sent an email⁴² to Commissioner Sue Nielsen requesting she write a letter to be copied and sent to Commissioners Lydia Pisano, Harvey Readey and Ed Gold. The email reads as follows:

“will (sic) you please write me a nice note that I can copy (more professional & short) and send today if possible to commissioners (Lydia, Readey & Ed) regarding the \$23,000 funds the mayor was quick to use and assign. (sic) Those funds should stay w/LCEHOA to repair the erosion. The mayor on various discussions has agreed it is the city’s responsibility. I feel that since we have sufficient funds on budget and ad valorem tax is not needed then we should be able to keep those funds and finally after all these years do the repairs. I need the support and will ask Lydia to bring it up on Tuesday....she knows I am upset/not happy with her.”

On August 2, 2015, Sarah Goodwin sent an email⁴³ to Commissioner Lydia Pisano regarding the erosion repairs to be discussed as an agenda item. Commissioner Sue Nielsen was blind copied⁴⁴ on this email.

³⁹ Attachment #32 Electronic mail from Daniel Lucey to Commissioner Sue Nielsen including financial statements forwarded from Commissioner Karl Shuck. Sent July 17, 2015 at 4:23pm.

⁴⁰ Attachment #33 Electronic mail from Annette Nielsen to Commissioner Sue Nielsen sent July 26, 2015 at 3:09pm.

⁴¹ Attachment #34 Electronic mail sent from Sarah Goodwin to Commissioner Sue Nielsen July 28, 2015 at 11:46am.

⁴² Attachment #35 Electronic mail from Sarah Goodwin to Commissioner Sue Nielsen requesting she write a letter to be copied and sent to Commissioners Pisano, Readey and Gold. Sent August 2, 2015 at 1:44pm.

⁴³ Attachment #36 Electronic mail from Sarah Goodwin to Commissioner Lydia Pisano with Commissioner Sue Nielsen blind copied. Sent August 2, 2015 at 8:29pm.

⁴⁴ A blind carbon copy email is defined by Miriam Webster as, “a copy of a message (as an e-mail) that is sent without the knowledge of the other recipients”.

On August 2, 2015, Commissioner Sue Nielsen sent an email⁴⁵ to Sarah Goodwin. The email was in response to an earlier request for Commissioner Sue Nielsen to type something to be copied and sent to Commissioners Lydia Pisano, Harvey Readey and Ed Gold. The email stated:

“Subject: Note to Ed, Harv and Lydia, and Sue”

“ Sarah, is this about right?”

Thank you for voting to move forward with the Conway East lake lot repairs before October 1, 2015. Please be sure to include repair of the eroded canal bank in the project. Please bring it up for discussion at Tuesday night’s meeting.

Call me in the morning about lunch.

Sue Nielsen”

On August 2, 2015, Sarah Goodwin sent an email⁴⁶ to Commissioner Sue Nielsen that stated:

“thank you. but have sent lydia a note and included blind copy to you, ed and harv what do you think of what I said/ (sic)”

Acknowledging having read the message in which she was blind copied, on August 3, 2015, Commissioner Sue Nielsen responded:

“Of course your note sounds fine. I am glad you put in how it makes you feel when the mayor is so negative toward you

Sue Nielsen”

On August 4, 2015, Sarah Goodwin sent an email⁴⁷ to Commissioner Ed Gold regarding the commission meeting scheduled for that evening and an item on the agenda. In her email, Sarah Goodwin wrote:

***“Ed:
Lydia may bring the canal bank repair for discussion/vote tonight.”***

⁴⁵ Attachment #37 Electronic mail from Commissioner Sue Nielsen to Sarah Goodwin with a message to be copied and sent to Commissioners Pisano, Readey and Gold. Sent August 2, 2015 at 9:18pm.

⁴⁶ Attachment #38 Electronic mail conversation between Sarah Goodwin and Commissioner Sue Nielsen. Sent August 2, 2015 and August 3, 2015.

⁴⁷ Attachment #39 Electronic mail from Sarah Goodwin to Commissioner Ed Gold regarding agenda items. Commissioner Sue Nielsen is blind copied. Sent August 4, 2015 at 3:45pm.

Sarah Goodwin closed her email to Commissioner Ed Gold by saying, ***“If Lydia does not bring up there may be a possibility Sue will.”*** This email was blind copied to Commissioner Sue Nielsen. Again, Sarah Goodwin appears to be acting as a communication conduit between commissioners.

On August 5, 2015, Commissioner Sue Nielsen sent an email⁴⁸ to Sarah Goodwin stating, ***“I think your note was perfect. I am sorry we did not get to it. I am sure the next meeting will be a better opportunity.”*** This was in regards to the email chain involving the canal erosion repair that Sarah Goodwin had copied Commissioners Ed Gold, Lydia Pisano, Harvey Readey and Sue Nielsen.

On August 8, 2015, Nancy Weinsier sent an email⁴⁹ to Commissioner Sue Nielsen and Jeremy Weinsier titled, ***“Hmmm...no wonder city hall hasn’t provided FDLE report!”*** There are items attached to the email, but those attachments were never provided to the State Attorney’s Office.

On August 9, 2015, Commissioner Sue Nielsen responds to an email⁵⁰ conversation between Sarah Goodwin and Commissioner Lydia Pisano where she was blind copied. The topic of the conversation was the procurement of neighborhood beautification grants, which would be considered to be, official city business. In her response to Sarah Goodwin, Commissioner Sue Nielsen stated, ***“Your plan sounds like it should work.”*** Also included in their email exchange was the arrangement for Commissioner Sue Nielsen to ride with Sarah Goodwin to an upcoming event.

On August 12, 2015, Sarah Goodwin sent an email⁵¹ to Commissioner Lydia Pisano regarding the neighborhood grant, and the canal erosion repairs. Sarah Goodwin blind copied Commissioner Sue Nielsen in the email exchange. Again, Sarah Goodwin appears to be acting as a communication conduit between commissioners.

On August 12, 2015, Commissioner Lydia Pisano sent an email⁵² to Sarah Goodwin stating, ***“Sarah, I have to bring up at the workshop on the 26th.”*** This confirmed that the grant issue was an agenda item. Commissioner Sue Nielsen was blind copied on this email exchange.

⁴⁸ Attachment #40 Electronic mail from Commissioner Sue Nielsen to Sarah Goodwin. Sent August 5, 2015 at 7:18am.

⁴⁹ Attachment #41 Electronic mail from Nancy Weinsier to Commissioner Sue Nielsen sent August 8, 2015 at 10:50am.

⁵⁰ Attachment #42 Electronic mail conversation between Sarah Goodwin and Commissioner Sue Nielsen. Sent August 9, 2015 at 4:25pm.

⁵¹ Attachment #43 Electronic mail from Sarah Goodwin to Commissioner Lydia Pisano. Sent August 12, 2015 at 9:01am.

⁵² Attachment #44 Electronic mail from Commissioner Lydia Pisano to Sarah Goodwin. Sent August 12, 2015 at 9:43am.

On August 13, 2015, Commissioner Sue Nielsen sent an email⁵³ to Nancy Weinsier regarding a property in the City of Belle Isle. While Jeremy Weinsier and Nancy Weinsier seem to have input in nearly every decision made in Belle Isle, it is unclear why Commissioner Sue Nielsen sent this email to Nancy Weinsier. This email was an item for clarification during an interview.

On August 15, 2015, Commissioner Harvey Readey sent an email⁵⁴ to City Manager Keith Severns and City Attorney Frank Kruppenbacher regarding a flooding issue within Belle Isle. In his email, Commissioner Harvey Readey stated, ***“I will be asking these questions again at the workshop unless this can be resolved before then.”*** This indicates an item to be brought up before the council. Commissioner Harvey Readey blind copied Commissioner Sue Nielsen on this email.

On August 16, 2015, Commissioner Harvey Readey sent an email⁵⁵ to Jeremy Weinsier regarding a proposed development which was an agenda item before the commission. Commissioner Harvey Readey blind copied Commissioner Sue Nielsen on this email.

On August 17, 2015, Commissioner Sue Nielsen sent an email⁵⁶ to resident (now commissioner) Bobby Lance. In her email Commissioner Sue Nielsen said, ***“I am curious about what you learned about Larry’s intentions”***. Note: This email was flagged for additional clarification during an interview since “Larry” is believed to be Larry Miles, candidate for city commission.

On August 20, 2015, Sarah Goodwin sent an email⁵⁷ to Commissioner Sue Nielsen stating, ***“found what I was looking for.. will send copy to Lydia when I get back from apt.”*** This message was part of an email chain relating to the neighborhood grants.

On August 22, 2015, Sarah Goodwin sent an email⁵⁸ to Commissioner Sue Nielsen that included a message sent to her from Commissioner Ed Gold regarding annexation, a commission agenda item.

⁵³ Attachment #45 Electronic mail from Commissioner Sue Nielsen to Nancy Weinsier. Sent August 13, 2015 at 4:23pm.

⁵⁴ Attachment #46 Electronic mail from Commissioner Harvey Readey to Keith Severns. Sent August 15, 2015 at 2:26pm.

⁵⁵ Attachment #47 Electronic mail from Commissioner Harvey Readey to Jeremy Weinsier. Sent August 16, 2015 at 10:08pm.

⁵⁶ Attachment #48 Electronic mail from Commissioner Sue Nielsen to Bobby Lance. Sent August 17, 2015 at 9:56am.

⁵⁷ Attachment #49 Electronic mail from Sarah Goodwin to Commissioner Sue Nielsen. Sent August 20, 2015 at 9:18am.

⁵⁸ Attachment #50 Electronic mail from Sarah Goodwin to Commissioner Sue Nielsen. Sent August 22, 2015 at 8:48am.

On August 30, 2015, Sarah Goodwin sent an email⁵⁹ to Commissioner Lydia Pisano regarding the neighborhood grants. In her email, Sarah Goodwin stated, ***“According to the Bing forms the request has to go thru Council...”*** This message is part of a long chain in which Commissioner Lydia Pisano agrees to introduce this topic to the council at the meeting on the 26th. Commissioner Sue Nielsen was blind copied on this string of messages by Sarah Goodwin.

On September 1, 2015, Sarah Goodwin sent an email⁶⁰ to Commissioner Lydia Pisano regarding the neighborhood grant application, an agenda item. Commissioner Sue Nielsen was blind copied by Sarah Goodwin.

On September 2, 2015, Sarah Goodwin sent an email⁶¹ to Commissioner Sue Nielsen that simply stated, ***“from Lydia.”*** Included with the email is a chain of correspondence between Sarah Goodwin and Commissioner Lydia Pisano discussing the neighborhood grant application and fences. Both are agenda items.

On September 7, 2015, Sarah Goodwin sent an email⁶² to Commissioner Sue Nielsen, including a chain of messages between herself and Commissioner Lydia Pisano, regarding the neighborhood grant being added to the commission agenda. In the email chain Commissioner Lydia Pisano informed Sarah Goodwin that the neighborhood grant issue would be added to the agenda, although it had not yet been included. Sarah Goodwin included those messages in her email to Commissioner Sue Nielsen along with an expression of displeasure that Commissioner Lydia Pisano had not yet added the item to the agenda.

On September 8, 2016, Jeremy Weinsier sent an email⁶³ to Commissioner Sue Nielsen titled, ***“2015-16 Budget Review.”*** Note: This email was flagged for clarification during an interview about the role Jeremy and Nancy Weinsier play in the operation of the City of Belle Isle. It appears many of the commissioners frequently turn to Jeremy Weinsier for advice and guidance on items from the commission agenda, for which the commission should seek the input of those they represent rather than one individual or one family. Jeremy Weinsier is a member of the board of directors for the Pine Castle Historical Society and is the President of the **Pine Castle Women’s Club**. Note: The apparent influence held by this individual is perplexing to this investigator and needs to be more closely examined during interviews with the Belle Isle City Commissioners.

⁵⁹ Attachment #51 Electronic mail from Sarah Goodwin to Commissioner Lydia Pisano. Sent August 30, 2015 at 1:10pm.

⁶⁰ Attachment #52 Electronic mail from Sarah Goodwin to Commissioner Lydia Pisano. Sent September 1, 2015 at 5:29pm.

⁶¹ Attachment #53 Electronic mail from Sarah Goodwin to Commissioner Sue Nielsen. Sent September 2, 2015 at 6:28pm.

⁶² Attachment #54 Electronic mail from Sarah Goodwin to Commissioner Sue Nielsen. Sent September 7, 2015 at 2:32pm.

⁶³ Attachment #55 Electronic mail from Jeremy Weinsier to Commissioner Sue Nielsen. Sent September 8, 2015 at 1:50am.

On September 8, 2015, Sarah Goodwin sent an email⁶⁴ to Commissioner Lydia Pisano regarding the neighborhood grant. Sarah Goodwin blind copied Commissioner Sue Nielsen.

On September 9, 2015, Commissioner Harvey Readey sent an email⁶⁵ to City Manager Keith Severns, City Attorney Frank Kruppenbacher and City Clerk Yolanda Quiceno requesting the salaries of all city employees. Commissioner Sue Nielsen was blind copied on this email. Note: This is of particular significance since the resolution that would be introduced by Commissioner Sue Nielsen at the December 1, 2015, commission meeting would deal directly with employee salaries.

On September 10, 2015, Commissioner Ed Gold sent an email⁶⁶ to Stephen Odouj while copying Commissioner Sue Nielsen. The subject of the email was *"Belle Isle Accomplishments.pdf; Northern Annex presentation.pdf."* The email is regarding a presentation to promote annexation, an item which would become a commission agenda item.

On September 11, 2015, Commissioner Sue Nielsen sent an email⁶⁷ to Jeremy Weinsier titled *"Records Requests."* The attachments are shown at, *"Public Records Request Form Middlesex.doc.docx; Public Records Request Belle Isle.doc.docx."* The body of the message stated, *"Hey Jeremy, Can you take a look and see if any tweaks are needed? Thanks."* There were no attachments included in the copy provided to the State Attorney's Office. This is another example of Belle Isle City Commissioners seeking the input of Jeremy Weinsier.

On September 11, 2015, Commissioner Sue Nielsen sent an email⁶⁸ to Jeremy Weinsier titled, *"Revised request to city."* The body of the message stated, *"How about this?"* Note: There was no attachment included in the information provided to the State Attorney's Office.

On September 11, 2015, Commissioner Sue Nielsen sent an email⁶⁹ to Jeremy Weinsier. The email appears to be the same email sent one minute prior, but shows an included attachment. Note: That attachment was not included in the information provided to the State Attorney's Office.

⁶⁴ Attachment #56 Electronic mail from Sarah Goodwin to Commissioner Lydia Pisano. Sent September 8, 2015 at 1:25pm.

⁶⁵ Attachment #57 Electronic mail from Commissioner Harvey Readey to Keith Severns sent September 9, 2015 at 11:11am.

⁶⁶ Attachment #58 Electronic mail from Commissioner Ed Gold to Commissioner Sue Nielsen. Sent September 10, 2015 at 3:14am.

⁶⁷ Attachment #59 Electronic mail from Commissioner Sue Nielsen to Jeremy Weinsier. Sent September 11, 2015 at 12:23pm.

⁶⁸ Attachment #60 Electronic mail from Commissioner Sue Nielsen to Jeremy Weinsier. Sent September 11, 2015 at 3:00pm.

⁶⁹ Attachment #61 Electronic mail from Commissioner Sue Nielsen to Jeremy Weinsier. Sent September 11, 2015 at 3:01pm.

On September 11, 2015, Commissioner Sue Nielsen sent an email⁷⁰ to Jeremy Weinsier. The subject of the email is, *“Please read this one.”* The attachments shown are titled, *“Public Records Request Belle Isle.doc.docx.”* The body of the message stated, *“See above. Thanks.”* Note: No attachments were included in the information provided to the State Attorney’s Office.

On September 23, 2015, Commissioner Sue Nielsen sent an email⁷¹ to Jeremy Weinsier. The email included a chain of messages from City Manager Keith Severns and Commissioner Sue Nielsen, where there appeared to be friction between the individuals. In her email to Jeremy Weinsier, Commissioner Sue Nielsen stated, *“Here is one of Keith’s emails to me, with my response.”* Note: This email was flagged for further clarification of why Commissioner Sue Nielsen would send this to Jeremy Weinsier. It is not known if the intent was to seek legal advice from Jeremy Weinsier, who is a licensed attorney in the State of Florida, or if her intent was to provoke some writing in the blog site run by Jeremy Weinsier, The Belle Isle Sun.

On September 23, 2015, Commissioner Sue Nielsen sent an email⁷² to Jeremy Weinsier. The email chain included a message sent by City Manager Keith Severns to the city commission addressing a public records request submitted by Commissioner Sue Nielsen. Note: This email was flagged by me for further clarification during potential interviews on why Commissioner Sue Nielsen would send this email to Jeremy Weinsier.

On October 6, 2015, Commissioner Sue Nielsen sent a text message⁷³ to Commissioner Ed Gold stating, *“Did you see the letter from Dr. Chang that is a draft of what he will need from the city, and are you going to bring it up?”* A second text was sent stating, *“I think it is best to wait bc some tweaks are needed.”* Based on this review, it appears these messages refer to the “Delia Beach” project, a commission agenda item.

On October 16, 2015, Commissioner Harvey Readey sent an email⁷⁴ to Commissioner Sue Nielsen with a subject, *“City Employee Pay Data with no Date on it”* (sic). There appears to have been an attachment included, but that attachment was not provided in the copy given to the State Attorney’s Office. Note: This is significant since one of the resolutions introduced by Commissioner Sue Nielsen on December 1, 2015 and referenced in the November 27, 2015, email from Commissioner Harvey Readey directly related to employee salaries.

⁷⁰ Attachment #62 Electronic mail from Commissioner Sue Nielsen to Jeremy Weinsier. Sent September 11, 2015 at 3:12pm.

⁷¹ Attachment #63 Electronic mail from Commissioner Sue Nielsen to Jeremy Weinsier. Sent September 23, 2015 at 11:51am.

⁷² Attachment #64 Electronic Mail from Commissioner Sue Nielsen to Jeremy Weinsier. Sent September 23, 2015 at 11:59am.

⁷³ Attachment #65 Text messages from Commissioner Sue Nielsen to Commissioner Ed Gold. Sent October 6, 2015 at 3:40pm.

⁷⁴ Attachment #66 Electronic mail from Commissioner Harvey Readey to Commissioner Sue Nielsen. Sent October 16, 2015 at 4:56pm.

On October 17, 2015, Commissioner Sue Nielsen sent an email⁷⁵ to Commissioner Harvey Readey stating, *“Thank you for your excellent analysis and salient questions. Just what I hoped was figured out before this purchase was made. Sue Nielsen.”* This message was a response to a message sent to her which included a list of questions posed by Commissioner Harvey Readey about a street sweeper being considered for purchase. This purchase was an agenda item.

On October 19, 2015, Sarah Goodwin sent an email⁷⁶ to Commissioner Lydia Pisano, City Attorney Frank Kruppenbacher and City Manager Keith Severns concerning the drainage project plans. Commissioner Sue Nielsen was blind copied in this email.

On November 22, 2015, Commissioner Sue Nielsen forwarded an email⁷⁷ to Nancy Weinsier which contains attachments. While those attachments were not included in what was provided to me, they appear to be related to a Homeowners Association newsletter titled, *“In the Know and in the Loop,”* published by resident Anita Sacco. Note: This message was flagged for further clarification during an interview regarding the role of Nancy Weinsier in city operations.

On November 28, 2015, Commissioner Sue Nielsen sent an email⁷⁸ to resident *Stuart Bernstein*⁷⁹. This email was a response to a message Stuart Bernstein sent to Commissioner Sue Nielsen on November 25, 2015. In his email to Commissioner Sue Nielsen, Stuart Bernstein stated, *“Sue- What precipitated your decision to place on agenda proposed decision to suspend the city manager? (sic) Thanks-Your fan Stuart.”* Commissioner Sue Nielsen responded by stating, *“This is classified information, but I understand my decision seems unexpected and sudden. A few weeks ago, It came to my attention that Lydia was ready to terminate Keith. I understood that my role would be a supporting one. Then last week when we had a deadline for resolutions, I learned that she expected me to take the lead.”* Commissioner Sue Nielsen went on to state, *“So it kind of fell in my lap to submit the resolution along with the backup one to cut his salary.”* This message sent by Commissioner Sue Nielsen to Stuart Bernstein appears to show collusion between herself and Commissioner Lydia Pisano, as well as other unknown individuals, to terminate City Manager Keith Severns. When combined with the email sent to Belle Isle residents by Commissioner Harvey Readey, it becomes overwhelmingly evident that no less than three commissioners (Commissioner Sue Nielsen, Commissioner Harvey Readey and Commissioner Lydia Pisano) communicated outside of public meetings and conspired to terminate City Manager Keith Severns. The emails between Commissioner Harvey Readey and Sue Nielsen regarding city employee salaries further support this fact since the second resolution offered by Commissioner Sue Nielsen directly related to employee salary. **(Attachment numbers 22, 57, and 66)**

⁷⁵ Attachment #67 Electronic mail from Commissioner Sue Nielsen to Commissioner Harvey Readey. Sent October 17, 2015 at 8:39am.

⁷⁶ Attachment #68 Electronic mail from Sarah Goodwin to Commissioner Lydia Pisano sent October 19, 2015 at 1:02pm.

⁷⁷ Attachment #69 Electronic mail from Commissioner Sue Nielsen to Nancy Weinsier. Sent November 22, 2015 at 6:13am.

⁷⁸ Attachment #70 Electronic mail from Commissioner Sue Nielsen to Stuart Bernstein. Sent November 28, 2015 at 5:40am.

⁷⁹ Stuart Bernstein is a member of the City of Belle Isle Planning and Zoning Board. He was confirmed May 5, 2015 as shown in the commission meeting minutes.

On November 28, 2015, Commissioner Sue Nielsen sent an email⁸⁰ to Stuart Bernstein, Ralph Winterhoff, Daniel Lucey and Charline Kennedy that included a forwarded message from Commissioner Harvey Readey. The email chain originated with Commissioner Harvey Readey sending the original message to several residents, including Sarah Goodwin. Sarah Goodwin, in what appears to be the furtherance of acting as a conduit, then forwarded the message to Commissioner Sue Nielsen who then forwarded it to the above named subjects. The message sent is the one where Commissioner Harvey Readey urged residents to attend the December 1, 2015, council meeting where the resolutions submitted by Commissioner Sue Nielsen calling for the termination of City Manager Keith Severns as well as limit employee salary were to be discussed and brought to a vote. This is the same message where Commissioner Harvey Readey stated, *“Commissioners (including myself) and numerous citizens agree it is time for Mr. Severns to go.”* Commissioner Harvey Readey further explains that, *“Council members plan on bringing in a temporary city manager to run the city until a new manager is hired.”* This message supports the belief that there were discussions regarding the termination of City Manager Keith Severns outside of public meetings. Commissioner Sue Nielsen forwarding this message is believed to be an act that is a form of communication in itself.

On November 29, 2015, Commissioner Sue Nielsen sent an email⁸¹ to Jeremy Weinsier and Nancy Weinsier with a subject of *“Question.”* Note: The email contained attachments in the form of jpeg files, but those attachments were not provided to the State Attorney’s Office. Note: This email was flagged for additional clarification during an interview.

On November 29, 2015, Commissioner Sue Nielsen along with Commissioners Harvey Readey, Ed Gold, Karl Shuck, Keith Van Dyke, Larry Ady and Lydia Pisano, as well as several residents, received an email⁸² from Daniel Lucey detailing his reasons to “support Harvey” with regards to his plea for attendance at the December 1, 2015, commission meeting. On November 30, 2015, Commissioner Sue Nielsen forwarded that message to Charline Kennedy and Jeremy Weinsier. Note: This message was flagged for additional clarification during an interview regarding the need for nearly all information or inquiries to be sent to Jeremy Weinsier.

On November 30, 2015, Commissioner Sue Nielsen sent a text message⁸³ to Commissioner Ed Gold, wherein she stated, *“Did you read all the CM’s articles in the newsletter? Don’t answer this.”* The instruction to *“don’t answer this”* indicates she possessed a clear understanding of the prohibitions on discussions outside of public meetings.

⁸⁰ Attachment #71 Electronic mail from Commissioner Sue Nielsen to Stuart Bernstein. Sent November 28, 2015 at 5:44am.

⁸¹ Attachment #72 Electronic mail from Commissioner Sue Nielsen to Jeremy Weinsier and Nancy Weinsier. Sent November 29, 2015 at 2:39pm.

⁸² Attachment #73 Electronic mail from Commissioner Sue Nielsen to Jeremy Weinsier. Sent November 30, 2015 at 3:52am.

⁸³ Attachment #74 Text message from Commissioner Sue Nielsen to Commissioner Ed Gold. Sent November 30, 2015 at 9:23am.

On December 2, 2015, Commissioner Sue Nielsen sent an email⁸⁴ to Nancy Weinsier in response to one sent to her by Nancy Weinsier. In her message, Commissioner Sue Nielsen wrote, “Despicable and repulsive.” The original message, titled “Despicable,” contained an image attached. That attachment was not provided to the State Attorney’s Office. This email was flagged for additional clarification as to the content.

On December 2, 2015, Commissioner Sue Nielsen sent an email⁸⁵ to Ruth Bernstein in response to a message sent to her from Ruth Bernstein. In her original message, Ruth Bernstein is expressing her displeasure with Mayor Bill Brooks at the city council meeting. In her response, Commissioner Sue Nielsen stated, “*He was breaking the Sunshine law as well as Robert’s Rules.*” This email was flagged for additional clarification about what potential violations of the “Sunshine Law” may have occurred.

Items for Commissioner Ed Gold

On January 12, 2015, Commissioner Ed Gold and Nancy Weinsier were engaged in a conversation via Facebook messenger⁸⁶ regarding Belle Isle related groups on Facebook. Nancy Weinsier suggested that Commissioner Ed Gold leave a specific page (referred to as the “uncensored page”). Commissioner Ed Gold responded by saying, “*I need that one to know what Lydia is up to how about I just cease posting there?*”

On February 22, 2015 Commissioner Ed Gold and Nancy Weinsier were engaged in a Facebook messenger conversation⁸⁷. Commissioner Ed Gold sent a copy of a letter he received from resident Anita Sacco to Nancy Weinsier. Nancy Weinsier responded by saying, “*White of her!*” Commissioner Ed Gold stated, “*Yer not allowed to say that (smile emoticon)*” (sic) to which Nancy Weinsier replied, “*Just between us’n.*”

On March 2, 2015, Commissioner Ed Gold sent an email⁸⁸ to Commissioner Lydia Pisano with a subject of “*sample stationary.*” Note: There appears to have been an attachment to this email, but none was provided to the State Attorney’s Office. Note: This email was flagged for clarification of the attachment.

⁸⁴ Attachment #75 Electronic mail from Commissioner Sue Nielsen to Nancy Weinsier. Sent December 2, 2015 at 2:35pm.

⁸⁵ Attachment #76 Electronic mail from Commissioner Sue Nielsen to Ruth Bernstein. Sent December 2, 2015 at 2:48pm.

⁸⁶ Attachment #77 Facebook messenger conversation between Commissioner Ed Gold and Nancy Weinsier. January 12, 2015.

⁸⁷ Attachment #78 Facebook messenger conversation between Commissioner Ed Gold and Nancy Weinsier. February 22, 2015.

⁸⁸ Attachment #79 Electronic mail from Commissioner Ed Gold to Commissioner Lydia Pisano. Sent March 2, 2015 at 10:08pm.

On March 2, 2015, Commissioner Ed Gold sent an email⁸⁹ to Commissioner Lydia Pisano with a subject of ***“Sample letter.”*** Note: There appears to have been an attachment titled, ***“Bella Levatino letter.pdf,”*** but no attachment was provided to the State Attorney’s Office. Note: This email was flagged for clarification of the attachment.

On March 8, 2015, Commissioner Ed Gold and Nancy Weinsier were engaged in a Facebook messenger conversation⁹⁰. While discussing the upcoming election and the race between Commissioner Harvey Readey and Candidate Larry Miles, Commissioner Ed Gold sent the name ***“Kelli Calender Reinhardt”*** to Nancy Weinsier. Commissioner Ed Gold followed that with a message stating, ***“might want to contact her and see if we can sway her. is Lydia doing anything behind the scenes?”***

On March 12, 2015, Commissioner Ed Gold was engaged in a Facebook messenger conversation⁹¹ with Larry Miles, a candidate for a contested commission seat. (Currently occupied by Commissioner Harvey Readey) The conversation between Commissioner Ed Gold and Larry Miles turned to Commissioner Sue Nielsen, and the belief that she wanted to change the way the Belle Isle charter school is managed. Commissioner Ed Gold told Larry Miles, ***“I believe I know her most innermost thoughts since we have discussed these things in great detail.”*** Commissioner Gold cited an example of the perception that Commissioner Sue Nielsen is believed to want to dissolve the Belle Isle Police Department. A belief that Commissioner Ed Gold claims to be false, indicating conversations about the topic outside of public meetings.

On April 13, 2015, Commissioner Ed Gold and Commissioner Sue Nielsen were engaged in a text conversation⁹². During the conversation, Commissioner Sue Nielsen stated, ***“We will have to brag when those leaf baskets on Cullen Lakeshore get installed too.”*** This appears to be a reference to a drainage project which is an agenda item.

⁸⁹ Attachment #80 Electronic mail from Commissioner Ed Gold to Commissioner Lydia Pisano. Sent March 2, 2015 at 10:45pm.

⁹⁰ Attachment #81 Facebook messenger conversation between Commissioner Ed Gold and Nancy Weinsier. March 8, 2015.

⁹¹ Attachment #82 Facebook messenger conversation between Commissioner Ed Gold and Larry Miles. March 12, 2015.

⁹² Attachment #83 Text conversation between Commissioner Ed Gold and Commissioner Sue Nielsen. April 13, 2015 at 4:56pm.

On April 16, 2015, Commissioner Ed Gold was engaged in a Facebook messenger conversation⁹³ with resident Rick Miller. The conversation included discussions about city business. During the conversation, Commissioner Ed Gold said, ***“John Evertsen has made a public records request to see my communications with you.”*** In a separate response, Commissioner Ed Gold told Rick Miller, ***“I don’t consider any of our communications to be legitimate city business so I’m classifying this as personal communications.”*** Commissioner Ed Gold went on to say, ***“Lol. Curious how that came up. I will be sending an official note soon. You can release that Lol.”*** Rick Miller responded, ***“I wouldn’t consider Facebook private messages public record either. If you were doing so on a BI phone, then yes. But from yours or your home computer. No.”*** Commissioner Ed Gold replied, ***“That and I consider these to be private communications between me and a friend and adviser. Not city business.”***

On May 1, 2015, Commissioner Ed Gold and Commissioner Sue Nielsen were engaged in a text conversation⁹⁴. During the conversation Commissioner Sue Nielsen sent a message to Commissioner Ed Gold stating, ***“I thought that what Harvey voted No to was the purchase of gas station property next to Cornerstone.”*** Commissioner Ed Gold responded, ***“Dunno I can’t remember. I think all of us approved that.”*** After a short exchange, Commissioner Sue Nielsen sent Commissioner Ed Gold a message stating, ***“We were not really voting for the ordinance though. Right?”*** Commissioner Ed Gold responded, ***“No”*** and ***“Just to continue to amend it.”*** This demonstrates the items being discussed continued to be agenda items. The response by Commissioner Sue Nielsen, ***“We were not really voting for the ordinance though. Right?”*** which seems to suggest she was voting on an issue or item without an understanding of what she was voting for or against. Note: This needs to be clarified in an interview.

The text message conversation referenced above was related to the April 29, 2015 commission special workshop session. The minutes⁹⁵ from the session were obtained from City Clerk Yolanda Quiceno.

On June 29, 2015, Commissioner Ed Gold posted a comment⁹⁶ in a Belle Isle Facebook page in response to a citizen, Donna Wright, posing a question to Commissioner Lydia Pisano about a variance. This item was heard, or set to be heard, by the Planning and Zoning Board. In his comment, Commissioner Ed Gold wrote, ***“That’s why I read this page. The only news I get from P&Z comes from what others post on Facebook in these groups.”*** This confirmed, as was shown previously, that Commissioner Ed Gold used Facebook as a means for receiving communication and knowing the position of other city commission members outside of public meetings. It is important to note that items heard by the Planning and Zoning board, are heard by the city commission if appealed, per City of Belle Isle charter⁹⁷. This makes all Planning and Zoning items potential agenda items for the city commission.

⁹³ Attachment #84 Facebook messenger conversation between Commissioner Ed Gold and Rick Miller. April 16, 2015.

⁹⁴ Attachment #85 Text message conversation between Commissioner Ed Gold and Commissioner Sue Nielsen. May 1, 2015 at 11:21am.

⁹⁵ Attachment #86 Minutes from special commission workshop held April 29, 2015.

⁹⁶ Attachment #87 Facebook post by Commissioner Ed Gold. June 29, 2015.

⁹⁷ Attachment #88 City of Belle Isle charter regarding Planning and Zoning

On July 1, 2015, Commissioner Ed Gold sent an email⁹⁸ from his disclosed email account, edgoldjr@bellsouth.net to a previously undisclosed email account, edgoldjr@gmail.com. The content of the email included notes about city business. Note: The existence of this third party email account should be addressed in an interview.

On July 10, 2015, Commissioner Ed Gold sent an email⁹⁹ to Commissioner Sue Nielsen and Nancy Weinsier. In his message, Commissioner Ed Gold said, ***"Thanks Sue! These numbers match almost exactly with what I got from the Property Appraiser's website!"*** This message was in response to an email sent to Commissioner Ed Gold and Nancy Weinsier from Commissioner Sue Nielsen regarding ***"Belle Isle taxes and fees."***

On July 29, 2015, Commissioner Ed Gold was engaged in a Facebook messenger conversation¹⁰⁰ with resident Machele Rowe about annexation. In the conversation, Machele Rowe asks Commissioner Ed Gold, ***"Do you have agreement on the council?"*** Commissioner Ed Gold responded, ***"yes, I think so." "Dr. Van Dyke said he supports it. Larry Ady will support as well."*** Commissioner Ed Gold then said, ***"I know Sue and Harvey will but Sue says they won't accept our offer because they hate bill (sic) and Keith."*** These statements by Commissioner Ed Gold suggest conversations outside of public meetings have occurred regarding the possible annexation.

On August 10, 2015, Commissioner Ed Gold and Commissioner Lydia Pisano were engaged in a Facebook messenger conversation¹⁰¹. During the conversation, the topic of adding cameras to key areas of the city came up. Commissioner Ed Gold wrote, ***"I'd love the city to do something like that for \$30K one time fee, we have an extra virtual patrol car that watches everywhere simultaneously."*** Commissioner Lydia Pisano acknowledged Commissioner Ed Gold's comment by saying, ***"You just have to have signage of surveillance coverage."*** The conversation turned to annexation. Commissioner Ed Gold said, ***"We need to get people over there to talk to the residents and get them enthusiastic about the idea as I look at it more and more, I see it as taking money from the county that instead goes back to us (including those neighborhoods)
The county would lose about \$1M in various revenue sources, and would lose responsibility for about \$450K in expenses"*** Commissioner Ed Gold further stated, ***"and we would bring that \$600K or so back to the bigger Belle Isle"*** and ***"which includes those neighborhoods and its more like \$700K when you add in their stormwater fee
so its big money with just the 2 subdivisions
Shenandoah and Lake Conway Woods
even bigger with Conway Place
just gotta get to the people before the county starts talking to them"***

⁹⁸ Attachment #89 Electronic mail from Commissioner Ed Gold's disclosed email account to an undisclosed email account. Sent July 1, 2015 at 12:29am.

⁹⁹ Attachment #90 Electronic mail from Commissioner Ed Gold to Commissioner Sue Nielsen. Sent July 10, 2015 at 9:55pm.

¹⁰⁰ Attachment #91 Facebook messenger conversation between Commissioner Ed Gold and Machele Rowe. July 29, 2015.

¹⁰¹ Attachment #92 Facebook messenger conversation between Commissioner Ed Gold and Commissioner Lydia Pisano. August 10, 2015.

It appears that the items discussed by Commissioner Ed Gold and Commissioner Lydia Pisano during this conversation are items for future commission agendas.

On September 15, 2015, Commissioner Ed Gold and Commissioner Lydia Pisano were engaged in a Facebook messenger conversation¹⁰². The topic of discussion turned to sanitation issues, and Republic, the commission approved waste management company. While discussing the separation practices for recyclable items and the possibility that Republic is not properly recycling those items, Commissioner Ed Gold said, *"That would be the last straw for them I would think!"* The approval of Republic came through the commission, as would a termination of their contract. Both commissioners continue to discuss Republic until the topic of annexation comes around again. Commissioner Ed Gold said, *"I'm getting all kinds of negative feedback from Shenandoah and LC Woods those people are clueless I fear."* Commissioner Lydia Pisano responded, *"Yup. I said that. They are Belle Isle haters."* Commissioner Lydia Pisano explained that, *"Many of them don't like Keith or Bill,"* to which Commissioner Ed Gold responded, *"Instead they call Pete Clarke and ask for protection from us. That's what Sue told me."* Commissioner Lydia Pisano asked, *"They call Pete?"* Commissioner Ed Gold stated, *"I can't have that conversation over email. Has to be in person. Oh yes. He is their protector."* The conversation between Commissioner Ed Gold and Lydia Pisano then turned to development at the corner of Conway and Hoffner. Commissioner Ed Gold asked Commissioner Lydia Pisano, *"hey, do you know anybody at Freshfield Farms?"* Commissioner Ed Gold followed up with, *"That's who I want on that corner."*

Commissioner Ed Gold and Commissioner Lydia Pisano then discussed strategies for locating the appropriate contact person for Freshfield Farms. In the end, Commissioner Lydia Pisano tells Commissioner Ed Gold, *"Perfect. Let me know how you do."*

The conversation between Commissioner Ed Gold and Commissioner Lydia Pisano then turned to Commissioner Lydia Pisano's consideration of running for the Mayor position. During the conversation, Commissioner Ed Gold said, *"That's another good thing to discuss with Jeremy. I think he would support that too."* This statement is additional cause for concern regarding what appears to be influence held by Jeremy Weinsier in the City of Belle Isle. Clarification during an interview needs to be made to determine how and why Jeremy Weinsier supporting Lydia Pisano's run for mayor holds such significance.

Commissioner Ed Gold asked Commissioner Lydia Pisano if she would need to relinquish her council seat to run for Mayor. Commissioner Lydia Pisano said, *"I have to check. I am not sure about that. I need to research that."* Commissioner Ed Gold responded, *"Definitely need to know that. Could possibly pass a resolution to eliminate any restriction if it exists."*

¹⁰² Attachment #93 Facebook messenger conversation between Commissioner Ed Gold and Commissioner Lydia Pisano. September 15, 2015.

On October 1, 2015, Commissioner Ed Gold sent an email¹⁰³ to resident Dina Goodenow regarding the drainage and erosion project which was before the commission. In his message, Commissioner Ed Gold starts out by saying, ***“I’m having trouble keeping track of what is going on, and that’s a really bad place to be. You and Sue are off doing something and I’m not fully in the loop so I don’t know what the latest is. What I remember as being the latest status on this is that we argued in a council meeting and agreed that it was safer to go with the people who do this for a living rather than the academics that have not actually put their designs into practice.”*** This statement by Commissioner Ed Gold shows his frustration with knowing the happenings from the commission meetings, but not knowing the most recent information from the happenings outside the commission meetings. Commissioner Ed Gold appears to be fully aware that Commissioner Sue Nielsen is working with this resident on this project.

On November 5, 2015, Commissioner Ed Gold engaged in a Facebook messenger conversation¹⁰⁴ with David Evertsen. At issue during this conversation was a recent WFTV news story. According to David Evertsen, Commissioner Sue Nielsen contacted WFTV about the salaries of Belle Isle police officers and the retention issues at the Belle Isle Police Department. Commissioner Ed Gold responded by saying, ***“I saw your post but thought you were kinda nuts. She isn’t going after BIPD, she is gunho in support of BIPD and claiming that Keith is the enemy for giving such huge salaries to himself, Yolanda, and Tracey while screwing BID BIPD.”*** Commissioner Ed Gold’s statement suggests communication between himself and Commissioner Sue Nielsen since he had knowledge of Commissioner Sue Nielsen’s issue with City Manager Keith Severn’s salary, as well as City Clerk Yolanda Quiceno and Finance Manager Tracey Richardson.

On November 29, 2015, Commissioner Ed Gold engaged in a Facebook messenger conversation¹⁰⁵ with resident Jason Glassford regarding the removal of City Manager Keith Severns. In the conversation, Commissioner Ed Gold said, ***“These people have to remember that I was elected in 2014 along with Sue Nielsen to get rid of the Mayor and City Manager and then Harvey Readey was re-elected in 2015 further declaring that the people are still not happy.”***

On December 1, 2015, Commissioner Ed Gold engaged in a Facebook messenger conversation¹⁰⁶ with resident Stan Kaczmarek. The topic of discussion was the dismissal of City Manager Keith Severns. In a response to Stan Kaczmarek, Commissioner Ed Gold said, ***“and they got us in and told us we had to go get these crooks out.”*** Note: This email was flagged for clarification regarding Commissioner Ed Gold’s statement regarding ***“they got us in and told us we had to go get these crooks out.”***

¹⁰³ Attachment # 94 Electronic mail from Commissioner Ed Gold to Dina Goodenow. Sent October 1, 2015 at 1:05am.

¹⁰⁴ Attachment #95 Facebook messenger conversation between Commissioner Ed Gold and David Evertsen. November 5, 2015.

¹⁰⁵ Attachment #96 Facebook messenger conversation between Commissioner Ed Gold and Jason Glassford. November 29, 2015.

¹⁰⁶ Attachment #97 Facebook messenger conversation between Commissioner Ed Gold and Stan Kaczmarek. December 1, 2015.

On December 1, 2015, Commissioner Ed Gold engaged in a Facebook messenger conversation¹⁰⁷ with resident John Carr about the replacement of City Manager Keith Severns. During the conversation, Commissioner Ed Gold said, ***“I know they have an excellent replacement in mind.”***

On January 23, 2016, Commissioner Ed Gold engaged in a Facebook messenger conversation¹⁰⁸ with David Evertsen. The topic of conversation was the dismissal of City Manager Keith Severns. In his comments to David Evertsen, Commissioner Ed Gold said, ***“...because I wasn’t really aware of why Sue and Lydia were so gung ho to get rid of Keith Just knew that it was coming and had to figure out where I should stand.”*** Commissioner Ed Gold went on to say, ***“I told him that I really had no strong opposition and thought Keith was doing a reasonable job, but when 3 commissioners have this much of an issue, then we have a serious problem.”*** Later in the conversation, while discussing Commissioner Lydia Pisano, Commissioner Ed Gold told David Evertsen, ***“Yeah she is real worried about the investigation.”***

Items for Lydia Pisano

On April 28, 2015, Commissioner Lydia Pisano and City Manager Keith Severns were engaged in a text message conversation¹⁰⁹ about a potential Wawa gas station being built in Belle Isle. During the conversation City Manager Keith Severns suggested residents show up at an upcoming meeting to voice their opposition to the project. Commissioner Lydia Pisano told City Manager Keith Severns, ***“Just talked to Amy. She saw Ed and he told her. She asked about Sue. He heard she wants it from someone at the picnic.”*** Commissioner Lydia Pisano then said, ***“They are going to vote against this apparently.”***

On May 15, 2015, Commissioner Lydia Pisano and City Manager Keith Severns were engaged in a text message conversation¹¹⁰. During the conversation, Commissioner Lydia Pisano asked City Manager Keith Severns, ***“Did you see what your boy Ed posted this morning about the property on Nela and Seminole?”*** She then said, ***“Go to Belle Isle Sunshine. (Larry Miles page). You don’t have to be a member to see it.”*** The property at Nela and Seminole was a commission agenda item with a great deal of controversy. In previously mentioned attachment items, Commissioner Ed Gold remarked how he uses Facebook to see what other commissioners are doing. This is an example of Commissioner Lydia Pisano also using Facebook as a means to learn the intent and thoughts of other commissioners.

¹⁰⁷ Attachment #98 Facebook messenger conversation between Commissioner Ed Gold and John Carr. December 1, 2015.

¹⁰⁸ Attachment #99 Facebook messenger conversation between Commissioner Ed Gold and David Evertsen. January 23, 2016.

¹⁰⁹ Attachment #100 Text message conversation between Commissioner Lydia Pisano and City Manager Keith Severns. Sent April 28, 2015 at 7:44pm.

¹¹⁰ Attachment #101 Text message conversation between Commissioner Lydia Pisano and City Manager Keith Severns. Sent May 15, 2015 at 10:59am.

On June 9, 2015, Commissioner Lydia Pisano and City Manager Keith Severns were engaged in a text message conversation¹¹¹. During the conversation City Manager told Commissioner Lydia Pisano, *“Please send an email to Yolanda about the Friday night witness to the Lidos, that was for no other reason then (sic) talking about city business.”* Commissioner Lydia Pisano responded, *“What do you want me to say exactly? I saw 4 of them sitting in Lido’s?”* On June 3, 2016, I called Commissioner Lydia Pisano to inquire who she had seen sitting together at Lido’s. Commissioner Lydia Pisano told me she observed Commissioner Ed Gold and his wife sitting with Stuart Bernstein and his wife. They were seated together at a table for 4. It should be noted that Stuart Bernstein is a member of the City of Belle Isle Planning and Zoning Board. This information was also provided in an email sent to me from Lydia Pisano on June 3, 2016.

The items detailed above were extracted from a very large volume of information provided as part of an in depth public records request. The total number of items reviewed ranges between 30,000 and 40,000. The items mentioned in this report are believed to be the most obvious violations of law, most questionable or the items which posed the greatest need for clarification. Despite a great deal of effort, it cannot be said, with absolute certainty that every possible violation of the public meeting law is outlined above. While it is possible there are additional items showing what would be considered as being illegal communication, the items detailed here are representative of a culture in which communication outside of legal methods is common practice among Commissioners Harvey Readey, Sue Nielsen, Ed Gold and Lydia Pisano. The use of social media sites, such as Facebook and The Belle Isle Sun, have allowed these commissioners to post their views knowing other commissioners will follow along in Belle Isle related threads and monitor their activities. This is even spelled out by Commissioner Ed Gold who acknowledged following specific Facebook pages to keep up with other commissioners. The information outlined above demonstrates a clear disregard for the legal requirements of these public officials, all of which have been properly trained on the “Sunshine Law.” Each of these commissioners has attended an ethics training course for public officials and received a certificate of completion.¹¹²

On April 13, 2016, I met with Belle Isle Police Chief Rich Ring. I retrieved a thumb drive containing minutes and recordings of all commission meetings for 2015. A review of this information was initiated by Investigator Pat Schneider.

On April 18, 2016, I spoke with City Attorney Frank Kruppenbacher. Mr. Kruppenbacher informed me that a special commission workshop was going to be held on Friday April 22, 2016 at 0900, during which he will address the commission (again) regarding the legal requirements of the sunshine law and offer suggestions to the commission for avoiding potential problems in the future. Mr. Kruppenbacher invited me to attend this meeting so that I could observe his suggestions to the commission.

¹¹¹ Attachment #102 Text message conversation between Commissioner Lydia Pisano and City Manager Keith Severns. Sent June 9, 2015 at 8:43pm.

¹¹² Attachment #103 Certificates of completion for Commissioners Harvey Readey, Lydia Pisano, Sue Nielsen and Ed Gold.

On April 19, 2016, I completed investigative subpoena requests¹¹³ for phone and text message logs for Commissioners Lydia Pisano, Harvey Readey, Sue Nielsen, Ed Gold and incoming Commissioner Weinsier. The investigative subpoenas were served to the proper entities once received.

On April 22, 2016, I attended the Belle Isle City Commission workshop meeting. During this meeting Belle Isle City Attorney Frank Kruppenbacher discussed the Sunshine Law and the restrictions and requirements for each commissioner as it relates to social media sites. The use of personal email accounts was also discussed.

On April 24, 2016, I received the subpoena compelled information from Verizon Wireless related to one of the cell numbers connected to Jeremy Weinsier. This information was downloaded and made available to assisting investigators.

On April 25, 2016, I received an email¹¹⁴ from Lydia Pisano indicating her total and complete compliance with my public records request. .

On May 3, 2016, I received an email¹¹⁵ from Google advising they had received a “motion to quash” with regards to an investigative subpoena issued to them for telephone records for Jeremy Weinsier. I contacted Google and advised them that no order had been received by this office and that nothing had been filed with the clerk of the court.

On May 4, 2016, I received a voice message from the Google Legal Compliance stating that they had received my request for a copy of the motion they claim to possess. The voice message provided a telephone number for the attorney having sent the motion to Google. That telephone number, 407-852-8094, is the telephone number for Jeremy Weinsier’s law firm. Mr. Weinsier is the account holder of the records requested. This would later be seen on page 3 of the motion sent to Google by Jeremy Weinsier.

On May 11, 2016, I received a copy of the “motion to quash”¹¹⁶ sent to Google by Jeremy Weinsier. The item shows two stamps on the final page, toward the bottom of the document, that indicate it was “received May 3, 2016.” Nowhere on the stamp is there any indication of who received or stamped the document.

I met with State Attorney’s Office reception personnel Tracy Doern, Conswella Daniels and Raydene Watts. I showed them the stamp that appears on the document received from Google. I was informed that the stamp appears similar, but it is not one that is used by the State Attorney’s Office. I asked for the stamps currently used by this office to be placed on the back of a page in the document for comparison. The stamps were not the same. I then inquired if the document I now possessed had been received by our office and if it looked familiar. None of the individuals assigned to the reception duty recognized the document.

¹¹³ Attachment #104 Investigative subpoenas

¹¹⁴ Attachment #105 Electronic mail from Lydia Pisano claiming full compliance.

¹¹⁵ Attachment #106 Electronic mail from Google advising of “motion to quash.”

¹¹⁶ Attachment #107 Motion to Quash submitted to Google by Jeremy Weinsier.

On May 16, 2016, Investigator Browning and I met with Emy Vazquez, supervisor for the Orange County Clerk of the Courts located in room 250 of the Orange County Courthouse. I presented the document sent to Google and asked if their office had received the item. Ms. Vazquez stated that an unknown person did deliver the document to them, in person at the customer service counter. Ms. Vazquez presented the original document which showed an original signature and was stamped "received May 3, 2016." The color stamp appeared similar to the ones on the copy I possessed, but only appeared once whereas my copy showed the stamp twice. Ms. Vazquez advised that the document was mistakenly accepted, and should have been rejected. She further stated that the document has been placed in her desk drawer since it was received since there is no filed case to which it should be attached. Ms. Vazquez stated that in her 24 years of experience, she has never seen anyone file this type of motion or document. She also advised that the proper handling of the document at the time it was presented would have been to instruct the person delivering the item to deliver it to the agency issuing the investigative subpoena, which in this case would have been the State Attorney's Office. Ms. Vazquez stated her next step in handling the document would have been to forward it to our office. I confirmed that the attempt to file this motion by Jeremy Weinsier would not afford him a hearing or an audience with a judge under any circumstances. Ms. Vazquez advised that since there is no case filed with the Clerk of the Court, no hearing would or could be set.

On May 17, 2016, I received, through interoffice mail, an envelope containing the original motion filed by Jeremy Weinsier. I opened the envelope to confirm the order was inside. I observed the order and a bright colored "post it" note from Emy Vazquez addressed to me. I left the items in the envelope and never touched them. This was done so as to preserve them as evidence for latent processing, if necessary, in the future.

Through the review of emails numbering in excess of 30,000, plus text messages, Facebook messages along with telephone and text message logs, several potential violations of the sunshine law have been identified to have been committed by Lydia Pisano, Harvey Readey, Sue Nielsen and Ed Gold. Additionally, the filing of the document by now commissioner Jeremy Weinsier may be a violation of Florida Statute 843.02, if done so in an effort to impede or otherwise obstruct my investigation. Additional investigative efforts will be spent during interviews of individuals whom may possess relevant information about this investigation.


This document is in support of the final report authored for 15-IN-80, an investigation dealing with alleged violations of the "Sunshine Law" by members of the Belle Isle City Commission.

This document will be forwarded to Chief Assistant State Attorney Richard Wallsh, along with the final report and findings, for review and consideration.



Jeff Harris, Investigator
Office of the State Attorney, 9th Judicial Circuit
415 North Orange Avenue
Orlando, Florida 32801
407-836-2400

12.9.16
Date signed



Chief Investigator Wm. Eric Edwards
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12/9/2016
Date reviewed/signed

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5. Electronic mail to Yolanda Quiceno January 5, 2016.....pages 8
6. Electronic mail from Frank Kruppenbacher January 8, 2016.....pages 1
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9. Electronic mail from Sarah Goodwin February 24, 2016.....pages 1
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11. Electronic mail from Harvey Readey March 2, 2015.....pages 1
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86. Minutes from special commission workshop April 29, 2015.....pages 8

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88. City of Belle Isle charter for Planning and Zoning.....pages 4

89. Electronic mail from Ed Gold July 1, 2015.....pages 2

90. Electronic mail from Ed Gold July 10, 2015.....pages 1

91. Facebook conversation with Ed Gold and Machele Rowe July 29, 2015.....pages 2

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130. Binder – #5 Emails
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132. Manila envelope containing miscellaneous documents, thumb drives, & CDs in response to Public Records Requests.
133. Manila envelope containing miscellaneous correspondence and official requests to obtain Public Records.
134. Manila envelope containing miscellaneous documents.
135. Manila envelope containing FDLE correspondence with Sue Nielsen, November 6, 2015.
136. Manila Envelope containing phone records received from AT&T and Sprint.
137. Manila envelope containing multi-media correspondence reference Pisano, Gold, Nielsen, and Weinsier.

Response to the State Attorney Report and “Roundtable” / Secret Society Allegations

Statement by Commissioner Jeremy Weinsier at the February 20, 2018 City Council Meeting

I want to start off by saying that I agree with a lot of residents who are disturbed by certain allegations in the report of that investigation. It’s concerning for a number of reasons, and its allegations of improper communications between the mayor and members of council paint us all in a negative light. To that extent, I want to apologize and take responsibility. I was always careful after meetings and I don’t think we ever discussed any city business – or at least I didn’t – but if I did mistakenly at any point I take responsibility for that and apologize for it.

According to the report, certain city officials may have violated the Sunshine Law, or at the very least carefully skirted around it, during their time in office. If true, this allegation is disappointing to me on many levels. Although residents who have attended recent council meetings know the amount of debate and disagreement that goes into each decision we make – with meetings often lasting until late in the night – those who do not attend regularly may start to believe that decisions are being coordinated behind the scenes, undermining public trust in our city government.

But there is another troubling aspect to this report, and it’s the clear effect of dissuading lawful grassroots politics by making coordinated campaigning seem unlawful.

There are a lot of reasons that people get involved in politics. For me, it was seeing repeated bad decisions by our city government – often made over the vociferous objections of residents. The attempted creation of a Belle Isle Fire Department, secret council meetings discussing enormous city expenditures, the illegal hiring of an unqualified city manager and illegal firing of a qualified city attorney, just to name a few. After realizing that state officials were not interested in investigating these unlawful acts, the only remaining option was to start a grassroots campaign for change.

But campaigning requires candidates and at that time, Belle Isle had held no open elections for nearly a decade. Finding qualified candidates willing to run against long-time incumbents was not easy. We attended HOA meetings, we attended city functions, and we encouraged all residents to run, regardless of their political views.

After locating a couple of willing candidates, it was time to help them campaign. Campaigning against incumbents – especially those with \$10,000+ budgets for numerous full-color mailers and city-wide robocalls – is not easy. On a shoestring budget, we assisted candidates with designing inexpensive signs and flyers. We delivered everything by hand to save on postage. We coordinated volunteers to ensure that their time was used effectively to get flyers to every doorstep. When the citizens finally voted, it was a close race but both candidates we supported were elected. This is how politics is supposed to work in America and I am very proud of my role in assisting with those campaigns.

Yet somehow, the State Attorney manages to imply in his report that these actions were secret and sinister, as though we rigged the election results instead of just running some effective campaigns. Over the past years, the few candidates that I have supported have all been elected – an achievement I attribute to effective messaging, dedicated volunteers, and residents seeking a change, not to mention some good candidates. There was nothing mysterious about my role in these campaigns, as the State Attorney muses in his report. If the State Attorney is unclear about my role in these events, that is because he repeatedly declined my offers to be interviewed in this matter. It sounds a lot more insidious to report that “the apparent influence held by this individual is perplexing to this investigator” than to print the mundane explanation that getting new commissioners elected took a lot of hard work from a lot of people.

Furthermore, if my actions and those of the concerned citizens I worked with were a secret, then it was the worst kept secret in town. We were called “the Cabal” by supporters of the former mayor and incumbent council members, who repeatedly attacked us online and at meetings for our actions in supporting new candidates and new ideas. Undeterred, we pushed on and were largely successful in campaigning on issues such as better notifications to residents about election qualification procedures and better transparency in city records. Despite careful wording in the State Attorney’s report implying that multiple commissioners were meeting in secret, the testimony and evidence it cites actually reflects the opposite. Residents meeting with a single representative to discuss city business is legal in Florida and is legal everywhere else. In fact, it is the foundation of representative democracy.

And although the State Attorney’s allegation regarding improper communications between the mayor and council members after city meetings is very concerning, the report’s attempt to make organized campaigning appear illegal is much more so. It is not hard to imagine the extreme chilling effect that this report will have on citizens interested in organizing future grassroots campaigns.

In addition to implying that organizing citizen activism is somehow illegal, the State Attorney’s report goes a step further to imply that it is also illegal to challenge an overly-broad investigative subpoena in court. Federal law gives state attorneys broad leeway to request electronic records during the course of an investigation, but it places a few reasonable limits on those requests. On April 20, 2016 the State Attorney attempted to subpoena all of my personal call, text, and email records for a year and a half time period beginning long before I was ever elected. This includes records of private conversations and pictures exchanged between me and my wife as well as communications with clients that have no connection to city business.

The State Attorney made no attempt to limit the subpoenaed records to those related to his investigation, nor did he provide any reason for the subpoena, as required under Federal law. This was an easy issue for him to resolve, but instead of simply amending the subpoena, or

contacting me to resolve the objection, or setting a brief hearing with a judge, the State Attorney instead used the fact that I filed an objection as implicit evidence of wrongdoing. The State Attorney goes so far as to claim that even filing a valid objection to his subpoena could be considered obstruction of justice, despite the fact that every relevant communication from my personal and city accounts had already been provided to the investigator through the records request process. The State Attorney's report further implies that my objection was somehow filed illegally, despite clearly revealing in the report itself that the Clerk of the Court accepted my objection for filing and stamped a copy for my records.

So while you have every right to be concerned and to speak out about the State Attorney's allegations about the mayor and council, bear these facts in mind:

- The State Attorney's report repeatedly makes it appear as though the investigation was stymied by me refusing to provide information. In actuality, State Attorney Jeff Harris rejected – in writing – multiple offers to interview me. This explains many of the report's unanswered questions and glaring factual errors, such as inaccurately identifying me as the "President of the Pine Castle Woman's Club."
- Being free of "unreasonable searches and seizures" is one of the bedrocks of American society and the U.S. Constitution. The State Attorney alleges in his report that simply filing an objection to an overly-broad subpoena is in itself illegal. Filing a valid objection in court is not obstruction of justice – it's not even close – and this issue could have been easily resolved any number of ways by the State Attorney's office.
- Finally, the State Attorney's report was delivered "anonymously" to former City Manager Keith Severns according to his own words, and provided to Channel 9 News before the city was even notified that the investigation was complete. Conveniently, the report provided to Channel 9 and distributed on Facebook omitted the report's conclusions, which clearly state that the investigation suffered from "significant proof deficiencies" and that no charges would be filed.