

**Council Members**

Roger Manning-Mayor  
Katrina Long Robinson-Vice Mayor  
John Stanavitch-Seat 1  
Kara Crump-Seat 2  
Phillip Everett-Seat 3



**City of Westlake**

4001 Seminole Pratt Whitney Rd.  
Westlake, Florida 33470  
Phone: 561-530-5880  
Fax: 561-790-5466

**Regular Meeting**

**Monday, December 12, 2016**

**Meeting Location**

**Westlake Council Chambers**

**4005 Seminole Pratt-Whitney Road**

**Westlake, FL 33470**

**7:00 PM**

*PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision made by the City Council with respect to any matter considered at this meeting or hearing, such interested person will need a record of the proceedings and for such purpose 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. The meeting/hearing may be continued to another date and time as may be found necessary during the aforesaid meeting. In accordance with the provisions of the Americans with Disabilities Act (ADA), any person requiring special accommodations at these meetings because of disability or physical impairment should contact the Interim City Manager at (954)753-5841 at least two (2) calendar days prior to the meeting.*

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 Westlake, Florida 33470  
 Phone: 561-530-5880  
 Fax: 561-790-5466

December 8, 2016

City Council  
 City of Westlake

Dear Mayor and Council:

The regular meeting of the City Council of the City of Westlake will be held on Monday, December 12, 2016 at 7:00 p.m. at the Westlake Council Chambers, 4005 Seminole Pratt Whitney Road, Westlake, Florida. Following is the advance agenda for the meeting. The asterisk indicates revised item.

1. Call to Order/ Roll Call
  2. Pledge of Allegiance
  3. Approval of Agenda
  4. Audience Comments on Agenda Items (3) Minute Time Limit
  5. Approval of Minutes
    - A. November 14, 2016 Planning and Zoning Meeting
    - B. November 14, 2016 City Council Meeting
  6. Presentation by Major Landowner on Current Progress
- PUBLIC HEARINGS**
- SECOND READING OF ORDINANCES**
7. Public Hearing to Adopt Ordinance 2016-5, Adopting Quasi-Judicial Proceedings
  8. Public Hearing to Adopt Ordinance 2016-6, Adopting Business Tax (Occupational License)
- FIRST READING OF ORDINANCE**
9. Ordinance 2016-7, Adopting a Code of Ethics
  10. Approval of Financials Dated October 31, 2016\*
  11. Future Meeting Dates Reminder
    - January 9, 2017 at 6:00 p.m. - Planning and Zoning Board Meeting
    - January 9, 2017 at 7:00 p.m. – City Council Meeting
    - January 23, 2017 at 7:00 p.m. – City Council Meeting
  12. City Manager's Update
  13. City Attorney's Update
  14. Audience Comments on Other Items (3) Minute Time Limit
  15. Adjournment

Any additional supporting material for the items listed above, not included in the agenda package, will be distributed at the meeting. Staff will present their reports at the meeting. I look forward to seeing you, but in the meantime if you have any questions, please contact me.

Sincerely,

*Kenneth Cassel*

Kenneth G. Cassel  
 City Manager

cc: Pam E. Booker, Esq  
 Terry Lewis

John Carter  
 Johnnie Easton

# **Fifth Order of Business**

**5A**

**MINUTES OF PLANNING AND ZONING MEETING  
CITY OF WESTLAKE**

A Planning and Zoning meeting of the City of Westlake was held on Monday, November 14, 2016 at 6:00 p.m. at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

Roger Manning	Mayor
Katrina Long-Robinson	Vice Mayor
John Stanavitch	City Council Seat 1
Kara Crump	City Council Seat 2
Phillip Everett	City Council Seat 3

Also present were:

Kenneth Cassel	City Manager
Pam E. Booker, Esq.	City Attorney
Nilsa Zacarias	NZ Consultants
Don Hearing	Coutleur & Hearing
John Carter	Minto, PBLH, LLC
Tara W. Duh	Lewis, Longman and Walker

*The following is a summary of the minutes and actions taken during the November 14, 2016 City of Westlake Planning and Zoning Meeting.*

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mayor Manning called the meeting to order and Mr. Cassel called the roll.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS**

**Oath of Office**

Mr. Cassel, being a Notary Public of the State of Florida, administered the Oath of Office for the Planning and Zoning Board to Mayor Manning, Vice Mayor Long-Robinson, Councilwoman Crump, Councilman Everett and Councilman Stanavitch.

**FOURTH ORDER OF BUSINESS**

**Planning and Zoning Presentation**

Ms. Booker and Ms. Zacarias provided an overview of the purpose of the Planning and Zoning Board, its functions, what items will come before the Board for review, the Board's roles and responsibilities. Under Florida Statutes 163.3174 the City has three years to establish its

Unapproved Minutes

own comprehensive plan. In the meantime the City will use the County's comprehensive plan and land development regulations.

**FIFTH ORDER OF BUSINESS**

**Presentation on Final Plat for Minto Westlake Phase 1A TTD**

This item was not discussed.

**SIXTH ORDER OF BUSINESS**

**Presentation on Final Plat for Minto Westlake PODL**

Ms. Zacarias provided the Board with a sample presentation of how information will be presented to the Board for site plan reviews. The presentation is based on a temporary Special Use Permit for the construction of two buildings to be used as temporary visitor and sales centers within Pod L.

Mr. Carter addressed the Board and explained Minto is currently working on concept plans for the entirety of Pod L as well as Parcel PC1. They are looking at a unified development plan so the uses in PC1 integrate in with the Town Center.

Mr. Hearing provided the Board with a presentation of the plans for the visitor and sales centers.

**SEVENTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

On MOTION by Ms. Crump seconded by Mr. Stanavitch with all in favor the Planning and Zoning meeting was adjourned.

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Kenneth Cassel  
City Manager

\_\_\_\_\_  
Roger Manning  
Mayor

**5B.**

**MINUTES OF MEETING  
CITY OF WESTLAKE**

A regular meeting of the City Council of the City of Westlake was held on Monday, November 14, 2016, immediately following the Planning and Zoning meeting, at the Westlake Community Center, 4005 Seminole-Pratt Whitney Road, Westlake, Florida.

Present and constituting a quorum were:

Roger Manning	Mayor
Katrina Long-Robinson	Vice Mayor
John Stanavitch	City Council Seat 1
Kara Crump	City Council Seat 2
Phillip Everett	City Council Seat 3

Also present were:

Kenneth Cassel	City Manager
Pam E. Booker, Esq.	City Attorney

*The following is a summary of the minutes and actions taken during the November 14, 2016 City of Westlake Council Meeting.*

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mayor Manning called the meeting to order at 7:35 p.m. and Mr. Cassel called the roll.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was previously recited at the Planning and Zoning meeting.

**THIRD ORDER OF BUSINESS**

**Approval of Agenda**

On MOTION by Councilman Stanavitch seconded by Councilman Everett with all in favor item 7, first reading of ordinance adopting a code of ethics, was removed from the agenda.

**FOURTH ORDER OF BUSINESS**

**Audience Comments on Agenda Items (3)  
Minute Time Limit**

There being none, the next item followed.



**FIFTH ORDER OF BUSINESS**

**Approval of Minutes**

- A. **October 10, 2016 Regular Meeting**
- B. **October 24, 2016 Special Meeting**

On MOTION by Vice Mayor Long-Robinson seconded by Councilman Stanavitch with all in favor the minutes of the October 10, 2016 regular meeting and October 24, 2016 special meeting were approved.

**SIXTH ORDER OF BUSINESS**

**Public Hearing to Adopt Ordinance 2016-4, Including the City of Westlake in the Fire Rescue Municipal Service Taxing Unit for Palm Beach County for the Provision of Fire Services – Second Reading**

Mr. Cassel read Ordinance 2016-4 by title only.

There were no questions or comments from the Council or the public.

On MOTION by Councilman Stanavitch seconded by Councilman Everett with all in favor Ordinance 2016-4 was adopted.

**SEVENTH ORDER OF BUSINESS**

**Ordinance 2016-5, Adopting Quasi-Judicial Proceedings – First Reading**

Ms. Booker explained this ordinance adopts formal procedures for items that go before the Planning and Zoning Board as well as the City Council.

Mr. Cassel read Ordinance 2016-5 by title only.

On MOTION by Councilman Everett seconded by Councilwoman Crump with all in favor the first reading of Ordinance 2016-5 was approved.

**EIGHTH ORDER OF BUSINESS**

**Ordinance 2016-6, Adopting Business Tax (Occupational License) – First Reading**

Mr. Cassel read Ordinance 2016-6 by title only.

On MOTION by Councilman Stanavitch seconded by Councilman Everett with all in favor the first reading of Ordinance 2016-6 was approved.

**NINTH ORDER OF BUSINESS**

**Resolution 2016-13, Approval of Final Plat for Minto Westlake Phase 1A TTD**

Mr. Donald Hearing provided a brief presentation of the final plat for Minto Westlake Phase 1A TTD.

Ms. Tara Duhay requested the application and all resubmittals be made part of the formal record for this quasi-judicial proceeding.

Mr. Cassel read Resolution 2016-13 by title only.

On MOTION by Councilwoman Crump seconded by Councilman Stanavitch with all in favor Resolution 2016-13, approving the final plat for Minto Westlake Phase 1A TTD, was adopted.

**TENTH ORDER OF BUSINESS**

**Resolution 2016-14, Approval of Final Plat for Minto Westlake PODL**

Ms. Booker stated this is the plat presented in detail to the Planning and Zoning Board prior to this meeting. Staff recommends approval as it meets all the conditions reviewed.

Mr. Cassel read Resolution 2016-14 by title only.

On MOTION by Councilman Everett seconded by Councilwoman Crump with all in favor Resolution 2016-14, approving the final plat for Minto Westlake PODL, was adopted.

**ELEVENTH ORDER OF BUSINESS**

**Resolution 2016-15, Appointment of James Jackson as the Building Official – Action Item**

Ms. Booker stated the Council previously authorized Nova Engineering and Environmental Services as the building official. Florida Statute requires the appointment of a building official to take certain acts and issue permits for the City of Westlake. If Mr. James Jackson is not available, Mr. Bradley Weigle will act as Deputy Building Official.

On MOTION by Councilman Stanavitch seconded by Vice Mayor Long-Robinson with all in favor Resolution 2016-15, appointing James Jackson as the Building Official for the City of Westlake and Mr. Bradley Weigle as Deputy Building Official, was adopted.

**TWELFTH ORDER OF BUSINESS**

**City Manager’s Report**

Mr. Cassel reported the following:

- The principal landowner, Minto, PBLH, LLC, is providing the City with packages for staff to review. Staff is meeting with them on a routine basis.
- The Palm Beach County Fire Department is working with the City.
- Work on Seminole Pratt Whitney road is advancing.
- There has been a lot of land clearing in the 400 acres, which was approved by the City.

- SID received the permit from the Health Department to build 2,800 linear feet of water mains going into Town Center Parkway North.
- Ms. Booker and he have been discussing holding informal workshop meetings with the Council to provide development updates.

**THIRTEENTH ORDER OF BUSINESS**                      **City Attorney's Report**

There being no items to report, the next item followed.

**FOURTEENTH ORDER OF BUSINESS**                      **Audience Comments on Other Items (3)**  
**Minute Time Limit**

There being none, the next item followed.

**FIFTEENTH ORDER OF BUSINESS**                      **Adjournment**

There being no further business,

On MOTION by Mayor Manning seconded by Councilman Everett with all in favor the meeting was adjourned.
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\_\_\_\_\_  
Kenneth Cassel  
City Manager

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Roger Manning  
Mayor

## **Seventh Order of Business**

**ORDINANCE NO. 2016- 5**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, IMPLEMENTING PROCEDURES FOR QUASI-JUDICIAL PROCEEDING, PROVIDING FOR DEFINITIONS, PROVIDING FOR PRESENTATION OF EVIDENCE, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the Florida Supreme Court has determined that the application of a general rule or policy to specific, individuals, interest or activities that do not affect a large portion of the public is “quasi-judicial” in nature; and

**WHEREAS**, Section 286.0115, Florida Statutes, recognizes that a City may adopt procedures and provisions for quasi-judicial proceedings on land use matters to ensure complete and full disclosure of ex-parte communications, thereby removing the presumption of prejudice; and

**WHEREAS**, the decision of the decision making body must be supported by “Competent, Substantial Evidence” in the record pertinent to the proceedings; and

**WHEREAS**, the City Council has determined that it is in the best interest of the City of Westlake to implement quasi-judicial procedures so as to be consistent with the provisions as set forth in Section 286.0115, Florida Statutes;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

**Section 1. Definitions:** The following words, terms, and phrases, when used in this section, shall have the following meanings ascribed to them, except where the context clearly indicates a different meaning:

- A. **Applicant** shall mean the owner of record, the owner’s agent, a third party with written consent of all owner(s) of the property or staff when the application is initiated by the City.
- B. **Competent Substantial Evidence** shall mean testimony, documentary, or other evidence based on personal observation and which will establish a substantial basis from which an issue can reasonably be inferred. It includes fact or opinion evidence offered by an expert on a matter that requires specialized knowledge and that is relevant to the issued to be decided. Competent Substantial Evidence is evidence a reasonable mind could accept as having probative weight and adequate to support a legal conclusion.
- C. **Decision Making Body** shall mean the City Council, the Planning & Zoning Board/Local Planning Agency, or other authorized committee, as the case may be, that makes a recommendation or decision on an application or decides the appeal.

- D. **Ex-Parte** communication, oral or written between members serving on the Planning & Zoning Board/Local Planning Agency or City Council and the public, other than those made on the record at the hearing.
- E. **Material Evidence** shall mean evidence that bears a logical relationship to one or more issues raised by the application or the laws and regulations pertaining to the matter requested by the application.
- F. **Participants** shall mean members of the general public, other than the Applicant, including experts and representative of local governments and governmental agencies, who offer testimony at a quasi-judicial hearing for the purpose of being heard on an application.
- G. **Party** shall mean the Applicant, staff, or any person recognized by the Decision Making Body.
- H. **Quasi-Judicial Proceeding** shall mean a hearing held by the Decision Making Body wherein existing policies and regulations are applied to a specific property and due process requirements are complied with for the hearing. The Decision Making Body makes finding of fact and conclusions of law on the issue.

**Section 2: General Procedures:**

- A. **Intent:** The intent is to establish procedures to ensure fairness and procedural due process and to maintain citizen access to the local government decision making process for the review of development orders and appeals of those orders which require quasi-judicial hearings. These procedures shall be applied and interpreted in a manner recognizing both the legislative and judicial aspects of the local government decision making process in quasi-judicial hearings.
- B. **Applicability:** These procedures shall apply to all applications in which the decision making body acts in a quasi-judicial capacity for making recommendations or final decisions. These procedures do not apply to administrative decision(s) to the City Council.
- C. **Jurisdiction:** All quasi-judicial proceedings before the Decision Making Body shall be hearings of original jurisdiction unless the Decision Making Body is acting in an Appellate capacity, which, such Appellate proceeding shall be a hearing de nova. Unless all parties waive formal proceedings, each party shall have the right to call and examine witness, to introduce exhibits, to cross-examine opposing witness on any relevant matter (subject to the rules contained herein), and to rebut evidence.
- D. **Staff Report:** Staff shall have the responsibility of presenting the case on behalf of the City. The staff report on the application shall be made available by staff to the Applicant and the Decision Making Body no later than three (3) days prior to the quasi-judicial hearing on the application.
- E. **File/Inspection:** Official file shall include all written communication received by the Decision Making Body or staff concerning the application, the staff report on the application, any petitions or other submissions from the public, and all other documents pertaining to the application upon receipt shall be filed in the official file for the application, which shall be maintained by staff. The Comprehensive Plan, the City Code of Ordinances, and the Land Development Regulations shall be deemed part of the official file. The official file shall be available for inspection during normal business hours.

F. **Agenda:** The printed agenda for the meeting at which the quasi-judicial hearing is scheduled to take place shall identify the hearing as quasi-judicial. Copies of the procedures shall be made available at the hearing.

G. **Hearing Procedures:**

- (1) All hearing shall be scheduled within a reasonable time, and provide a date for the application for quasi-judicial proceeding was properly and adequately filed.
- (2) The City shall advertise the hearing date, time, and place in accordance with the Florida Statutes, regulations and the City's ordinances.
- (3) All hearings shall be open to the public. Members of the public shall be permitted to testify at the quasi-judicial hearing.
- (4) The City Clerk, or the Clerk's designee, shall attend all hearings, and the City shall maintain a record of all hearings. The City shall retain the original recording(s) in accordance with the laws of the State of Florida, and if requested, provide a duplicate of the recordings to the Decision Making Body.

**Section 3: Conduct of Hearing:** To the extent possible, the hearing(s) shall be conducted as follows:

- A. **Title:** The Clerk shall read into the record the Ordinance, Resolution by title and number, or the Applicant's name, file number, and the subject matter to be decided if there is no ordinance or resolution.
- B. **Swearing of Witnesses:** The Applicant, staff, and all Participants requesting to speak, or present evidence, or both at the hearing shall be collectively sworn at the beginning of the hearing by the City Clerk or the City Clerk's designee, the Board Clerk, or the Board's Chair, Vice-Chair.
- C. **Disclosure of Ex Parte Communications:** The Decision Making Body shall disclose any ex parte communications and disclose whether any member physically inspected the property. To the extent possible, the Decision Making Body member shall identify with whom the communication took place, summarize the substance of the communication, the date of the site visit, if any. The Decision Making Body shall give the City Clerk, or his or her designee, any written ex parte communications they have received that are not already included in the project file.
- D. **Waiver of Evidentiary Hearing:** The Applicant may waive the Applicant's right to an evidentiary hearing if Applicant agrees with the staff recommendation and no one from the audience wishes to speak for or against the the application. The Decision Making Body may then vote on the item, or make a recommendation based upon the staff report and any other material contained within the official file. Regardless of a waiver by the Applicant, a Public Hearing shall be held for all decisions requiring an ordinance or resolutions.

**Section 4: Presentation of Case:** If there is an evidentiary hearing, the order of the presentation shall be as follows, unless the Chair determines to proceed in a different order, taking into consideration fairness and due process.

- (1) The City staff shall present its case.
- (2) The Applicant shall present its case.
- (3) Participants in opposition to or support of the application shall make their presentation. Each Participant shall be limited to three (3) minutes.

- (4) Representative(s) representing a group of six (6) or more persons attending the meeting may speak for the group and the representative shall be limited to five (5) minutes to speak on behalf of the group.
- (5) The Applicant may cross examine any witness and respond to any testimony presented.
- (6) Staff may cross examine any witness and respond to any testimony presented.
- (7) The Chair of the Decision Making Body may choose to allow Participants to respond to any testimony if the Chair deems a response necessary to ensure fairness and due process.
- (8) Members of the Decision Making Body through the Chair may ask any question of the staff, the Applicant, and the Participants.
- (9) Final argument may be made by the Applicant and then the Staff, related solely to the evidence in the record.

**Section 5: Chair to Halt Cross Examination:** The Chair shall keep order and without requiring an objection may direct a Party conducting the direct examination or the cross examination to stop a particular line of questioning that in the sole judgment of the Chair is being utilized to merely harasses, intimidate or embarrass the individual testifying or being cross examined, the line of questioning is unduly repetitious or is not relevant, or which is beyond the scope of the testimony by the individual being cross examined. If the Party conducting the direct examination or cross examination continues to violate the directions from the Chair to end a line of questioning deemed improper as set forth herein, the Chair may terminate the direct examination or cross examination.

**Section 6: Continuance of the Hearing:** The Decision Making Body may on its own motion or at the request of any person, continue the hearing to a fixed date, time, and place. The Applicant shall have the right to one continuance, however, all subsequent continuances shall be granted at the sole discretion of the Decision Making Body.

**Section 7: Withdrawal of Application:** The Applicant may withdraw the application by requesting such withdrawal in writing prior to commencement of the hearing.

**Section 8: Basis of Decision:** For all quasi-judicial hearings in which a decision is made regarding an application for any development permit, the decision to approve or deny shall be based upon whether the application meets all applicable requirements of the Comprehensive Plan, the City Code of Ordinances, the Land Use and Development Regulations, and based upon the entirety of the record before the Decision Making Body. The Decision Making Body shall reach a written decision without unreasonable or unnecessary delay.

**Section 9: Rules of Evidence:**

- (a) The Decision Making Body shall not be bound by the strict rules of evidence, and shall not be limited only to consideration of evidence which would be admissible in a court of law. The Decision Making Body shall have the ability but not the duty to conduct site visits in their sole discretion and to consider any evidence so adduced in their deliberations.
- (b) The Chair of the Decision Making Body may exclude evidence or testimony that is not relevant, material or competent, or testimony which is unduly repetitious or defamatory.
- (c) The Chair, with the advice of the City Attorney will determine the relevancy of evidence. The City Attorney shall represent the Decision Making Body and advise it as to the procedures to be followed.



- (d) Matters relating to an applicant's consistency with the Comprehensive Plan, the City Code of Ordinance, or the Land Use and Development Regulations will be presumed to be relevant and material.
- (e) Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it shall not be sufficient by itself to support a finding unless it would be admissible over objection in court.
- (f) Documentary evidence may be presented in the form of a copy of the original. A copy shall be made available to the Decision Making Body and to the staff no later than three (3) days prior to the hearing on the application. Upon request, the Applicant and the staff shall be given an opportunity to compare the copy with the original. Oversized exhibits shall be copied and reduced for convenient record storage.
- (g) Only the Applicant, an authorized representative of the Applicant, Staff and the Decision Making Body shall be entitled to conduct cross examination when testimony is given or documents are made part of the record.
- (h) The Decision Making Body shall take judicial notice of all state and local laws, ordinances and regulations and may take judicial notice of such other matters as are generally recognized by the Courts of the State of Florida.

**Section 10: Supplementing the Record:** Supplementing the record after the quasi-judicial hearing is prohibited, unless specifically authorized by an affirmative vote of the Decision Making Body, under the following conditions:

- A. The supplementation occurs after a quasi-judicial hearing is continued but prior to final action being taken on the application or appeal.
- B. If a question is raised by the Decision Making Body at the hearing which can not be answered at the hearing, the Party to whom the question is directed will submit the requested information in writing to the City Clerk and the Decision Making Body after the quasi-judicial; hearing, with copies to the other Parties, provided the hearing has been continued or another hearing has been scheduled for a future date and no final action has been taken by the Decision Making Body. The information requested will be presented to the Decision Making Body at least two (2) business days prior to the time of the continued hearing.
- C. All Parties and Participants shall have the same right with respect to the additional information as they had for evidence presented at the hearing.
- D. All evidence admitted into the record at the hearing, the official file, and the adopted development order, ordinance, or resolution of the Decision Making Body or the written decision shall be maintained by the City Clerk or the Planning & Zoning Director.

**Section 11. Severability:** Should any section, sentences, clause, or phrases, of this ordinance be declared to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

**Section 12. Effective Date:** This ordinance shall be effective upon adoption on second reading.

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City of Westlake  
Roger Manning, Mayor

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Sandra Demarco, City Clerk

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City Attorney  
Pam E. Booker, Esq.

## **Eighth Order of Business**

**ORDINANCE NO. 2016-6**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING A CODE OF ORDINANCES ENTITLED "BUSINESS TAX" FOR THE CITY OF WESTLAKE; PROVIDING FOR INCLUSION IN THE CITY CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Westlake desires to adopt a code of ordinance which will provide rules and regulations pertaining to the creation and operation of business establishments within the jurisdictional boundaries of the City of Westlake; and

**WHEREAS**, the City of Westlake, would like to create a business tax structure which will provide for definitions, provide for an accurate database of businesses operating within the City of Westlake, and provide tax revenue collections for the City; and

**WHEREAS**, the City of Westlake desires to provide a process for new and existing businesses within the City to operate and continue in existence.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

**Section 1. Recitals:** The above recitals are true, accurate and incorporated herein by this reference.

**Section 2. Inclusion into Code of Ordinance:** There shall be created a code of Ordinance for the City of Westlake, entitled Chapter 5, Business Tax, which code shall be made a part of the Code of the City of Westlake, Florida, the sections of this ordinance may be renumbered or retitled to change ordinance to section as appropriate.

**CHAPTER 5, TAXATION  
BUSINESS TAX**

**Section 5-1 Definitions:** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*Business*, a profession and occupation do not include customary religious, nonprofit, charitable, and nonprofit educational institutions in the State of Florida, which institutions are more particularly defined and limited as follows:

- (1) *Religious institution* means churches and ecclesiastical or denomination Florida at which nonprofit religious services and activities are regularly conducted and carried on, also includes church cemeteries.
- (2) *Educational institution* means state tax supported or parochial, church and nonprofit private schools, colleges or universities conducting regular classes

and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the department of education, or the Florida Council of Independent Schools. Nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and eligible for exemption.

- (3) *Charitable institution* means only nonprofit corporations operating physical facilities in this state at which are providing charitable services, a reasonable percentage of which are without cost to those unable to pay.

*Classification* means the method by which an occupation, business or group of businesses are identified by size, type or both.

*Health Care Providers* means, without limitation, those providers of health care, who provide health care services, items, or good to individuals, patients, beneficiaries or recipients and receive reimbursement, in whole or in part from an individual, patient, beneficiary or a federal or state funded health care program, including the Florida Medicaid Program or other third-party payer such as health insurance companied or home maintenance organizations.

*Local business tax* means the fees charged and the method by which the city grants the privilege of engaging in or managing any business, profession, or occupation within its' jurisdiction. It does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination or inspection. Unless otherwise provided by law these are deemed to be regulatory and in addition to, but not in lieu of any local business tax imposed under the provisions of this code.

*Merchandise* means any goods, wares, commodities, and items bought or sold in the usual course of business or trade.

*Merchant* means any person engaged in the business of selling merchandise at retail or wholesale.

*Person* means any individual, firm, partnership, joint venture, syndicate, or other group or combination action as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver or other fiduciary and includes the plural as well as the singular.

*Receipt* means the document that is issued by the city which bears the words "Local Business Tax Receipt" and evidences that the person in whose name the document is issued has complied with the provision of this chapter relating to the business tax. The receipt does not regulate a business and does not guarantee the quality of the work of a business' goods or services.

*Sale* means the transfer of ownership, title, or possession, transfer, exchange, or barter whether conditional or otherwise for consideration.

*Taxpayer* means any person liable for taxes imposed under the provisions of this article, any agent required to file and pay taxes imposed hereunder and their heirs, successors, assignees and transferee of any such person or agent.

*Virtual Office* means a combination of off-site live communication and address services that allow users to reduce traditional office costs while maintaining business professionalism.

**Section 5-2 Receipt of Certificate of Use.** All businesses and/or professionals shall need a business tax receipt and/or a certificate of use from the City prior to the operation within the limits of the City boundaries. If any business shall require approval, permit, certification and/or licensing from federal, state, county, and/or any other relevant agency, such documentation shall be provided to the City along with their initial application at the time of submittal. The fee for Certificate of Occupancy of Use shall be calculated in the same manner as a Certificate of Occupancy for commercial uses pursuant to the current Building Department Fee Schedule.

**Section 5-3 Application of Other Laws.** A business tax receipt issued under this article does not waive or supersede other city or county ordinances or state or federal regulation or laws; does not constitute city approval of any particular business activity or manner of conducting business activity; and does not excuse the taxes from all other city, county, state and federal regulations, ordinances and laws applicable to any business. All licenses and application materials prepared under this article shall so state. Neither the payment of a business tax nor the procurement of a tax receipt under this article shall authorize or legalize in any manner a violation of the city, county, state or federal ordinance, regulation or law.

**Section 5-4 Business Tax Receipt Duration and Expiration Date.** Each Business tax receipt shall be valid for no more than one year. Tax receipts shall be issued beginning on October 1, of each year and shall expire on September 30 of the following year.

**Section 5-5 Transfer of Business Tax Receipt after Relocation.** A business tax receipt may be transferred to another location within the city if the taxed business is relocated when the following conditions are met:

- (a) A certificate of use must be obtained if required for the new location prior to opening for business.
- (b) All other business tax requirements of this article have been met.
- (c) A fifteen dollar (\$15.00) transfer fee is paid and a tax receipt is obtained for the new location prior to opening for business.

**Section 5-6 Pro-rata Payment, refund; existing tax receipt.** All tax receipts shall be payable on or before October 1 of each year, and expire on September 30 of the succeeding year. If October 30 falls on a weekend or a holiday, the tax is due and payable on or before the first working day, following October 30. The full tax shall be due for businesses which obtain a tax receipt prior to April 1, of the tax year. For businesses which obtain a tax receipt after April 1, of the tax year, a partial payment of one half the annual tax shall be due.

**Section 5-7 Business Tax limited by business Tax Receipt and Certificate of Use.** No business that has a business tax receipt to do a particular type of business shall engage in any other business subject to a business tax under this article unless a separate tax receipt is acquired for that

purpose. Violation of this section shall be subject to all administrative, civil and criminal penalties authorized under this chapter.

**Section 5-8 Posting of Business Tax Receipt and Certificate of Use.** Any person conducting a business for which a tax receipt is required by this article shall post the tax receipt and/or certificate of use in a conspicuous place in or about the place of business where it may be seen upon inspection by any official of the city. Failure to do so may result in a fine as if the business had never procured such tax receipt.

**Section 5-9 Personal Responsibility and Liability of Officers and Agents.**

- (a) The city shall endeavor to notify all business tax receipt holder that their business tax receipts are due for renewal. However, if a business does not receive a renewal notification, the business is responsible to renew the business tax prior to October 1 to avoid delinquent charges.
- (b) If any business fails to obtain a business tax receipt required by this article, all officers of a corporation engaged in business in the city, the manager and/or sales agent of the business shall each, jointly and severally, be responsible for the failure to obtain the business tax receipt on behalf of the business. It shall be the duty of all officers, the manager, and/or sales agent of any business engaged in business in the city to see that such business complies with the provisions of this article, and they shall each personally be subject to the penalties imposed by this article for failure of a business to comply with the requirements of this article. All corporate officers, the manager, and/or sales agent applying for a business tax receipt on behalf of a business shall be given notice that they are personally liable for the business' compliance with this article.

**Section 5-10 Application Procedures**

- A. Procedures for issuance. No license shall be issued or granted to any person to engage in any business named, identified or encompassed by this article unless an application is filed with the City Manager or his designee on forms provided for that purpose, disclosing under oath the following:
  - (1) The applicant's name and address.
  - (2) The name of the business for which a business tax receipt is sought.
  - (3) The name and address of the owner and operator of the business, and if a corporation, the names and address of each of its corporate officers and its resident or registered agent. If the applicant is a corporation or partnership, the full name of the corporation or partnership and the state of incorporation.
  - (4) The type or classification of the business and the relationship of the applicant to the business.
  - (5) The location in the city where the business will be operated.
  - (6) The date of birth and driver's license number of the owner/operator and any applicable federal employer identification numbers.
  - (7) When necessary for determining the proper business tax under this article, the area, number of seats, machines, units and/or number of persons or things

employer or engaged or such other information as may be required by this article for purposes of determining the proper business tax.

- (8) If the business is a corporation and is to be conducted under another name, the business name and county of registration under Florida Statutes §865.09.
- B. Name and Signature. The applicant shall print and sign their name to the application. In the case of a corporation, an officer shall be required to sign the application.
- C. Obtaining a Certificate of Use Prior to Issuance of Business Tax Receipt. Any business required to obtain a certificate of use must do so at the same time of obtaining a business tax receipt under this article.
- D. Fire Inspection Permit and other Palm Beach County Requirement. All business, except home offices and virtual office tenants, must submit a fire inspection/permit report and otherwise comply with all other applicable requirements of Palm Beach County prior to the issuance of the original business tax receipt. A business tax receipt will not be issued until the fire report form is properly completed and submitted. Failure to do so in a timely manner will result in enforcement procedures and penalties as provided in this article.
- E. State Tax Receipt. All business and professions regulated by the state must submit a copy of their current state business tax receipt prior to the issuance of their original city business tax receipts and thereafter, each year at the time of renewal. Only the state tax receipt itself shall constitute proof of current state tax receipt.
- F. Alcoholic Beverage Establishments. All establishments that serve alcoholic beverages and all promoters shall submit a valid State license issued the the Department of Business and Professional Regulations, Division of Alcoholic Beverages and Tobacco.

#### **Section 5-11 Grounds for Suspension, Revocation and Denial.**

The city manager or his designee is authorized to revoke or temporarily suspend the local business tax of any person or entity where it is determined by the city manager or his/her designee that:

- (1) The business owner has misrepresented or failed to disclose material information required by this article to be included in the business tax application form.
- (2) The business owner, as part of the owner's business activity within the city, is engaged in conduct that is contrary to the public health, welfare or safety of the city.
- (3) The business owner is conducting business from premises that do not possess a valid and current certificate of occupancy and/or certificate of use as may be required by the city, county and state laws.
- (4) Habitual conduct has occurred at the business owner's premises that violates the city, county or state law.
- (5) The tax receipt issued by the city dependent upon the business owner's compliance with specific provisions of federal, state, city or county law and the business owner has violated such specific provisions of law.
- (6) The business owner has violated any provision of this article and has failed or refused to cease or correct the violation after notification thereof.



- (7) The business owner, as part of the licensee's business activity within the city, knowingly lets, leases or gives space for unlawful gambling purposes at the business owner's premises.
- (8) The business owner, within the preceding five years in this state or any other state or in the United States, has been adjudicated guilty of or forfeited a bond when charged with solicitation for prostitution, pandering, letting premises for prostitution, keeping disorderly place, or illegally dealing in narcotics.
- (9) The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.
- (10) The business owner's premises have been found to constitute a public nuisance by the building official or the code compliance special magistrate.
- (11) The business owner has failed to satisfy any fines or administrative fees imposed by the special magistrate.
- (12) The business owner has failed to correct building violations for which a notice of violation has been issued by the building official or code compliance division during the previous licensing period.
- (13) The business owner has failed to pay outstanding city bills as evidenced by an Invoice delivered by the City Manager.
- (14) The suspension or revocation shall be the business tax receipt in effect at the date of such suspension or revocation; even though it may have been issued to a business owner other than the person who held the tax receipt at the time the cause for such suspension or revocation arose.
- (15) No business tax receipt shall be suspended under this section for a period of more than twelve (12) months. No new business tax receipts shall be issued during the period of suspension/revocation to the business owner, or to any other firm in which the business owner or any of its general partners, limited partners, officers or stockholders owning 20 percent or more of its stock or agents, employees or other persons who were actively involved in the business under suspension/revocation. At the end of such period of suspension or revocation, the business owner and/or agent, general or limited partners, officers or stockholders may apply for a new business tax receipt.
- (16) A suspension not exceeding six months shall be imposed in cases where the business owner's violation is shown to be inadvertent and can be promptly corrected by the business owner; a revocation of the business tax receipt shall be imposed in all other cases. The City Manager shall have the authority to adopt written administrative rules to enforce the provisions of this article, which rules shall have the full force and effect of city law, provide the rules are approved by the city attorney and ratified by the city council.

#### **Section 5-12 Penalty for Late Payment and Evidence of Engaging in Business**

- (a) Any person engaged in any business without obtaining a valid business tax receipt under this article shall be subject to a penalty of twice the applicable business tax in addition to any other penalty provided by this article or any other law.

- (b) Any person failing to timely apply for the annual renewal of a business tax under this article may be issued a tax receipt only upon payment of a delinquency penalty of ten percent for the month of October or portion thereof and an additional five percent for each month of delinquency thereafter or portion thereof until paid. Payments must be received by the city prior to the first day of each penalty month to avoid additional penalties; however, the total delinquency penalty shall not exceed twenty-five (25%) of the business tax amount. Pursuant to Florida Statutes §205.053 the city will assess an additional penalty of one hundred (\$100.00) if the business tax remains unpaid for 150 days after the initial notice of tax due. For each month after the 150, an additional twenty-five (\$25.00) dollars per month shall be assessed up to a maximum of two-hundred fifty (\$250.00) dollars.
- (c) Renewed business tax receipts will not be issued until all delinquent payments for any business tax/fee imposed under this article, or code enforcement lien; special assessment lien and/or other debt or obligation due to the city under state or local law has been paid in full. Any debt or obligation shall not be deemed due if any appeal has been timely filed and has not been disposed of prior to issuance of a business tax receipt.
- (d) The fact that a person represents himself as being engaged in any business for which a business tax receipt is required for the transaction of business or the practice of a profession shall be evidence of the liability of such person to pay for a business tax receipt. Soliciting business, displaying a sign or advertising which indicates the conducting of a business or profession shall be sufficient evidence that such person is conducting a business and required to obtain a business tax receipt. Such person does not have to actually transact any business or practice a profession to be liable. Any person with a commercial listing in the telephone directory or city directory shall be presumed to operate a business or profession subject to acquiring a business tax receipt.
- (e) The fact that the person or business is open for business shall be prima facie evidence of engaging in such trade business, profession or occupation and the burden shall be upon the defendant to refute the same.

### **Section 5-13 Notice of Violation, Emergency Action**

If the City Manager or his/her designee believes that a business owner has engaged or is engaged in conduct warranting the suspension or revocation of a business tax receipt, the City Manager shall serve the business owner by certified mail or hand delivery, at the business address as disclosed in the application for business tax, a written administrative complaint which affords reasonable notice to the business owner of facts or conduct that warrants the intended action. The complaint shall state what is required to be done to eliminate the violation, if anything. The business

owner shall be given adequate opportunity to request a prior hearing unless the City Manager finds that an emergency condition exists involving serious danger to public health, safety or welfare, in which case advance notice and hearing shall not be required. In the case of an emergency suspension or revocation, the business owner shall immediately be advised of the City Manager's action and afforded a prompt post-suspension or revocation hearing before the City Manager or his/her designee.

#### **Section 5-14 Hearing when Business Owner Fails to Comply with Notice**

If a business owner fails to comply with any notice issued as provided in this article, the City Manager or his/her designee may issue an order in writing to the business owner, by certified mail or hand delivery, notifying the owner to appear at an administrative hearing before the City Manager or his/her designee to be held at a time to be fixed in such order, which date shall be not less than five (5) days after service thereof. A hearing may also be requested by the business owner aggrieved by the decision of the building official or code compliance officer regarding denial of a local business tax, determination of fees/penalties due and/or warning of potential suspension/revocation for violation of a provision of this article. The request must be in writing and filed with the building official or the director of the code compliance department within ten days of receipt of the decision of the building official or the code compliance officer. The request must specify the decision complained of and the nature of the business owner's grievance.

#### **Section 5-15 Hearing Procedures, Enforcement of Orders**

- (a) The City Manager shall give written notice of the time and place of the hearing to the business owner by certified mail or hand delivery.
- (b) The proceedings shall be held with the City Manager according to procedures as established by the city manager.
- (c) The proceedings shall be recorded and minutes kept by the City's clerk. Any business owner requiring verbatim minutes of the hearing may arrange for the services of a court reporter at the business owner's expense.
- (d) Within twenty (20) days of the close of the hearing, the City Manager shall render a decision in writing determining whether or not the tax receipt shall be revoked or suspended or denied, or any other action taken or continued, as the case may be, and stating his reasons and findings of fact.
- (e) The city clerk shall file the order in the clerk's records and shall send a true and correct copy of the order via certified mail, return receipt requested, or by hand delivery, to the business address listed on the local business tax or to any such other address as the business owner shall designate in writing.

**Section 5-16 Schedule of Taxes, Effective October 1, 2016.** Effective October 1, 2016, business taxes for the following businesses, occupations or professions are hereby levied and imposed as referenced on the attached and incorporated Exhibit "A".

**Section 3. Severability:** Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining

sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

**Section 4. Effective Date:** This ordinance shall be effective and apply to businesses within the City limits as of October 1, 2016, and thereafter.

**PASSED AND APPROVED** by the City Council for the City of Westlake, on first reading on this \_\_\_\_\_ day of November 2016.

**PASSED AND APPROVED** by the City Council for the City of Westlake, on second reading on this \_\_\_\_\_ day of December 2016.

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City of Westlake  
Roger Manning, Mayor

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Sandra DeMarco, City Clerk

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City of Westlake  
Pam E. Booker, City Attorney

**BUSINESS TAX RECEIPT FEES**  
**Exhibit "A"**

<b>CATEGORIES</b>	<b>FEES</b>
<b>CONTRACTORS</b>	<b>\$200.00</b>
General Contractors, Residential, Non-residential Sub-Contractors	
HVAC, Home Inspection Services, Plumbing, Heating, Electrical	\$150.00
Building Construction Material	\$125.00
Masonry, Stonework, Plastering	\$100.00
Painting	\$100.00
Roofing, Siding & Sheet Metal Work	\$100.00
Water Well Drilling	\$100.00
<b>ENTERTAINMENT SERVICES</b>	
Amusement Facility/Arcades	\$100.00
Athletic Clubs/Gyms	\$150.00
Billiard Facility/Bowling Centers	\$200.00
Dance Schools/Karate/Gymnastics	\$100.00
Golf Courses	\$350.00
Mini Golf/Tennis Courts	\$150.00
Motion Pictures/Theaters	(up to 200 seats) \$350.00
	(201 – 400 seats) \$400.00
	(over 400 seats) \$500.00
Night Clubs/Lounge/Bars	\$400.00
Other Sports & Recreational Facilities	\$200.00

**FINANCIAL SERVICES**

Bail Bondsman	\$200.00
Banks/Credit Union/Savings & Loans	\$450.00
Brokerage House	\$450.00
Check Cashing Services	\$150.00
Collection Agencies	\$150.00
Investment Consultants	\$450.00
Mortgage Companies	\$450.00
Security Brokers & Commodity Services	\$450.00

**FOOD SERVICES**

Bakery/Sugar & Confectionary Products	\$100.00
Beverages & Bottling Products	\$100.00
Butcher Shop	\$100.00
Caterers (fixed or mobile)	\$100.00
Ice Cream Parlor/Food Truck/Soda Fountain	\$100.00
Meat/Dairy Products (up to 10 employees)	\$100.00
(over 10 employees)	\$200.00
Restaurant/Snack Bar (take out only)	\$100.00
Restaurant (dine-in) Seating (1-25)	\$100.00
Restaurant (dine-in) Seating (26-50)	\$250.00
Restaurant (dine-in) Seating (51-100)	\$400.00
Restaurant (dine-in) Seating (over 100)	\$500.00

**GENERAL BUSINESS**

Adult Congregate Living Facility	\$100.00
Advertising Agency	\$100.00
Agricultural Nursery Products	\$100.00

Alcohol Sales	\$250.00
Auto/Boat Dealership	\$400.00
Automotive Wash/Detailing	\$100.00
Automotive Repair/Body Shop	\$200.00
Automobile Sales	\$400.00
Automobile Service Stations/Fuel Services	\$225.00
Bicycle Shop	\$100.00
Detective Agency	\$100.00
Employment Agencies	\$100.00
Home Daycare	\$100.00
Hotels/Resort/Rental Complex	\$250.00
Storage Warehouse	\$200.00
Transportation & Towing Services	\$100.00

#### **HEALTH SERVICES**

Convalescent or Nursing Home	\$500.00
Dental/Medical Laboratories	\$100.00
Hospitals	\$450.00
Nursing & Personal Care Facilities	\$100.00
Offices/Clinics for Medical Physicians	\$100.00
Osteopathic Physicians	\$100.00

#### **INSTITUTIONAL SERVICES**

Colleges & Universities	\$100.00
Elementary & Secondary Schools	\$100.00
Schools & Educational Services	\$100.00
Vocational Schools	\$100.00

**MANUFACTURING**

Blueprinting Services (maps/platting, etc.)	\$100.00
Cabinet Shop/Machine Shop	\$100.00
Concrete Ready Mix/Asphalt	\$100.00
Electronic & Other Electric Equipment/Products	\$100.00
Furniture & Household Products	\$100.00
Manufacturing (1-5 employees)	\$100.00
(6-15 employees)	\$150.00
(over 16 employees)	\$225.00
Newspaper Publishing	\$100.00
Print Shop/Publishing	\$100.00
Textile Products & Apparel	\$100.00

**PERSONAL SERVICES**

Barber Shop/Beauty Salon/Nail Salon	\$100.00
Child Care Facilities/Private Schools/Daycare/ Nursery/Kindergarten	\$125.00
Dog & Pet Grooming/Pet Shop/Kennel	\$100.00
Dry Cleaning Services/Laundry/Laundromat	\$150.00
Florist (including delivery)	\$100.00
Funeral Home Providers/Crematory/Undertaker	\$150.00



Laboratory Services	\$150.00
Locksmith Services	\$100.00
Landscape/Lawn Services/Plant/Nursery	\$100.00
Massage Services	\$100.00
Pest Control Services	\$100.00
Photo Services/Photographer	\$100.00
Pressure Cleaning/Painting	\$100.00
Repair Service Facilities (electronics, appliances, etc.)	\$100.00
Swimming Pool Services	\$100.00
Tattoo Artist	\$100.00
Tax Return Services	\$100.00
Upholsterer	\$100.00

**PROFESSIONAL SERVICES**

Architects, Attorney, Certified Public Account, Dentist/Physician Embalmers, Engineer, Insurance Company/Agency, Psychologist Medical Related Services, Real Estate Agency/Brokers, Veterinarians (for one professional)	\$100.00
Each Additional Professional	\$100.00

**RETAIL/WHOLESALE MERCHANTS**

**Small Retail/Wholesale** is a Business having a square footage of 2100 square feet or less and less than \$10,000.00 of inventory. The business tax receipt fee is \$100.00

**Large Retail/Wholesale** is a Business having a square footage of more than 2100 square feet. The business tax receipt fee is \$100.00 for up to \$10,000.00 of inventory. Each additional \$1,000.00 of inventory or fraction thereof, shall be \$6.00.

Auctioneer/Auction Houses  
 Automobile Dealers (New & Used)  
 Automobile Supply Stores  
 Dairy Product Stores  
 Department Stores  
 Drug Stores  
 Furniture & Home Furnishing  
 General Merchandise Store  
 Grocery Stores/Fruit & Vegetable Markets  
 Household Appliance Store  
 Liquor Stores  
 Luggage & Leather Goods Store  
 Lumber & Other Building Materials  
 Meat & Fish Markets  
 Men, Women and/or Children Clothing Stores  
 Optical Goods Store  
 Shoe Stores  
 Sporting Good Stores  
 Tobacco Stores

#### **UTILITY SERVICES**

Communications/Telephone/Cable/Internet Systems	\$450.00
Electric Power Companies	\$450.00
Gas Companies/Sanitary Services	\$450.00

**EXEMPTIONS UNDER FLORIDA STATUTES CHAPTER 205**

The exemptions listed below shall be as provided for pursuant to Florida Statutes, Chapter 205 (2016), and as they may be amended for the businesses set forth below.

Broker Associated & Sales Associates

Charitable Organizations

Disabled Persons, the Aged & Widows with Minor Dependents

Employees of a Business or Profession

Farm, Aqua-cultural, Grove, Horticultural, Floricultural Farming

Mobile Home Setup Operations

Non-Resident Persons Regulated by the Department of Business & Professional Regulations

Religious Organizations/Institutions

Veterans Partial Exemption

**RULES FOR APPLICATION**

Business Tax Decal \$5.00

Delinquent Fee(s) -5% penalty for each month subsequent the month of October until the delinquency is paid. The delinquency fee shall not exceed 50% of the annual business tax fee.

New Tenant Inspection Fee (fire & building inspection) \$75.00

Penalty Fee –will be assessed in the amount of 25% of the annual business tax fee, for doing business without a license.

Transfer fee – will be assessed in the amount of \$15.00 for transferring the business tax to another location within the City’s limits.



City of Westlake  
4001 Seminole Pratt Whitney Road  
Westlake, Florida 33470  
Phone: 561-530-5880  
Fax: 561-790-1742

### BUSINESS TAX RECEIPT APPLICATION

**My Business Information**

New Application \_\_\_\_\_ Address Change \_\_\_\_\_ Ownership Transfer \_\_\_\_\_ Change of DBA BTR# \_\_\_\_\_

Company Name: \_\_\_\_\_

DBA (if applicable/must match signage): \_\_\_\_\_

Business Address: \_\_\_\_\_

Westlake, Florida \_\_\_\_\_ (zip code) Is this a virtual or residential office? Yes \_\_\_\_\_ No \_\_\_\_\_

FEIN: \_\_\_\_\_ (Federal Employee Identification Number)

Contact Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Mailing Address (if different than business address): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Description of Services Offered: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**My Business Documents:**

All applicants shall provide a current copy of required documents (please attach):

Certificate of Use issued by the City of Westlake’s Building Department: Phone No.: \_\_\_\_\_

Or, if a Sub-tenant: A copy of the Owner/Tenant’s Certificate of Use

A Letter acknowledging the sub-tenant’s use of Owner/Tenant’s Certificate of Use

Affidavit for Virtual Office Tenancy

Business Name Registration with the State of Florida (Fictitious Name Registration if applicable)

All Applicable Regulatory Licenses

In Addition to the above, the following applicants are required to attach copies of:

- *Licensed Professionals* – Current license from the applicable regulatory agency, i.e. Department of Business & Professional Regulation; Department of Agriculture and Consumer Services; Department of Financial Services; Financial Industry Regulatory Authority; Department of Health; Nationwide Mortgage Licensing System & Registry, etc.
- *Attorneys & Law Firms* – The Florida Bar Membership Card
- *Contractors & Inspectors* – Proof of insurance and regulatory license
- *Mobile Food Vendors* – Written approval for the operation of such a business from the Palm Beach County Health Department.
- *Pest Control Business* – Proof of insurance and a copy of the current State of Florida permit.
- *Pharmacies* – Proof of Board of Pharmacy license.
- *Private Detectives and Criminal Investigators* – Proof of State of Florida Class B or Class D license, for both business name and individual.

**My Business Category & Tax:**

Category	Tax	
	Fiscal Year	Partial Year

(1) Applicants that apply after the beginning of the fiscal year (October 1) but before April 1 of that fiscal year shall pay the full tax for one year.

(2) Applicants that apply on or after April 1 of the fiscal year but before September 30 of that fiscal year shall pay one-half the full tax for one year.

**My Certification**

*I hereby certify that all information given herein is true and accurate. I understand that providing false or misleading information on this application may subject me to criminal prosecution. I further understand that if there are any subsequent changes in the status of my business as stated above, that I will notify the City of Westlake of such changes. I understand that the Business Tax Receipt expired on September 30 and must be renewed each year.*

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Payment & Mailing Information**

New Applications are to be hand delivered or mailed with the required documentation and payment to :

City of Westlake  
4001 Seminole Pratt Whitney Road  
Westlake, FL 33470  
(561) 954-424-2520

Changes to current business tax file can be submitted via email to James Jackson, at [jjackson@usanova.com](mailto:jjackson@usanova.com).



**City of Westlake**  
 4001 Seminole Pratt Whitney Road  
 Westlake, Florida 33470  
 Phone: 561-530-5880  
 Fax: 561-790-1742

## CERTIFICATE OF USE APPLICATION

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1. **Application:** A Certificate of Use application is to be submitted to the City of Westlake, Building Department, 4001 Seminole Pratt Whitney Road, Westlake, Florida 33470. The application must be completely filled out and notarized.
  
2. **Submission:** An original application, along with payment by check, payable to the City of Westlake, credit card in one of the following amounts:
 

• <b>Commercial Address/Business</b>	<b>\$250.00</b>
• <b>Home Occupation</b>	<b>\$75.00</b>
• <b>Change of Owner/Business Name</b>	<b>\$40.00</b>
• <b>Reissue Certificate Fee</b>	<b>\$15.00</b>
  
3. **Inspections:** An application number will be assigned and all required inspections will be coordinated by the Certificate of Use coordinator. Inspections by Mechanical, Electrical, Plumbing, Structural Inspectors as well as the Fire Marshal will be scheduled on the same day, whenever possible. Access to the interior of the space must be provided. Inability to access the site will result in a failed inspection and a re-inspection fee. If you must cancel an inspection you will need to call 954-424-2520 at least three (3) working days in advance of the appointment to reschedule. These inspections determine if your space meets Florida Building Code and Palm Beach County's (until the City of Westlake adopts its' own codes) code for the use intended. Inspections are performed Monday through Friday between 8:00 a.m. and 4:00 p.m. There are no specified or assigned times for inspections.
  
4. **Re-inspections:** If an inspection does not pass, you will be provided with the reason(s) and the corrective action(s). Each subsequent inspection as a result of a failed or missed inspection will result in a re-inspection fee. All re-inspection fees must be paid before the inspector is scheduled. There are no refunds.
  
5. **Re-inspection fees per the City of Westlake Schedule of Fees**

The first re-inspection for Mechanical, Structural, Electrical, and Plumbing shall be an additional fifty (\$50.00) fee, the second re-inspection fee shall be an additional (\$100.00) fee; all subsequent re-inspection fees shall be (\$300.00).

The Fire Marshal inspection fees shall be consistent with the Palm Beach County local amendments to the Fire Prevention code, as may be amended.

- 6. **Application Approval:** After your inspections have been approved, a Certificate of Use will be issued and available for pick-up at the City of Westlake. There is approximately a five (5) business day wait to pick up the Certificate of Use after the inspection is approved. **It is the applicant’s responsibility to call the City of Westlake Building Department, James Jackson, at 954-424-2520, to confirm the Certificate is available.**

**7. My Business Information**

New Application \_\_\_\_\_ Address Change \_\_\_\_\_ Ownership Transfer \_\_\_\_\_ Change of DBA BTR# \_\_\_\_\_

Company Name: \_\_\_\_\_

DBA (if applicable/must match signage): \_\_\_\_\_

Business Address: \_\_\_\_\_

Westlake, Florida \_\_\_\_\_ (zip code) Is this a virtual or residential office? Yes \_\_\_\_\_ No \_\_\_\_\_

FEIN: \_\_\_\_\_ (Federal Employee Identification Number)

Contact Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_

Mailing Address (if different than business address): \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Description of Services Offered: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**Payment & Mailing Information**

New Applications are to be hand delivered or mailed with the required documentation and payment to :

City of Westlake  
4001 Seminole Pratt Whitney Road  
Westlake, FL 33470  
(561) 530-5880


Changes to current business tax file can be submitted via email to James Jackson, at [jjackson@usanova.com](mailto:jjackson@usanova.com).



# **Ninth Order of Business**

**MEMORANDUM**

To: Mayor Roger Manning  
City Council Members  
Ken Cassel, City Manager

From: Pam E. Booker, City Attorney 

Date: December 6, 2016

Subject: Ethics Ordinance

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Pursuant to section (14) (B), of the City Charter, entitled General Provisions, the City Council must adopt an ordinance adopting a code of ethics for the City Council members. The specific language of the Charter states:

“. . . In addition, the City council shall, no later than 6 months from the effective date of incorporation, establish by ordinance a code of ethics for officials and employees of the City which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law."

Florida Statutes, Chapter 112, contains provisions which address the ethical conduct of elected officials. Some of the specific provisions address, dual public employment, solicitation and acceptance of gifts, doing business with your agency, accepting gifts to influence the decision making ability, misuse of the public office, voting conflicts and financial disclosures. This chapter also includes penalties for violations of the ethical provisions as set forth in State law.

In addition to the statutory provisions, Palm Beach County has the Commission on Ethics, which newly incorporated municipalities have the option of being a part of their formal process, through a memorandum of understanding agreement between the two entities. A representative from the Commission on Ethics may address the City Council at a future meeting. However, for compliance with the charter provisions, this ordinance is being provided for consideration and approval. Should you have any questions, or need any additional information, please do not hesitate to contact me.

**ORDINANCE NO. 2016-7****AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING A CODE OF ETHICS FOR THE CITY OF WESTLAKE TO PRESERVE AND MAINTAIN INTEGRITY IN THE PROCESS OF CONDUCTING OFFICIAL CITY BUSINESS; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, in accordance with Florida Statutes, Chapter 112, the legislature has adopted a code of ethics for the proper conduct of elected officials to be independent in their business dealings so that the public office will not be used for private benefit; and

**WHEREAS**, the code of ethics as set forth in the Florida Statutes was implemented to avoid conflicts of interest for elected officials in the conduct of public business and in the performance of their official duties; and

**WHEREAS**, the code of ethics was designed to preserve and maintain integrity in the governmental process by creating transparency and disclosure with those persons engaged in persuading the public official to take specific actions; and

**WHEREAS**, the City Charter for the City of Westlake provides for the City Council to adopt a code of ethics ordinance which shall set forth standards of conduct; and

**WHEREAS**, the City of Westlake supports the adoption of a Code of Ethics for ensuring and instilling public trust in the conduct of government business for vendors, elected government officials, board members and employees.

**NOW THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, AS FOLLOWS:

**Section 1.** Code of Ethics: The City of Westlake hereby adopts the Code of Ethics set forth by the Florida legislature as applicable to the City of Westlake.

**Section 2.** Statutory Provision: The State Statutory provisions of chapter 112 shall govern the City of Westlake, its elected officials, employees, business entities and other person's subject to chapter 112 of the Florida Statutes.

**Section 3.** Severability: Should the provisions of this ordinance be declared to be severable and if any section, sentence, clause or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall remain notwithstanding the invalidity of any part.

**Section 4.** Effective Date: This ordinance shall be effective upon adoption on second reading.

**PASSED** this \_\_\_\_\_ day of December, 2016, on first reading.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of January, 2017, on second reading.

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City of Westlake  
Roger Manning, Mayor

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Sandra DeMarco, City Clerk

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City Attorney  
Pam E. Booker, Esq.

# Code of Ethics

(Effective Date June 1, 2011)

## Sec. 2-441. Title; statement of purpose.

This article shall be known as the Palm Beach County Code of Ethics. This code of ethics is enacted pursuant to Florida Constitution, Article VIII, section 1(g), Florida Statutes, ch. 125, and the Charter of Palm Beach County. The Municipalities located within Palm Beach County are subject to the provisions of this code of ethics pursuant to referendum. The purpose of this code is to provide additional and more stringent ethics standards as authorized by Florida Statutes, § 112.326. This code shall not be construed to authorize or permit any conduct or activity that is in violation of Florida Statutes, ch. 112, pt. III. This code of ethics shall be deemed additional and supplemental to any and all state and federal laws governing ethical conduct of officials and employees, as well as all local laws, rules, regulations and policies.

Officials and employees in the public service shall be conscious that public service is a public trust, shall be impartial and devoted to the best interests of the people of Palm Beach County, and shall act and conduct themselves so as not to give occasion for distrust of their impartiality.

Nothing herein shall abridge employees' constitutional right to collective bargaining.

*(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)*

## Sec. 2-442. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Advisory board** shall mean any advisory or quasi-judicial board created by the board of county commissioners, by the local municipal governing bodies, or by the mayors who serve as chief executive officers or by mayors who are not members of local municipal governing bodies.

**Customer or client** means any person or entity to which an official or employee's outside employer or business has supplied goods or services during the previous twenty-four (24) months, having, in the aggregate, a value greater than ten thousand dollars (\$10,000).

**Domestic partner** is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship and maintains a mutual residence.

**Financial benefit** includes any money, service, license, permit, contract, authorization, loan, travel, entertainment, hospitality, gratuity, or any promise of any of these, or anything else of value. This term does not include campaign contributions authorized by law.

**Household member** includes anyone whose primary residence is in the official or employee's home, including non-relatives who are not rent payers or employees of the head of the household.

**Inspector general** shall mean the office established in article XII of this chapter.

**Lobbying** shall mean seeking to influence a decision through oral or written communication or an attempt to obtain the goodwill of any county commissioner, any member of a local municipal governing body, any mayor or chief executive officer that is not a member of a local municipal governing body, any advisory board member, or

any employee with respect to the passage, defeat or modification of any item which may foreseeably be presented for consideration to the advisory board, the board of county commissioners, or the local municipal governing body lobbied as applicable.

**Lobbyist** shall mean any person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying on behalf of a principal, and shall include an employee whose principal responsibility to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government.

**"Lobbyist"** shall not include:

- (1) Any employee, contract employee, or independent contractor of a governmental agency or entity lobbying on behalf of that agency or entity, any elected local official when the official is lobbying on behalf of the governmental agency or entity which the official serves, or any member of the official's staff when such staff member is lobbying on an occasional basis on behalf of the governmental agency or entity by which the staff member is employed.
- (2) Any person who is retained or employed for the purpose of representing an employer, principal or client only during a publicly noticed quasi-judicial hearing or comprehensive plan hearing, provided the person identifies the employer, principal or client at the hearing.
- (3) Any expert witness who is retained or employed by an employer, principal or client to provide only scientific, technical or other specialized information provided in agenda materials or testimony only in public hearings, so long as the expert identifies the employer, principal or client at the hearing.
- (4) Any person who lobbies only in his or her individual capacity for the purpose of self-representation and without compensation.
- (5) Any employee, contract employee, or independent contractor of the Palm Beach County League of Cities, Inc., lobbying on behalf of that entity.

**Official or employee** means any official or employee of the county or the municipalities located within the county, whether paid or unpaid. The term "employee" includes but is not limited to all managers, department heads and personnel of the county or the municipalities located within the county. The term also includes contract personnel and contract administrators performing a government function, and chief executive officer who is not part of the local governing body. The term "official" shall mean members of the board of county commissioners, a mayor, members of local municipal governing bodies, and members appointed by the board of county commissioners, members of local municipal governing bodies or mayors or chief executive officers that are not members of local municipal governing body, as applicable, to serve on any advisory, quasi judicial, or any other board of the county, state, or any other regional, local, municipal, or corporate entity.

**Outside employer or business** includes:

- (1) Any entity, other than the county, the state, or any other federal, regional, local, or municipal government entity, of which the official or employee is a member, official, director, proprietor, partner, or employee, and from which he or she receives compensation for services rendered or goods sold or produced. For purposes of this definition, "compensation" does not include reimbursement for necessary expenses, including travel expenses; or
- (2) Any entity located in the county or which does business with or is regulated by the county or municipality as applicable, in which the official or employee has an ownership interest. For purposes of this definition,

an "ownership interest" shall mean at least five (5) percent of the total assets or common stock owned by the official or employee or any combination of the official or employee's household members, spouse, child, step-child, brother, sister, parent or step-parent, or a person claimed as a dependent on the official or employee's latest individual federal tax return.

- (3) the term outside employer or business shall not apply to an employee who is employed by a certified bargaining agent solely to represent employees.

**Palm Beach County Commission on Ethics** means the commission established in [section 2-254](#) et seq. to administer and enforce the ethics regulations set forth herein, and may also be referred to as the "commission on ethics" in this article.

**Persons and entities** shall be defined to include all natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business entities, syndicates, fiduciaries, corporations, and all other organizations.

**Relative** unless otherwise specified in this article, means an individual who is related to an official 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, stepfather, 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 official or employee or who otherwise holds himself or herself out as or is generally known as the person whom the official or employee intends to marry or with whom the official or employee intends to form a household, or any other natural person having the same legal residence as the official or employee.

**Transaction** shall refer to the purchase or sale by the county or municipality of goods or services for a consideration.

**Vendor** means any person or entity who has a pending bid proposal, an offer or request to sell goods or services, sell or lease real or personal property, or who currently sells goods or services, or sells or leases real or personal property, to the county or municipality involved in the subject contract or transaction as applicable. For the purposes of this definition a vendor entity includes an owner, director, manager or employee.

(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)

#### **Sec. 2-443. Prohibited conduct.**

- (a) **Misuse of public office or employment.** An official or employee shall not use his or her official position or office, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:
- (1) Himself or herself;
  - (2) His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people;

- (3) A sibling or step-sibling, child or step-child, parent or step-parent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people;
  - (4) An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business;
  - (5) A customer or client of the official or employee's outside employer or business;
  - (6) A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner— "substantial" for these purposes shall mean at least ten thousand dollars (\$10,000) and shall not include forms of indebtedness, such as a mortgage and note, or a loan between the official or employee and a financial institution;
  - (7) A civic group, union, social, charitable, or religious organization, or other not for profit organization of which he or she (or his or her spouse or domestic partner) is an officer or director.
- (b) **Corrupt misuse of official position.** An official or employee shall not use his or her official position or office, or any property or resource which may be within his or her trust, to corruptly secure or attempt to secure a special privilege, benefit, or exemption for himself, herself, or others. For the purposes of this subsection, "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 an official or employee which is inconsistent with the proper performance of his or her public duties.
- (c) **Disclosure of voting conflicts.** County and municipal officials as applicable shall abstain from voting and not participate in any matter that will result in a special financial benefit as set forth in subsections (a)(1) through (7) above. The official shall publicly disclose the nature of the conflict and when abstaining from the vote, shall complete and file a State of Florida Commission on Ethics Conflict Form 8B pursuant to the requirements of Florida Statutes, § 112.3143. Simultaneously with filing Form 8B, the official shall submit a copy of the completed form to the county commission on ethics. Officials who abstain and disclose a voting conflict as set forth herein, shall not be in violation of subsection (a), provided the official does not otherwise use his or her office to take or fail to take any action, or influence others to take or fail to take any action, in any other manner which he or she knows or should know with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, as set forth in subsections (a)(1) through (7).
- (d) **Contractual relationships.** No official or employee shall enter into any contract or other transaction for goods or services with their respective county or municipality. This prohibition extends to all contracts or transactions between the county or municipality as applicable or any person, agency or entity acting for the county or municipality as applicable, and the official or employee, directly or indirectly, or the official or employee's outside employer or business. Any such contract, agreement, or business arrangement entered into in violation of this subsection may be rescinded or declared void by the board of county commissioners pursuant to [section 2-448\(c\)](#) or by the local municipal governing body pursuant to local ordinance as applicable. This prohibition shall not apply to employees who enter into contracts with Palm Beach County or a municipality as part of their official duties with the county or that municipality. This prohibition also shall not apply to officials or employees who purchase goods from the county or municipality on the same terms available to all members of the public. This prohibition shall also not apply to advisory board members provided the subject contract or transaction is disclosed at a duly noticed



public meeting of the governing body and the advisory board member's board provides no regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction.

- (e) **Exceptions and waiver.** The requirements of subsection (d) above may be waived as it pertains to advisory board members where the advisory board member's board is purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. No waiver shall be allowed where the advisory board member's board is not purely advisory and provides regulation, oversight, management, or policy-setting recommendations regarding the subject contract or transaction. Waiver may be effected by the board of county commissioners or by the local municipal governing body as applicable upon full disclosure of the contract or transaction prior to the waiver and an affirmative vote of a majority plus one (1) of the total membership of the board of county commissioners or the local municipal governing body as applicable. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after full disclosure of the contract or transaction at a public hearing, by the appointing person. In addition, no official or employee shall be held in violation of subsection (d) if:

- (1) The business is awarded under a system of sealed, competitive bidding to the lowest bidder and:
  - a. The official or employee or member of his or her household has in no way participated in the determination of the bid specifications or the determination of the lowest bidder;
  - b. The official or employee or member of his or her household has in no way used or attempted to use the official or employee's influence to persuade the agency, governmental entity or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
  - c. The official or employee, prior to or at the time of the submission of the bid, has filed a statement with the supervisor of elections and the commission on ethics, disclosing the nature of the interest in the outside employer or business submitting the bid.
- (2) An emergency purchase or contract which would otherwise violate a provision of subsection (d) must be made in order to protect the health, safety, or welfare of the citizens of the county or municipality as applicable.
- (3) The outside employer or business involved is the only source of supply within the county or municipality as applicable and there is full disclosure by the official or employee of his or her interest in the outside employer or business to the county or municipality as applicable and the ethics commission prior to the purchase, rental, sale, leasing, or other business being transacted.
- (4) The total amount of the contracts or transactions in the aggregate between the outside employer or business and the county or municipality as applicable does not exceed five hundred dollars (\$500) per calendar year.
- (5) Notwithstanding any provision to the contrary, subsection (d) shall not be construed to prevent an employee from seeking part-time employment with an outside employer who has entered into a contract for goods or services with the county or municipality as applicable provided that:
  - a. The employee or relative of the employee does not work in the county or municipal department as applicable which will enforce, oversee or administer the subject contract; and
  - b. The outside employment would not interfere with or otherwise impair his or her independence of judgment or otherwise interfere with the full and faithful performance of his or her public duties to the county or municipality as applicable; and

- c. The employee or relative of the employee has not participated in determining the subject contract requirements or awarding the contract; and
  - d. The employee's job responsibilities and job description will not require him or her to be involved in the outside employer's contract in any way including, but not limited to, its enforcement, oversight, administration, amendment, extension, termination or forbearance; and
  - e. The employee demonstrates compliance with applicable merit rules regarding outside employment and obtains written permission from his or her supervisor; and
  - f. The employee has obtained a conflict of interest waiver from the chief administrative officer and the employee's department head of the county or municipality based on a finding that no conflict exists. The employee shall submit the request for waiver in writing and under oath. The request for the waiver shall be signed by the employee under oath or affirmation on an approved form provided by the commission on ethics. The document shall contain written acknowledgment of compliance with the provisions of subsection (5)a. through (5)e. of this subsection, together with such pertinent facts and relevant documents that support such waiver. A waiver under this subsection must be approved by both the employee's supervisor and chief administrative officer of the county or municipality. The county or municipality shall record such waiver in the employee's personnel file and shall submit a copy of the waiver and all related documents to the commission on ethics. The commission on ethics in its discretion may elect to review, comment on, or investigate any waiver. The commission on ethics review or investigation shall not delay an employee's ability to take the part time employment.
  - g. *Official law enforcement overtime or extra duty details.* The provisions of subsection (d) shall be waived for outside employment when that employment consists of a certified police agency uniformed external security or extra duty detail, contracted or administered by the police agency as applicable. For the purpose of this subsection, all records of external, extra duty or overtime security details, including supervisor approval, identity of contracting parties, and including time, date and manner of detail shall be maintained by the individual contracting or administrating police agency, records of which shall be accessible to the public subject to state public records disclosure exemptions.
- (f) **Accepting travel expenses.** No official or employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any county or municipal contractor, vendor, service provider, bidder or proposer as applicable. The board of county commissioners or local municipal governing body as applicable may waive the requirements of this subsection by a majority vote of the board or local municipal governing body. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the county or municipality as applicable is a member if the travel is related to that membership.
- (g) **Contingent fee prohibition.** No person shall, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person shall, in whole or in part, receive or agree to receive a contingency fee. As used herein, "contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: an ordinance, resolution, action or decision of the board of county commissioners or local municipal governing body as applicable, any employee authorized to act on behalf of the board of county

commissioners or local municipal governing body as applicable, the county administrator or municipal administrator as applicable, or any action or decision of an advisory board or committee. This prohibition does not apply to real estate brokers when acting in the course of their profession as regulated by Florida Statutes, §§ 475.001—475.5018, as may be amended. Nothing in this section may be construed to prohibit any salesperson from engaging in legitimate government business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company provided such compensation or commission is ordinary and customary in the industry. Nothing in this section may be construed to prohibit an attorney from representing a client in a judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement.

- (h) **Honesty in applications for positions.** No person seeking to become an official or employee, or seeking to enter into a contract to provide goods or services to the county or municipality as applicable, may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the county or municipality as applicable.
- (i) **Disclosure or use of certain information.** A current or former official or employee shall 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.

*(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)*

**Sec. 2-444. Gift law.**

- (a) (1) No county commissioner, member of a local governing body, mayor or chief executive when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any person or business entity that the recipient knows, or should know with the exercise of reasonable care, is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies, sells or leases to the county or municipality as applicable.
- (2) No vendor, lobbyist, or principal or employer of a lobbyist that lobbies the county or a municipality shall knowingly give, directly or indirectly, any gift with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year to a person who the vendor, lobbyist, or principal knows is an official or employee of that county or municipality. For the purposes of this subsection (a)(2), the term vendor also includes any person or entity that, because of the nature of their business, may respond to an invitation to bid, request for proposal or other procurement opportunity that has been published by the county or a municipality.
- (b) (1) No advisory board member, or any other person on his or her behalf, shall knowingly solicit or accept directly or indirectly, any gift with a value of greater than one hundred dollars (\$100) in the aggregate for the calendar year from any vendor, lobbyist, or any principal or employer of a lobbyist, who lobbies the recipient's advisory board, or any county or municipal department as applicable that is subject in any way to the advisory board's authority, influence or advice.
- (2) No vendor, lobbyist, or principal or employer of a lobbyist who lobbies an advisory board or any county or municipal department that is subject in any way to the advisory board's authority, influence

- or advice, shall knowingly give, directly or indirectly, any gift with a value greater than one hundred dollars (\$100) in the aggregate for the calendar year to a person who the vendor, lobbyist, or principal knows is a member of that advisory board. For the purposes of this subsection (b)(2), the term vendor also includes any person or entity that, because of the nature of their business, may respond to an invitation to bid, request for proposal or other procurement opportunity that has been published by the county or a municipality.
- (c) No county commissioner, member of a local governing body, mayor or chief executive officer when not a member of the governing body, or employee, or any other person or business entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee. No advisory board member or any other person or business entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist who lobbies the recipient's advisory board, or any county or municipal department as applicable that is subject in any way to the advisory board's authority, influence or advice, where the gift is for the personal benefit of the advisory board member, another advisory board member, or an official, or any relative or household member of the official or employee.
- (d) For purposes of this section, a principal or employer of a lobbyist shall include any officer, partner or director of the principal or employer entity, or any employee of a principal or employer who is not an officer, partner or director, provided that the employee knows or should know with the exercise of reasonable care that the principal or employer employs a lobbyist.
- (e) No person or entity shall offer, give, or agree to give an official or employee a gift, and no official or employee shall accept or agree to accept a gift from a person or entity, because of:
- (1) An official public action taken or to be taken, or which could be taken;
  - (2) A legal duty performed or to be performed or which could be performed; or
  - (3) A legal duty violated or to be violated, or which could be violated by any official or employee.
- (f) Gift reports. Any official or employee who receives a gift in excess of one hundred dollars (\$100) shall report that gift in accordance with this section.
- (1) *Gift reports for officials and employees identified by state law as reporting individuals.* Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, § 112.3148, as may be amended. A copy of each report shall be filed with the county commission on ethics.
  - (2) *All other officials and employees who are not reporting individuals under state law.*
    - a. *Personal gifts.* All officials and employees who are not reporting individuals under state law are not required to report gifts in excess of one hundred dollars (\$100) so long as those gifts are given to the official or employee by a personal friend or co-worker and the circumstances demonstrate that the motivation for the gift was the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the official or employee in the performance of his or her official duties. Factors to be considered in determining whether a gift was motivated by a personal or social relationship may include but shall not be limited to:

whether the relationship began before or after the official or employee obtained his or her office or position; the prior history of gift giving between the individuals; whether the gift was given in connection with a holiday or other special occasion; whether the donor personally paid for the gift or sought a tax deduction or business reimbursement; and whether the donor gave similar gifts to other officials or employees at or near the same time. If the personal friend or co-worker is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the county or municipality as applicable, then the official or employee shall not accept a gift in excess of one hundred dollars (\$100) in accordance with subsections (a)(1) and (b)(1).

- b. *All other gifts.* All officials or employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete and submit an annual gift disclosure report with the county commission on ethics no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year. All officials or employees who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the county commission on ethics and shall be in a form substantially similar in content as that required by state law.
- (g) For the purposes of this section, "gift" shall refer to the transfer of anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise, or in any other form, without adequate and lawful consideration. Food and beverages consumed at a single setting or a meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift. In determining the value of the gift, the recipient of the gift may consult, among other sources, Florida Statutes, § 112.3148, and the Florida Administrative Code as may be amended.
  - (1) Exceptions. The provisions of subsection (g) shall not apply to:
    - a. Political contributions specifically authorized by state or federal law;
    - b. Gifts from relatives, domestic partners, and dependents named on the official's or employee's latest federal income tax return, or one's household member;
    - c. Awards for professional or civic achievement;
    - d. Materials such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;
    - e. Gifts solicited or accepted by county or municipal officials or employees as applicable on behalf of the county or municipality in performance of their official duties for use solely by the county or municipality for a public purpose;
    - f. Publicly advertised offers for goods or services from a vendor under the same terms and conditions as are offered or made available to the general public;
    - g. Inheritance or other devise;
    - h. Registration fees and other related costs associated with educational or governmental conferences, meetings or seminars and travel expenses either properly waived or inapplicable pursuant to [section 2-443\(f\)](#), provided that attendance is for governmental purposes, and

- attendance is related to their duties and responsibilities as an official or employee of the county or municipality;
- i. A ticket, pass or admission in connection with public events, appearances or ceremonies related to official county or municipal business, if furnished by a nonprofit sponsor organization of such public event, or if furnished pursuant to a contract between the event's non-profit sponsor and the county or municipality as applicable, provided the sponsor organization does not employ a lobbyist, and further provided the ticket, pass or admission is given by a representative of the sponsor organization who is not otherwise a vendor, lobbyist, principal or employer of a lobbyist. Notwithstanding the exception as provided in this subsection, the ticket, pass or admission must be disclosed in accordance with the gift law reporting requirements of subsections (f)(1) and (f)(2);
  - j. Expenditures made in connection with an event sponsored by a nonprofit organization funded in whole or in part with public funds whose primary function is to encourage and attract tourism or other business opportunities for the benefit of Palm Beach County or the municipalities as applicable, provided the sponsor organization does not employ a lobbyist, and further provided that the invitation to the event is made by a representative of the sponsor organization and the representative is not otherwise a vendor, lobbyist, principal or employer of a lobbyist. Notwithstanding the exception as provided in this subsection, the expenditure must be disclosed in accordance with the gift law reporting requirements of subsections (f)(1) and (f)(2).
- (h) Solicitation of contributions on behalf of a non-profit charitable organization.
- (1) Notwithstanding the prohibition on gifts as outlined in subsections (a) and (b), the solicitation of funds by a county or municipal official or employee for a non-profit charitable organization, as defined under the Internal Revenue Code, is permissible so long as there is no quid pro quo or other special consideration, including any direct or indirect special financial benefit to the official or employee or to the person or entity being solicited. The solicitation by an official or employee as contemplated herein, is expressly prohibited if made to any person or entity with a pending application for approval or award of any nature before the county or municipality as applicable.
  - (2) To promote the full and complete transparency of any such solicitation, officials and employees shall disclose, on a form provided by the commission on ethics, the name of the charitable organization, the event for which the funds were solicited, the name of any person or entity that was contacted regarding a solicitation or pledge by the official or employee, and the amount of the funds solicited or pledged if known. The form shall be completed legibly and shall be filed with the commission on ethics. The form shall be filed within thirty (30) days from the occurrence of the event for which the solicitation was made, or if no event, within thirty (30) days from the occurrence of the solicitation.
  - (3) Officials and employees may not use county or municipal staff or other county or municipal resources in the solicitation of charitable contributions described in this subsection.

*(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)*

**Sec. 2-445. Anti-nepotism law.**

An official may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the county or municipality as applicable in which the official is serving or over which the official exercises jurisdiction or control, any individual who is a relative or domestic partner of the official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the county or a municipality if such appointment, employment, promotion, or advancement has been advocated by an official, serving in or exercising jurisdiction or control over the county or municipality as appropriate, who is a relative or domestic partner of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative or domestic partner of the individual is a member. However, this section shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than thirty-five thousand (35,000) population. This section does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide. Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.

- (1) For the purposes of this section, "official" means any official or employee in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the county or municipality as applicable.
- (2) For the purposes of this section, "relative" means spouse, parent, child, sibling, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

*(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)*

**Sec. 2-446. Ethics training.**

- (a) Officials and employees, as public servants, are considered stewards of the public trust and should aspire to the highest level of integrity and character. Officials and employees shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service. The county administrator or municipal administrator as applicable shall establish by policy a mandatory training schedule for all officials and employees which shall include mandatory periodic follow-up sessions. This policy may also address ethics training for entities that receive county or municipal funds as applicable.
- (b) The commission on ethics shall develop and deliver, or contract with other entities to develop and deliver, training programs. The commission on ethics shall coordinate and cooperate with all affected county or municipal entities, departments, agencies, boards, councils and commissions to ensure that effective and meaningful training experiences are delivered in a timely and efficient manner.

*(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)*

**Sec. 2-447. Noninterference.**

It shall be a violation of this article for any person: (a) to retaliate against, punish, threaten, harass, or penalize any person for communicating, cooperating with, or assisting the commission on ethics or the inspector general; or (b) to interfere, obstruct or attempt to interfere or obstruct without valid legal basis any investigation conducted by the commission on ethics or the inspector general.

*(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)*

**Sec. 2-448. Administration, enforcement and penalties.**

- (a) The commission on ethics shall be empowered to review, interpret, render advisory opinions, and enforce this code of ethics pursuant to the procedures established in the county commission on ethics ordinance. Jurisdiction of the commission on ethics with respect to advisory opinions rendered shall extend to all county and municipal officials and employees, and all other persons and entities required to comply with the provisions of this code and the county lobbyist registration ordinance, including but not limited to lobbyists, their employers and principals, and contractors and vendors.
- (b) A finding by the commission on ethics of a violation of any part of this article shall subject the person or entity to public reprimand, a fine of up to five hundred dollars (\$500), or both. The commission on ethics may also order the person or entity to pay restitution when the person or entity or a third party has received a pecuniary benefit as a result of the person's violation.
- (c) Upon a finding of the commission on ethics that a violation of this article or the lobbyist registration ordinance resulted in a contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit conferred by the county or municipality as applicable, then such contract, grant, subsidy, license, permit, franchise, use, certificate, development order or other benefit may be rescinded or declared void by the board of county commissioners or the local municipal governing body as applicable.
- (d) The commission on ethics may in its discretion refer willful violations of sections [2-443](#), [2-444\(a\)](#), [2-444\(b\)](#), [2-444\(c\)](#), [2-444\(e\)](#), or [2-447](#) to the state attorney. Pursuant to Florida Statutes, §125.69, a person who violates the sections of the article set forth in this [section 2-448\(d\)](#) shall be subject to prosecution in the name of the state in the same manner as first degree misdemeanors are prosecuted, and upon conviction, such person shall be punished by a fine not to exceed one thousand dollars (\$1,000), imprisonment not to exceed one (1) year, or both.

*(Ord. No. 2011-011, § 1(Exh. 1), 5-17-11)*



# **Tenth Order of Business**



## MEMORANDUM

**TO:** Members of the City Council  
**FROM:** Tiziana Cessna, District Accountant, Peter Brill, Accounting Manager  
**CC:** Ken Cassel, District Manager  
**DATE:** November 17, 2016  
**SUBJECT:** October Financial Report

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Please find attached the October 2016 financial report. During your review, please keep in mind that the goal is for revenue to meet or exceed the year-to-date budget and for expenditures to be at or below the year-to-date budget. The Developer funded a third of the fiscal year 2017 expenses per funding agreement. An overview of the District is provided below. Should you have any questions or require additional information, please contact me at [Tiziana.Cessna@STServices.com](mailto:Tiziana.Cessna@STServices.com).

### General Fund

- Total Revenue includes 1<sup>st</sup> installment per funding agreement by Minto Community LLC. (Developer).
- Total expenditures through October were approximately 55% of the year-to-date budget.

## **City of Westlake**

*Financial Report*

*October 31, 2016*

**Prepared by**



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**City of Westlake**

**Financial Statements**

(Unaudited)

**October 31, 2016**

**Balance Sheet**  
October 31, 2016

<u>ACCOUNT DESCRIPTION</u>	<u>TOTAL</u>
<b><u>ASSETS</u></b>	
Cash - Checking Account	\$ 801,282
<b>TOTAL ASSETS</b>	<b>\$ 801,282</b>
<b><u>LIABILITIES</u></b>	
Accounts Payable	\$ 66,038
<b>TOTAL LIABILITIES</b>	<b>66,038</b>
<b><u>FUND BALANCES</u></b>	
Unassigned:	735,244
<b>TOTAL FUND BALANCES</b>	<b>\$ 735,244</b>
<b>TOTAL LIABILITIES &amp; FUND BALANCES</b>	<b>\$ 801,282</b>

**Statement of Revenues, Expenditures and Changes in Fund Balances**  
 For the Period Ending October 31, 2016

<b>ACCOUNT DESCRIPTION</b>	<b>ANNUAL ADOPTED BUDGET</b>	<b>YEAR TO DATE BUDGET</b>	<b>YEAR TO DATE ACTUAL</b>	<b>VARIANCE (\$) FAV(UNFAV)</b>
<b><u>REVENUES</u></b>				
Interest - Investments	\$ -	\$ -	\$ -	\$ -
Ad Valorem Taxes	72,000	-	-	-
Ad Valorem Taxes - Discounts	(4,000)	-	-	-
Building Permits	156,000	13,000	6,692	(6,308)
Local Govt .05c Sales Tax	1,000	83	-	(83)
Developer Contribution	1,118,197	447,733	447,733	-
<b>TOTAL REVENUES</b>	<b>1,343,197</b>	<b>460,816</b>	<b>454,425</b>	<b>(6,391)</b>
<b><u>EXPENDITURES</u></b>				
<b><u>Legislative</u></b>				
Mayor/Council Stipend	204,000	17,000	17,000	-
FICA Taxes	16,000	1,333	1,301	32
ProfServ-Legislative Expense	18,000	1,500	-	1,500
Council Expenses	10,000	833	-	833
<b>Total Legislative</b>	<b>248,000</b>	<b>20,666</b>	<b>18,301</b>	<b>2,365</b>
<b><u>Financial and Administrative</u></b>				
Management Services	249,101	20,758	20,758	-
Auditing Services	7,000	-	-	-
Communication - Telephone	3,600	300	981	(681)
Postage and Freight	1,500	125	-	125
Utility - General	4,500	375	-	375
Insurance - General Liability	5,040	5,040	-	5,040
Legal Advertising	4,500	375	-	375
General Government	79,360	6,613	-	6,613
Misc-Contingency	90,000	7,500	84	7,416
Office Supplies	2,500	208	303	(95)
<b>Total Financial and Administrative</b>	<b>447,101</b>	<b>41,294</b>	<b>22,126</b>	<b>19,168</b>
<b><u>Legal Counsel</u></b>				
ProfServ-Legal Services	276,000	23,000	23,000	-
<b>Total Legal Counsel</b>	<b>276,000</b>	<b>23,000</b>	<b>23,000</b>	<b>-</b>
<b><u>Comprehensive Planning</u></b>				
ProfServ-Planning/Zoning/Eng Services	97,096	8,091	-	8,091
<b>Total Comprehensive Planning</b>	<b>97,096</b>	<b>8,091</b>	<b>-</b>	<b>8,091</b>

**Statement of Revenues, Expenditures and Changes in Fund Balances**  
 For the Period Ending October 31, 2016

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)
<b><u>Other Public Safety</u></b>				
Contracts-Sheriff	275,000	22,917	-	22,917
<b>Total Other Public Safety</b>	<b>275,000</b>	<b>22,917</b>	<b>-</b>	<b>22,917</b>
<b>TOTAL EXPENDITURES</b>	<b>1,343,197</b>	<b>115,968</b>	<b>63,427</b>	<b>52,541</b>
Excess (deficiency) of revenues				
Over (under) expenditures	-	344,848	390,998	46,150
Net change in fund balance	\$ -	\$ 344,848	\$ 390,998	\$ 46,150
<b>FUND BALANCE, BEGINNING (OCT 1, 2016)</b>	<b>344,246</b>	<b>344,246</b>	<b>344,246</b>	
<b>FUND BALANCE, ENDING</b>	<b>\$ 344,246</b>	<b>\$ 689,094</b>	<b>\$ 735,244</b>	



**City of Westlake**

**Supporting Schedules**

**October 31, 2016**

Cash and Investment Report

October 31, 2016

GENERAL FUND

<u>Account Name</u>	<u>Bank Name</u>	<u>Investment Type</u>	<u>Maturity</u>	<u>Yield</u>	<u>Balance</u>
Checking Account - Operating	BankUnited	Checking Account	n/a	n/a	\$801,282
				<b>Total</b>	<b><u><u>\$801,282</u></u></b>

**City of Westlake**

Check register

October 1 - October 31, 2016

City of Westlake  
**Payment Register by Bank Account**  
 For the Period from 10/1/16 to 10/31/16  
 (Sorted by Check / ACH No.)

Pymt Type	Check / ACH No.	Date	Payee Type	Payee	Invoice No.	Invoice Description	G/L Account Name	G/L Account #	Amount Paid
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**4101 Turtle Creek Rd. - (Acct# xxxxx0300)**

Check	7035	10/12/16	Vendor	T-MOBILE USA, INC.	9/21/16	SERVICE THROUGH 9/21/16	Communication - Telephone	001-541003-51301	\$292.87
Check	7036	10/13/16	Vendor	DAKIM, INC	104979	3 STAMPS	Office Supplies	001-551002-51301	\$151.55
Check	7037	10/17/16	Employee	KARA S. CRUMP	PAYROLL	October 17, 2016 Payroll Posting	Payroll Expense	N/A	\$2,688.34
Check	7038	10/17/16	Employee	PHILLIP D EVERETT	PAYROLL	October 17, 2016 Payroll Posting	Payroll Expense	N/A	\$2,847.09
Check	7039	10/17/16	Employee	KATRINA L. LONG	PAYROLL	October 17, 2016 Payroll Posting	Payroll Expense	N/A	\$2,688.34
Check	7040	10/17/16	Employee	ROGER B MANNING	PAYROLL	October 17, 2016 Payroll Posting	Payroll Expense	N/A	\$2,747.09
Check	7041	10/17/16	Employee	JOHN A. STANAVITCH	PAYROLL	October 17, 2016 Payroll Posting	Payroll Expense	N/A	\$2,797.09
Check	7042	10/25/16	Vendor	CHEN MOORE & ASSOCIATES, INC.	133414	PROFESSIONAL SERVICES-9/1/16-9/30/16	ProfServ-Planning/Zoning/Eng Services	001-531100-51501	\$2,015.00

**Account Total** \$16,227.37

<b>Total Amount Paid</b>	<b>\$16,227.37</b>
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Total Amount Paid - Breakdown by Fund	
Fund	Amount
General Fund Fund - 001	16,227.37
<b>Total</b>	<b>16,227.37</b>