

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20060595

1. ACTION REQUESTED/PURPOSE: Approve and accept by resolution the bequest of \$150,617.05 from the Estate and Trust of Betsy Ed Dornseif. Approve budget amendment resolution to accept \$150,617.05 as unanticipated revenue and designate expenditures. Authorize Chairwoman's signature on the "Waiver of Accounting and Receipt of Beneficiary and Release of Trustee" form.

2. WHAT ACTION ACCOMPLISHES: To obtain Board of County Commissioners' approval and acceptance of the bequest from the Estate and Trust of Betsy Ed Dornseif for the Fort Myers Library and approve the budget amendment resolution.

3. MANAGEMENT RECOMMENDATION: Accept bequest and authorize Chairwoman's signature.

4. Departmental Category: CIRA		5. Meeting Date: 5-23-2006
6. Agenda:		7. Requirement/Purpose: (specify)
<input checked="" type="checkbox"/> Consent	<input type="checkbox"/> Statute	8. Request Initiated: Commissioner _____ Department <u>County Attorney</u> Division <u>General Services</u> By: <u>Kristie L. Kroslack</u> Assistant County Attorney
<input type="checkbox"/> Administrative	<input type="checkbox"/> Ordinance	
<input type="checkbox"/> Appeals	<input checked="" type="checkbox"/> Admin. Code <u>AC-3-17</u>	
<input type="checkbox"/> Public	<input type="checkbox"/> Other _____	
<input type="checkbox"/> Walk-On		

9. Background:

On November 16, 1993, Betsy Ed Dornseif executed a trust agreement devising 50% of her residuary trust estate assets to the Lee County Board of County Commissioners to be used for the Fort Myers Library to purchase books in the name of Robert A. Dornseif, her husband, as a memoriam.

Board of County Commissioners' approval is required to accept the generous bequest.

Funds will be available in KG5710114800.506610.173.

Attachments: Trust Documents
Waiver of Accounting Form
Copy of Check
Resolution

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services			County Manager/P.W. Director
					Analyst	Risk	Grants Mgr.	
				<i>[Signature]</i> 5/10/06	<i>[Signature]</i> 5/10/06	<i>[Signature]</i> 5/10/06	<i>[Signature]</i> 5/11/06	<i>[Signature]</i> 5-11-06

11. Commission Action:

Approved
 Deferred
 Denied
 Other

CO. ATTY.
FORWARDED
TO CO. ADMIN.
5-5-06

RECEIVED BY
COUNTY ADMIN: *[Signature]*
5-5-06
[Signature]
COUNTY ADMIN
FORWARDED TO: *[Signature]*
5/10/06
[Signature]

RESOLUTION

Amending the Lee County Libraries Fund #14800 budget to incorporate unanticipated receipts into estimated Revenues and Appropriations for Fiscal Year 2005-2006.

WHEREAS, in compliance with the Florida Statutes 129.06(2), it is the desire of the Board of County Commissioners of Lee County, Florida, to amend the Lee County Libraries Fund #14800 budget for \$150,617 of the additional revenue from a donation and an appropriation of a like amount for books and publications;

WHEREAS, the Lee County Libraries Fund #14800 budget shall be amended to include the following amounts which were previously not included.

ESTIMATED REVENUES

Prior Total:		\$84,128,443
Additions		
KG5710114800.366900.9173	FM – Contributions/ Donations	\$150,617
Amended Total Estimated Revenues		\$84,279,060

APPROPRIATIONS

Prior Total:		\$84,128,443
Additions		
KG5710114800.506610.173	FM - Books and Publications	\$150,617
Amended Total Appropriations		\$84,279,060

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lee County, Florida, that the Lee County Libraries Fund #14800 budget is hereby amended to show the above additions to its Estimated Revenue and Appropriation accounts.

Duly voted upon and adopted in Chambers at a regular Public Hearing by the Board of County Commissioners on this ____ day of _____, 2006.

ATTEST:
CHARLIE GREEN, EX-OFFICIO CLERK

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: _____
DEPUTY CLERK

CHAIRWOMAN

APPROVED AS TO FORM

OFFICE OF COUNTY ATTORNEY

DOC TYPE YA
LEDGER TYPE BA

IN RE:
THE BETSY DORNSEIF TRUST AGREEMENT
DATED NOVEMBER 16, 1993

WAIVER OF ACCOUNTING AND RECEIPT OF
BENEFICIARY AND RELEASE OF TRUSTEE

The undersigned X _____,

for Ft. Myers-Lee County Library whose address is 2120 Main
Street, Ft. Myers, FL 33901, and who has an interest in the

above trust as a beneficiary of the BETSY EK DORNSEIF TRUST, hereby:

- a) Expressly acknowledges that the undersigned is aware of the right to have a final accounting;
- b) Waives the filing and service of a final or other accounting by the trustee;
- c) Waives the right to an accounting of the of the amount of compensation paid or to be paid to the trustee, attorneys, accountants, appraisers, or other agents employed by the personal representative(s), and the manner of determining that compensation;
- d) Expressly acknowledges that the undersigned has actual knowledge of the amount and manner of determining the compensation of the personal representative(s), attorneys, accountants, appraisers, or other agents; has agreed to the amount and manner of determining such compensation; and waives any objections to the payment of such compensation;
- e) Waives all objections to any accounting;
- f) Acknowledges receipt of complete distribution of the share of the trust to which the undersigned was entitled; and

Signed on X _____, 2006 .

X
Print Name: X _____
Beneficiary

F:\WPDATA\June\Dornseif\Pleadings\waiver-receipt fairfield botanic.wpd

Attorney: 16 Michael A. Gennaro

85844.001-2 GALENSKI, TRUSTEE/JOHN
TRUST ADMINISTRATION

<u>Date</u>	<u>Check #</u>	<u>Description</u>	<u>Amount</u>	<u>Balance</u>	<u>Payee</u>
03/09/06	Deposit	BETSY DORNSEIF/ CK#003076 MAG/ #963 CASHIER'S CK.	96,393.98CR	96,393.98	
03/09/06	Deposit	JOHN GALENSKI/ CK# 4793808 MAG/ #963 CASHIER'S CK	90,084.72CR	186,478.70	
03/09/06	Deposit	JOHN GALENSKI/ CK#258627 MAG/ #963 OFFICIAL CK.	112,335.61CR	298,814.31	
04/26/06	Deposit	GALENSKI (TRUSTEE) / 1014 MAG / 963 PERSONAL	2,419.78CR	301,234.09	
04/27/06	42563	TRUST ADMINISTRATION MAG DISTRIBUTION TO BENEFICIARIES	150,617.05DB	150,617.04	FT MYERS-LEE COUNTY LIBRARY
04/27/06	42564	TRUST ADMINISTRATION MAG DISTRIBUTION TO BENEFICIARIES	75,308.52DB	75,308.52	FAIRFIELD TROPICAL BOTANIC GARDEN
04/27/06	42565	TRUST ADMINISTRATION MAG DISTRIBUTION TO BENEFICIARIES	75,308.52DB	0.00	WORLD SOCIETY OF THE
		Total Deposits:	301,234.09CR		
		Total Checks:	301,234.09DB		
		Closing Balance:		\$0.00	

Bank of America Depository Trust Chk Acct # 055 0480 2084

AD - Automatic Deposit • AP - Automatic Payment • ATM - Cash Withdrawal • DC - Debit Card • FT - Funds Transfer • SC - Service Charge • TD - Tax Deductible

NUMBER OR CODE	DATE	TRANSACTION DESCRIPTION	PAYMENT, FEE, WITHDRAWAL (-)	✓	DEPOSIT, CREDIT (+)	\$ - 0 -
	3/29/05	Open acct - transfer fr Estate Chk acct		✓	2,000.00	2,000.00
	4/21	Interest		✓	0.13	2,000.13
1001	5/3	Cape Mini Storage	29.68	✓		
	5/26	Interest		✓	0.16	
	6/22	Interest		✓	0.18	1,970.79
1002	7/4	Cape Mini Stor	207.76	✓		
	7/5	Close Estate Chk Acct, deposit to Trust Chk		✓	2,807.54	
	7/12	Dep't: dividend		✓	38.76	
	7/21	Interest		✓	0.28	4,609.66
	8/18	Dep Cash proceeds internet sale microscope		✓	250.00	
	8/23	Interest		✓	0.42	4,860.08
1003	8/31	Lee County Clerk of Court (cost)	2.50	✓		
1004	8/31	Bank of America (MO bank)	25.00	✓		
1005	9/11	US Postal Svc (Cost - Cost Security)	4.88	✓		
	9/22	Interest		✓	0.40	4,828.10
	9/29	Dep't: Riperson Tull Div		✓	0.05	
	10/4	Dep. Proceeds Riperson sale + Div		✓	10.06	
	10/21	Interest		✓	0.38	4,838.59
	10/26	Dep. Proceeds DTS fractional share		✓	3.60	
	11/21	Interest		✓	0.41	4,842.60
	12/21	Interest		✓	0.40	4,843.00
1006	12/22	Lee County Clerk of Court (cost)	7.00	✓		
1007	12/30	US Postal Svc (Cost to Vanguard)	5.05	✓		
1008	1/1/06	Cape Mini Storage	101.76	✓		
1009	1/5	UPS Store (Ship jewelry)	15.80	✓		
	1/23	Interest		✓	0.44	
1010	2/14	DLG-2005 Estate Tax Return	480.00	✓		

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NUMBER OR CODE	DATE	TRANSACTION DESCRIPTION	PAYMENT, FEE, WITHDRAWAL (-)	✓	DEPOSIT, CREDIT (+)	\$
	2/17/06	Interest		✓	0 32	4,234 15
1011	2/20	MAG - Trust atty fee	500 00	✓		
	3/8	Dep - Guardian bond refund		✓	165 00	
	3/23	Interest		✓	0 36	3,899 51
1012	4/4	DLG - Final Estate Tax return	9 00	✓		
1013	4/4	John Dabinski - Final Trustee Fee	1,400 00	✓		
	4/20	Interest		✓	0 24	2,419 75
	4/24	Interest		✓	0 03	2,419 78
1014	4/24	Reverse Trust Acct to close acct and transfer for distribution	2,419 78			-0-

To reorder call 1.800.652.1111 or visit us at www.bankofamerica.com/checks



LAW OFFICES
PAVESE, HAVERFIELD
DALTON, HARRISON & JENSEN L.L.P.
 P.O. 100088
 CAPE CORAL, FLORIDA 33910

BANK OF AMERICA
 Fort Myers, FL

63-27
 631

042563

DATE CHECK NO. AMOUNT

04/27/06

*\$150,617.05

PAY * ONE HUNDRED FIFTY THOUSAND SIX HUNDRED SEVENTEEN & 05/100 DOLLARS

FT MYERS-LEE COUNTY LIBRARY

TO THE
 ORDER
 OF

LAW OFFICES
PAVESE, HAVERFIELD
DALTON, HARRISON & JENSEN L.L.P.
 TRUST ACCOUNT

⑈042563⑈ ⑆063100277⑆ 038108814⑈

PAY TO:

DATE	CLIENT	DESCRIPTION	AMOUNT
04/27/06	JOHN GALENSKI, TRUSTEE Account: 85844.001-2	TRUST ADMINISTRATION MAG DISTRIBUTION TO BENEFICIARIES	150617.05
CHECK DATE	CHECK NO.	LAW OFFICES PAVESE, HAVERFIELD DALTON, HARRISON & JENSEN L.L.P.	CHECK AMOUNT
04/27/06	42563		150617.05

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION RELATING TO THE ACCEPTANCE OF A BEQUEST FROM THE ESTATE AND TRUST OF BETSY ED DORNSEIF TO LEE COUNTY; PROVIDING FOR CERTAIN AUTHORIZATIONS; PROVIDING FOR AN EFFECTIVE DATE.

RECITATIONS

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners has certain powers and authority relative to accepting donations and bequests from private individuals; and,

WHEREAS, pursuant to Section 125.012(3), Florida Statutes, the County has the authority to acquire by grant, gift, devise or by private sale real or personal property, if certain findings are made by the Board of County Commissioners; and,

WHEREAS, Ms. Betsy Ed Dornseif passed away on March 29, 2004 and devised, by trust dated November 16, 1993, 50% of her residuary trust estate assets to the Lee County Board of County Commissioners to be used to purchase books for the Fort Myers Library in the name of Robert A. Dornseif, as a memoriam; and,

WHEREAS, the Board has carefully reviewed the bequest and finds that the acceptance of the donation from Ms. Betsy Ed Dornseif serves a valuable public purpose and is in the public's interest.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS that:

1. The above recitations are true and accurate and are hereby adopted and incorporated herein as if set out at length.
2. Lee County recognizes and accepts the donation and transfer of the funds to Lee County.

3. Lee County agrees to use the funds for books for the Fort Myers Library.
4. In order that the proposed transaction is more efficiently consummated, the Board specifically authorizes and directs the Chairwoman or Vice Chairman of the Board of County Commissioners to execute any and all necessary documents for the said transaction on behalf of the Board of County Commissioners.
5. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and, being put to vote, the vote was as follows:

BOB JANES	_____
DOUGLAS ST. CERNY	_____
RAY JUDAH	_____
TAMMARA HALL	_____
JOHN E. ALBION	_____

DULY PASSED AND ADOPTED THIS _____ day of _____, 2006.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Deputy Clerk

BY: _____
Chairwoman

APPROVED AS TO FORM:

BY: _____
Office of the County Attorney