

BOARD OF SUPERVISORS OF
THE SAN CARLOS ESTATEWATER CONTROL DISTRICT
TUESDAY, SEPTEMBER 18, 2018

6:00 P.M.

TRIANON BONITA BAY, 3411 BAY COMMONS DRIVE, BONITA SPRINGS, FL 34134

1. Call Meeting to Order: Judy Tapply (Judy) called the meeting to Order.
2. Roll call of Board of Supervisors: Judy, Ben Bogacz (Ben), John Nickerson (John); Engineer Bill Morris (Bill); Attorney Richard Pringle; Secretary/ Treasurer Julia Roberts (Julia) and 7 guests.
3. Receive Engineers Report:
 - a) Maintenance Report – Bill has been working to clear inactive permits and at this time there are 3 left and those should be cleared soon.
 - b) Driveway on Waterfall – waiting on input from BSU.
 - c) Status of Water Monitoring – NPDES report is due at the end of October and will be presented at the October Monthly Meeting.
 - d) Driveways without Permits – 24131 Rodas ; pipe has been removed and the property owner plans to have the swale restored within a week. 25124 Luci; some work has been done to the swale and the property owner has committed to complete the work by Monday (9/24/18).
 - e) 24166 Roger Dodger – the property owner has contacted Bill and is now working to remediate any problems with the swale.
 - f) 9796 Strike Ln – a concern was expressed about the proximity of the septic system to the swale. Bill has checked the placement and septic meets minimum requirements.
4. Chairs Report – Judy requested that Bill and Mr. Pringle copy Julia on all correspondence regarding the District.
5. Treasurers Report:
 - a) Julia advised the Board that the CD held by BB&T will be up for automatic renewal at the end of September. Mr. Pringle advised that if the Board chooses to renew the CD no action is required at this time. It was agreed to have this CD automatically renew.
 - b) Meeting Dates for upcoming year suggested for 10/16/18, 11/20/18, 1/15/19, 2/16/19, 3/19/19, 4/16/19, 5/21/19, 7/16/19, 8/20/19, 9/17/19 (Annual Landowners Meeting).
6. Attorney Report: Mr. Pringle has prepared the Budget Resolutions for the General Maintenance, Phase 1 and Phase 2 Budgets.
7. Old, New and Unfinished Business:
 - a) Melanie cul de sac – no action of this.
 - b) Kozak Litigation – Mr. Pringle will advise each Supervisor individually regarding next action.
 - c) September Contracts – Mr. Pringle will complete the Elite Site Development Contract and send to Julia for signatures prior to 10/1/18. The District currently has renewing Contracts with Gerald's Tree Service, Sweeperman and Boy, Miller & Swindle, P.A. A Motion was made by Ben and 2nd by John to renew all existing contracts. Motion passed 3-0.
 - d) Boulders on Claire/Bonita Bill easement – some of the boulders have been moved and Gerald's Tree Service will be able to clean the canal. Julia will continue to monitor.
 - e) Election of Board President and District Engineer and Mr. Pringle as Attorney. Per Mr. Pringle all positions can be approved with one Motion. Motion was made by Ben and 2nd by John to continue with Judy as President, Julia as Secretary/Treasurer, Bill as Engineer and Mr. Pringle as Attorney. Motion passed 3-0.
 - f) Next Meeting Date: 10/16/18.

- g) Set and Notice Regular Monthly Board Meeting for the Next Fiscal Year: Supervisors, Bill and Mr. Pringle agreed to the dates of Monthly Meetings set forth by Julia.
- h) Budget Resolutions: Mr. Pringle advised that per Florida Statutes 298.54 the Budget Resolutions be approved by the Board. A Motion was made by Judy and 2nd by Ben to approve the General Maintenance Resolution (Resolution 1). Motion passed 3-0. A Motion was made by Judy and 2nd by John to approve the Phase 1 Budget (Resolution 2) repaying the Capital Improvement Bonds approved in 2003 with estimated \$337,439 Principal Payment, \$116,145 Interest Payment and prepayment of \$128,000. Motion passed 3-0. A Motion was made by Judy and 2nd by John to approve the Phase 2 Budget (Resolution 3) repaying the Capital Improvement Bond approved in 2005 with estimated Principal Payment of \$43,026, Interest Payment of \$17,902 and Prepayment of \$18,000, Motion passed by 3-0.
- 8. Approve August Bank Statements and Payment of Bills – A Motion was made by Ben and 2nd by John to approve the August Bank Statements.
- 9. Approve Minutes of August 2018 Monthly Minutes – A Motion was made by Ben and 2nd by John to approve the 8/18/18 Monthly Meeting Minutes. Motion passed 3-0.
- 10. Adjournment – A Motion was made by Ben and 2nd by John to adjourn the Monthly Meeting. Motion 3-0. Meeting adjourned at 6:55 p.m.

Resolution 1

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN CARLOS ESTATES WATER CONTROL DISTRICT ("DISTRICT") APPROVING, LEVYING AND IMPOSING A MAINTENANCE ASSESSMENT FOR THE FISCAL YEAR 2018/2019, COMMENCING ON OCTOBER 1, 2018, AND ENDING ON SEPTEMBER 30, 2019, AGAINST ASSESSED PROPERTY LOCATED WITHIN THE DISTRICT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 298 Florida Statutes, the Judicial Decree by the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, the San Carlos Water Control District ("District") is responsible for operating a system of perimeter canals, dikes, roadside swales, roadbeds, basins and outfall canals to provide drainage and stormwater flow control and other reclamation of the lands located within the District's geographical boundary; and

WHEREAS, the District has previously levied and imposed a maintenance assessment on each accessible tract of land in the District to operate and maintain the District works and activities and to defray the current expenses of the District; and

WHEREAS, the District desires to reimpose the maintenance assessment against each assessable tract of land in the District to operate and maintain the District works and activities and to defray the current expenses of the District; and

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of the San Carlos Estates Water Control District:

SECTION 1. AUTHORITY

This Resolution is adopted pursuant to the provisions of Florida law, especially Section 298.54, Florida Statutes, and the District's enabling judicial decree entered by the Circuit Court of the Twelfth Judicial in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, and other applicable provisions of law.

SECTION 2. RE-IMPOSITION OF MAINTENANCE ASSESSMENT

- A. Pursuant to Chapter 298, Florida Statutes, especially Section 298.305 and Section 298.54, Florida Statutes, the Board of Supervisors hereby approves, reimposes and levies a maintenance assessment on all lands in the District to which benefits have been assessed to operate and maintain and District works and activities and to defray the current expenses of the District.

- B. The per unit maintenance assessment of the District for the 2018/2019 fiscal year beginning October 1, 2018 and ending September 30, 2019 shall be \$ 320.81 per unit on 1099.71 units for a total District wide maintenance assessment estimated amount of \$ 352,798.
- C. The maintenance assessment to be assessed and apportioned among the assessable tracts of land in the District are hereby levied and imposed on all assessable tracts of land in the District to fund the District's maintenance budget for the 2018-2019 fiscal year of the District in the amount of \$ 352,798.
- D. The District's maintenance assessment for the 2018-2019 fiscal year that is approved and levied against each assessable tract of land in the District shall constitute a lien upon each assessable tract of land in the District so assessed equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such liens shall be superior in dignity to all other liens, titles and claims, until paid.
- E. The annual maintenance assessment, as herein approved, on each accessible tract of land in the District shall be delivered to the Tax Collector for collection using the Tax Bill Collection Method in the manner prescribed by Florida law.

SECTION 3. SCRIVENER'S ERRORS

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the Board of Supervisors without need of a public meeting or Board decision making action, by the Board of Supervisors filing a corrected or re-codified copy of same with the District's records custodian.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause or other provision of this Resolution is held unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall be deemed a separate provision and eliminated from this Resolution and shall not affect the remainder of this Resolution.

SECTION 5. RESCISSION.

The Board of Supervisors hereby rescinds all prior resolutions and other official action of the Board of Supervisors to the extent of any conflict with any part of this Resolution.

SECTION 7. CONSTRUCTION AND EFFECTIVE DATE

This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION WAS OFFERED BY SUPERVISOR Judy Tapply WHO MOVED THE RESOLUTION'S ADOPTION. THE MOTION WAS SECONDED BY SUPERVISOR Ben Bogacz AND, UPON BEING PUT TO A VOTE, THE VOTE WAS AS FOLLOWS:

<u>NAME</u>	<u>YES</u>	<u>NO</u>
Judy Tapply	<u>X</u>	<u> </u>
John Nickerson	<u>X</u>	<u> </u>
Ben Bogacz	<u>X</u>	<u> </u>

Duly passed and adopted on this 18 day of Aug, 2018.

**BOARD OF SUPERVISORS OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT**

By: Judy Tapply
Judy Tapply, President of the Board of Supervisors

ATTEST:

By: Julia Roberts
Julia Roberts, Secretary-Treasurer for the District

Resolution 2

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT
("DISTRICT") APPROVING, LEVYING AND RE-IMPOSING
THE ASSESSMENT TO PAY THE ANNUAL PRINCIPAL AND
INTEREST FOR THE SERIES 2005 BONDS FOR THE PHASE II
CAPITAL IMPROVEMENT PROJECT FOR THE FISCAL YEAR
2018/2019, COMMENCING ON OCTOBER 1, 2018, AND
ENDING ON SEPTEMBER 30, 2019, AGAINST ASSESSED
PROPERTY LOCATED WITHIN THE DISTRICT; DIRECTING
THE PREPARATION OF AN ASSESSMENT ROLL; AND
PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, pursuant to Chapter 298 Florida Statutes, and the Judicial Decree by the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, the San Carlos Water Control District ("District") is responsible for operating a system of perimeter canals, dikes, roadside swales, roadbeds, basins and outfall canals to provide drainage and stormwater flow control and other reclamation of the lands located within the District's geographical boundary; and,

WHEREAS, the District acquired a judicial validation of special assessment bonds (hereinafter sometimes referred to as the "Series 2005 Bonds"), by Final Judgment entered in Case No. 05 CA 3054 in the Circuit Court of the Twentieth Judicial in and for Lee County, Florida, for the District's Phase II Capital Improvement Project; and,

WHEREAS, the District is authorized by Florida law, especially Chapter 298, Florida Statutes, and the Final Judgment in Case No. 05 CA 3054 to levy and impose an annual assessment on each assessable tract of land in the District to pay the annual principal and interest on the Series 2005 Bonds issued by the District for the fiscal year 2018/2019; and,

WHEREAS, the District has previously levied and imposed an assessment on each assessable tract of land in the District to pay the annual principal and interest on the Series 2005 Bonds on an annual fiscal year basis; and,

WHEREAS, the District desires to re-impose the assessment against each assessable tract of land in the District to pay the annual principal and interest on the Series 2005 Bonds for the fiscal year 2018/2019 of the District.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of the San Carlos Estates Water Control District:

SECTION 1. AUTHORITY

This Resolution is adopted pursuant to the provisions of Florida law, especially Section 298.50, Florida Statutes, and the District's enabling judicial decree entered by the Circuit Court of the Twelfth Judicial in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, and the District's Series 2003 Bond validation Final Judgment entered on August 30, 2004, by the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida in Case No. 03-CA-5140 I, and other applicable provisions of law.

SECTION 2. RE-IMPOSITION OF ASSESSMENT TO PAY ANNUAL PRINCIPAL AND INTEREST OF SERIES 2003 BONDS

- A. Pursuant to Chapter 298, Florida Statutes, especially Section 298.50, Florida Statutes, the Board of Supervisors hereby approves, reimposes and levies an assessment on all lands in the District to which benefits have been assessed (assessible tracts of land) to pay the annual principal and interest on the District's Series 2003 Bonds.
- B. The per unit assessment of the District for the 2018/2019 fiscal year beginning October 1, 2018, and ending September 30, 2019, to pay the annual principal and interest on the District's Series 2003 Bonds shall be in the amounts per unit described on the attached Series 2003 Bonds Assessment Roll.
- C. The assessment for the District's Series 2003 Bonds to be assessed and apportioned among the assessible tracts of land in the District are hereby levied and re-imposed on all assessible tracts of land in the District to fund the District's payment of annual principal and interest for the Series 2003 Bonds as described in the Phase I Capital Improvement Project Budget which sets forth the appropriations and revenue estimate for the 2018/2019 fiscal year of the District in the amount of \$ 573,056. Said Phase I Capital Improvement Project Budget in the amount of \$ 573,056 is also adopted by this Resolution. A copy of the District's Phase I Capital Improvement Project Budget for the 2018/2019 fiscal year is attached hereto.
- D. The District's assessment for the payment of the annual principal and interest on the District's Series 2003 Bonds for the 2018/2019 fiscal year that is approved and levied against each assessible tract of land in the District shall constitute a lien upon each assessible tract of land in the District so assessed that is equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such liens shall be superior in dignity to all other liens, titles and claims, until paid.
- E. The assessment to pay the annual principal and interest on the District's Series 2003 Bonds for the 2018/2019 fiscal year, as herein approved, on each assessible tract of land

in the District shall be delivered to the Tax Collector for collection using the Tax Bill Collection Method in the manner prescribed by Florida law.

SECTION 3. SCRIVENER'S ERRORS

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the chairperson of the Board of Supervisors without need of a public meeting or Board decision making action, by the chairperson of the Board of Supervisors filing a corrected or re-codified copy of same with the District's records custodian.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause or other provision of this Resolution is held unconstitutional, inoperative or void by a court of competent jurisdiction, such holding shall be deemed a separate provision and eliminated from this Resolution and shall not affect the remainder of this Resolution.

SECTION 5. RESCISSION.

The Board of Supervisors hereby rescinds all prior resolutions and other official action of the Board of Supervisors to the extent of any conflict with any part of this Resolution.

SECTION 6. CONSTRUCTION AND EFFECTIVE DATE

This Resolution shall be liberally construed to effect the purposes hereof and shall take effect immediately upon its adoption.

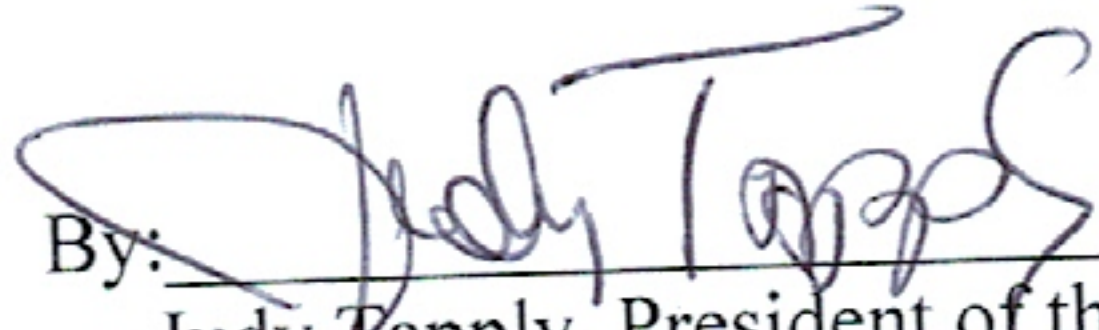
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<u>NAME</u>	<u>YES</u>	<u>NO</u>
Judy Tapply	<u>X</u>	<u> </u>
John Nickerson	<u>X</u>	<u> </u>
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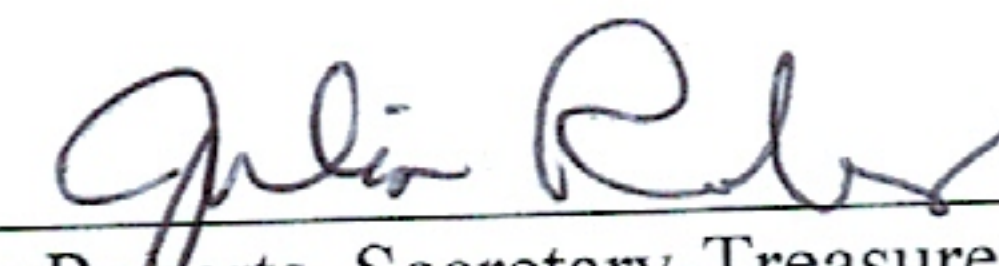
Duly passed and adopted on this 18 day of August, 2018.

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**BOARD OF SUPERVISORS OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT**

By: 
Judy Tapply, President of the Board of Supervisors

ATTEST:

By: 
Julia Roberts, Secretary-Treasurer for the District

Resolution 3

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SAN CARLOS ESTATES WATER CONTROL DISTRICT ("DISTRICT") APPROVING, LEVYING AND RE-IMPOSING THE ASSESSMENT TO PAY THE ANNUAL PRINCIPAL AND INTEREST FOR THE SERIES 2005 BONDS FOR THE PHASE II CAPITAL IMPROVEMENT PROJECT FOR THE FISCAL YEAR 2018/2019, COMMENCING ON OCTOBER 1, 2018, AND ENDING ON SEPTEMBER 30, 2019, AGAINST ASSESSED PROPERTY LOCATED WITHIN THE DISTRICT; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Chapter 298 Florida Statutes, and the Judicial Decree by the Circuit Court of the Twelfth Judicial Circuit in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, the San Carlos Water Control District ("District") is responsible for operating a system of perimeter canals, dikes, roadside swales, roadbeds, basins and outfall canals to provide drainage and stormwater flow control and other reclamation of the lands located within the District's geographical boundary; and,

WHEREAS, the District acquired a judicial validation of special assessment bonds (hereinafter sometimes referred to as the "Series 2005 Bonds"), by Final Judgment entered in Case No. 05 CA 3054 in the Circuit Court of the Twentieth Judicial in and for Lee County, Florida, for the District's Phase II Capital Improvement Project; and,

WHEREAS, the District is authorized by Florida law, especially Chapter 298, Florida Statutes, and the Final Judgment in Case No. 05 CA 3054 to levy and impose an annual assessment on each assessable tract of land in the District to pay the annual principal and interest on the Series 2005 Bonds issued by the District for the fiscal year 2018/2019; and,

WHEREAS, the District has previously levied and imposed an assessment on each assessable tract of land in the District to pay the annual principal and interest on the Series 2005 Bonds on an annual fiscal year basis; and,

WHEREAS, the District desires to re-impose the assessment against each assessable tract of land in the District to pay the annual principal and interest on the Series 2005 Bonds for the fiscal year 2018/2019 of the District.

NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of the San Carlos Estates Water Control District:

SECTION 1. AUTHORITY

This Resolution is adopted pursuant to the provisions of Florida law, especially Section 298.50, Florida Statutes, and the District's enabling judicial decree entered by the Circuit Court of the Twelfth Judicial in and for Lee County, Florida, Case No. 69-105, dated April 3, 1969, and the District's Series 2005 Bond validation Final Judgment entered on September 7, 2005, by the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida in Case No. 05 CA 3054, and other applicable provisions of law.

SECTION 2. RE-IMPOSITION OF ASSESSMENT TO PAY ANNUAL PRINCIPAL AND INTEREST OF SERIES 2005 BONDS

- A. Pursuant to Chapter 298, Florida Statutes, especially Section 298.50, Florida Statutes, the Board of Supervisors hereby approves, reimposes and levies an assessment on all lands in the District to which benefits have been assessed (assessible tracts of land) to pay the annual principal and interest on the District's Series 2005 Bonds.
- B. The per unit assessment of the District for the 2018/2019 fiscal year beginning October 1, 2018, and ending September 30, 2019, to pay the annual principal and interest on the District's Series 2005 Bonds shall be in the amounts per unit described on the attached Series 2005 Bonds Assessment Roll.
- C. The assessment for the District's Series 2005 Bonds to be assessed and apportioned among the assessible tracts of land in the District are hereby levied and re-imposed on all assessible tracts of land in the District to fund the District's payment of annual principal and interest for the Series 2005 Bonds as described in the Phase II Capital Improvement Project Budget which sets forth the appropriations and revenue estimate for the 2018/2019 fiscal year of the District in the amount of \$ 77,039. Said Phase II Capital Improvement Project Budget in the amount of \$ 77,039 is also adopted by this Resolution. A copy of the District's Phase II Capital Improvement Project Budget for the 2018/2019 fiscal year is attached hereto.
- D. The District's assessment for the payment of the annual principal and interest on the District's Series 2005 Bonds for the 2018/2019 fiscal year that is approved and levied against each assessible tract of land in the District shall constitute a lien upon each assessible tract of land in the District so assessed that is equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such liens shall be superior in dignity to all other liens, titles and claims, until paid.
- E. The assessment to pay the annual principal and interest on the District's Series 2005 Bonds for the 2018/2019 fiscal year, as herein approved, on each assessible tract of land

in the District shall be delivered to the Tax Collector for collection using the Tax Bill Collection Method in the manner prescribed by Florida law.

SECTION 3. SCRIVENER'S ERRORS

Sections of this Resolution may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the chairperson of the Board of Supervisors without need of a public meeting or Board decision making action, by the chairperson of the Board of Supervisors filing a corrected or re-codified copy of same with the District's records custodian.

SECTION 4. SEVERABILITY

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SECTION 5. RESCISSION.

The Board of Supervisors hereby rescinds all prior resolutions and other official action of the Board of Supervisors to the extent of any conflict with any part of this Resolution.

SECTION 6. CONSTRUCTION AND EFFECTIVE DATE

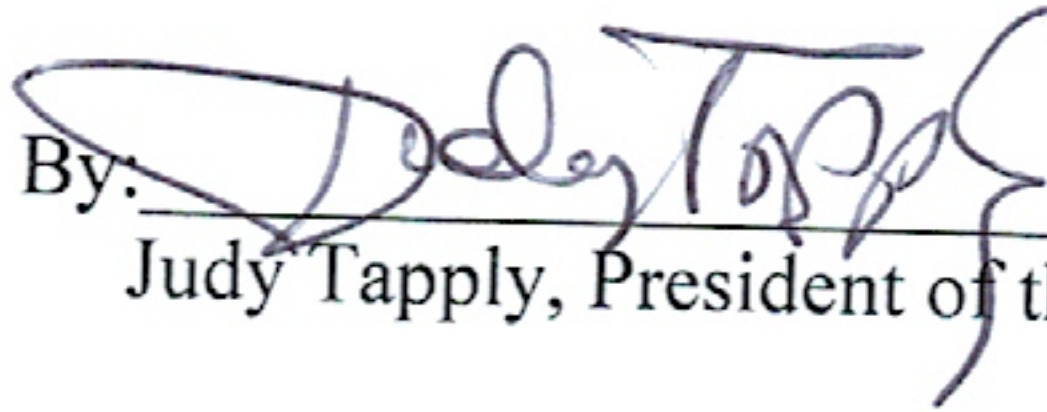
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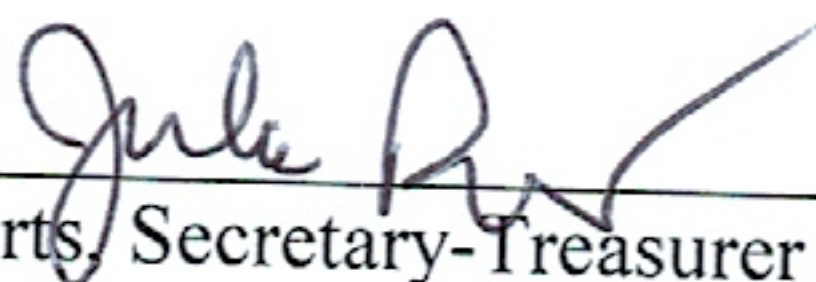
<u>NAME</u>	<u>YES</u>	<u>NO</u>
Judy Tapply	<u>X</u>	<u> </u>
John Nickerson	<u>X</u>	<u> </u>
Ben Bogacz	<u>X</u>	<u> </u>

Duly passed and adopted on this 18 day of August, 2018.

**BOARD OF SUPERVISORS OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT**

By: 
Judy Tapply, President of the Board of Supervisors

ATTEST:

By: 
Julia Roberts, Secretary-Treasurer for the District