



## North Bay Village

Administrative Offices

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### **OFFICIAL MINUTES**

#### **REGULAR VILLAGE COMMISSION MEETING**

**NORTH BAY VILLAGE  
1666 KENNEDY CAUSEWAY, #101  
NORTH BAY VILLAGE, FL 33141**

**OCTOBER 14, 2014 - 7:30 P.M.**

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1. **CALL TO ORDER**

The meeting was called to order by Mayor Connie Leon-Kreps at 7:34 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

Present were the following:

Commissioner Richard Chervony

Vice Mayor Eddie Lim

Mayor Connie Leon-Kreps

Commissioner Jorge Gonzalez

Commissioner Wendy Duvall

Village Manager Frank K. Rollason

Deputy Village Manager/HR Director Jenice Rosado

Village Attorney Robert L. Switkes

Finance Director Bert Wrains

Public Works Director Rodney Carrero-Santana

Chief Robert Daniels

Village Clerk Yvonne P. Hamilton

Deputy Village Clerk Jenorgen Guillen

Village Planner Jim LaRue

2. **A. PROCLAMATIONS AND AWARDS**

There were no proclamations and awards.

**B. SPECIAL PRESENTATIONS**

There were no special presentations.

**C. ADDITIONS AND DELETIONS**

Commissioner Richard Chervony moved Item 10J from the Consent Agenda to be discussed separately.

3. **GOOD & WELFARE**

Al Coletta, of 7904 West Drive, Reinaldo Trujillo, of 7601 E. Treasure Drive, Ann Bakst, of 1865 Kennedy Causeway, Kevin Vericker, of 7520 Hispanola Avenue, and Resident Jorge Brito addressed the Commission.

4. **BOARD REPORTS**

**A. BUSINESS DEVELOPMENT ADVISORY BOARD**

A report was not provided.

**B. CITIZENS BUDGET & OVERSIGHT BOARD**

A report was not provided.

**C. COMMUNITY ENHANCEMENT BOARD**

A report was not provided.

**D. PLANNING & ZONING BOARD**

A report was not provided.

**E. YOUTH & EDUCATION SERVICES BOARD**

A report was not provided.

**5. PUBLIC SAFETY DISCUSSION**

Chief Daniels presented the report.

**6. COMMISSIONERS' REPORTS**

Commissioner Richard Chervony, Commissioner Jorge Gonzalez, Commissioner Wendy Duvall, Vice Mayor Eddie Lim, and Mayor Connie Leon-Kreps all gave oral reports.

Item 15B, Flower Planning, was added to the Agenda to be discussed under "New Business".

**7. VILLAGE ATTORNEY'S REPORT**

**1.) 7904 West Drive Penthouse Units**

Village Attorney Robert L. Switkes provided a report and discussed issues relating to the 7904 West Drive Penthouse Units.

**8. VILLAGE MANAGER'S REPORT**

Lakeesha Morris, Grant Writer and Frank K. Rollason, Village Manager discussed their reports, which were included as part of the agenda package.

**9. FINANCE REPORT**

Finance Director Bert Wrains discussed the Financial Report for the period ending August 31, 2014.

**10. CONSENT AGENDA: Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.**

Commissioner Richard Chervony made a motion to remove Item 10J from the Consent Agenda to be discussed separately. Vice Mayor Eddie Lim seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RELATING TO THE PUBLIC WELFARE, AUTHORIZING THE VILLAGE MANAGER, ON BEHALF OF THE NORTH BAY VILLAGE POLICE DEPARTMENT, TO ENTER INTO A MUTUAL AID AGREEMENT WITH THE SCHOOL BOARD OF MIAMI-DADE COUNTY FOR VOLUNTARY COOPERATION AND OPERATIONAL ASSISTANCE BETWEEN THESE AGENCIES; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION FOR TRANSMISSION AND DISTRIBUTION WATER LINES PROJECT; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION FOR THE WASTEWATER SYSTEM PROJECT; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RELATING TO THE STATE REVOLVING FUND LOAN PROGRAM; MAKING FINDINGS; AUTHORIZING THE LOAN APPLICATION FOR WATER METER AND SERVICE LINE REPLACEMENT; AUTHORIZING THE LOAN AGREEMENT; ESTABLISHING PLEDGED REVENUES; DESIGNATING AUTHORIZED REPRESENTATIVES; PROVIDING ASSURANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

- E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., TO PROVIDE ENGINEERING SERVICES FOR THE VILLAGE'S SANITARY SEWER REHABILITATION PROJECT; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., TO PROVIDE ENGINEERING SERVICES FOR THE VILLAGE'S WATER METER REPLACEMENT PROJECT; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- G. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., TO PROVIDE ENGINEERING SERVICES FOR THE VILLAGE'S WATER MAIN REHABILITATION PROJECT; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- H. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE PROJECT AGREEMENT WITH KIMLEY-HORN AND ASSOCIATES, INC., TO PROVIDE ENGINEERING SERVICES FOR THE VILLAGE'S STORM WATER OUTFALL IMPROVEMENT PROJECT; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE PROJECT AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROJECT AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

- I. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE ENGAGEMENT OF PHYSICIANS HEALTH CENTER FOR THE PURPOSE OF PROVIDING OCCUPATIONAL HEALTH SERVICES FOR VILLAGE EMPLOYEES; AUTHORIZING VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- K. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY, FLORIDA FOR THE REIMBURSEMENT OF PARKING FINES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- L. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ACCEPTING A FISCAL YEAR 2014-2015 FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) GRANT IN THE AMOUNT OF \$600,000; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THIS GRANT CONTRACT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- M. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA AUTHORIZING THE VILLAGE MANAGER TO PIGGY-BACK ON AN EXISTING CITY OF MIAMI BEACH CONTRACT WITH THE NATIONAL JOINT POWERS ALLIANCE CO-OPERATIVE, PURSUANT TO SECTION 36.25(J) OF THE VILLAGE CODE; AND FURTHER AUTHORIZING THE VILLAGE MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACT WITH DAVID MANCINI & SONS, INC., FOR THE REPAIR AND RENOVATION OF TWO DEEP STORM WATER INJECTION WELLS, ONE ON TREASURE ISLAND AND ONE ON NORTH BAY ISLAND, IN AN AMOUNT NOT TO EXCEED \$800,000, SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

Commissioner Richard Chervony moved to approve the Consent Agenda. Commissioner Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

## **11. PLANNING & ZONING CONSENT AGENDA**

### **No Items.**

#### **10J. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA COMMENCING A CAMPAIGN AND PLEDGE AGAINST TEXTING WHILE DRIVING; ENCOURAGING PARTICIPATION OF THE ENTIRE COMMUNITY; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER JORGE GONZALEZ)**

Vice Mayor Eddie Lim moved to approve Item 10J, and Commissioner Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments.

Reinaldo Trujillo, of 7601 E. Treasure Drive, addressed the Commission.

The Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Richard Chervony, Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, and Vice Mayor Eddie Lim all voting Yes.

## **12. ORDINANCES FOR FIRST READING AND RESOLUTION**

#### **A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA AUTHORIZING AN AGREEMENT WITH DIBRI, INC. FOR COMPUTER NETWORK SUPPORT SERVICES; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AUTHORIZING EXPENDITURE OF BUDGETED FUNDS; DIRECTING VILLAGE OFFICIALS TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIM OF THIS RESOLUTION; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The Village Clerk read the Resolution by title.

Commissioner Richard Chervony moved to approve the Resolution, and Commissioner Wendy Duvall seconded the motion.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway and Reinaldo Trujillo, of 7601 E. Treasure Drive addressed the Commission.

The Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote with an amendment to include iPhones and Ipads in the agreement with DIBRI. The votes were as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

**B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING THE FY 2015 GENERAL OPERATING BUDGET BY DECREASING THE GENERAL FUND, UNRESERVED FUND BALANCE AND INCREASING THE POLICE BUDGET BY \$67,845 FOR THE HIRING OF A FULL TIME POLICE OFFICER; AUTHORIZING THE EXPENDITURE OF FUNDS; PROVIDING FOR AN EFFECTIVE DATE.**

The Village Clerk read the Resolution by title.

Commissioner Richard Chervony moved to approve the Resolution, and Mayor Connie Leon-Kreps seconded the motion.

The Mayor opened the floor to public comments.

Al Coletta, of 7904 West Drive and Reinaldo Trujillo, of 7601 E. Treasure Drive addressed the Commission.

The Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

**13. PUBLIC HEARINGS:**

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING A REQUEST BY HUMBERTO AND REBECCA OCARIZ FOR A VARIANCE PURSUANT TO SECTION 152.097 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES IN CONNECTION WITH THE REDEVELOPMENT OF A SINGLE-FAMILY STRUCTURE AT 1460 SOUTH TREASURE DRIVE TO PERMIT A BUILDING HEIGHT OF 37 FEET, WHERE THE CODE REQUIRES A MAXIMUM BUILDING HEIGHT OF 35 FEET; PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Village Clerk read the Resolution by title.

The Village Planner, Jim LaRue, made a brief presentation on the request recommending approval.

The Village Attorney Robert L. Switkes swore in those individuals who indicated that they would provide testimony. He discussed the process for the quasi judicial hearing and advised the members of the Commission that they were required to disclose any exparte communication they may have had regarding the requests.

The Commission members indicated that there was no exparte communication.

The Mayor opened the Public Hearing.

The property owner, Rebecca Ocariz and the architect for the project Callum Gibb, of Callum Gibb Architect PA, 115 Madeira Avenue, 2<sup>nd</sup> Floor, Coral Gables, FL 33134, addressed the Commission.

The Mayor closed the Public Hearing.

Commissioner Jorge Gonzalez moved to approve the Resolution. Mayor Connie Leon-Kreps seconded the motion, which was adopted by 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

**B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE CONSTRUCTION OF A DOCK AT 1321 BAY TERRACE, PROVIDING FINDINGS, PROVIDING FOR GRANTING THE REQUEST; PROVIDING FOR CONDITIONS; PROVIDING FOR APPEAL; PROVIDING FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

The Village Clerk read the Resolution by title.

The Village Planner Jim LaRue made a brief presentation on the request recommending approval with the following conditions:

1. Verification of the 5 foot height restriction at the time of building permit issuance.
2. Compliance with all state, federal, and environmental laws including, but not limited to, compliance with a State Programmatic General Permit as may be required by the U.S. Army Corps of Engineers. All applicable state and federal permits must be obtained before commencement of construction.
3. Building permits and related approvals must be obtained from the Building Official prior to commencement of construction.
4. Cost Recovery changes must be paid pursuant to Section 152.110. Specifically, no new development application shall be accepted and no building permit shall be issued for the property until all application fees, cost recovery deposits and outstanding fees and fines related to the property (including fees related to any previous development proposal applications on the property), have been paid in full.
5. Authorization or issue of a building permit by the Village does not in any way create a right on the part of the applicant to obtain a permit from a state or federal agency, and does not create liability on the part of the Village for issuance of a building permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that results in a violation of federal or state law.

The Mayor opened the public hearing. There were no speakers, she closed the public hearing.

Commissioner Jorge Gonzalez moved to approve the Resolution with the conditions outlined by the Village Planner. Commissioner Richard Chervony seconded the motion, which was adopted by 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

**14. UNFINISHED BUSINESS (DEFERRED FROM SEPTEMBER 9, 2014)**

**A. APPOINTMENT OF MEMBER OF THE BUSINESS DEVELOPMENT ADVISORY BOARD**

Commissioner Jorge Gonzalez moved to defer the item to the December meeting. Vice Mayor Eddie Lim seconded the motion, and all voted in favor.

**B. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 32, DEPARTMENTS AND BOARDS, BY CREATING SUBSECTIONS 32.86 THROUGH 32.93 OF THE VILLAGE CODE FOR THE DEVELOPMENT OF A SPECIAL NEEDS ADVISORY BOARD; REPEALING RESOLUTIONS IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER JORGE GONZALEZ)**

Commissioner Richard Chervony moved to defer the item to the December Meeting for further review. Commissioner Wendy Duvall seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

**15. NEW BUSINESS**

**A. NOVEMBER COMMISSION MEETING**

The Village Clerk will schedule a Regular Meeting upon receipt of the Certified Results election results from Miami-Dade County Canvassing Board, with four days' notice of the meeting, pursuant to law.

**B. FLOWER PLANTING**

Commissioner Jorge Gonzalez made a motion for the Village to accept donations of landscaping improvements from 360 Condominium Association for landscaping the median area at the entrance to Harbor Island and from Resident William Webb to landscape the entrance to North Bay Island. Mayor Connie Leon-Kreps seconded the motion.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway and Reinaldo Trujillo, of 7601 E. Treasure Drive addressed the Commission.

The Mayor closed the floor to public comments.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Jorge Gonzalez all voting Yes.

Kevin Vericker, of 7520 Hispanola Avenue, requested that the Village Commission adopt a Resolution rejecting homophobia. No action was taken.

## **16. APPROVAL OF MINUTES**

- A. FINAL BUDGET PUBLIC HEARING – SEPTEMBER 30, 2014**
- B. FINAL BUDGET PUBLIC HEARING- SEPTEMBER 22, 2014**
- C. TENTATIVE BUDGET PUBLIC HEARING – SEPTEMBER 11, 2014**
- D. REGULAR COMMISSION MEETING – SEPTEMBER 9, 2014**
- E. BUDGET WORKSHOP – JULY 17, 2014**

Commissioner Richard Chervony made a motion to approve the Minutes as submitted. Commissioner Wendy Duvall seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Commissioner Jorge Gonzalez, Mayor Connie Leon-Kreps, Vice Mayor Eddie Lim, and Commissioner Richard Chervony all voting Yes.

## **17. ADJOURNMENT**

The meeting adjourned at 10:24 p.m.

Prepared: Yvonne P. Hamilton, CMC

Adopted by North Bay Village on

This 9th day of December, 2014.

*Connie Leon-Kreps, Mayor*

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)



