

MINUTES
PORT LABELLE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS' MEETING

April 28, 2016

A meeting of the Board of Supervisors of the Port LaBelle Community Development District was called to order at 5:30 p.m. on Thursday, January 28, 2016 by Chairman, Jason Martinez who verified that a quorum was present and the meeting had been legally advertised.

Those present at the meeting were:

Jason Martinez - Chairman & Board Member
Jeff Perry – Vice Chair & Board Member
Mike Jordan – Treasurer & Board Member
David Capitanio – Board Member
Nancy Imhoff – Board Member
Judi Kennington-Korf – General Manager
Andy Higginbotham – Accountant for the District
Robert Pritt – Attorney for the District
Jeff Daniels – Field Superintendent
Lupe Taylor – District Secretary
Han Mouthaan – Resident
Ms. Mouthaan - Resident
Phil Lasiter - Resident
Sgt. Mark Taylor - Glades County Sheriff Office

Ms. Kennington-Korf led with prayer followed by the Pledge of Allegiance.

Chairman Martinez asked for public comments, there were none.

Consent Agenda: Verification of proper meeting notice; Verification of a quorum; Approval of meeting minutes January 28, 2016

Upon motion duly made by Supervisor Jordan, seconded by Chairman Martinez and unanimously carried, it was RESOLVED AND APPROVED the Consent Agenda was adopted as presented.

Ms. Kennington-Korf requested to move the FYI items up before the General Manager's Report.

FYI Items

FYI Item I: Ms. Kennington-Korf advised the upcoming meeting on July 28th will also serve as the Proposed Budget Public Hearing. This will be the first of three meetings. The Tentative and Final budgets will be presented in September.

FYI Item II: The District Office lease contract was executed with Sherri Denning, Southern Land on 2/24/16 for a period of 3/1/16 - 12/31/16. There has been no activity to date.

FYI Item III: A few residents have expressed concern over ATV/recreational vehicle usage. The concerns were divided into three categories. Concern one is safety, concern two is nuisance (damage to right of way) and concern three is the excessive speed on the right of ways. In

balancing ATV usage there are some riders that ride for the enjoyment and do not cause any damages. There are more riders that enjoy riding without causing damage than the ones that do cause damage.

The board adopted two resolutions one in 1995 and the other in 2008 that address this issue and restrictions associated with using the Districts' Rights of Way. The General Manager requested direction from the Board as to addressing complaints. If enforcement is the choice of the Board, it must be enforceable and not selective. Law enforcement cannot enforce a resolution, they enforce Ordinances. An ordinance can only be adopted by a county or city.

Chairman Martinez asked Field Supervisor Daniels how much damage he is seeing and in what areas is it occurring? He advised there was major damage in Banyan Village, on Dellwood riders appear daily between 3PM- 6PM that are causing damage and excessive speeding.

A local resident, Mr. Lasiter, advised the Florida statute prohibits ATV riding unless it is a dirt road that has signs posted. There are two groups that are out there riding, adults that just enjoy riding and teens plus some adults that are damaging property. North of Raintree to SR-80 and Fourwinds the damage is getting worse. He suggested posting signage.

Resident Mr. Mouthaan advised riders do not look at signs. Glades County needs an ordinance in place as Hendry County does. Ms. Mouthaan stated Mr. Weekly posted signs and now they are gone they need to be replaced.

Chairman Martinez inquired of Attorney Pritt the obligation of the district and whether signs need to be posted or letters written must the District adopt an ordinance specific for the district and have the county adopt it?

Attorney Pritt advised an ordinance can be written specific for the district and request both counties adopt it. The language would be tailored to the district and according to statute and can be enforced as a resolution cannot.

Sargent Taylor advised the Glades County Sheriff's Office enforces county ordinances. When enforcing the ordinance the first warning is usually verbal, the second ordinance violation is a \$50 fine, and the third ordinance violation is a \$150. The ordinance only carries up to a 2nd degree misdemeanor not to exceed that according to state statute. Sargent Taylor advised ATV riders are not required to have a license to operate the vehicle however, AVT riders under the age of 16 must wear helmets.

Attorney Pritt advised letters could be sent to the individual causing the damage if it could be proved who they are and would suggest advising them of the damage they are causing and the responsibility they have for the damage.

Chairman Martinez advised Ms. Kennington-Korf to review ATV ordinance written specific for district with Attorney Pritt.

General Manager's Report

Item A. Capital Fund transfer needed for engineering invoice. The 2015-2016 Road Overlay Bid has certain fees attached for the engineer services that I request to pay out of the capital funds. Invoices for three physical years were received from Mr. Perry (Johnson-Prewitt) for an outstanding bill (attachment #1 provide). Itemize invoices have been requested for review by district. Request to move funding from the MCF Capital Fund to the General fund to pay for engineering services.

Attorney Pritt inquired as to whether Mr. Perry had a contract outlining billing procedures. If not, that language needs to be added to his contract.

Chairman Martinez stated if there was work done for the district we need to pay the invoices. We need to speak with Mr. Perry and stress timely billing for the physical year we are budgeted.

Upon motion duly made by Supervisor Jordan, seconded by Chairman Martinez and unanimously carried, it was RESOLVED AND APPROVED an amount equal to the Engineering expense for the Overlay Project be taken from the Capital Improvement Fund

- Item C** Contract renewals (copy of the contracts provided for your information and action)
- i. Accountant/Bookkeeper - is a three year contract with a one year extension. Annual contract will not exceed \$12,000.
 - ii. Attorney - is an annual contract. A monthly retainer of \$800 monthly plus travel expenses. Non-routine matters \$215 per hour, litigation \$260 per hour.
 - iii. Auditor - contract is on an annual basis in three-year increments. The rates range from \$80 - \$230 per hour.
 - iv. Engineering and Surveyor - is an annual contract and their rates range from \$20 - \$140 per hour for office personnel and \$60 - \$150 for field personnel.
 - v. MIS/IT - As of this month the contractual services for MIS/IT terminated. These services will be segregated as follows:
 1. Remote Backup and Storage - is an annual contract at the rate of \$900 annually. CPR Tools will continue to provide this service
 2. Web Hosting and Email - will be provided by Sunshine Web Hosting, Inc who is independent from CPR. This is annual contract at \$300 annually.
 3. Maintenance - This contract is under negation. The maximum hourly rate is \$80 or monthly retainer based upon specific hours per month.
 - vi. Intergovernmental Agreement
 1. Barron WCD (perpetual as of March, 2015) the term of the ISA with BWCD is perpetual in nature with safeguards in place should the District desire to change the agreement in any way. The agreement reflects the 50% of the expenses relating to personal services for the General Manager and Staff Assistant.
 2. Glades BOCC, Mowing - contract is a two year contract. Annual revenue is \$9,073.05. We want to seek a three year contract moving forward.
 3. Hendry BOCC, Mowing - contract is a two year contract. Annual revenue is \$54,019.00. We also want to seek a three year contract with Hendry County.

Ms. Kennington-Korf also provided is the contract information for Insurance: Public Risk Management Health and Property & Casualty. The annual fee is \$16,824 and their renewal is annually. If you want to bid out you have to give them a 60 day written notice. What I need from the board is do you want to continue business as usual or do you want to go out for bid?

Chairman Martinez inquired as to the time it take to go out for bid on these contracts and whether the Board had an interest in doing so. Supervisor Imhoff questioned the last time contracts were bidded. Chairman Martinez advised if the Board was satisfied with the contracts, he would be in agreement. He expressed satisfaction with the attorney, auditor, accountant and the others contracts. Ms. Kennington-Korf advised to advertise for bids would be time consuming and require input from the board. Each service contract is very detailed and must be specifically written according to the discipline. Supervisor Jordan commented on the Districts' insurer, Public Risk Management

Ms. Kennington-Korf advised the Glades and Hendry Mowing contract will be brought to the next meeting. She is planning to seek a three year contract with a 3% escalator or CPI. Chairman Martinez inquired as to whether a motion was needed for the contract renewals. Attorney Pritt clarified a motion is not needed unless a change is made to the contracts.

Field Supervisor Daniels report

Item A. As of September 1st, there are 14 new Home driveway permits

Item B. Road project is completed and advised Weekly did an excellent job. The overlay was bid out as one inch overlay and in some places we got about a four inch overlay. Ms. Kennington-Korf originally Mr. Perry had stated it was 3.2 miles and it was actually 3.9 miles almost 4. Mr. Daniels is working on the next five year plan.

Item C. Reported on the routine maintenance schedule. The mowing is on schedule and the field crew is spraying heavily to kill of the weeds on the street pavement. Ms. Kennington-Korf sent the county a request to pay for the stop marks and have not received a response to date.

Audit Report

Item A.

Mr. Tuscan, District Auditor presented the final audited financial reports for fiscal year 2014/2015. He stated that it is an unmodified opinion, which is the highest level of scrutiny any auditor can provide. He stated that he found no material weaknesses and no instances of non-compliance. He explained the necessity of and the process for using a "public funds" account for District monies. The Districts regular report was ready in December. The delay was caused by GASB Statement 68. The District was required to implement GASB Statement 68 for the year ended September 30, 2015 because it offers its employees a retirement plan.

Item B.

Request approval of the audited financial statements "as is" due to the delay of the publication of GASB Statement 68.

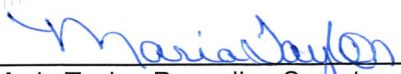
Upon motion duly made by Chairman Martinez, seconded by Supervisor Jordan and unanimously carried, it was RESOLVED AND APPROVED to accept the audit and approve the financial statement

There being no further business to come before the Board, the meeting was adjourned at 8:40 p.m.



Jason Martinez, Chairman

ATTEST:



Maria Taylor, Recording Secretary