

**MINUTES OF MEETING
WATERFORD LANDING
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Waterford Landing Community Development District held multiple Public Hearings and a Regular Meeting on Wednesday, July 25, 2018 at 10:00 a.m., at the offices of Barraco and Associates, 2271 McGregor Boulevard, Suite 100, Fort Myers, Florida 33901.

Present were:

Mark Taylor	Chair
Kenneth Bloom	Vice Chair
Brian O'Donnell	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Vivek Babbar (via telephone)	District Counsel
Carl Barraco, Jr.	District Engineer
Georgeline Plancher	Public
Charlie Cox	Public

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 10:00 a.m. Supervisors Taylor, Bloom and O'Donnell were present, in person. Supervisors Welks and Miller were not present.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

▪ **Consideration of Resolution 2018-08, Electing the Officers of the District**

This item was an addition to the agenda.

Ms. Cerbone presented Resolution 2018-08. As a result of Board appointments at the last meeting, it was necessary to consider the slate of officers. Mr. Bloom nominated the following slate of officers:

Chair	<u>Mark Taylor</u>
Vice Chair	<u>Kenneth Bloom</u>
Secretary	<u>Craig Wrathell</u>
Assistant Secretary	<u>Brian O'Donnell</u>

Assistant Secretary	<u>Karen Welks</u>
Assistant Secretary	<u>Kathy Miller</u>
Assistant Secretary	<u>Cindy Cerbone</u>
Treasurer	<u>Craig Wrathell</u>
Assistant Treasurer	<u>Jeff Pinder</u>

No other nominations were made.

On MOTION by Mr. Taylor and seconded by Mr. O'Donnell, with all in favor, Resolution 2018-08, Electing the Officers of the District, as nominated, was adopted.

THIRD ORDER OF BUSINESS

Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2017, Prepared by Grau & Associates

Ms. Cerbone presented the Audited Financial Report for the Fiscal Year Ended September 30, 2017 and reviewed the information found on each page. There were no issues in internal control or financial reporting for Fiscal Year 2017 and no recommendations, findings or instances of noncompliance; it was a clean audit.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2018-04, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2017

Ms. Cerbone presented Resolution 2018-04.

On MOTION by Mr. Bloom and seconded by Mr. O'Donnell, with all in favor, Resolution 2018-04, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2017, was adopted.

FIFTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Adoption of the District's Final Budget for Fiscal Year 2018/2019, Pursuant to Florida Law

A. Affidavit/Proof of Publication

The affidavit of publication was provided for informational purposes.

B. Consideration of Resolution 2018-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date

Ms. Cerbone presented Resolution 2018-05. She reviewed the proposed Fiscal Year 2019 budget line items and noted the following:

- Slight change in the assessment section, compared to Fiscal Year 2018; there are no off-roll items in the budget.
- An “Engineering – public status report” line item, for \$12,000, was included in the proposed Fiscal Year 2019 budget, as a Public Status Report will be required every five or seven years, going forward. Mr. Barraco stated that the report is a City requirement.
- \$10,000 will be placed on reserve, annually, for lake bank remediation.

Ms. Cerbone opened the Public Hearing.

Ms. Georgeline Plancher, a resident, asked if there are any changes that must be addressed by the HOA and, if so, how that would affect her, as a property owner, and whether her HOA dues or property taxes would increase. Mr. Taylor stated there are reserve funds for road paving, painting the clubhouse, etc. The Developer will decide whether the roads will be a part of the HOA’s responsibility or be turned over to the CDD. Most likely, it will remain an HOA responsibility because, when the Developer has completed applying a second lift of asphalt, the roads will be turned over to the residents, who will then determine when the roads will be sealed or repaved. It is more an HOA issue than a CDD issue.

Mr. Charlie Cox, a resident, stated nine different entities are involved in the Development of Lindsford and was trying to understand the relationships between them, especially when Ronto starts closing out the Development. He asked if everything north of the canal, Phases 1 and 2, will remain private roads with the HOA or CDD responsible for maintaining them, in perpetuity, to the City’s standards. Mr. Taylor replied affirmatively. Ms. Cerbone stated the Master HOA is reserving funds for that maintenance. Mr. Cox asked if the maintenance budget the CDD is reserving would be sufficient and if a special assessment will be levied. Mr. Taylor replied that the object is to make sure that, when the Developer turns the District over, there are sufficient funds in a reserve account for all the line items, based on a useful life expectancy. The useful life expectancy for the roads will vary from community to community, so it would be up to the Board of each community. Discussion ensued regarding

the roads, construction in Phases 1 and 2, the parking lot and the Developer. Mr. Cox asked if the Master HOA is responsible for sidewalk maintenance. Mr. Taylor replied that it will be the HOA or the CDD, as residents controlled both entities. Ms. Cerbone stated that Management always recommends that maintenance remain with the HOA; the Board should allow the HOA to manage the CDD assets, as well as the HOA assets, on behalf of all property owners. While the Board is comprised of Developer representatives, as it transitions to residents, the continuity and communication should be maintained, as it takes a collaborative effort to make sure all items are covered. In response to Mr. Cox' question, Ms. Cerbone stated that the CDD was formed March 6, 2006 and homeowners can begin participating in the election of Supervisors in the November 2018 General Election. As to whether notices will be mailed to residents, Mr. Babbar stated that the candidate qualifying period was in June and, to the extent that nobody qualified, a vacancy will be declared and interested parties could submit a letter of interest and/or resume for consideration. Discussion ensued regarding Florida Statutes, what constitutes a qualified elector and how to obtain a seat on the Board. Ms. Cerbone distributed her business card and urged residents to contact her with questions. Mr. Babbar confirmed that, to begin the transition to resident-elected Board Members, the District must meet both thresholds of being in existence for six years and having 250 qualified electors. Ms. Cerbone stated this was the first year that the CDD had enough qualified electors to transition to the General Election process.

Ms. Plancher stated that she resides in Phase 3. She asked if there is an empty lot adjacent to her and if homes will be built there. A Board Member stated that DR Horton will build townhomes there. Discussion continued regarding the process for becoming a Board Member and scheduling a regular meeting on the same day as the Landowners' Election on Wednesday, November 28. Ms. Cerbone stated that the Fiscal Year 2019 Meeting Schedule would be presented later and an additional meeting could be added in November.

Ms. Cerbone closed the Public Hearing.

On MOTION by Mr. Bloom and seconded by Mr. Taylor, with all in favor, Resolution 2018-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

**Public Hearing to Hear Comments and
Objections on the Imposition of
Maintenance and Operation Assessments
to Fund the Budget for Fiscal Year
2018/2019, Pursuant to Florida Law**

A. Mailed Notice(s) to Property Owner(s)

Copies of the Mailed Notices were included for informational purposes.

B. Affidavit/Proof of Publication

The affidavit of publication was provided for informational purposes.

C. Consideration of Resolution 2018-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2018/2019; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2018-06. The Resolution authorizes Staff to transmit assessment information to the Tax Collector to assess residents accordingly.

Ms. Cerbone opened the Public Hearing.

Mr. Cox stated that, if lake maintenance responsibilities will be shared between the CDD and the Master HOA, his payments will go from one entity to another and asked which entity will perform the maintenance. He did not understand the relationship between the Master HOA, the CDD and the South Florida Water Management District (SFWMD). A Board Member replied, the Developers currently maintain the lakes, as it is minimal; however, in the future, the District Manager will present proposals for contractors to make the repairs and the Board will vote on the contracts. As to whether lake maintenance would stay with the CDD and not shift to the HOA, Ms. Cerbone replied affirmatively, as of right now; however, the Board could direct her to contact the HOA and see if it would be willing to take it over. If the HOA is amenable, an amendment to the agreement would be presented and, if approved by the CDD Board, it must then go to the Property Manager to work with the HOA Board to determine if the HOA wants to do it. Currently, there is an Interlocal Agreement between the CDD and the Master HOA to assume certain responsibilities that could go either way; and the task of lake maintenance could be added to that Agreement. The CDD Board will soon discuss proposing an amendment to the Agreement relating to adding roadways to the Maintenance Agreement that the District has with the HOA but is currently being maintained by the Developer.

Ms. Cerbone closed the Public Hearing.

On MOTION by Mr. Taylor and seconded by Mr. Bloom, with all in favor, Resolution 2018-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2018/2019; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Amendment to the Common Area Maintenance Agreement with Lindsford Master Association, Inc., to Include All CDD Owned and/or CDD Responsibility for Road Repair and Maintenance

Ms. Cerbone presented the proposed Amendment to the Common Area Maintenance Agreement, along with the District Engineer’s drawings reflecting the exact areas. Mr. Babbar stated that the Amendment modifies the roadway and stormwater responsibilities, as previously mentioned. As to whether the Agreement includes sidewalks and curbs, Mr. Babbar stated the sidewalks would be the HOA’s responsibility, which was re-emphasized by referring to it as the road right-of-way (ROW), rather than just the roadway; the ROW included the sidewalks, as well, and would be an HOA responsibility, if the Agreement is approved. In response to a question of whether sidewalks in a certain tract are inside the ROW, Mr. Barraco stated they should be but he must confirm it. Ms. Cerbone stated that the agenda packet contains the original 2014 Agreement and the sketches, so the District Engineer may need to review those drawings. If the Board is inclined, it could consider the Amendment, subject to further review of the drawings attached to the original Agreement and coordination with the drawings for the Amendment. District Counsel will review the packet and forward it to the Property Manager to present to the HOA Board. Discussion ensued regarding the Amendment, canal and road maintenance, the HOA and the CDD.

On MOTION by Mr. Taylor and seconded by Mr. O’Donnell, with all in favor, the Amendment to the Common Area Maintenance Agreement with Lindsford Master Association, Inc., to Include All CDD Owned and/or CDD Responsibility for Road Repair and Maintenance, was approved.

A Board Member asked if the Amendment will be transmitted to the Developer. Ms. Cerbone stated that, typically, the CDD Chair will execute the Agreement and another HOA officer who is preferably not also a CDD Board Member. Mr. Cox noted that the principals listed on the various Master HOA documents are also CDD Supervisors. Ms. Cerbone stated that this was typical for a District, while the Developer is still onsite, which is why, under Florida Statutes; Board Meetings are open to the public and publicized.

EIGHTH ORDER OF BUSINESS

**Consideration of Resolution 2018-07,
Adopting the Annual Meeting Schedule for
Fiscal Year 2018/2019**

Ms. Cerbone presented Resolution 2018-07. The following addition was made:

Regular Meeting: November 28, 2018, at 10:30 a.m., or immediately following the scheduled Landowners’ Meeting. Additional meetings could be added, if necessary.

On MOTION by Mr. Bloom and seconded by Mr. Taylor, with all in favor, Resolution 2018-07, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019, as amended, was adopted.

NINTH ORDER OF BUSINESS

**Approval of Unaudited Financial
Statements as of June 30, 2018**

Ms. Cerbone presented the Unaudited Financial Statements as of June 30, 2018. The “Engineering” line item, on Page 2, was at 322% was because the District Engineer commenced the Public Facilities Report; budget funds are available to cover the expenses billed, thus far, and, when the remaining invoices are received, in Fiscal Year 2019, Fund Balance will be used to cover the expenses, which will offset Fiscal Year 2018 versus Fiscal Year 2019.

On MOTION by Mr. Bloom and seconded by Mr. O’Donnell, with all in favor, the Unaudited Financial Statements as of June 30, 2018, were approved.

TENTH ORDER OF BUSINESS

**Approval of April 25, 2018 Regular Meeting
Minutes**

Ms. Cerbone presented the April 25, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Taylor and seconded by Mr. O'Donnell, with all in favor, April 25, 2018 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Other Business

In response to a question regarding Board seats, Ms. Cerbone reviewed the current seats and term expirations:

Supervisor O'Donnell	Seat 1	Term expires 2020
Supervisor Taylor	Seat 2	Term expires 2020
Supervisor Miller	Seat 3	Term expires 2018
Supervisor Bloom	Seat 4	Term expires 2018
Supervisor Welks	Seat 5	Term expires 2018

Discussion ensued regarding the Landowners' Election, the voting process, the Developer, the HOA, proxies and holdovers.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Straley & Robin*

There being no report, the next item followed.

B. District Engineer: *Barraco and Associates, LLC*

There being no report, the next item followed.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

i. Consideration of ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit

Ms. Cerbone stated that numerous complaints were recently filed against CDDs and other entities, on the basis that the CDD websites are not compliant with the Americans with Disabilities Act (ADA) requirements for website accessibility. The insurance carrier for the District hired Mr. Don Roper, of Roper and Roper (R&R), who is requesting a Shade Session with the Board. Shade Sessions are not open to the public and, typically, only the lawyers, Board Members, other District Staff and a court reporter attend. The Shade Session will be held on August 22, 2018 at 3:30 p.m., at Oaks Crossing, 11100 Bonita Beach Road, Suite 101, Bonita Springs, Florida 33135. Discussion ensued regarding the meeting location and who will attend the Shade Session. Ms. Cerbone stated that, in response to the complaints, Management

proactively contracted with ADA Site Compliance (ADASC) to bring its CDDs’ websites into compliance for one-time fee of \$200 per CDD. All documents that are not legally-required will be purged from the District’s website and only documents that are ADA-compliant will be posted. So far, ADASC has placed a Compliance Seal on the CDD website explaining the CDD’s Accessibility Policy and who to contact for information or assistance. Items required to be on the website will be converted to an ADA-compatible format and audits and annual financial reports will be removed from the website but will be accessible via a link to the State’s website.

On MOTION by Mr. Bloom and seconded by Mr. Taylor, with all in favor, the ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit, in the amount of \$200, was ratified.

A meeting would be held on August 22, 2018 at 3:30 p.m., at 11100 Bonita Beach Road, #101 (Oaks Crossing), Bonita Springs, Florida 33135, for the purpose of holding a Shade Session.

ii. LANDOWNERS’ MEETING: November 28, 2018 at 10:00 A.M.

Ms. Cerbone stated that the Landowners’ Meeting will be held on November 28, 2018 at 10:00 a.m., at this location, and a Regular Meeting will be held immediately following.

THIRTEENTH ORDER OF BUSINESS

Supervisors’ Requests

There being no Supervisors’ requests, the next item followed.

FOURTEENTH ORDER OF BUSINESS

Public Comments

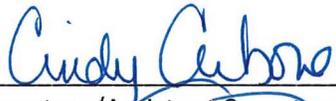
There being no public comments, the next item followed.

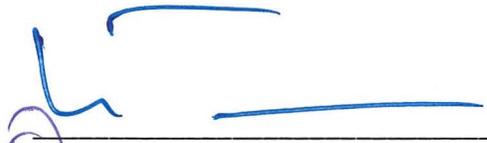
FIFTEENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Mr. Taylor and seconded by Mr. Bloom, with all in favor, the meeting adjourned at 11:14 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair