# MB -5 MH: 11

# ORDINANCE NO. 296

ORDINANCE CREATING CODE OF ETHICS: Α PROVIDING DEFINITIONS; PROHIBITING FOR CERTAIN TRANSACTIONS WITH CITY AND CERTAIN GIFTS; REQUIRING COMPULSORY DISCLOSURE BY EMPLOYEES OF FIRMS DOING BUSINESS WITH CITY; PROHIBITING USE OF CONFIDENTIAL INFORMATION, EMPLOYMENT, CERTAIN CONFLICTING OUTSIDE CERTAIN INVESTMENTS, EMPLOYMENT, CERTAIN APPEARANCES, CERTAIN ACTIONS WHEN FINANCIAL INTERESTS INVOLVED, AQUISITION OF FINANCIAL RECOMMENDING INTERESTS AND PROFESSIONAL SERVICES; AND PROVIDING FOR CONTINUING APPLICATION OF CODE OF ETHICS FOR TWO YEARS, RENDERING OF OPINIONS BY CITY ATTORNEY; SEVERABILITY, PROVIDING INCLUSION IN CODE AND AN EFFECTIVE DATE.

WHEREAS, the voters of the City of Sunrise approved by Referendum an amendment to Section 7.01 of the City's Charter; and

WHEREAS, the City Council is required under Section 7.01 of the City's Charter (as amended) to establish, ordinance, a Code of Ethics for officers, employees and members of any boards, commissions or agencies of the City of Sunrise.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SUNRISE, FLORIDA THAT:

Section 1. The Code of the City of Sunrise, Florida is hereby amended by adding a section to be numbered 2-90, which said section reads as follows:

## Sec. 2-90. Code of Ethics Ordinance.

- Designation. This section shall be designated as the "City of Sunrise Code of Ethics." The Code of Ethics shall apply to all city personnel as specified and as defined in this section and shall constitute a minimum standard of ethical conduct and behavior for all city officials, autonomous personnel, consultants, quasi-judicial personnel, advisory personnel, departmental personnel and employees of the city.
- Definitions. For .... the following For the purposes of ollowing definitions this section, the shall apply:
  - (1) The term "advisory personnel" shall refer to the members of those city advisory boards, committees, commissions and agencies whose sole or primary responsibility is to recommend legislation or give advice to the city council;

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- (2) The term "autonomous personnel" shall refer to the members of semi-autonomous authorities, boards, committees, commissions and agencies as are entrusted with the day to day policy setting, operation and management of certain defined city functions or areas of responsibility, even though the ultimate responsibility for such functions or areas rests with the city council or the mayor;
- (3) The term "city" shall refer to the City of Sunrise.
- (4) The term "councilmen" shall refer to the members of the city council as duly constituted from time to time.
- (5) The term "compensation" shall refer to any money, gift, favor, thing of value or financial benefit conferred in return for services rendered or to be rendered.
- (6) The term "consultants" shall refer to all persons, firms, corporations, partnerships or other business entities who render professional or consulting services to the city, who are not employed by the city and are not persons included in the terms defined in subsections (b)(1), (2), (4) or (8)-(12). Such services shall include, but not be limited to, legal, accounting, engineering, landscaping, architectural and land surveying services. Any reference in this section to a "person" who is a consultant, shall also include any firm, corporation, partnership or other business entity which is a consultant.
- (7) The term "controlling financial interest" shall refer to ownership, directly or indirectly, of ten percent or more of the outstanding capital stock in any corporation or a direct or indirect interest of ten percent or more in a firm, corporation, partnership, or other business entity.
- (8) The term "departmental personnel" shall refer to the heads of the various city departments and the city attorney and all assistant city attorneys (if such city attorney or assistant city attorneys are employed on a full-time basis directly by the city).
- (9) The term "employees" shall refer to all salaried personnel employed by the city, not included in the terms defined in sections (1), (2), (4), (6), (8), (11) and (12).

- (10) The term "immediate family" shall refer to the spouse, any parent and any children of the person involved who, at the time in question, reside with said person within a single household.
- (11) The term "mayor" shall refer to the mayor of the city.
- (12) The term "quasi-judicial personnel" shall refer to the members of the Planning and Zoning Board and such other boards and agencies of the city which perform quasi-judicial functions.
- (13) The term "transact any business" shall refer to the purchase or sale by the city of specific goods or services for consideration.

# (c) Prohibition on transacting business with the city.

- (1) No person included in the terms defined in subsections (b)(1), the (2), (4), or (8)-(12) shall enter into any contract or transact any business in which he or a member of his immediate family has a financial interest, direct or indirect, with the city or any person or agency acting for the city, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable by the city. Willful violation of this subsection shall constitute malfeasance in office, and shall effect forfeiture of office or position. Nothing in this subsection shall prohibit or make illegal the payment of taxes, special assessments or fees for services provided by the city; nor shall anything in this subsection prohibit or make illegal the purchase of bonds, anticipation notes or other securities that may be issued by the city through underwriters or directly from time to time. Nothing in this subsection shall prohibit the making or entering into of any contract or transaction which solely creates, defines or specifies the details of the relationship between any person and the city, which relationship is described in subsections (b) (1), (2), (4) or (8-12).
- (2) The requirements of this subsection (c) may be waived for a particular transaction only by the affirmative vote of four-fifths (4/5) of the city council, after public hearing. Such waiver may be effected only after a finding by four-fifths (4/5) of the city council that:

- (a) an open-to-all sealed competitive bid has been submitted by any person defined in subsections (b) (1), (2) or (12); or
- (b) the bid has been submitted by a person or firm offering services within the scope of practice of architecture, professional engineering, landscape architecture or registered land surveying as defined by the laws of the State of Florida, pursuant to the provisions of the Consultants' Competitive Negotiation Act, and when the bid has been submitted by a person defined in subsection (b)(1),(2) or (12); or
- (c) the property or services to be involved in the proposed transaction are unique and the city cannot avail itself of such property or services without entering into a transaction which would violate this subsection, but for the waiver of its requirements; or
- (d) the proposed transaction will be in the best interest of the city.

Such finding(s) shall be spread on the minutes of the city council. This subsection shall be applicable only to prospective transactions, and the city may in no case ratify a transaction entered in violation of this subsection.

- (3) This subsection shall be taken to be cumulative and shall not be construed to amend or repeal any other law pertaining to the same subject matter.
- business with the city. No person included in the terms defined in subsections (b)(1), (2), (4) or (8)-(12) shall enter into any contract or transact any business through a firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling financial interest, direct or indirect, with the city or any person or agency acting for the city, and any such contract, agreement or business engagement entered in violation of this subsection shall render the transaction voidable by the city. The exceptions contained in subsections (c)(1)-(4) and (c)(2)(a)-(d) also apply to this subsection (d).
- (e) Gifts prohibited. No person included in the terms defined in subsections (b)(1), (2), (4), (6), (8), (9), (11) or (12) shall, directly or indirectly (including, but not limited to, through any

firm, corporation, partnership or business entity in which he or any member of his immediate family has a controlling interest) solicit, accept or receive any gift having a value of \$25 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, where the gift is intended to influence him in the performance of his official duties or was intended as a reward for any official action on his part. No person, firm, corporation, partnership or other business entity shall, directly or indirectly, offer to make any such gift to any person described in this subsection. Nothing contained in this section shall be deemed to prohibit political contributions specifically authorized by Chapter 99, Florida Statutes.

- of firms doing business with the city. Should any person included in the terms defined in subsections (b) (1), (2), (4), (8), (9), (11) or (12) be employed by a corporation, firm, partnership or business entity in which he does not have a controlling financial interest, either himself or through a member of his immediate family, and should the corporation, firm, partnership or business entity have substantial business commitments to or from the city or any city agency, or be subject to direct regulation by the city or a city agency, then said person shall file a sworn statement disclosing such employment and interest with clerk of the city. This subsection shall not apply to any person that is an employee of a consultant and is not otherwise a person described in subsections (b) (1), (2), (4), (8), (9), (11) or (12).
- (g) Exploitation of official position prohibited. No person included in the terms defined in subsections (b)(1), (2), (4), (6), (8), (9), (11) or (12) shall use or attempt to use his official position or relationship with the city to secure special privileges, exemptions or benefits for himself or others except as may be specifically permitted by other ordinances and resolutions previously ordained or adopted or hereafter to be ordained or adopted by the city council.
- (h) Prohibition on use of confidential information. No person included in the terms defined in subsections (b)(1), (2), (4), (6), (8), (9), (11) or (12) shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position or by virture of services rendered, except as authorized by the city; nor shall he ever disclose confidential information garnered or gained through his official

position with the city, nor shall he ever use such information, directly or indirectly, for his personal gain or benefit.

(i) Conflicting employment prohibited. No person included in the terms defined in subsections (b)(1), (2), (4), (6), (8), (9), (11) or (12) shall accept other employment which would impair his independence of judgment in the performance of his public duties. A person covered under this section (i) may, if in doubt as to a conflict under this section, request approval as to the other employment from the City Council.

# (j) Prohibition on outside employment.

- (1) No person included in the terms defined in subsections (b) (8) or (9) shall receive any compensation for his services as an officer or employee of the city, from any source other than the city, except as may be permitted by of the Code of Ordinances of the city.
- (2) No person included in the terms defined in subsections (b)(1)(2), (4), (6) or (8)-(12) shall accept outside employment, either incidental, occasional or otherwise where city time, equipment or material is to be used or where such employment or any part thereof is to be performed on city time.
- (3) Departmental personnel or employees may accept incidental or occasional outside employment so long as such employment is not contrary, detrimental or adverse to the interest of the city or any of its departments and the approval required in subsection (j)(4) is obtained. This subsection (j)(3) shall not be construed to prevent any other person included in the terms defined in subsections (b)(1), (2), (4), (6), (11) and (12) from accepting outside employment, subject to the provisions of this section.
- (4) Any outside employment by departmental personnel or employees must first be approved in writing by the mayor who shall maintain a complete record of such employment.
- (5) Departmental personnel or employees engaged in any outside employment for any person, firm, corporation or business entity, shall file, under oath, an annual report indentifying the outside employer, the nature of the work being done pursuant to same and any amount or types of money or other consideration received by employee from said outside employment. Said report shall be filed with the clerk of the city no later

than 12:00 noon on July 1st of each year, including the July 1st following the last year that such person held such employment. Said reports shall be available at a reasonable time and place for inspection by the public. The mayor or the city council may require monthly reports from any departmental personnel or any employee for good cause.

(k) Prohibited investments. No person included in the terms defined in subsections (b)(1), (2), (4), (6), (8), (9), (11) or (12) shall have personal investments in any enterprise, either by himself or through a member of his immediate family, which creates or will create a substantial conflict between his private interests and the public interests.

# (1) <u>Certain appearances and payments</u> <u>prohibited</u>.

- (1) No person included in the terms defined in subsections (b) (4), (6), (8), (9), (11) or (12) shall appear before any city board or agency and make a presentation on behalf of a third party with respect to any license, contract, certificate, ruling, decision, opinion, rate, schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly or in any form, for services rendered to a third party, who has applied for or is seeking some benefit from the city or a agency, in connection with the particular benefit sought by the third person. Nor shall such person appear in any court or before any administrative tribunal as counsel or legal advisor to a party who seeks legal relief from the city or a city agency, board or commission through the suit in question.
- (2) No person included in the terms defined in subsections (b)(l), (2) or (12) shall appear before the city board or agency on which he or serves, either directly or through an associate, and make a presentation on behalf of a third party with respect to any license, contract, certificate, ruling, decision, opinion, rate, schedule, franchise, or other benefit sought by the third person. Nor shall such person receive compensation, directly or indirectly in any form, for services rendered to a third party, who has applied for or is seeking some benefit from the city board or agency on which such person serves, in connection with the particular benefit sought by the third party. Nor shall such person appear in any court or before any administrative tribunal as

counsel or legal advisor to a third party who seeks legal relief from the city board or agency on which such person serves through the suit in question.

- (m) Actions prohibited when financial interests involved. No person included in the terms defined in subsections (b)(1), (2), (4), (6), (8), (9), (11) or (12) shall participate in any official action directly or indirectly affecting a business in which he or any member of his immediate family has a financial interest. A financial interest shall include, but not be limited to, a "financial interest" as defined in Section 769 of the second Restatement of the Law of Torts as an investment. This section shall not prohibit any person from taking official action to (1) promote tourism, development or redevelopment within the city or any portion thereof, or (2) authorize the expenditure of public funds for promoting tourism or development or redevelopment, so long as no such authorized public funds are to be paid to such person or a member of his immediate family or any business in which he or any member of his immedate family has a financial interest.
- (n) Acquiring financial interest. No person included in the terms defined in subsections (b)(1), (2), (4), (6), (8), (9), (11) or (12) shall acquire a financial interest in a project, business entity or property at a time when he believes or has reason to believe that the said financial interest will be directly affected by his official actions or by official actions of the city or the city agency of which he is an officer, consultant, or employee.
- (o) Recommending professional services. No person included in the terms defined in subsections (b)(1), (2), (4), (6), (8), (9), (11) or (12) may recommend the services of any lawyer or law firm, architect or architectural firm, public relations firm, or any other person or firm, professional or otherwise, to assist in any transaction involving the city or any of its agencies; provided, however, that such recommendation may properly be made when required to be made by the duties of office and in advance at a public meeting attended by other county officials, officers or employees.
- (p) Continuing application for two years after city service. No person included in the terms defined in subsections (b)(4), (8), (9) or (11) shall, for a period of two (2) years after his city service or employment has ceased, act as agent or attorney for anyone other than the city in connection with any judicial or other proceeding, application, request for ruling or other determination, contract, claim, controversy, charge, accusation, arrest or other particular matter in which the city or

one of its agencies is a party or has a direct and substantial interest, and in which he participated personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed in city service.

- (q) City attorney to render opinions on request. Whenever any person included in the terms defined in subsection (b)(1),(2),(4),(6) or (8)-(12) is in doubt as to the proper interpretation or application of the Code of Ethics as to himself, or whenever any person who renders services to the city is in doubt as to the applicability of the said ordinances as to himself, he may submit to the city attorney a full written statement of the facts and questions he has. The city attorney shall then render an opinion to such person and shall publish these opinions without use of the name of the person advised, unless such person requests the use of his name.
- (r) Penalty. Every person who is convicted of a violation of this section shall be punished by a fine not to exceed five hundred dollars or imprisonment in the county jail for not more than ninety (90) days, or by both such fine and imprisonment.
- (s) <u>Construction</u>. In the construction of this section whether or not so expressed, words used in the singular or plural respectively, include the plural and singular and the masculine gender includes the feminine and neuter genders.
- (t) Amendment. Pursuant to the terms of the amendment of Article VII of the city's Charter, which amendment was approved by referendum on June 25, 1985, the Code of Ethics may be amended only by an extraordinary vote of the city council.

Section 2. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not effect the validity of this Ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 3. Inclusion In the Code. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida; that this section may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

Effective Date. This Ordinance shall Section 4. be effective immediately upon its execution by the Mayor, which shall be the date of passage or adoption by the City Council unless otherwise indicated in writing hereon above the Mayor's signature, or on the eleventh day of passage or adoption by the City Council if not then signed or vetoed by the Mayor, which shall be certified hereon by the City Clerk. Upon its adoption and from and after its effective date, this Ordinance, unless and until repealed, shall have full force and effect as a law of the City of Sunrise and shall constitute public notice of the provisions thereof to all persons effected thereby as provided by law.

PASSED AND ADOPTED upon first reading this 23rd day of JULY \_\_\_\_, 1985.

PASSED AND ADOPTED upon second reading this 6th day of AUGUST , 1985.

President

Lawrence Hoffman

Mayor Robert A. Butterworth

Dorothy J. DeBenedictis City Cler

MOTION: SECOND: COLON

MOTION: SECOND: PEARL

COLON **PEARL** 

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WEISELBERG:

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**HOFFMAN:** COLON: PEARL: STERN: WEISELBERG:

YEA YEA YEA YEA YEA

APPROVED BY CITY ATTORNEY AS TO FORM AND LEGAL SUFFICIENCY KW.

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# FORT LAUDERDALE NEWS/SUN-SENTINEL

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Published Daily
Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida

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newspapers published in copy of advertisement, be	Broward/Palm Bead	ch County, l	Florida th	at t	the attac	hed
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PUBLIC HEARING
The following ordinances will be presented to the City Council for lina consideration on TUESDAY AUGUST 6, 1985, 7:30 P.M. City Council Champers 10770 W. Oakland Part

Bivd., Sunrise, Fla., 33321.
These ordinances are on tite in the Office of the City Clerk, and may be reviewed Monday thru Friday, 9:00 A.M. to 5:00 P.M. All interested parties may attend this meeting, and may be heard reliative to these

ORDINANCE NO. 688-X
AN ORDINANCE OF THE
CITY OF SUNRISE, FLORIDA GRANTING A SPECIAL
EXCEPTION USE TO
HARDCASTLE WELLEBY
CORP. DWNER, FOR THE
CONSTRUCTION OF

CONSTRUCTION

SELF-SERVICE GASOLINE
STATION/FOOD MART.

(CAR WASH TO JIE LOCATED ON A PORTION OF
WELLEBY N.W. QUADHANT. PARCEL 3D AS RECORDED IN PLAT BOOK
110, PAGE 48 OF THE PUBBLIC RECORDS OF
BROWARD COUNTY,
FLORIDA: GENERAL DESCHIPTION IS THE
NORTHWEST CORNER OF
W. CAKLAND PARK BLVD.
AND HIATUS RD PROVIDING AN EFFECTIVE DATE.
ORDINANCE OF THE CITY
OF SUNRISE. FLORIDA.
CALLING A SPECIAL
ELECTION TO FILL THE
CITY COUNCIL, VACANCY
AND SETTING QUALIFYING DATES. TO BE HELD
ON 10TH DAY OF SEPTEMBER. 1985: PROVIDING
FOR AN EFFECTIVE
ORDINANCE OF THE CITY
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ORDINANCE OF THE CITY OF SUNRISE, FLORIDA PROVIDING FOR THE AMENDMENT OF SUBSECTION 1. SECTION 4.07 OF THE HOME RULE CHARTER, AND FOR THE ADDITION OF CERTAIN PERMISSIVE LANGUAGE TO SUBSECTION 2.1 N SECTION 3.08 OF THE HOME RULE CHARTER IN ORDER TO PERMIT AND PROVIDE FOR RULES AND PROVIDE DURES GOVERNING EMPLOYMENT, PHOMOTION AND TERMINATION OF EMPLOYMENT WITHIN THE MUNICIPAL PERSONNEL SYSTEM. PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE ARE SUBJECT TO THE AFFIRMATIVE VOTE OF THE ELECTORS OF THE CITY PROVIDING FOR NOTICE, AND PROVIDING FOR NOTICE, AND PROVIDING FOR NOTICE, AND PROVIDING FOR NOTICE, AND PROVIDING FOR AN EFFEC.

ORDINANCE NO. 298
ORDINANCE CREATING A
CODE OF ETHICS: PROVIDING FOR DEFINITIONS:
PROHIBITING CERTAIN
TRANSCACTIONS WITH
CITY AND CERTAIN GIFTS:
REQUIRING COMPULSORY
DISCLOSURE BY EMPLOYEES OF FIRMS DOING
BUSINESS WITH THE CITYPROHIBITING THE LISE OF
CONFIDENTIAL INFORMATION, CONFLICTING EMPLOYMENT. CERTAIN
OUTSIDE EMPLOYMENT.
CERTAIN INVESTMENTS.
CERTAIN APPEARANCES,
CERTAIN ACTIONS WHEN
FINANCIAL INTERESTS INVOLVED, ACQUISITION OF
FINANCIAL INTERESTS
AND RECOMMENDING
PROFESSIONAL SERVICES; AND PROVIDING
FOR CONTINUING APPLICATION OF CODE OF ETHICS FOR TWO YEARS;
HENDERING OF OPINIONS
BY CITY ATTORNEY AND
SIVERABILITY.
July 27, 1985

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### SUNRISE, FLORIDA

# ORDINANCE NO. 296-04-A

AN ORDINANCE OF THE CITY OF SUNRISE, FLORIDA, AMENDING SECTION 10-24 OF THE CITY CODE; REVISING OUTSIDE EMPLOYMENT CRITERIA; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY CODE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. Section 10-24 of the City Code is amended to read:

### Sec. 10-24. Conflicting employment, outside employment.

incidental or occasional outside employment so long as such employment is not contrary, detrimental or adverse to the interests of the city and the approval required in subsection (e) is obtained. Provided, however, employees who are in certain positions that are within the General Employee's bargaining unit may be approved, at the Personnel Director's sole discretion, for outside employment on more than an incidental or occasional basis. Such positions may include only those that are not involved in any of the following:

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scored through words are deletions underscored words are additions

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safety sensitive or public safety duties; operation of heavy equipment or public transportation. This subsection shall not be construed to prevent any other person included in the terms defined in section 10-17(1) through 93), (5) and (10) from accepting outside employment.

Section 2. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 3. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 4. Inclusion in the City Code. It is the intention of the City Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Sunrise, Florida.

Section 5. Effective Date. This Ordinance shall be effective immediately upon its passage.

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PASSED AND ADOPTED upon this first reading this 15th DAY OF APRIL, 2004.

PASSED AND ADOPTED upon this second reading this 11TH DAY OF MAY, 2004.

Mayor Steven B. Feren

City Clerk

### FIRST READING

SECOND READING

MOTION: HARLEM MOTION:

SCUOTTO

SECOND:

SCUOTTO

SECOND:

HARLEM

ALU:

YEA

ALU: HARLEM:

ROSEN:

YEA

HARLEM: ROSEN:

YEA YEA YEA YEA

SCUOTTO: FEREN:

YEA YEA SCUOTTO: YEA

FEREN: YEA

Approved by the City Attorney As to Form and Legal Sufficiency.

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