

Chapter 8

COMMUNITY RELATIONS

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ARTICLE I. IN GENERAL

Secs. 8-1—8-25. Reserved.

ARTICLE II. FAIR HOUSING

Sec. 8-26. Declaration of policy.

It is the policy of the town, in keeping with the laws of the United States of America and the State of Florida, to promote through fair, orderly and lawful procedure the opportunity for each person so desiring to obtain housing of such person's choice in this town, without regard to race, color, ancestry, national origin, handicap, religion, sex, marital status, familial status or age, and to that end to prohibit discrimination in housing by any person.
(Ord. No. 202, § 2, 12-17-84; Ord. No. 213, § 1, 10-27-87; Ord. No. 239, § 1, 9-25-90)

Sec. 8-27. 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:

Administrator means that person appointed by the town manager pursuant to section 8-29.

Age refers exclusively to persons who are 18 years of age or older.

Discriminatory housing practice means an act that is unlawful under section 8-31.

Familial status is established when an individual who has not attained the age of 18 years is domiciled with:

- (1) A parent or other person having legal custody of such individual; or
- (2) A designee of a parent or other person having legal custody, with the written permission of such parent or other person.

Family means one or more persons living together as a single housekeeping unit in a dwelling.

Handicap refers to a person who has a physical impairment which substantially limits one or more major life activities or who has a record of having, or is regarded as having, such physical impairment.

Housing or housing accommodation means any building, structure or portion thereof, mobile home or trailer, or other facility which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof, mobile home or trailer or other facility.

Lending institution means any bank, insurance company, savings and loan association or any other person or organization regularly engaged in the business of lending money or guaranteeing loans, or sources of credit information, including but not limited to credit bureaus.

Owner means any person, including but not limited to a lessee, sublessee, assignee, manager or agent, and also including the town and its departments or other subunits, having the right of ownership or possession or the authority to sell or lease any housing accommodation.

Person means one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mortgage companies, joint stock companies, trusts, unincorporated organizations or public corporations, including but not limited to the town or any department or subunit thereof.

Real estate agent means any real estate broker, any real estate salesman or any other person, employee, agent, or otherwise, engaged in the management or operation of any real property.

Real estate broker or salesman means a person, whether licensed or not, who, for or with the expectation of receiving a consideration, lists, sells, purchases, exchanges, rents or leases real property; negotiates or attempts to negotiate any of these activities; holds himself out as engaged in these activities; negotiates or attempts to negotiate a loan secured or to be secured by a mortgage or other encumbrance upon real property; or is engaged in the business of listing real property in a publication, or a person employed by or acting on behalf of any of these.

Real estate transaction includes the sale, purchase, exchange, rental or lease of real property, and any contract pertaining thereto.

Rent includes lease, sublease, assignment or rental, including any contract to do any of the foregoing, or otherwise granting for a consideration the right to occupy premises that are not owned by the occupant.

Respondent means any person against whom a complaint is filed pursuant to this article.

Sale includes any contract to sell, exchange, convey, transfer or assign legal or equitable title to or a beneficial interest in real property.

(Ord. No. 202, § 3, 12-17-84; Ord. No. 213, § 2, 10-27-87; Ord. No. 239, § 2, 9-25-90)

Sec. 8-28. Penalty for violation of article.

Any person who violates any provisions of this article shall be subject, upon conviction, to a fine up to but not exceeding the sum of \$500.00 or imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

(Ord. No. 202, § 12, 12-17-84)

Sec. 8-29. Authority and responsibilities of administrator.

(a) *Town manager to appoint administrator.* The authority and responsibility for administering this article shall be vested in the town manager, who shall appoint an administrator.

(b) *General powers and duties.* The administrator shall:

- (1) Receive written complaints as provided in section 8-33 relative to alleged unlawful acts under this article when a complainant seeks the administrator's good offices to conciliate.
- (2) Upon receiving a written complaint, make such investigations as the administrator deems appropriate to ascertain facts and issues.
- (3) Utilize methods of persuasion, conciliation and mediation or information adjustment of grievances.
- (4) Establish, administer or review programs at the request of the town manager and make reports on such programs to the town manager.
- (5) Bring to the attention of the town manager items that may require the town council's notice or action to resolve.
- (6) Render to the town manager annual written reports of his activities under the provisions of this article, along with such comments and recommendations as he may choose to make.
- (7) Cooperate with and render technical assistance to federal, state, local and other public and private agencies, organizations and institutions which are formulating or carrying on programs to prevent or eliminate the unlawful discriminatory practices covered by the provisions of this article.

(c) *Determination of probable cause.* Whenever the administrator determines that there is probable cause to believe that there has been a violation of the provisions of this article, but only after having fully processed the complaint in which such violation is alleged in the manner provided in this article, he shall refer the matter, along with the facts he has gathered in his investigations, to the proper county, state or federal authorities for appropriate legal action.

(d) *Promulgation of forms and regulations.* The administrator shall promulgate, publish and distribute the necessary forms, rules and regulations to implement the provisions of this article.

(Ord. No. 202, § 6, 12-17-84)

Sec. 8-30. Education and public information.

The administrator may conduct educational and public informational activities that are designed to promote the policy of this article.

(Ord. No. 202, § 10, 12-17-84)

Sec. 8-31. Unlawful practices.

(a) *Sale or rental.* Except as provided in section 8-32, it shall be unlawful and a discriminatory housing practice for an owner or any other person engaging in a real estate transaction, or for a real estate broker, because of race, color, ancestry, national origin, handicap, religion, sex, marital status, familial status or age to:

- (1) Refuse to engage in a real estate transaction with a person or otherwise make unavailable or deny housing to any person.
- (2) Discriminate against a person in the terms, conditions or privileges of a real estate transaction or in the furnishing of facilities or services in connection therewith, or because of such person's exercise of his right to free association.
- (3) Refuse to receive or fail to transmit a bona fide offer to engage in a real estate transaction from a person.
- (4) Refuse to negotiate for a real estate transaction with a person.
- (5) Represent to a person that housing is not available for inspection, sale, rental or lease when in fact it is so available; fail to bring a property listing to such person's attention; or refuse to permit him to inspect the housing.
- (6) Steer any person away from or to any housing.
- (7) Make, print, publish, circulate, post or mail or cause to be made, printed, published or circulated any notice, statement, advertisement or sign, or use a form of application or photograph for a real estate transaction or, except in connection with a written affirmative action plan, make a record of oral or written inquiry in connection with a prospective real estate transaction, which indicates directly or indirectly an intent to make a limitation, specification or discrimination with respect thereto.
- (8) Offer, solicit, accept, use or retain a listing of housing with the understanding that a person may be discriminated against in a real estate transaction or in the furnishing of facilities or services in connection therewith.
- (9) Induce or attempt to induce any person to transfer an interest in any housing by representations regarding the existing or potential proximity of housing owned, used or occupied by any person protected by the terms of this article.
- (10) Make any misrepresentations concerning the listing for sale or rental, or the anticipated listing for sale or rental, or the sale or rental of any housing in any area in the town for the purpose of inducing or attempting to induce any such listing or any of the above transactions.
- (11) Retaliate or discriminate in any manner against any person because of his opposing a practice declared unlawful by this article, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under this article.

- (12) Aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by the provisions of this article, or obstruct or prevent any person from complying with the provisions of this article, or any conciliation agreement entered into pursuant to this article.
- (13) Canvass to compel any unlawful practices prohibited by the provisions of this article.
- (14) Otherwise deny to, or withhold, any housing accommodations from a person.
- (15) Promote, induce, influence or attempt to promote, induce or influence by the use of postal cards, letters, circulars, telephone, visitation or any other means, directly or indirectly, a property owner, occupant or tenant to list for sale, sell, remove from, lease, assign, transfer or otherwise dispose of any housing by referring, as a part of a process or pattern of inciting neighborhood unrest, community tension, or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood or any other area, to the race, color, religion or national origin of actual or anticipated neighbors, tenants or other prospective buyers of any housing.
- (16) Cause to be made any untrue or intentionally misleading statement or advertisement, or, in any other manner, attempt, as part of a process or pattern of inciting neighborhood unrest, community tension or fear of racial, color, religious, nationality or ethnic change in any street, block, neighborhood or any other area, to obtain a listing of any housing for sale, rental, assignment, transfer or other disposition, where such statement advertisement or other representation is false or materially misleading, or where there is insufficient basis to judge its truth or falsity to warrant making the statement, or to make any other material misrepresentations in order to obtain such listing, sale, removal from, lease, assignment, transfer or other disposition of such housing.
- (17) Place a sign or display any other device either purporting to offer for sale, lease, assignment, transfer or other disposition or tending to lead to the belief that a bona fide offer is being made to sell, lease, assign, transfer or otherwise dispose of any housing that is not in fact available or offered for sale, lease, assignment, transfer or other disposition.

(b) *Financing.* It shall be unlawful and a discriminatory housing practice for any lending institution to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing or maintaining housing or to discriminate against such person in the fixing of the amount, interest rate, duration or other terms or conditions of such loan or other financial assistance because of the race, color, ancestry, national origin, handicap, religion, sex, marital status, familial status or age of such person or of any person associated with such person in connection with such loan or other financial assistance or for purposes of such loan or other assistance, or of the present or prospective owners, lessees, tenants or occupants of the housing in relation to which such loan

or other financial assistance is to be made or given, provided that nothing contained in this subsection shall impair the scope or effectiveness of the exceptions contained in section 8-32.

(c) *Brokerage services.* It shall be unlawful and a discriminatory housing practice to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service, organization or facility related to the business of selling or renting housing or to discriminate against such person in the terms or conditions of such access, membership or participation because of race, color, ancestry, national origin, handicap, religion, sex, marital status, familial status or age.

(Ord. No. 202, § 4, 12-17-84; Ord. No. 213, § 3, 10-27-87; Ord. No. 239, § 3, 9-25-90)

Sec. 8-32. Exemptions and exceptions.

(a) Nothing contained in section 8-31 shall prohibit a religious organization, association or society or any nonprofit charitable or educational institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting or from advertising the sale, rental or occupancy of housing which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons. Nor shall anything in this article prohibit a private club not in fact open to the public, which, as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(b) Nothing in section 8-31, other than subsection (a)(7) thereof, shall apply to:

(1) Any single-family house sold or rented by an owner; provided that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one such sale within any 24-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on such owner's behalf, under any express or voluntary agreement, title to or any rights to all or a portion of the proceeds from the sale or rental of, more than three such single-family houses at any one time; provided further, that the owner sells or rents such housing:

- a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person; and
- b. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 8-31(a)(7);

but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

- (2) Rooms or units in housing containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as such owner's residence, provided that the owner sells or rents such rooms or units:

- a. Without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent or salesperson, or of such facilities or services of any person in the business of selling or renting housing, or of any employee or agency of any such broker, agent, salesperson or person; and
- b. Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 8-31(a)(7);

but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies and other such professional assistance as necessary to perfect or transfer the title.

- (3) For the purpose of subsection (2) of this section, a person shall be deemed to be in the business of selling or renting housing if:

- a. He has, within the preceding 12 months, participated as principal, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in three or more transactions involving the sale or rental of any housing or any interest therein;
- b. He has, within the preceding 12 months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any housing or any interest therein; or
- c. He is the owner of any housing designed or intended for occupancy by or occupied by five or more families.

- (c) Nothing in section 8-31 shall be construed to:

- (1) Bar any person from restricting sales, rentals, leases or occupancy or from giving preference to persons of a given age for bona fide housing intended solely for minors.
- (2) Make it an unlawful act to require that a person have legal capacity to enter into a contract or lease.
- (3) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for and occupied exclusively by individuals of one sex, to any individual of the opposite sex.
- (4) Bar any person from selling, renting or advertising any housing which is planned exclusively for and occupied exclusively by unmarried individuals, to unmarried individuals only.
- (5) Bar any person from advertising or from refusing to sell or rent any housing which is planned exclusively for married couples without children or from segregating families with children to special units of housing.

- (6) Bar any person from refusing to sell or rent any housing to unmarried individuals cohabiting contrary to law.
- (7) Bar any person from refusing a loan or other financial assistance to any person whose life expectancy, according to generally accepted mortality tables, is less than the term for which the loan is requested.
- (d) Nothing in section 8-31 shall be construed to require any person renting or selling a dwelling to modify, alter or adjust the dwelling in order to provide physical accessibility except as otherwise required by law.
(Ord. No. 202, § 5, 12-17-84; Ord. No. 213, § 4, 10-27-87)

Sec. 8-33. Complaints.

- (a) A person who claims that another person has committed a discriminatory housing practice against him may report that offense to the administrator by filing an informal complaint within 60 days after the date of the alleged discriminatory housing practice and not later.
- (b) The administrator shall treat a complaint referred by the Secretary of Housing and Urban Development or the Attorney General of the United States under the Fair Housing Act of 1968, Public Law 90-284, as an informal complaint filed under subsection (a) of this section.
- (c) An informal complaint must be in writing, verified or affirmed, on a form to be supplied by the administrator and shall contain the following:
 - (1) Identity of the respondent.
 - (2) Date of offense and date of filing the informal complaint.
 - (3) General statement of facts of the offense including the basis of the discrimination, which may include race, color, ancestry, national origin, handicap, religion, sex, marital status, familial status or age.
 - (4) Name and signature of the complainant.
- (d) Each complaint shall be held in confidence by the administrator unless and until the complainant and the respondent consent in writing that it shall be made public.
- (e) Within 15 days after the filing of the informal complaint, the administrator shall transmit a copy of the complaint to each respondent named therein by certified mail, return receipt requested. Thereupon, the respondent may file a written, verified informal answer to the informal complaint within 20 days of the date of receipt of the informal complaint.
- (f) An informal complaint or answer may be amended at any time, and the administrator shall furnish a copy of each amended informal complaint or answer to the respondent or complainant, respectively, as promptly as practicable.

(g) The administrator shall assist complainants or respondents when necessary in the preparation and filing of informal complaints or answers or any amendments thereto.

(Ord. No. 202, § 7, 12-17-84; Ord. No. 213, § 5, 10-27-87; Ord. No. 239, § 4, 9-25-90)

Sec. 8-34. Untruthful complaints or testimony.

It shall be a violation of this article for any person knowingly and willfully to make false or untrue statements, accusations or allegations in a complaint filed hereunder or to give false testimony concerning violations of this article.

(Ord. No. 202, § 11, 12-17-84)

Sec. 8-35. Processing complaints.

(a) Within 30 days after the filing of an informal complaint, the administrator shall make such investigation as he deems appropriate to ascertain facts and issues. If the administrator shall deem that there are reasonable grounds to believe that a violation has occurred and can be resolved by conciliation, he shall attempt to conciliate the matter by methods of initial conference and persuasion with all interested parties and such representatives as the parties may choose to assist them. Conciliation conferences shall be informal, and nothing said or done in the course of the informal conference with the individuals to resolve the dispute may be made public or used as evidence in a subsequent proceeding by either party without the written consent of both the complainant and the respondent. The administrator or any employee of the administrator who shall make public any information in violation of this provision shall be deemed guilty of a violation of a city ordinance and shall be subject to penalty as set forth in section 8-28.

(b) If the parties desire to conciliate, the terms of the conciliation shall be reduced to writing in the form approved by the administrator and must be signed and verified by the complainant and respondent and approved by the administrator. The conciliation agreement is for conciliation purposes only and does not constitute an admission by any party that the law has been violated.

(c) If the administrator deems that there is not probable cause to believe that a particular alleged discriminatory housing practice has been committed, the administrator shall take no further action with respect to the alleged offense.

(d) If the administrator, with respect to any matter which involves a contravention of this article:

- (1) Fails to conciliate a complaint after the parties, in good faith, have attempted such conciliation; or
- (2) Determines that the violation alleged in the complaint cannot be resolved by conciliation;

he shall notify both the complainant and the respondent within 30 days of the failure or the determination, and he shall proceed as provided in section 8-29(c).

(Ord. No. 202, § 8, 12-17-84)

Sec. 8-36. Additional remedies.

The procedures prescribed by this article do not constitute an administrative prerequisite to another action or remedy available under other law. Further, nothing in this article shall be deemed to modify, impair or otherwise affect any right or remedy conferred by the constitution or laws of the United States or this state, and the provisions of this article shall be in addition to those provided by such other laws.

(Ord. No. 202, § 9, 12-17-84)

Secs. 8-37—8-50. Reserved.**ARTICLE III. COMMUNITY REDEVELOPMENT TRUST FUND*****Sec. 8-51. Creation.**

There is hereby established and created, in accordance with the provision of the Act, a community redevelopment trust fund (the "fund") for the community redevelopment area, which fund shall be utilized and expended for the purpose of and in accordance with the plan, including any amendments or modifications thereto approved by the community redevelopment agency including any "community redevelopment" (as that term is defined in F.S. § 163.340) under this plan.

(Ord. No. 286, § 1, 2-25-97)

Sec. 8-52. Monies to be used to finance "community redevelopment".

The monies to be allocated to and deposited into the fund shall be used to finance "community redevelopment" within the community redevelopment area, which shall be appropriated when authorized by the agency. The agency shall utilize the funds and revenues paid into and earned by the fund for community redevelopment purposes as provided in the plan and as permitted by law. The fund shall exist for the duration of the "community redevelopment" undertaken by the agency pursuant to the plan and the extent permitted by the Act. Monies shall be held in the fund and the fund shall be administered by the town for and on behalf of the agency, and disbursed from the fund as provided by the Act, this ordinance [Ord. No. 286] or when authorized by the agency.

(Ord. No. 286, § 2, 2-25-97)

Sec. 8-53. Monies to be secured by the laws of Florida.

The money held in the fund shall be continuously secured in the same manner as state and municipal deposits are authorized to be secured by the laws of the State of Florida. The funds may be invested according to the Act and Florida Statutes. The cash required to be accounted for in the trust fund described in this Act may be deposited in a single bank account, provided

***Editor's note**—Sections 1—9 of Ord. No. 286, adopted February 25, 1997 added provisions to the Code, but did not specify manner of inclusion. At the discretion of the editor, therefore, said provisions have been included as §§ 8-51—8-59 herein.

that adequate accounting records are maintained to reflect and control the restricted allocation of cash on deposit therein for the various purposes of such funds and accounts as herein provided.

(Ord. No. 286, § 3, 2-25-97)

Sec. 8-54. Monies paid into fund.

There shall be paid into the fund each year by each of the "taxing authorities" (as that term is defined in F.S. § 163.340) levying ad valorem taxes within the community redevelopment area, an amount equal to 95 percent of the incremental increase in ad valorem taxes levied each year by that taxing authority, as calculated in accordance with section 8-75 of this article and the Act, based on the base year established in section 8-74 of this article (such annual amount being hereafter referred to as the "tax increment").

(Ord. No. 286, § 4, 2-25-97)

Sec. 8-55. Real property assessment roll.

The most recently approved tax roll prior to the effective date of this ordinance [February 25, 1997] used in connection with the taxation of real property in the community redevelopment area shall be the real property assessment roll of Gadsden County, Florida, reflecting the valuation of real property for purposes of ad valorem taxation as of January 1, 1996 (the "base year value") and submitted to the Department of Revenue pursuant to F.S. § 193.1142, and all deposits into the fund shall be in the amount of tax increment calculated as provided in section 8-75 hereof based upon increases in valuation of taxable real property from the base year value.

(Ord. No. 286, § 5, 2-25-97)

Sec. 8-56. Determination of tax increment.

The tax increment shall be determined annually by each taxing authority and shall be that amount equal to 95 percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by all taxing authorities, exclusive of any amount from any debt service millage, on taxable real property located within the geographic boundaries of the community redevelopment area; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or all taxing authorities, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the assessment roll used in connection with the taxation of such property by all taxing authorities, prior to the effective date of the ordinance [February 25, 1997].

(Ord. No. 286, § 6, 2-25-97)

Sec. 8-57. Taxing authorities.

All taxing authorities shall annually appropriate to and cause to be deposited in the fund the tax increment determined pursuant to the Act and section 8-75 of this article at the

beginning of each fiscal year thereof as provided in the Act. The obligation of each taxing authority to annually appropriate the tax increment for deposit in the fund shall commence immediately upon the effective date of this ordinance [February 25, 1997] and continue the extent permitted by the Act until all loans, advances and indebtedness, if any, and interest thereon, incurred by the agency as a result of community redevelopment in the community redevelopment area have been paid.

(Ord. No. 286, § 7, 2-25-97)

Sec. 8-58. Fund established and maintained as separate trust fund.

The fund shall be established and maintained as a separate trust fund by the town pursuant to the Act and this article, as they may from time to time be amended, whereby the fund may be promptly and effectively administered and utilized by the agency expeditiously and without undue delay for its statutory purpose pursuant to the plan.

(Ord. No. 286, § 8, 2-25-97)

Sec. 8-59. Trustee of fund.

The chief financial officer of the town (the "trustee"), on behalf of the town and the agency, shall be the trustee of the fund and shall be responsible for the receipt, custody, disbursement, accountability, management, investment, and proper application of all monies paid into or expended from the fund in accordance with council authorization and with state and local laws. Disbursement of monies shall be made upon presentation of adequate supporting documentation in the reasonable opinion of the trustee.

(Ord. No. 286, § 9, 2-25-97)