



Margaret Blank <margaret.h.blank@gmail.com>

Public Records Request

Robert Feldman <rfeldman@fkaa.com>

Fri, May 19, 2017 at 2:33 PM

To: "Margaret Blank (margaret.h.blank@gmail.com)" <margaret.h.blank@gmail.com>

Margaret,

Attached is a copy of the letter we sent to Governor Scott, The Investigative Report from Chis Weber at the State Attorney's office, memo from Cheri Smith re Mr. Dean's residency and the Canvassing Board, the minutes of September 25, 2015, FedEx shipping receipt and FedEx shipment detail.

Answers to your questions are highlighted below in Red. Any questions give me a call.

Regards,

Robert T. Feldman
General Counsel
Florida Keys Aqueduct Authority
1100 Kennedy Drive
Key West, FL 33040
305-295-2201
FAX 305-295-2221
rfeldman@fkaa.com <<mailto:rfeldman@fkaa.com>>

From: Margaret Blank [<mailto:margaret.h.blank@gmail.com>]

Sent: Friday, May 19, 2017 11:02 AM

To: Robert Feldman

Subject: Re: Public Records Request

Thank you.

On Fri, May 19, 2017 at 10:59 AM, Robert Feldman <rfeldman@fkaa.com<<mailto:rfeldman@fkaa.com>>> wrote:
Our staff has been working on your request since it was received and we should have it complete by this coming Monday.

From: Margaret Blank [<mailto:margaret.h.blank@gmail.com><<mailto:margaret.h.blank@gmail.com>>]

Sent: Thursday, May 18, 2017 10:26 AM

To: Robert Feldman; FCAA

Cc: David Ritz; Richard J. Toppino; JR Dean; Toni Appell; Cara Higgins; Goodhue, David;

kharris@keysnews.com<<mailto:kharris@keysnews.com>>; Naja Girard

Subject: Fwd: Public Records Request

Dear Mr. Feldman;

I am seeking documents related to the status of Bob Dean's residency matter. As I'm sure you recall, the FCAA board instructed staff to forward a letter to the governor, along with documents pertinent to the issue. The letter and the supporting documents were supposed to have been mailed to the governor's office in early October 2015.

In December 2015, I submitted a public records request to the governor's office asking for any documents related to this issue. I received a response that the governor's office possessed no such documents, which raises questions as to whether the documents were ever actually sent.

Please provide any documents related to follow-up. If the FCAA is truly doing its due diligence, I would expect that the following documents would have been generated.

1. A response from the governor's office confirming that the documents were received and/or an attempt by FCAA to confirm that the documents had been received. No Response from the Governor Office, and refer to FedEx Shipping Detail
2. Follow-up communications from the governor's office including requests for clarification or more information. No response.
3. Status updates from staff to FCAA board members (memos, emails, reports, etc). Certain board members have a significant interest in this matter, particularly Dean and Higgins. It stands to reason they would have sought updates from staff and/or directly from the governor's office. There has been no additional request other than appearing before the Canvassing Board see attached email from Cheri Smith.
4. Discussions among FCAA staff. (memos, emails, reports, meeting minutes, etc.) Refer to Board minutes of September 25, 2015 and State Attorney Investigation report.
5. Communications from the governor's office rendering some sort of opinion on the matter or declining to address it at all. No response.
6. Any other relevant documentation. None

Thank you in advance for your diligent efforts in complying with Florida's Sunshine Law.

Best,

Margaret Blank

----- Forwarded message -----

From: Gorman, Amanda <Amanda.Gorman@eog.myflorida.com<<mailto:Amanda.Gorman@eog.myflorida.com>>>

Date: Fri, Dec 11, 2015 at 3:26 PM

Subject: Public Records Request

To: "margaret.h.blank@gmail.com<<mailto:margaret.h.blank@gmail.com>>" <margaret.h.blank@gmail.com<<mailto:margaret.h.blank@gmail.com>>>

Ms. Blank,

Governor Rick Scott's Office of Open Government received your request for correspondence with the FCAA regarding the residency issues of Bob Dean. A search of the Executive Office of the Governor's files produced no documents responsive to your request. Please feel free to contact the Office of Open Government if you have any questions or concerns.

Sincerely,

Amanda Gorman
Office of Open Government
Executive Office of the Governor
PL-04 The Capitol
Tallahassee, Florida 32399
[850.717.9248](tel:(850)20717-9248)<[tel:\(850\)20717-9248](tel:(850)20717-9248)>

6 attachments



ltr to Gov Scott.pdf
174K



Investigation report Chris Weber.pdf
1788K



email from Cheri Smith re Residency.pdf
162K



minutes of September 25, 2015.pdf
3676K



FEDEX shiping receipt.pdf

170K



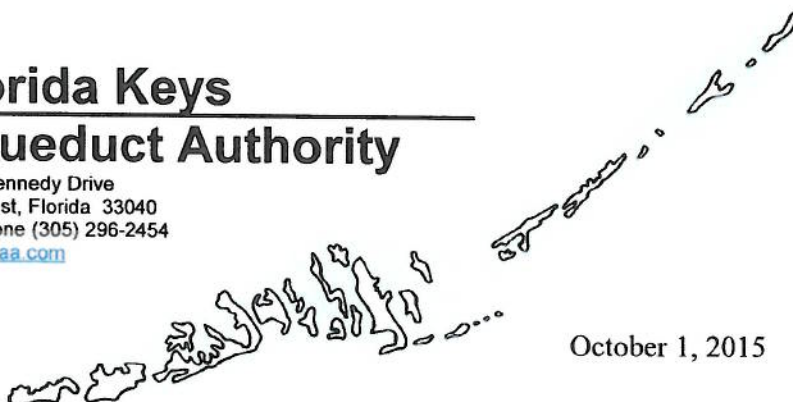
FedEx_Shipment_Detail_Payer_Detail_5123731.xlsx

12K



Florida Keys Aqueduct Authority

1100 Kennedy Drive
Key West, Florida 33040
Telephone (305) 296-2454
www.fkaa.com



October 1, 2015

J. Robert Dean
Chairman
District 3

Antoinette M. Appell
Vice-Chairman
District 4

Cara Higgins
District 1

David C. Ritz
District 5

Kirk C. Zuelch
Executive Director

Office of Governor Rick Scott
State of Florida
The Capitol
400 S. Monroe Street
Tallahassee, FL 32399-0001

Dear Governor Scott:

The Florida Keys Aqueduct Authority, at their Board Meeting of September 25, 2015, directed me to provide information to you concerning the residency of Board Member J. Robert Dean.

I have included an attachment to this letter that contains the following:

- An Investigative Report from the State Attorney 16th Judicial Circuit Catherine Vogel regarding the residency of J. Robert Dean
- Newspaper articles regarding the residency of J. Robert Dean
- Public Records Requests and information provided to the public pursuant to the Public Records Requests regarding the residency of J. Robert Dean
- Emails between Board Members and Staff regarding the residency of J. Robert Dean

Please contact me if you have any questions or if I may provide any additional information.

Sincerely,
FLORIDA KEYS AQUEDUCT AUTHORITY

Kirk C. Zuelch
Executive Director

Attachments



**OFFICE OF THE STATE ATTORNEY
SIXTEENTH JUDICIAL CIRCUIT
INVESTIGATIVE DIVISION**

ORIGINAL

INVESTIGATIVE REPORT

SA CASE #: 2015-SA-00189-A-K **OTHER CASE #:** 2009SA00279AK
COMPLAINANT(s): Anonymous **REFERRED BY:** Anonymous
DATE OF INCIDENT: Ongoing **DATE REPORTED:** 09/09/2015
SUBJECT/SUSPECT: James Robert Dean, 14 W Cypress Terrace, Key West, FL 33040
VICTIM(s): State of Florida
WITNESS(s): Supervisor of Elections
EVIDENCE: Assorted Documents
LOCATION OF OFFENSE: Key West, Monroe County, Florida
ALLEGATION/COMPLAINT: §104.15 Unqualified Electors Willfully Voting
CHARGES: False Voter Registration
DISPOSITION: Sustained, challenge voter residency with Supervisor of Elections
INVESTIGATOR: Weber , Christopher

PREDICATE/SYNOPSIS

The Office of the State Attorney, SAO, is following up on a complaint of possible voter fraud. The complaint emanated from a separate anonymous complaint as to the residency of Florida Keys Aqueduct Board member J. Robert Dean. The SAO does not have a statutory authority regarding the residency of members of the board at the FKAA. There is however, a statutory provision as to the voter requirements for residency and there may be a possible violation in that regard. Florida Statute §101.045 speaks to the legal residence where an elector may vote. and §104.15 F.S. speaks to the criminal charges regarding those who violate the former.

There was an inquiry into this same manner conducted by Investigator Weber in 2009. That investigation, 2009SA00279AK was closed as unfounded due to the statements provided by the then Supervisor of Elections Harry Sawyer in addition to a review of the allegations as they related to statute.

INVESTIGATION

J Robert Dean is the owner and operator of Dean Lopez Funeral Home, a commercial building, located at 418 Simonton St. Key West, Florida. J Robert Dean also owns the property directly behind the funeral home at 417 Bahama St. The Dean family has owned this private residence for over 60 years. The residence is split into three separate and distinct units, an upstairs apartment, a downstairs apartment and a small efficiency unit in the rear of the building. All three units are metered separately for both water and electric, and are occupied by family members.

J Robert Dean also owns a house located at 14 W. Cypress Terrace, Key Haven, and Monroe County. J Robert Dean owns this property with his wife Donna Louise Dean. This house currently has a homestead exemption attached, according to the Monroe County Property Appraisers Office,.

The Florida Division of Elections provides guidance as to the residency requirements for voters. The following is an excerpt from DE Reference Guide 003 (updated 06/2014.)

***Legal residence-Permanent.** Legal residency is not defined in law. However, over the years, the courts and the Florida Department of State/Division of Elections' have construed legal residency to be where a person mentally intends to make his or her permanent residence for purposes of registration.¹ Additional evidence of such intent can come from items or activities such as obtaining a Florida driver's license and listed residential address², paying tax receipts, paying bills for residency (light, water, garbage service) and receiving mail at address, claiming the property as homestead,³ declaring the county as domicile, and doing other activities indicative or normally associated with home life.*

Therefore, legal residence is a convergence of intent and fact. Once residency is established for voting purposes, it is presumptively valid or current until evidence shows otherwise. See Op. Atty Gen. Fla. 055-216 (August 26, 1955). A business address is not a satisfactory legal residential address. However, although not the rule, if the person is able to prove residence there despite the zoning ordinance, a fact-finding body could determine that the business address is the person's legal residential address.⁴

...

A second document "DE 78-27 – June 2, 1978" provided by the division of elections includes:

The concept of "residency" or "domicile" is a subjective one to the extent that it invokes the intent of the individual. 1973 Op. Atty Gen. Fla. 073-209 (June 7, 1973). The Supreme Court of Florida has

"... consistently held that where a good faith intention is coupled with an actual removal evidenced by positive overt acts, then the change of residence is accomplished and becomes effective. This is so because legal residence consists of the concurrence of both fact and intention. The bona fides of the intention is a highly significant factor." Bloomfield, supra, at 368.

The key element is the intent of the individual. Permanent residence is wherever a person mentally intends it to be and which can be factually supported. Such factual support may be voter registration, drivers license, tax receipts, receipt of mail, carrying on of activities normally indicative of home life, etc. See 1963 Op. Atty Gen. Fla. 063-31 (March 20, 1963). The filing of a declaration of domicile with the circuit court clerk is not conclusive and positive proof of residency. See 1970 op. Atty Gen. Fla. 070-89 (August 3, 1970). All of the foregoing do not prove place of legal or permanent residency, but may be used as evidence of that fact.

Again the "intent" element is key, there is however an additional need for the intent to be "factually supported."

Investigator Weber collected and verified numerous publicly available documents' in an effort to determine the factual support to confirm residency for either property.

09/14/2014

Investigator Weber met with J Robert Dean at his place of business at 418 Simonton St., Key West. Dean provided a brief history of his property at 417 Bahama St. Dean explained how he and his wife Donna raised their four children at that home and how the funeral home was located on the first floor in the early days. In 1963, the present Funeral home was built at 418 Simonton St. and that the properties although on separate streets have a parking lot in common. In the late 1970's, Dean and his wife decided to build a house on W. Cypress Terrace, Key Haven. Dean said the house was built for his wife as he wanted to stay in old town. He moved his family to the W. Cypress house and maintained his residence at 417 Bahama for work purposes.

According to Dean, the nature of the funeral business requires attendance at any time of the day or night. To assist in that, the 417 Bahama house provided him a place to sleep or eat when he was at work late or early in the morning. He has been using that house for that purpose since 1980, although admittedly he spends less and less time in that residence as time moves forward. When asked how many nights he has spent at 417 Bahama St. during the last six months, he said, "maybe six nights;" he also said that if he gets tired during the day he may go to the efficiency to lie down or take a nap. Dean also said that there is a small table and chair, outside the entrance, where Dean says he sometimes eats lunch.

Dean agreed to show me the residence, which was accessible through the rear exit of the funeral home. The house itself is a two-story structure split into three living spaces an upstairs and downstairs unit and efficiency in the rear. The efficiency is where J Robert Dean claims as his residence for voting purposes.

The efficiency is livable and appears clean and uncluttered, the air conditioner was running and there was some clothes hanging in area used as a closet. There were a few items in the refrigerator and dishes on the drain board next to the sink. There is running water, no real personal items and a single daybed. The entire unit is approximately 300 sq. ft.

Dean was very cooperative and forthcoming during the interview. He has been a longtime resident of Key West and has a vested interest in the community. He said he raised his family in that house and his heart has never left old town Key West. Dean continued in saying that although he spends most of his time at the 14 W. Cypress address that is his wife Donna's house. "She is my rock and my life, but that is her house." When asked where he would live when he retired he said he would stay at his Bahama St. home.

Document Type	Residency Cypress	Residency Bahama	Work Address
Florida DL D500-456-31-243-0	X		
Notice of Commencement 03/24/2004	X		
Special Warranty Deed 06/11/1992	X		
Warranty Deed 7/28/2011	X		
Mortgage Document 03/02/2012	X		
MV Title 2009 Suburban	X		
Voter Reg. Pre 2004	Subject		
Voter Reg. Post 2004		Subject	
Keys Energy	SVC/Billed	SVC only	
FCAA	SVC/Billed	SVC Only	
Funeral Director License F042969	X		
MV Title 2006 Cadillac	X		
Southernmost Assoc. LLC	X		
Homestead Exemption 1980-present	X		
FCAA Board of Directors 2004-Present		Required	
Key West Housing Authority §421,03(6)(a)		X	
Receipt of Mail	X	X	X
Home Phone Service	X		X
Home Bills	X		

DISPOSITION/CONCLUSION

The evidence or lack of evidence presented during the investigation would indicate that although J Robert Dean has a mental intent to have his residence at 417 Bahama St., Key West, Florida, there is limited factual evidence to confirm his residence at that property.

The division of elections provides the following guidance in determining residence for voting purposes.
"... legal residence is a convergence of intent and fact. Once residency is established for voting purposes, it is presumptively valid or current until evidence shows otherwise..."

Factual evidence would support that J Robert Dean's permanent residence is 14 W. Cypress Terrace, Key Haven, Key West, FL. 33040. J Robert Dean said that he built the home at 14 W. Cypress Terrace for his wife and they both moved there in 1980, while still maintaining a residence at 417 Bahama St. This residence was mostly for work convenience in addition for his love of old town Key West. Work convenience is not evidence of permanent residence, it is by its very nature is temporary in lieu of going home to where one resides.

Since 1980, J Robert Dean has lived at 14 W. Cypress with his wife of 62 years, and admittedly eats most of his meals at that home, receives his mail and registers his vehicles at that home. In addition, since 1982 they receive a homestead exemption at that home, he entertains and by his own admission spends most of the time at that house.

There is no dispute that 417 Bahama Dr. is owned by J Robert Dean and is where he raised his family until moving to 14 W. Cypress. This same family home was split into three separate and distinct units in 1994 of which two units are now occupied by family members, leaving the third unit, an approx. 300-sq. foot efficiency apartment.

The efficiency includes a small kitchen, a bathroom, and a day bed with a small closet. The efficiency although livable at any given moment, had limited personal belongings. There were clothes in a closet that J Robert Dean maintains are for his use when he is present.

All indications are that the efficiency is being used for emergency or convenience accommodation when needed for him on a temporary basis, and does not meet the definition of permanent residency.


It should be noted, in 2009 an inquiry into this same matter by this same investigator, concluded that J Robert Dean had been using this apartment as his residence for many years and this was not a conflict for voting purposes. Then Supervisor of Elections Harry Sawyer due to what Supervisor Sawyer called "common knowledge" provided the above opinion. The investigation was closed as unfounded based on Supervisor Sawyer's knowledge of voting rules relating to residency requirements.

J Robert Dean was not deemed to be in violation of residency requirements during the 2009 investigation, and since that time, he has continued to vote and use his Bahama St. address for that purpose.

The current investigation indicates that there is probable cause to believe that J Robert Dean is in violation of §104.15 FS. However, the willfully and knowing elements cannot be established. In that, a person cannot willfully violate with knowledge, if he had been led to believe he is within his rights to be registered at the Bahama address. With that in mind, the State of Florida is unable to bring charges against J Robert Dean for violation of §104.15 FS.

The Office of the State Attorney has filed a challenge with Supervisor of Elections Joyce Griffith, regarding the residency of J Robert Dean.

Sustained, this case is closed with no further action.



Approved by:
Chris Weber
Chief Investigator

16 Sept. 2015
Date:

Addendum

J Robert Dean: Questions answered

Does the fact that Mr. Dean claims a homestead exemption at one property determine his "domicile" for purposes of voters' registration?

The answer to this question is No.

Florida Statutes Section 196.031(1)(a) states "[a] person who, on January 1, has the legal title or beneficial title in equity to real property in this state and who in good faith makes the property his or her permanent residence or the permanent residence of another or others legally or naturally dependent upon him or her, is entitled to an exemption ..." (Emphasis added).

Therefore, since Mr. Dean's wife is residing in the Key Haven address he is entitled to claim an exemption regardless of his legal or permanent address. This is in accord with Rosenthal v. Esquinaldo, 443 So.2d 281 (3rd DAC 1983) which held that a person is a qualified elector of Monroe County notwithstanding the fact that he had applied for and received a homestead exemption in Dade County.

Do the facts support M. Dean's Voters' registration at the Bahama Street address?

Based on the law and facts, we are of the opinion that the facts do not support Mr. Dean's registration at the Bahama Street residence.

Since there are no reported Florida cases concerning a violation of Florida Statute Section §104.15, "Unqualified electors willfully voting", we turn to Florida cases where a candidate's eligibility as a qualified elector is in issue. In Bloomfield v. City of St. Petersburg Beach, 82 So.2d 364, 369 (Fla. 1955), the Florida Supreme Court held that "establishment of one's residence will usually depend on a variety of acts or declarations all of which must be weighed in the particular case as evidence would be weighed upon any other subject."

Facts supporting Mr. Dean's Key Haven address as the proper location for voters' registration purposes are the following:

it is listed as his address on his drivers' license, occupational license, residential telephone number; he receives his mail at Key Haven; he reports that he eats most of his meals at Key Haven; his wife lives at Key Haven; he spends most nights at Key Haven, spending only 6 nights at the Bahama address over the past 6 months; the address on Bahama is a tiny room with limited facilities; Mr. Dean keeps all of his clothing, except a change of clothes at his Key Haven address; any entertaining he does, albeit infrequent, is done at the Key Haven address; Mr. Dean was registered to vote at the Key Haven address until he changed to the Bahama St. address in 2004 and he explained to Ms. Griffith that the reason he listed the Bahama address was that he uses that address when he has to work late and he is tired and does not want to drive to Key Haven.

The Bahama street address appears to be a "*pied-a-terre*" which is defined as a small living unit usually located in a large city some distance away from an individual's primary residence. It is where he can stay if he works late or wants to take a break during the day. It is not where he lives on a day to basis.

Is there probable cause to charge Mr. Dean with violation of Florida Statutes Section 104.15?

No.

Were Mr. Dean to have committed an offense the proper charge would be "Unqualified electors willfully voting" as proscribed in Florida Statutes Section 104.15. The text of that statute is as follows:

Whoever, knowing he or she is not a qualified elector, willfully votes at any election is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

In 2009, the issue of Mr. Dean's registration was addressed through a previous investigation. The facts were the same and the complaints were the same. An investigation ensued and the investigation ended with the opinion of the then Supervisor of Elections regarding Mr. Dean and his being a qualified elector. The Supervisor of Elections gave the opinion that Mr. Dean was qualified. Mr. Dean has been relying on his analysis and has been voting. Consequently, up to now he has not known that he is an unqualified voter.

Remedy

The Office of the State Attorney has no jurisdiction to declare a voter improperly registered. Yet the Office may not charge Mr. Dean given that he has been led to believe he is within his rights to be registered at the Bahama address.

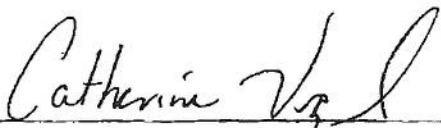
This State Attorney has the dilemma of believing that the weight of the evidence demonstrates that Mr. Dean is improperly registered at the Bahama street address yet is unable to charge a crime. Consequently, to remedy this situation, this Office of the State Attorney has chosen to file a voter challenge pursuant to Florida Statutes Section 101.111 thereby allowing a determination of Mr. Dean's eligibility to be properly determined by an impartial board.

COPY

OATH OF PERSON ENTERING CHALLENGE OF VOTER

State of Florida
County of Monroe

I do solemnly swear that my name is Catherine Vogel; that I am a member of the Democrat Party; that I am a registered voter or pollwatcher; that my residence address is [REDACTED] in the municipality of Key West, Florida; and that I have reason to believe that James Robert Dean is attempting to vote illegally and the reasons for my belief are set forth to wit: According to the attached Investigative Report, S.A. Case Number: 2015-SA-00189-A-K, it appears Mr. Dean is not registered at his correct address which is outside the limits of Key West, Florida.



Signature of Person Challenging Voter

Sworn and subscribed to before me this
17th day of September, 2015.



Clerk of Elections

The clerk of inspector shall immediately deliver to the challenged person a copy of oath of person entering the challenge, and the challenged voter shall be allowed to cast a provisional ballot.

RECEIVED
CLERK OF ELECTIONS
2015 SEP 17 AM 11:02
MONROE COUNTY
KEY WEST, FLORIDA



Shipment Receipt

Address Information**Ship to:**

Governor Rick Scott
 Office of Governor Rick
 Scott
 The Capitol
 400 S Monroe Street
 TALLAHASSEE, FL
 32399
 US
 850-488-7146

Ship from:

Janet Coley
 Florida Keys Aqueduct
 Authority
 1100 KENNEDY DR
 KEY WEST, FL
 330404021
 US
 3052952205

Shipment Information:

Tracking no.: 774642459121

Ship date: 10/01/2015

Estimated shipping charges: 39.25

Package Information

Pricing option: FedEx One Rate

Service type: Standard Overnight

Package type: FedEx Pak

Number of packages: 1

Total weight:

Declared Value: 0.00 USD

Special Services:

Pickup/Drop-off: Drop off package at FedEx location

Billing Information:

Bill transportation to: Executive Office-204

Your reference:

P.O. no.:

Invoice no.:

Department no.:

Thank you for shipping online with FedEx ShipManager at fedex.com.

Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits. Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable [FedEx Service Guide](#) or the FedEx Rate Sheets for details on how shipping charges are calculated.

Payer Account	Invoice Month (yyyymm)	OPCO	Service Type	Pay Type	Shipment Date	Shipment Delivery Date
110757204		201510 Express	SO	Bill_Sender_Prepaid	10/1/2015	10/2/2015
Shipment Tracking Number	Shipper Name	Shipper Company Name	Shipper Address	Shipper City	Shipper State	Shipper Postal Code
774642459121	Janet Coley	Florida Keys Aqueduct Authorit	1100 KENNEDY DR	KEY WEST	FL	33040
Shipper Country	Shipment Freight Charge Amount	Net Charge Amount	Pieces in Shipment	Shipment Rated Weig	Original weight	Proof of delivery recipient
US	39.25	39.25	1	3	3 J.MOON	
Recipient Name	Recipient Company Name	Recipient Address	Recipient City	Recipient State	Recipient Postal	Recipient Country
Governor Rick Scott	Office of Governor Rick Scott	The Capitol	TALLAHASSEE	FL	32399	US
Reference Notes Line 1	Reference Notes Line 2	Reference Notes Line 3	Invoice date (mm/dc	Invoice number	Dom_Intl	Package Type
NO REFERENCE INFORMATION			10/6/2015	518247254	Domestic	Fedex Pak
						Shipment Delivery Time
						9:38

**MINUTES OF REGULAR MEETING
OF THE
BOARD OF DIRECTORS
FLORIDA KEYS AQUEDUCT AUTHORITY
HELD ON
SEPTEMBER 25, 2015
FLORIDA KEYS AQUEDUCT AUTHORITY
BOARD ROOM
1100 KENNEDY DRIVE
KEY WEST, FLORIDA 33040
10:00 A.M.**

The following MEMBERS were present:

J. Robert Dean. Chairman
Antoinette M. Appell. Vice Chairman
David C. Ritz. Member
Cara Higgins. Member

Kirk C. Zuelch. Executive Director
Kerry G. Shelby. Deputy Executive Director
Thomas G. Walker. Deputy Executive Director
Robert T. Feldman. General Counsel
Timothy Esquinaldo. Internal Auditor

A LIST OF ATTENDANCE IS RETAINED WITH THE PERMANENT RECORD OF THIS MEETING.

REGULAR MEETING

The Regular Meeting was called to order by Chairman Dean at 10:00 a.m.

Elvira Sawyer presented the invocation and led the Pledge of Allegiance.

EMPLOYEE AWARDS

SERVICE AWARDS

Janet Coley – Executive Assistant, Executive Office – 10 Years of Service

Tony Gil – Billing Manager, Department of Administration – 10 Years of Service

RETIREMENT

Bobby Frederick – Customer Service Field Supervisor II, Lower Keys Customer Service Department – 35 Years of Service

EMPLOYEE RECOGNITION

Ronnie Smith and Mick O'Connor were recognized for their outstanding job performance.

APPROVAL OF MINUTES

Mrs. Higgins requested the following corrections be made to the Minutes of August 26, 2015 under OOC-01 Office of Counsel Litigation Report:

- Three Board Members stressed the need for a report from General Counsel prior to going to the press.
- Board discussed the fact that outside counsel was utilized with cost totaling \$23,824.14 in the settlement of the case.

On motion of Mrs. Appell, seconded by Mr. Ritz, the Board unanimously approved the Minutes of a Regular Meeting held on August 26, 2015 as revised.

APPROVAL OF THE REGULAR AGENDA

On request of Mrs. Higgins, Items 2, 3, and 4 were removed from the Consent Agenda and placed under the Regular Agenda, Office of Counsel, for discussion. By consensus, the Board unanimously approved the Agenda as revised.

CONSENT AGENDA WATER/WASTEWATER

On motion of Mr. Ritz, seconded by Mrs. Appell the Board unanimously approved the following items by Consent:

1. (c) EO – 01 Approval of 48 month lease of FL State Contract 600-000-11-1 for XC60 Xerox Color Copier and Scanner in the estimated amount of \$22, 195.20, including maintenance and supplies (\$0.0071 – black and white copies and \$0.0490 – color copies)
2. (c) OOC – 01 Moved to Regular Agenda, Office of Counsel
3. (c) OOC – 02 Moved to Regular Agenda, Office of Counsel
4. (c) OOC – 03 Moved to Regular Agenda, Office of Counsel
5. (c) DOA – 01 Approval of Vendor Check Register for August 2015.
6. (c) DOA – 02 Approval of Doubtful Account Write-offs for the month of August 2015
(\$13,738.09)
7. (c) DOA – 03 Approval of payment to Interisk Corporation for insurance advisory services for the month of August 2015 **(\$825.00)**
8. (c) DOA – 04 Approval of software license renewals for Wonderware for fiscal year 2016 **(\$58,742.23)**
9. (c) DOA – 05 Approval of Cogsdale Support and Maintenance **(\$121,797.69)**
10. (c) DOA – 06 Approval of software renewals for ESRI Small Utility Enterprise License Agreement (SUELA) for fiscal year 2016 through 2018 in the amount of \$75,000.00 over three (3) years **(\$25,000.00)**
11. (c) DOA – 07 Approval of telephone and paging support from Network Dynamics Inc.
(\$61,053.06)
12. (c) DUO – 01 Approval of abandonment of the existing utility easement described as the North 15 feet of Lot 6 and Lot 5, less the North 15 feet thereof, both in Block 10 of Ocean Reef Plat No. 1, Amended, on Key Largo, according to plat recorded in Plat Book 5 at Page 72, Public Records of Monroe County, Florida (the Waterfront Lot)
13. (c) DUO – 02 Approval of abandonment of the portion of 2nd Street in Big Pine Key, Florida described as a part of 2nd Street of Sands Subdivision, adjacent to Lot 8, Block 29 and Lot 1, Block 30 both of Sands Subdivision according to the Plat thereof as recorded in Plat Book 1, Page 65 of the Public Records of Monroe County, Florida

REGULAR AGENDA ITEMS

EXECUTIVE DEPARTMENT

EO-01. EXECUTIVE DIRECTOR'S REPORT

The Board accepted the Executive Director's Report with additional comments as presented.

Testing at the Cudjoe Regional Wastewater Treatment Plant Site

Mr. Zuelch advised that test results are positive with no indication that water injected was rising to the surface or in the near shore waters.

Mobile Workforce

Rick Kellough, IT Manager, provided a presentation on the new Mobile Workforce utilizes iPads and will enable field staff to provide more efficient service to customers as service orders will be distributed based on geographic location and priority. Staff will be putting Mobile Workforce in place beginning in October.

Bascom Communications

Mr. Zuelch explained that Monroe County has hired Bascom Communications Consulting in the amount of \$36,000.00 to assist in presenting Representative Raschein's Bill to supply funding for the Florida Keys. The County asks that the total be divided equally between the Florida Keys Aqueduct Authority, Key Largo Wastewater Treatment District, Islamorada Village of Islands, City of Marathon, City of Key West, and Monroe County in the amount of \$6,000.00 to fund this effort.

By consensus, the Board authorized the Executive Director to fund Bascom Communications Consulting in the amount of \$6,000.00.

Celebration of Life for Andrew Smyth

Mr. Zuelch advised that a Celebration of Life for Andrew Smyth of CH2M Hill will be held on September 26, 2015.

OFFICE OF COUNSEL

On request of Mrs. Higgins, the following Items were moved from the Consent Agenda for discussion:

Consent Agenda

- 2. (c) OOC – 01 APPROVAL OF PAYMENT TO ALLEN, NORTON & BLUE P.A. FOR PROFESSIONAL SERVICES RENDERED AND EXPENSES INCURRED FOR THE MONTH OF JUNE 2015 (\$1,917.20)**

Mrs. Higgins asked for explanation of charges billed on the day the Authority received Mr. Bethel's resignation.

Mr. Feldman explained that Mr. Helsby was reviewing documentation submitted to him from the Authority on the morning of July 17, 2015; however, the Authority did not receive Mr. Bethel's resignation until late afternoon on July 17, 2015.

On recommendation of Mr. Feldman and motion of Mrs. Appell, seconded by Mr. Ritz, the Board approved the payment to Allen, Norton & Blue, P.A. for professional services rendered and expenses incurred for the month of June 2015 in the amount of \$1,917.20.

3. (c) OOC – 02 APPROVAL OF PAYMENT TO BRYANT, MILLER, OLIVE FOR PROFESSIONAL SERVICES RENDERED AND EXPENSES INCURRED FOR THE MONTH OF JULY 2015, REGARDING DEFENSE OF CIRCUIT COURT CASE FILED BY MIKE LAUDICINA (\$13,231.97 MONROE COUNTY)

Mrs. Higgins asked for clarification as to which court case these charges related.

Mr. Feldman advised that the charges are related to the Public Records Circuit Court case which has been settled.

On recommendation of Mr. Feldman the Board unanimously approved the payment to Bryant, Miller & Olive for professional services rendered and expenses incurred for the month of July 2015 regarding the defense of Circuit Court case filed by Mike Laudicina in the amount of \$13,231.97.

4. (c) OOC – 03 APPROVAL OF PAYMENT TO BRYANT, MILLER & OLIVE FOR PROFESSIONAL SERVICES RENDERED AND EXPENSES INCURRED FOR THE MONTH OF JULY 2015, REGARDING DEFENSE OF ADMINISTRATIVE CHALLENGE BY LAUDICINA AND OTHERS OF ENVIRONMENTAL PERMIT ISSUED BY DEPARTMENT OF ENVIRONMENTAL PROTECTION TO THE AUTHORITY (\$31,574.49 MONROE COUNTY)

Time was allowed for a member of the public to address the Board.

Harry Powell expressed concern that the taxpayer's money is being spent to defend these cases for which the Monroe County Board of County Commissioners and the Florida Keys Aqueduct Authority is to blame.

On recommendation of Mr. Feldman and motion of Mr. Ritz, seconded by Mrs. Appell, the Board approved the payment to Bryant, Miller & Olive for professional services rendered and expenses incurred for the month of July 2015 regarding defense of Administrative Challenge by Laudicina and others of the environmental permit issued by Department of Environmental Protection to the Authority in the amount of \$31,574.49.

Regular Agenda

**OOC-01. APPROVAL OF SETTLEMENT AGREEMENT PROPOSED BY
PETITIONERS MIKE LAUDICINA AND DON DEMARIA IN CASE NO. 15-1233,
MIKE LAUDICINA AND DON DEMARIA V. FLORIDA KEYS AQUEDUCT
AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION**

On recommendation of Mr. Feldman and motion of Mr. Ritz, seconded by Mrs. Higgins, the Board approved Settlement Agreement proposed by Petitioners Mike Laudicina and Don DeMaria in Case No. 15-1233, Mike Laudicina and Don DeMaria v. Florida Keys Aqueduct Authority and Department of Environmental Protection.

DEPARTMENT OF ADMINISTRATION

**DOA-01. SUMMARY FINANCIAL INFORMATION OCTOBER 2014
THROUGH AUGUST 2015**

Mr. Shelby reported that revenue has exceeded the budget with a 5% increase in sales over last year. Operating expenses are at 85% and well within the budget. Capital expenditures total approximately \$7,800,000.00 with unrestricted cash reserves totaling approximately \$11,000,000.00.

Mr. Ritz congratulated Staff for their efforts on this year's budget. He asked if costs were recovered relating to the roof leak.

Mr. Feldman advised that a settlement has been reached and all costs involved with the roof repair will be recovered.

**DOA-02. SUMMARY OF CONTRACTUAL COMMITMENTS THROUGH
AUGUST 31, 2015**

Mr. Shelby reported that contractual commitments total approximately \$58,600,000.00 of which the Authority is responsible for \$4,100,000.00.

**DOA-03. APPROVAL TO AWARD CONTRACT RENEWALS FOR GENERAL
LIABILITY, AUTOMOBILE, PUBLIC OFFICIALS AND WORKERS'
COMPENSATION INSURANCES FOR THE POLICY PERIOD 10/1/2015 TO 9/30/2016
TO FLORIDA LEAGUE OF CITIES' FLORIDA MUNICIPAL INSURANCE TRUST
(\$367,048.00)**

On recommendation of Mr. Shelby and motion by Mrs. Higgins, seconded by Mrs. Appell, the Board approved the renewals for general liability, automobile, public officials and workers' compensation insurances for the policy period 10/1/2015 to 9/30/2016 to Florida League of Cities' Florida Municipal Insurance Trust in the amount of \$367,048.00.

DEPARTMENT OF UTILITY OPERATIONS

DUO-01. STATUS REPORT ON CUDJOE REGIONAL WASTEWATER PROJECT

Mr. Walker advised that a public meeting was held regarding the issuance of the deep well permit where public comment was received. He further advised that bid openings for the deep well construction will be held on October 14, 2015 and will be presented to the Board for consideration of approval at the Regular Board Meeting the following week.

Mr. Walker discussed the well testing report from Water Science Associates and explained the report advises that the shallow wells are capable of handling injections.

Mrs. Higgins advised that she attended the public meeting as did forty (40) to fifty (50) members of the public who asked lots of questions that were not answered. She suggested Staff better educate the public regarding the use of shallow wells as back up to the deep well.

Member of the public Naja Gerard addressed the Board with her concern that testing does not address where the effluent will end up after injection.

Mr. Walker explained that a dye tracer test was performed with no dye found in near shore waters.

Member of the public Mike Tinnell addressed the Board suggesting that an insignificant amount of water was injected during testing and asked for explanation of anomalies in test results.

Mr. Walker stated that the anomalies could be the result of a false reading or transducer related problems.

Chairman Dean asked Staff to follow up on Mr. Tinnell's questions.

DUO-02. APPROVAL OF CHANGE ORDER #19 TO THE CUDJOE REGIONAL WASTEWATER ADVANCED WATER RECLAMATION FACILITY (AWRF) – FKAA PROJECT 4061-15 CONSTRUCTION CONTRACT WITH WHARTON SMITH INCORPORATED (WCI) (\$1,629,055.00 MONROE COUNTY)

Time was allowed for members of the public to address the Board.

Harry Powell voiced his concern that the amount for this change order is too high and it should have gone out for bids. He also expressed the need for a second deep well so the shallow wells would not be used.

Christine Russell voiced her concern regarding the scarcity of water and asked why the effluent couldn't be treated and used as reclaimed water in lieu of injecting into wells.

Mr. Walker explained that there are reclaimed systems on Big Coppitt and Duck Key; however, it would be cost prohibitive to run reclaimed water to most areas of the of the Cudjoe Regional Wastewater District due to the distance from the plant. He did advise that the Authority has applied for a grant for reclaimed water.

On recommendation of Mr. Walker and motion of Mrs. Appell, seconded by Mr. Ritz, the Board approved Change Order #19 to the Cudjoe Regional Wastewater Advanced Water Reclamation Facility (AWRF), FKAA Project #4061-15, construction contract with Wharton Smith Incorporated (WCI) in the amount of \$1,629,055.00.

DUO-03. APPROVAL TO AWARD BIDS #FKAA-IFB-00012-15 AND #FKAA-IFB-00013-15 FOR A 2 YEAR CONTRACT FOR THE PURCHASE OF #2 ULTRA LOW SULPHUR DIESEL FUEL AND E10 UNLEADED 87 OCTANE GASOLINE FROM DION OIL CO., LLC (\$620,050.00 PER YEAR)

On recommendation of Mr. Walker and motion of Mrs. Higgins, seconded by Mr. Ritz, the Board approved the award of Bids #FKAA-IFB-00012-15 and #FKAA-IFB-00013-15 for a 2 year contract for the purchase of #2 Ultra Low Sulphur Diesel Fuel and E10 Unleaded 87 Octane Gasoline from Dion Oil Co., LLC in the amount of \$620,050.00 per year.

DUO-04. APPROVAL OF PAYMENT OF FY 2014 ANNUAL FEE FOR MIAMI-DADE COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCE MANAGEMENT (DERM) WELLFIELD PROTECTION PROGRAM (\$146,509.00)

On recommendation of Mr. Walker and motion of Mr. Ritz, seconded by Mrs. Appell, the Board approved payment of FY 2014 annual fee for Miami-Dade County Department of Environmental Resource Management (DERM) Wellfield Protection Program in the amount of \$146,509.00.

DUO-05. APPROVAL TO AWARD SEXTON COVE ESTATES AND OVERSEAS HIGHWAY, KEY LARGO WATER DISTRIBUTION UPGRADE CONTRACT TO JA LAROCCO (\$1,554,505.00)

On recommendation of Mr. Walker and motion of Mr. Ritz, seconded by Mrs. Higgins the Board approved the award of the Sexton Cove Estates and Overseas Highway, Key Largo Water Distribution Upgrade contract to JA LaRocco in the amount of \$1,554,505.00.

BOARD OF DIRECTORS

BOD-01. BOARD DISCUSSION

Public Speaker

Time was allowed for a member of the public to speak.

Eugene E. Nanay, Jr. asked why he is being forced to give an easement on his property for placement of a grinder pump when there is an existing easement on the road for the purpose of utilities.

Mr. Feldman advised that he will look into the matter and provide Mr. Nanay with an answer.

Follow-Up

Mr. Esquinaldo advised that at the previous Board Meeting in August, Mrs. Wagner asked for an update on the vacant Marathon property.

Mr. Walker advised that the property has been considered as a favorable location for placement of additional FAA towers and Staff is waiting on a response.

BOD-02. APPROVAL TO CREATE A COMMITTEE TO REVIEW THE FKAA BY-LAWS (SPONSOR: CARA HIGGINS)

Chairman Dean asked Mr. Ritz to chair a committee, which will be comprised of the entire Board, to review the Florida Keys Aqueduct Authority's By-Laws.

BOD-03. DIRECTION TO BOARD ATTORNEY TO PROVIDE HIS LEGAL OPINION AS TO THE CONTINUED ABILITY OF J. ROBERT DEAN TO REMAIN ON THE BOARD (SPONSOR: CARA HIGGINS)

Mrs. Higgins advised the Board that she asked that this Item be placed on the Agenda as she had concerns as to whether Chairman Dean was a resident of his District. She cited information received from the State Attorney and a member of the public and discussed her request to Mr. Feldman for a legal opinion on the issue of Chairman Dean's residency. Mrs. Higgins expressed disappointment that she has not received a legal opinion on this issue.

Michael Halpern addressed the Board as attorney representing J. Robert Dean. He advised the Board that Chairman Dean was in fact a resident of his District. He further advised that he disagreed with the State Attorney's opinion and that Chairman Dean would continue to vote in the City election as Chairman Dean considered his home within the City of Key West to be his residence.

Mr. Halpern suggested Mrs. Higgins' motivation in challenging Chairman Dean's residence was related to her law firm's prior representation of Venture Out.

Mr. Ritz advised that in 2009 and 2012 the State Attorney reviewed this same matter and did not proceed; however, the current State Attorney does have concerns about Chairman Dean's residency. He stated that homesteading a property is a strong indication that one resides there; however, it is not the responsibility of General Counsel to render an opinion as the Authority's Board is appointed by the Governor.

Mrs. Appell expressed her objection to the personal nature of this proceeding.

Mrs. Higgins explained that she asked Mr. Feldman to give an opinion and he refused.

Member of the public David Paul Horan offered clarification regarding his representation of Venture Out and explained that another law firm was hired to represent Venture Out and further advised that this is in no way a vendetta against the Authority.

Member of the public Jeff Sharp of Big Pine Key expressed his belief that it is the responsibility of Mrs. Higgins as a Board Member to request the Authority's attorney to represent the public.

Mrs. Higgins explained that Chairman Dean's residency came up during issues involving Mrs. Wagner's residency concerns. She further advised that her firm's representation of Venture Out had nothing to do with her raising questions about Chairman Dean's residency and that Mr. Halpern was incorrect in his assertions.

Mr. Feldman advised that he represents the Board and will give an opinion if directed by the Board to do so; however, there is a conflict of interest as he has been friends with Chairman Dean since the 1970's. He explained he will give an opinion; but, asked that Chairman Dean release him from any attorney/client privilege.

On motion of Mrs. Higgins, seconded by Mr. Ritz, the Board authorized the Executive Director to forward all information regarding the residency of J. Robert Dean to the Governor.

Chairman Dean stated that he released Mr. Feldman from any obligation from his attorney/client privileges.

**BOD-04. REVIEW OF EXPIRATION DATE ON THE CONTRACTS OF THE
EXECUTIVE DIRECTOR AND GENERAL COUNSEL
(SPONSOR: CARA HIGGINS)**

Mrs. Higgins expressed concern over the policy of extending employment contracts prior to the expiration date.

Mrs. Higgins asked for clarification as to why the Internal Compliance Auditor was given a three (3) contract as specified in the Regular Board Meeting Minutes of October 22, 2014 when he is employed under an Employee Agreement with no expiration date.

Mr. Esquinaldo explained that he is not under a three year contract and the Minutes of October 22, 2014 Regular Board Meeting are in error.

**BOD-05. DISCUSSION OF MELVA WAGNER'S RESIDENCY, RESIGNATION AND
RESPONSE BY ADMINISTRATION**

Mrs. Higgins withdrew this Item as it was previously addressed.

Budget Expenditures

A Budgetary Comparison Schedule with explanations of budget overages was provided to the Board for review.

BOD-04. BOARD OF DIRECTORS DISCUSSION

Mrs. Appell inquired about hurricane preparation in light of the storm track of Tropical Storm Erika.

Mr. Zuelch advised that Tom Morgan, Operations Manager, has been assigned to preparations.

Mrs. Wagner thanked Tim Esquinaldo for his efforts on the internal auditing.

Mrs. Wagner asked Staff to present an update and a plan for selling the Marathon property at the next Board Meeting.

Chairman Dean suggested purchasing advertisements in the Key West Weekly newspaper as is published in The Key West Citizen and Keynoter. He also asked Staff to inquire about the cost of running the article on the Cudjoe Regional Wastewater Plant, which was published in the Key West Weekly on August 21, 2015, in The Key West Citizen and the Keynoter.

ADJOURNMENT

With there being no further business, the meeting was adjourned at 11:20 a.m.

(Corporate Seal)

FLORIDA KEYS AQUEDUCT AUTHORITY

By: 
J. Robert Dean, Chairman

Attest:


Antoinette M. Appell/Vice-Chairman

ATTENDANCE

BOARD MEMBERS

J. Robert Dean
Antoinette M. Appell
Melva G. Wagner
David C. Ritz
Cara Higgins

FKAA STAFF

Kirk C. Zuelch	Elvira Sawyer
Kerry G. Shelby	Janet Coley
Thomas G. Walker	Jerry Jarrett
Robert T. Feldman	Christic Meder
Timothy Esquinaldo	

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

LAST NAME—FIRST NAME—MIDDLE NAME Higgins Cara		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Florida Keys Aqueduct Authority
MAILING ADDRESS 25 Azalea Drive		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY Key West	COUNTY Monroe	NAME OF POLITICAL SUBDIVISION: Florida Keys Aqueduct Authority
DATE ON WHICH VOTE OCCURRED July 29, 2015		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Cara Higgins, hereby disclose that on August 26, 20 15.

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


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

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

DUO-02. Consideration to Approve Change Order #11W, FCAA Water Project #2297-13, for the water portion of the Cudjoe Inner Islands Collection and Transmission contract with Giannetti Contracting in the amount of \$2,382,025.00.

DISCLOSURE: Cara Higgins previously represented Venture Out.

9/25/15
Date Filed


Signature

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

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

LAST NAME—FIRST NAME—MIDDLE NAME Ritz David C		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Florida Keys Aqueduct Authority
MAILING ADDRESS 449 Bahia Avenue		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY Key Largo	COUNTY Monroe	NAME OF POLITICAL SUBDIVISION: Florida Keys Aqueduct Authority
DATE ON WHICH VOTE OCCURRED July 29, 2015		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

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

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

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

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

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

* * * * *

ELECTED OFFICERS:

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

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

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

* * * * *

APPOINTED OFFICERS:

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

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

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

APPOINTED OFFICERS (continued)

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

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

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

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, David C. Ritz, hereby disclose that on August 26, 20 15.

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

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

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

Consent Agenda: Tab 5. OOC-05. Consideration to Approve Resolution #15-15, Amendment to the Interlocal Agreement with North Key Largo Utility Corporation, providing for a change to the month of the price index from May 1st to October 1st; and providing for an effective date of October 1, 2015

DISCLOSURE: David C. Ritz is the President of North Key Largo Utility Corporation.

Date Filed

9/25/15

Signature

D. C. Ritz

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

Robert Feldman

From: Cheri Smith <csmith@cityofkeywest-fl.gov>
Sent: Friday, May 19, 2017 12:41 PM
To: Robert Feldman
Subject: Residency of J. Robert Dean

Dear Mr. Feldman,

In 2015 the Office of the State Attorney filed a challenge with the Supervisor of Elections Joyce Griffith regarding the residency of J. Robert Dean at 417 Bahama Street. On October 9, 2015 the City of Key West Canvassing Board consisting of Commissioners Clayton Lopez, Jimmy Weekley and City Clerk Cheri Smith met at the Supervisor's of Elections Office to determine if Mr. Dean's ballot would be counted in the October 6, 2015 City Election.

After careful consideration of the facts the Canvassing Board members voted unanimously to accept Mr. Dean's ballot.

Sincerely,
Cheri Smith, MMC, CPM
City Clerk
City of Key West
305-809-3835
csmith@cityofkeywest-fl.gov

Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing." Fla. Stat. 668.6076"