

JUNE 22, 1976

The Board of County Commissioners of Manatee County, Florida, met in REGULAR SESSION in the Court House in Bradenton, Florida, Tuesday, June 22, 1976 at 9:04 A. M.

Present were Commissioners L. H. Fortson, Jr., Chairman  
Dan P. McClure, Vice Chairman  
Ken Burton  
Kenneth D. Dierks  
Robert C. Hutches

Henry E. Bourne, Deputy Clerk and E. N. Fay, Jr., County Attorney, entered during the meeting.

The meeting was called to order by Chairman Fortson.

**BEKER PHOSPHATE CORPORATION: OPERATING PERMIT**

Art Fischer read a letter from Beker Phosphate Corporation requesting that consideration of their Operating Permit be postponed until August 24, 1976 because of delay in obtaining approval for an Industrial Waste Water Discharge Permit.

Mr. McClure made a motion that Public Hearing on Operating Permit for Beker Phosphate Corporation be postponed until August 24, 1976 as requested. Motion was seconded by Mr. Dierks and carried unanimously.

(Enter Mr. Bourne and Mr. Fay)

**ORDINANCE NO. 76-4: FLOOD HAZARD AREAS**

The Chairman declared the public hearing open for consideration of ORDINANCE NO. 76-4

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, MAKING CERTAIN FINDINGS OF FACT; ESTABLISHING MINIMUM BUILDING ELEVATIONS FOR FLOOD HAZARD AREAS OF MANATEE COUNTY, FLORIDA, AS REQUIRED BY THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED; ESTABLISHING REQUIREMENTS FOR THE CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT OF RESIDENTIAL OR COMMERCIAL BUILDINGS WITHIN THE FLOOD HAZARD AREA; ESTABLISHING A MANATEE COUNTY CONSTRUCTION CODES BOARD OF APPEALS AND PRESCRIBING THEIR DUTIES; ESTABLISHING A VARIENCE PROCEDURE; PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE; REPEALING MANATEE COUNTY ORDINANCE 74-10; AND ESTABLISHING AN EFFECTIVE DATE.

Art Fischer, Planning Director, outlined the proposed Ordinance and pointed out minor and major changes from the old Ordinance No. 74-10, such as new maps based on contours, and paragraph F relating to mobilehome parks, which was causing some concern. This paragraph prohibited approval of new mobilehome parks or substantial improvements to an existing park unless certain conditions are met, and this would drastically affect applications for improvements to such mobilehome parks now before the Planning Commission.

Dan Zoller, representing Colony Cove, Inc., pointed out that application for this improvement had gone through public hearing before the Planning Commission and ready for consideration by the Board.

The Public hearing was closed. Upon recommendation by Mr. Dierks, the Chairman stated that if there were no objections action would be deferred on Ordinance No. 76-4 until June 29, 1976. There were no objections.

**BUILDING CODE AMENDMENTS; CONTRACTORS LICENSES**

The Chairman declared Public Hearing opened for consideration of (1) adoption of certain amendments to the Manatee County Building Codes and (2) adoption of a Resolution Establishing Examination and Experience Standards for the issuance of Class "C" residential

contractors licenses "Limited".

Art Fischer, Bob Brown and Jake Walden (Planning & Development Department) outlined the proposed amendments

Those present to speak on endorsement of the amendments were:

Joe Fink, Gulf Coast Builders Exchange, Contractors Association of Sarasota and Manatee Counties;

\*Bill Wilhoit, W. G. Mills Construction Company;

Mike Carter, Manasota Builders, American Buildings Company.

The Public Hearing was closed. The Chairman stated that if there were no objections by any of the Board members action would be deferred for one week for review, and possible revision, of that section of the Code concerning pre-fab metal buildings (requiring architect's seal on buildings 600 square feet or more in area, except farm buildings), and on Resolution on Class "C" Residential Contractors Licenses "Limited". There were no objections.

PALMETTO GROVE & GARDEN SUBDIVISION  
PETITION TO VACATE

The Chairman declared public hearing open to consider the petition of Alton A. and Georgia E. McDonald to vacate a portion of a street in Palmetto Grove and Garden Subdivision.

Mr. Alton McDonald and John Manson, attorney for the petitioners, were present.

There were no objections and the public hearing was closed. Mr. McClure made a motion that the petition be approved. Motion was seconded by Mr. Hutches and carried unanimously.

EARTHMOVING AGREEMENT: SCHROEDER MANATEE, INC.

Motion was made by Mr. Burton that the Chairman be authorized to execute an agreement between Manatee County and Schroeder Manatee, Inc., for the County to excavate, load and remove shell and shell marl from the Schroeder property in consideration of \$1.20 per truck load (.30 cu. yd.), and that the bid policy be waived because of the location of the barrow pit; that said agreement be executed by the Chairman after execution by the owner. Motion was seconded by Mr. Dierks and carried unanimously.

PITTSBURGH PARK SUBDIVISION

The Chairman stated that public hearing to consider the petition of Sydney Adler, Trustee, to vacate a portion of a street in Pittsburgh Park Subdivision was held and closed on June 15, 1976 and action was deferred until June 22, 1976.

William Fail was present representing the petitioner.

Mrs. Sams, Box 686, Oneco, protested the vacation of the street unless she was permitted access to her property by way of a private owned by the petitioner. Under discussion, the County Attorney was instructed to contact Mr. Adler to see if he would submit a legal document that would allow access for this property owner, for consideration by the Board.

There were no objections to this matter being deferred until June 29, 1976.

CORTEZ GARDENS SUBDIVISION: PETITION TO VACATE

The Chairman stated that public hearing to consider the petition of Harry C. Holleran, Fred Katz and Dale G. Ives to vacate a portion

\*disagreed with requirement of architect's seal on pre-fab buildings.

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on May 18, 1976 and of Cortez Gardens Subdivision was closed/on June 15, 1976 any action deferred until June 22, 1976, because of question by County Engineer.

Earl Cox, attorney for the petitioners, was present. Upon question, he said his clients could not dedicate right-of-way in another location in exchange for vacation of this dedicated street.

The County Engineer and the Planning and Development Department recommended denial of the request to vacate the street (undeveloped 60th Street Court West from Cortez Road to 43rd Avenue West).

Mr. McClure made a motion that the petition of Holleran, Katz and Ives be denied, based on the recommendation of the County Engineer. Motion was seconded by Mr. Dierks. Voting "Aye" were Mr. McClure, Mr. Dierks, Mr. Burton and Chairman Fortson. Mr. Hutches voted "No". Motion carried.

PETITION RECORDED 226-91

#### VETERANS DAY SERVICES

Harold Rouse, Veterans Service Officer, representing the Veterans Legislative Committee, with Jim Wilder, representing Manatee County Historical Commission (parade plans), requested that a resolution be adopted in favor of all business establishments in Manatee County being closed on November 11, 1976 to honor Veterans Day and the 200th anniversary of our country.

Steve Albee, Chamber of Commerce, advised that the Chamber will encourage its members to honor the day.

There were no objections to instructing the County Attorney to draft a resolution to the effect that the Board encourages all businesses to close on Veterans Day.

#### MILTON ROY INDUSTRIAL BONDS

Steve Albee, advised that the Economic Development Committee of the Chamber of Commerce recommended that the Board of County Commissioners authorize the issuance of approximately \$2.5 million in Industrial Revenue Bonds to sell for the purpose of expansion of the Milton Roy Company's ophthalmic operations in Manatee County.

#### BI-COUNTY COMMISSION ON THE STATUS OF WOMEN: BUDGET REQUEST

Mrs. Marge Peters and Mrs. Marjorie Kinnan presented a tentative budget request for \$900 for the Bi-County Commission on The Status of Women and gave a progress report on that Commission. The Chairman advised that the budget request would be accepted for consideration in the budget deliberations and that the County Attorney would research the legality of such request.

#### HOUSING AUTHORITY: HOUSING ASSISTANCE PAYMENTS PROGRAM

Al Kossa, Chairman of the Manatee County Housing Authority, requested that the Chairman of the Board be authorized to sign a letter to the Department of Housing and Urban Development recommending approval of the 4.6 FM proposal (rent subsidy program for existing housing).

Motion was made by Mr. Burton that the Chairman be authorized to sign the letter as requested by Mr. Kossa. Motion was seconded by Mr. Dierks and carried unanimously.

#### HOUSING AUTHORITY: HUD PROGRAMS

Mr. Burton made a motion that all housing projects involving federal funds be passed through the Housing Authority for review and recommendation to the Board. Motion was seconded by Mr. McClure and carried unanimously.

## INSURANCE: WORKMAN'S COMPENSATION

Neville Pilling recommended that the bid policy be waived, temporarily, for Workman's Compensation Insurance so that he can negotiate to purchase the excess of loss over \$75,000, subject to approval by the County Attorney.

Motion was made by Mr. Burton that the recommendation be approved, bid policy waived and Mr. Pilling proceed with negotiation for Workman's Compensation, subject to approval by the County Attorney. Motion was seconded by Mr. McClure and carried unanimously.

## INSURANCE: COORDINATOR, SAFETY DIRECTOR

Mr. Burton made a motion that the recommendation of Neville Pilling to hire an Insurance Coordinator and a Safety Director be approved in principle, subject to budgeting and timing factors for the implementation. Motion was seconded by Mr. McClure and carried unanimously. Mr. Dierks was not present for the vote.

## HEALTH DEPARTMENT: SALARY AND MERIT INCREASES

The Chairman advised that letter had been received from Peter Kreis, Department of Health and Rehabilitative Services, announcing that the 1976-1977 Appropriations Act provides a 50 percent salary increase and an average 1.4 percent merit increase for county health department employees, and requested advisement on the county's willingness to contribute its 50 percent share.

Motion was made by Mr. McClure that the Chairman be authorized to respond to the last paragraph of the letter, that this matter will be considered and that when the budget is finalized Mr. Kreis will be notified of the action taken by the Board. Motion was seconded by Mr. Burton. Mr. McClure and Mr. Burton voted "Aye". Mr. Hutches, Mr. Dierks and Chairman Fortson voted "No". Motion did not carry.

Mr. Hutches made a motion that the Chairman be authorized to send a letter to Mr. Kreis stating that the Board agrees in principle with the request and will consider it as part of the normal budget deliberations. Mr. Fortson stepped down from the Chair and seconded the motion. Voting "Aye" were Mr. Hutches and Mr. Fortson. Mr. Dierks, Mr. McClure and Mr. Burton voted "No". Motion did not carry.

The Chairman stated that if there were no objections he would notify Mr. Kreis that the Board will review this matter at budget time and consider it in the regular budget item requests. There were no objections.

## HIGHWAY DEPARTMENT: BIDS ON RIGHT-OF-WAY MOWING

Motion was made by Mr. Hutches that the County Engineer be authorized to advertise for bids to be received on mowing rights-of-way. Motion was seconded by Mr. Dierks and carried unanimously.

## ZONING

E.M. PERMIT #14 SCHROEDER MANATEE, INC.

(Carlos Ugarte, agent) - Request for earthmoving permit for 1.9 acre lake to obtain shell on location 1/2 mile south of S.R. 70 and 1-1/4 mile west of Lorraine Road (20-35-19)

Motion was made by Mr. Hutches that Earthmoving Permit No. 14 be approved, subject to execution by both parties of the lease agreement. (County and Schroeder) Motion was seconded by Mr. Dierks and carried unanimously.

## SEWER PROJECT: PART C, SECTION II; PART D -TAX ROLL

D. E. Pittman, Manatee County Utilities System, submitted recommendations regarding complaints registered on individual assessments at

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the public hearing held June 17, 1976 on Final Tax Roll on Part C, Section II and Part D of the Manatee County Sanitary Sewer Project No. 6681-8b.

1) Graham J. Haile, Jr. - 5415 12th Avenue Drive West

Recommendation: That assessment of 140 feet be sustained. Motion was made by Mr. McClure that the recommendation be approved and that the County Attorney be authorized to draft the appropriate Resolution. Motion was seconded by Mr. Dierks and carried unanimously. Mr. Burton was not present for the vote.

2) Emil Shute - 3401 24th Street West

Recommendation: That assessment be reduced from 305 feet to 180 feet. Motion was made by Mr. McClure that the recommendation be approved and that the County Attorney be authorized to draft the appropriate resolution. Motion was seconded by Mr. Dierks and carried unanimously. Mr. Burton was not present for the vote.

3) James O. Stephenson - 4815 Manatee Avenue West

Recommendation: That the assessment of 140 feet be sustained; further, that if at some future date, sewer service is required for the adjoining lot 19 on the east, such service be provided without additional assessment. Mr. McClure moved that the recommendation be approved and that the County Attorney be authorized to draft the appropriate resolution. Motion was seconded by Mr. Hutches and carried unanimously. Mr. Burton was not present for the vote.

4) Betty Mills (Spencer) - 4904 4th Avenue Circle N.W.

Floyd Donbar - 4908 4th Avenue Circle N.W.  
Foster W. Mullen - 4912 4th Avenue Circle N.W.  
Wayne A. Stevens - 4907 4th Avenue Circle N.W.  
Robert D. Hall - 4903 4th Avenue Circle N.W.  
 Recommendation: That the assessments of 96.15 feet be sustained for the lots in question; OR  
 Alternate Recommendation: That the above five lots be assessed at their actual footage (71.35 feet).  
 Mr. McClure made a motion that the alternate recommendation be approved and that the County Attorney be authorized to draft the appropriate resolution(s). Motion was seconded by Mr. Hutches. Voting "Aye" were Mr. McClure, Mr. Hutches and Chairman Fortson. Mr. Dierks voted "No". Motion carried. Mr. Burton was not present for the vote.

MCUS: WATER STORAGE TANKS

ARDAMAN & ASSOCIATES: SUBSURFACE SOIL INVESTIGATION

Herb Hayes submitted proposal from Ardaman & Associates, for subsurface soil investigations on sites for (1) Elevated Water Storage Tank - 67th Street; (2) Ground Storage Tank - 119th Street & Cortez Road for estimated cost not to exceed \$4,700; with recommendation to authorize Ardaman to proceed with the work.

Mr. Hutches made a motion to approve the proposal from Ardaman and Associates, as outlined and recommended by Mr. Hayes. Motion was seconded by Mr. McClure and carried unanimously. Mr. Burton was not present for the vote.

226-92

CONSTRUCTION TRUST FUND

Upon motion by Mr. McClure, seconded by Mr. Hutches, Resolution was unanimously adopted authorizing payment of

WATER SYSTEM CONSTRUCTION TRUST FUND

Requisition No. 11.650 D-40

Russell & Axon

Total \$8,003.96

RESOLUTION RECORDED 226-93

(Mr. Burton was not present for the vote)

## SEWER SYSTEM: FINANCING \$1,250,000

Mr. Dierks moved for the adoption of a Resolution authorizing the Borrowing of \$1,250,000 to Provide Temporary Financing for the Construction of Phases of the Manatee Sewer System from Ellis First National Bank of Bradenton(\$625,000) and Inter City National Bank (\$625,000) and authorizing execution of promissory notes to each bank by the appropriate county officers. Motion was seconded by Mr. McClure and carried unanimously.

RESOLUTION RECORDED 226-94

## TRANSIT SYSTEM: BUS LEASE FROM DOT

Phil Davis advised that the State Department of Transportation has offered to lease to the County, as replacements, three 44-passenger GMC coaches for an additional \$50 a month for each bus, and recommended that he be authorized to pursue a lease, subject to approval by the County Attorney.

Mr. McClure made a motion that Mr. Davis' recommendation be approved subject to review of the proposed lease by the County Attorney. Motion was seconded by Mr. Dierks and carried unanimously.

## TRANSIT SYSTEM: HOLIDAY (INDEPENDENCE DAY)

Motion was made by Mr. McClure that the buses of Manatee County Transit System not operate on scheduled runs on July 5, 1976, a legal holiday (July 4, Independence Day, on Sunday; following Monday observed.). Motion was seconded by Mr. Hutches and carried unanimously.

## PERSONNEL: PAYROLL MODIFICATIONS

Westwood Fletcher requested approval of previously coordinated personnel payroll modifications (new hires, terminations, salary increases, Job reclassifications, transfers), and that the Chairman be authorized to sign the appropriate documents.

Mr. Hutches made motion to approve the personnel payroll modifications, as submitted, and that the Chairman be authorized to sign the payroll changes. Motion was seconded by Mr. McClure and carried unanimously. (Mr. Hutches questioned whether or not this would be retroactive, but due to question on legality, the matter was postponed until June 24, 1976.)

## SPEED LIMITS: LITIGATION - GLENN VS DOT &amp; FLORIDA COUNTIES

The County Attorney advised that Richard Glenn had filed suit in Leon County against the Florida Department of Transportation and all Florida counties charging that the reduction of speed limit from 70 MPH to 55 MPH was illegal and unconstitutional and that every county should redistribute back to all people that have been fined. He said he would keep the Board advised in the matter.

## LITIGATION: U.S. LEASING CORP. VS MANATEE COUNTY, ET AL

The County Attorney referred to a lawsuit U. S. Leasing Corporation vs Judge Claflin Garst, Manatee County and M. T. McInnis, explaining this resulted from the time when the County Judges' Court was merged into the County Court and Circuit Court by law in 1968, and the Clerk became custodian of the property of the County Judges Court. The County Judge had leased a posting machine (bookkeeping) from the U.S. Leasing Corporation, who, after the merger, filed suit against County Judge Claflin Garst, Manatee County and the Clerk of Circuit Court for payment. The Corporation has now agreed to give the County a bill of sale on the machine for the amount of the original price, plus interest, which amounts to approximately \$1600, and he recommended this settlement if they agree to dismiss the suit against all parties; that the Clerk be authorized to issue a check in the amount of \$1,650 to him for payment to U.S. Leasing Corporation.

Motion was made by Mr. McClure that the Clerk be authorized to issue a check in the amount of \$1,650 in full settlement of the suit by

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U. S. Leasing Corporation, after all stipulations are met. Motion was seconded by Mr. Dierks and carried unanimously.

Mr. Bourne was requested to consult the Clerk for a recommendation on the disposition of the Posting Machine.

**LITIGATION: SUPER 50 THEATRE VS MANATEE COUNTY (FLEA MARKET)**

The County Attorney advised that in the lawsuit, Trail Drive In (Super 50 Theatre) vs Manatee County and Manatee County Planning and Development Department, which was a result of County denying an application for a flea market, the judge had indicated he would rule in favor of the plaintiff. The County Attorney recommended that the Planning and Development Department be authorized to accept the permit application and act upon it in due course.

Motion was made by Mr. Dierks that the recommendation of the County Attorney be approved and the Planning and Development Department be authorized to process permit application for the flea market. Motion was seconded by Mr. Hutches and carried unanimously.

**TOMASINO & ASSOCIATES: BILLS FOR MINING MONITORING**

The County Attorney advised that itemized bills from Tomasino and Associates for phosphate mining monitoring totaled \$45,000; however, only \$22,485.18 was in the special account set up by resolution for monies received from phosphate companies to pay for this monitoring. Since Tomasino had rejected any offer to settle for less than the amount due, it was his recommendation that the Board not pay more than the amount budgeted, and if that is done, the Board should reserve any rights it may have to contest the amounts due and owing on the balance, and suggested a resolution to that effect.

Motion was made by Mr. Dierks that the recommendation of the County Attorney be approved and that he be authorized to draft a resolution authorizing payment of \$22,485.18 to Tomasino and Associates, reserving rights to protect the County. Motion was seconded by Mr. McClure and carried unanimously.

**LIBRARY SYSTEM & HISTORICAL SOCIETY: AGREEMENT**

Mr. Dierks made a motion to approve the Agreement between Manatee County Public Library System and the Manatee County Historical Society providing for the Society to turn over to the Library System all archival negatives, with any income derived from publication of the negatives to be turned over to the Historical Society. The County noted that there was nothing wrong with the legality of the document, but some minor editorial changes needed to be made. Mr. McClure seconded the motion, subject to approval and modification by the County Attorney. Upon recommendation by the County Attorney, motion and second were withdrawn and the matter was deferred.

**GOVERNMENTAL CENTER**

The County Attorney advised that he had researched the laws on what would be needed to put the question of a bond issue for the proposed Governmental Center on a referendum. Mr. McClure suggested that a work session be scheduled with Bill Zoller, architect, to discuss this matter and cost to the County. There were no objections.

**HEALTH INSURANCE: ELECTED OFFICIALS**

Mr. McClure moved for the adoption of a Resolution authorizing the Elected Officials of Manatee County (Clerk of Circuit Court, Sheriff, Property Appraiser and Tax Collector) to select a Health Insurance Plan for their individual offices. Motion was seconded by Mr. Hutches and carried unanimously.

RESOLUTION RECORDED 226-95

BONDS

Mr. McClure made motion to approve refund of cash bond to DeLesline Construction, in the amount of \$150.00 covering Driveway Permit No. 2090. Motion was seconded by Mr. Burton and carried unanimously.

WARRANT LISTS & REQUISITIONS

Mr. McClure made a motion to approve Requisitions and Warrant Lists from June 15 to June 22, 1976 and authorize Warrant Lists to June 29, 1976, said Warrant Lists to include any payrolls during that period upon condition that all employees have performed their services in accordance with time and payroll practices of the county departments. Motion was seconded by Mr. Burton and carried unanimously.

BILLS FOR PAYMENT

Upon motion by Mr. McClure, seconded by Mr. Dierks, the following bills were unanimously approved for payment:

Su-Say Land Development	\$ 6,487.60
Douglas Croll	1,442.06; \$5,056.25
City of Bradenton	36.39
Manatee Memorial Hospital	1,479.45; \$150.00;
	32.75

SHERIFF'S DEPARTMENT: PRISONER'S GAIN TIME

Mr. McClure made a motion to approve the recommendation of Sheriff R. W. Weitzenfeld that all normal gain time for Donald E. Adkins be withdrawn. Motion was seconded by Mr. Burton and carried unanimously.

SPEED LIMIT: 49TH AVENUE DRIVE WEST

Mr. Dierks made a motion that the County Attorney be instructed to prepare the appropriate resolution establishing a speed limit of 25 MPH on 49th Avenue Drive West, between 30th and 34th Streets West, as recommended by the Safety Officer. Motion was seconded by Mr. Hutches and carried unanimously.

GUN PERMIT: GLADYS BROWN

Mr. McClure made a motion to ratify the Sheriff's recommendation to deny a gun permit for Gladys Brown and that the Chairman be authorized to sign a letter to the applicant to that effect. Motion was seconded by Mr. Hutches and carried unanimously.

CETA - OJT CONTRACT (CORTEZ MARINA)

Motion was made by Mr. McClure to approve, ratify and confirm OJT Contract #R-04 (Department of Human Resources - CETA, Title VI) for Cortez Marina to employ and perform on-the-job training services for one trainee for the period beginning June 12, 1976 until February 5, 1977 for a fixed price of \$1,680.00. Motion was seconded by Mr. Dierks and carried unanimously.

CONTRACT RECORDED 226-96

PARKS & RECREATION: MEMORIAL TREE PLANTING,  
BIKE TRAILS

Motion was made by Mr. McClure to ratify the recommendation of the Park Advisory Board (Parks and Recreation) that the County

- 1) Give full cooperation for the establishment of a Memorial Tree Planting Program in the County, and
- 2) That application be submitted for funds for the construction of Bike Trails on Coquina Beach.

Motion was seconded by Mr. Hutches and carried unanimously.

GOLF COURSE: NAME CONTEST

Mr. McClure advised that he had been approached by an employee of one of the local news medias requesting that the Board approve a contest they would like to conduct, in trying to develop interest, on a proposed name for the new County Golf Course. There were no objections from Board members.



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**TRAVEL: NACO CONFERENCE**

Motion was made by Mr. Burton that Mr. McClure be authorized to attend the National Association of County Officials Conference in Salt Lake City, Utah, beginning Saturday, June 26, 1976. Motion was seconded by Mr. Dierks and carried unanimously.

**PHOSPHATE MINING: EPA STEERING COMMITTEE**

Mr. Dierks made a motion to rescind action by the Board in appointing him as representative to the Steering Committee of the Environmental Protection Agency, District IV, and to appoint GORDON BARTLE, member of the Planning Commission, as the representative. Motion was seconded by Mr. Hutches and carried unanimously.

**MEETING ADJOURNED**

There being no further business, the meeting was declared adjourned.

Attest:

M. T. McInnis, Clerk

  
\_\_\_\_\_  
Deputy Clerk

APPROVED:

  
\_\_\_\_\_  
Chairman