

MINUTES
PORT LABELLE COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS' MEETING

September 21, 2017

A meeting of the Board of Supervisors of the Port LaBelle Community Development District was called to order at 5:34 p.m. on Thursday September 21, 2017 by Chairman, Jason Martinez who verified 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 – Assistant Secretary & Board Member
Judi Kennington-Korf – General Manager
Lupe Taylor – District Recording Secretary
Jeff Daniels – Field Supervisor
Robert Pritt – District Attorney
Flint Bell – Resident
Mrs. Bell - Resident

Nancy Imhoff – Secretary & Board Member (Excused)

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

Tentative Budget Public Hearing

Chairman Martinez announced the 2017-2018 Tentative Budget Public Hearing was advertised and was open.

Chairman Martinez asked if there was any public comment, there were none.

Ms. Kennington-Korf noted the current year millage rate is 5.1607%, the adopted budget is \$875,415.22. During the July 27th Proposed Budget Public Hearing the Board selected Option B. The options relate solely to a road improvement capital project

- a. Option A: \$901,851.51 with a millage rate of 5.1863% (includes \$50k for road improvements).
- b. Option B: \$951,851.51 with a millage rate of 5.7494% (includes \$100k for road improvements).
- c. Option C: \$ 851,851.51 with a millage rate of 4. 6232% (no allowance for road improvements).

None of the budgets include funding for equipment. Increases for employees range form 3.5 – 4%. Health and life insurance rates remain unchanged although the workers compensation insurance increased over 10%. Each line item was prepared with specific intent,.

Of the current year budget, \$50,000 was transferred from the General Fund (GF) to the Capital Projects Fund (CPF). Should the Board continue to contribute additional funding for a road improvement project the bid could let the beginning of January, 2018. During last year's budget public hearing, the Board anticipated adding an additional \$50,000 for a total of \$100k for letting in 2017-18 as seen in Option A, however as noted above the Board selected Option B (\$100,00).

Supervisor Capitanio recommended the Board stay with Option B and as adopted at the July 27th public hearing and will discuss in greater detail at the Final Budget Hearing. Chairman Martinez agreed at this time it is the best option for the District.

Ms. Kennington-Korf reminded the Board that Option B with the millage rate of 5.7494% is about a quarter of a point from the maximum millage rate of 6% unless there is an allowable special exception. After discussing the overall budget and options, the Board selected Option B

Upon motion duly made by Vice Chairman Perry seconded by Chairman Martinez and unanimously carried, in compliance with § 200.065(2)(c), be it RESOLVED AND APPROVED the Port LaBelle Community Development District adopts Resolution 2017-5, a tentative millage rate levy of 5.7494 for fiscal year October 1, 2017 - September 30, 2018.

The motion passed at 5:53 PM

Upon motion duly made by Chairman Martinez seconded by Supervisor Capitanio and unanimously carried, in compliance with §200.065(2)(c), be it RESOLVED AND APPROVED the Port LaBelle Community Development District adopts Resolution 2017-6, a tentative General Fund budget of \$951,851.51 funded by ad valorem taxes and other general revenue and a tentative Capital Projects Fund budget of \$2,052,218.84 funded by restricted reserves held by the District for fiscal year October 1, 2017 – September 30, 2018.

This motion passed at 5:55 PM

Ms. Kennington-Korf advised the Board once the tentative budget has been adopted the final budget public hearing must be held within fifteen days and once the advertised, the meeting has to be held in two to five days from the publication. The Board approved the final public hearing and meeting for Monday October 2, 2017 at 5:30 PM.

Chairman Martinez asked if there was any public comment, there were none.

Chairman Martinez adjourned the tentative budget public hearing at 6:00 PM.

Consent Agenda: Verification of proper meeting notice; Verification of a quorum; Approval of meeting minutes July 27, 2017

Upon motion duly made by Supervisor Capitanio seconded by Supervisor Jordan and unanimously carried, it was RESOLVED AND APPROVED the Minutes were adopted as presented.

General Manager's Report

Item A. In preparation for Hurricane Irma, Ms. Kennington-Korf entered into a Local State of Emergency on September 6th at noon. A Local State of Emergency gives authority that local

governments normally don't have to take necessary actions in advance of a disaster. On September 4th the Governor issued a Local State of Emergency for the State of Florida. The Local State of Emergency was terminated September 18th at 5:30PM. The Board will need to ratify actions taken relative to the Local State of Emergency.

Immediately following Irma, as soon as it was safe to travel, a preliminary damage assessment was conducted of the building complex property. A staff damage assessment meeting was held on Wednesday September 13th. The damage assessed is as follows:

1. Bay Doors: Significant damage occurred to the bay doors. Of the nine doors, six will likely need to be replaced.
2. Shop A: Shop A had damage to the gutters.
3. Shop B: The SE corner of Shop B was damaged when the hinged corner separated from the frame; the gutters were also damaged.
4. Office Building: The building currently under lease by Rising Strarz lost shingles, penetration is likely. Along with the help from Barron, CDD staff tacked down a temporary covering until further improvements may be made. Mr. Jeff Daniels, Field Supervisor, conducted an on sight inspection inside the building and noted no interior damage. The roof has not been replaced since the building was constructed in the late 1980's; given the condition of the roof, it may need to be replaced.
5. Signage: Approximately 20 poles & roads signs and 20 poles & stop signs will need to be replaced.
6. Tree & Horticulture Debris: Within the District ROW, staff removed several downed trees and limbs with our heavy equipment; those efforts continue today. The District anticipates FEMA will remove the roadside horticulture debris in the near future. It is further expected more than one pass will be needed in order to remove the considerable collection of debris.
7. Mosquitos: Given the significant rainfall and standing water, the influx of mosquitos has been significant. For an application of insecticide to be dispersed, criteria must be met such as: landing rates, complaints (five or more within a few days); and, in an emergency, as needed, until landing rates or complaints subside). Staff has been spraying for mosquitos during the evening.

The insurance company was notified of damages following Irma and claims have been filed. Gallagher Bassett advised an independent adjuster would be sent to the District. Staff will continue to monitor the District, property, and insurance claims. Ms. Taylor advised the insurance company notified the District an adjuster would be on site Monday September 25th at 9:00 AM.

Attorney Pritt recommended the Local State of Emergency stay in effected until the State terminates its Local State of Emergency. During the States declaration the state may suspense certain rules to assist and speed up the process of recovery.

Upon motion duly made by Vice Chairman Perry seconded by Chairman Martinez and unanimously carried, it was RESOLVED AND APPROVED the District ratified the Local State of Emergency invoked by the General Manager, in effect for as long as the Governor's State Declaration 17-235, and will terminate with the State Declaration.

Item C On August 30th, Mr. Flint Bell inquired about obtaining CDD property adjacent to the property he plans to build on. After considerable discussion with CDD and BWCD staff, in consultation with Engineer Perry and Attorney Pritt, it was gleaned the District currently has a 20' easement of the canal

surrounding his property. During normal conditions, the water in the canal is about 16' wide leaving 2' on each side of the swale. For some reason, likely an oversight, GDC did not include this land when deeding property to the CDD. The entire property is privately owned by the above referenced party (including the 20' easement). To properly maintain the canal an additional 60' (30' on each side of the canal) is needed. As information, BWCD currently mows the 60+/- feet area.

Mr. Bell expressed concern on the safety of his family. Ms. Kennington-Korf Mr. Bell recommended an exchange of the greenbelt easement with a value equal to the additional easement needed to maintain the canal. Ultimately, CDD and BWCD staff believe it is of mutual interest to grant easement rights to the owner of the property in an amount needed to provide an additional 60' easement (30' on each side) of the the existing 20' easement within the private canal. Field Supervisor Daniels advised the Board the area is maintained by Barron and the easement is needed for drainage. Attorney Pritt advised the greenbelt may not be sold. Swapping easements is different from swapping of property; there are fees involved and title search. Ms. Kennington-Korf advised expenses incurred as the result of this acquisition will be borne by the private landowner. Chairman Martinez the Board is not opposed to a swap of acre per acre or a sale and remains the greenbelts as needed.

Ms. Kennington-Korf requested authorization to work with Attorney Pritt and Mr. Bell in regards to subject discussed and will bring it back to the Board once all information is completed.

Chairman Martinez the Board authorizes the General Manager to move forward with said subject.

Item B. On Friday, August 25th, staff received information the District greenbelt located at Winchester Road, east of Pueblo Court, had been disturbed by the removal of vegetation and an adjacent installation of a gate. The property owner, Mr. Dwayne House, was advised the CDD rules and regulations were violated by disturbing the greenbelt and the remedy would need to come from the Board. He was initially informed he needed a driveway permit (attached). The following Monday, Mr. House delivered a driveway permit and a check for \$75. The same day, he was advised he would need a general permit given the encroachment to the greenbelt.

Mr. House advised the General Manager that although the gate facing Winchester Road was recently installed, he actually replaced a gate that had been on the property for at least 15 years. He stated he did not mean to disrupt the greenbelt – his intention was to improve his property and because a gate at that location had previously existed, he did not see harm in clearing the landing for the gate and access thereto. When he acquired the land he assumed he had access rights to the property using the greenbelt. He advised the entrance was to be used to gain entrance to his property with a pick-up truck and from time-to-time, a trailer to move cattle. He stated he does not plan to remove dirt or rocks at this time; however, if that should change, he said he would approach the District to seek the necessary authorization.

In doing research for similar cases minutes, agreements, permits and charter were reviewed and in 2001, the Board addressed a somewhat similar issue with a landlocked landowner (use of the greenbelt) with the stipulation for light vehicle traffic. Allowances have been made for a resident to use, clean, and maintain greenbelts in certain areas. Field Supervisor Daniels has received several calls for residents who have concerns regarding this violation; he assured the residents the issue would be brought before the Board for review.

Attorney Pritt recommended the Board approve a General Permit issued by the District with restrictions as the General Manager has stated.

Upon motion duly made by Chairman Martinez seconded by Vice Chairman Perry and unanimously carried, it was RESOLVED AND APPROVED the District will grant Mr. House a general permit with the following restrictions:

- 1. For use by light duty vehicular traffic**
- 2. The transport of material including but not limited to dirt, rocks, trees, etc. are not included in this General Permit. Any future use will require prior approval by the District.**
- 3. Any damage to the CDD roads and greenbelts caused by ingress/egress will be borne by the Landowner.**

Item D. During the July 27th meeting, the Board was informed of an underpayment to the Florida Retirement System (FRS) in the amount of \$31,404.15. A number of remedies have been considered to satisfy this matter including using the Errors & Omissions clause of our insurance; however, the claim was ultimately denied. After much discussion with the District Accountant and the District Auditor, a letter was sent to the State. In short, because changes made to the retirement account were made by FRS, they should correct their error by absorbing the cost assigned to the District. While the dispute is being addressed, to avoid future penalties and interest fees, the underpayment was paid in full. Because the CDD shares administrative staff expenses, if the charges are not remedied, the District is subject to pay half of the underpayment, \$15,702.07.

Item E. The following represents a summary of proposed professional services agreements and/or contracts (attached) for fiscal year 2017-18:

Expense Contracts and Agreements:

Accounting Services, LaBelle CPA:

The term of the accounting contract began January 26, 2012 for an initial period of three years with a one-year extension. Although the extension expired January 26, 2016, the firm agreed to continue service through September 30, 2018 with the same terms and conditions.

Attorney/Legal Services, Roetzel & Andress:

The term of the legal services contract is more of a continuous retainer agreement. The firm charges \$800 per month for the retainer; for non-routine matters the firm charges \$215 per hour, litigation \$260 per hour, and eminent domain at the market rate. The firm has agreed to continue the terms through September 30, 2018.

Auditing Services, Tuscan & Company, PA:

The term for auditing services is for a three-year contract with Tuscan and will end September 30, 2019. There is a provision for a three-year extension.

Engineering and Surveying Services, Johnson-Prewitt & Associates, Inc.:

The term for the engineering services contract is more of a perpetual agreement. Mr. Tommy Perry agreed to continue the terms of the agreement and the attached rate schedule, through September 30, 2018.

Insurance Coverage, Public Risk Management (PRM):

Service related to insurance coverage is provided by PRM. The District provides coverage for health and life insurance; and, at the expense of the employee, dental, vision, and additional life insurance coverage. The agency also provides the District insurance coverage for property and casualty. This year PRM is offering a two-year coverage agreement option with rates, not premiums, guaranteed no to change for two years. The two-year option does not include property. Exclusions to the offer may be found on page 17.

MIS/IT Computer Services:

Services related to computer technology are provided through the annual Interlocal Government Agreement with the Barron Water Control District and are provided by Jon Ladd, Kingsway Solutions in the amount of \$300 per month.

Web Hosting and Email Service, Sunshine Web Hosting

The term for webhosting and email services is an annual contract in the amount of \$300 and is provided by Ray Leventhal.

Revenue Contracts and Agreements:

Glades County Mowing Services Revenue

The term of the Glades County two-year mowing contract is 10/1/2016–9/30/2018.

Hendry County Mowing Services Revenue

The term of the Hendry County three-year mowing contract is 10/1/2017–9/30/2020.

Office Lease, Rising Starz Child Care

The term of the office lease is five-years and terminates September 30, 2021.

To this writers' knowledge, the terms of the contracts are satisfactory. Authorization from the Board is needed for the General Manager to execute the contracts or agreements herein described requiring execution. For the record all contracts and agreements were received and will be included in the minutes.

Upon motion duly made by Supervisor Capitanio seconded by Vice Chairman Perry and unanimously carried, it was RESOLVED AND APPROVED the Board authorizes the General Manager to execute annual contracts as required.

Item F. The District meets on a quarterly basis and as required by §189.015, the governing body of each special district must notify local governing authorities of their annual meeting schedule: The scheduled is as follows for October 1, 2017 – September 30, 2018 fiscal year: October 26, 2017, January 25, 2018, April 26, 2018, July 26, 2018 and Proposed Budget Public Hearing. The Budget process requires three advertised meetings. The tentative budget public hearing will be held on or after September 5, 2018 and the final budget public hearing will be held within 15-days after the tentative hearing. As the Board is meeting on October 2nd the October 26th meeting can be removed from the schedule or it can remain as is. The Board opted to keep the October 26th date on the schedule.

Upon motion duly made by Supervisor Capitanio seconded by Vice Chairman Perry and unanimously carried, it was RESOLVED AND APPROVED the District adopts the annual meeting schedule for fiscal year 2017-2018.

General Counsel Report

Attorney Pritt stated all District business is current.

Field Supervisor's Report

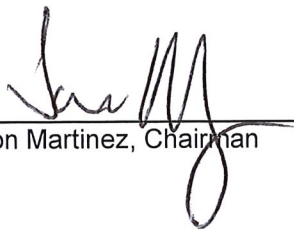
Field Supervisor Daniels advised Hurricane Irma cleanup is in process and will take a while to complete, working on signage as there were several that were damaged or knockdown. Mosquito spraying is being conducted and will continue as needed.

Other Business

No other business at this time.

There being no further business to come before the Board, the meeting was adjourned at 7:46 PM.

ATTEST:



Jason Martinez, Chairman



Maria Taylor, Recording Secretary

