

**MINUTES OF MEETING
MEDITERRA NORTH
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Mediterra North Community Development District's Board of Supervisors was held on **Wednesday, October 16, 2013 at 1:30 p.m.**, at **The Renaissance Center, 28121 Palmira Blvd., Bonita Springs, Florida 34135.**

Present and constituting a quorum were:

| | |
|-------------------------------------|---------------------|
| J. Gary Kaenzig | Chair |
| Brian Neary | Vice Chair |
| Thomas H. Van Tassel | Assistant Secretary |
| Frank Godshall | Assistant Secretary |
| Dan Abrams (<i>via telephone</i>) | Assistant Secretary |

Also present were:

| | |
|------------------|----------------------------|
| Chuck Adams | District Manager |
| Cleo Crismond | Assistant Regional Manager |
| Jonathan Johnson | District Counsel |
| Thomas Philpot | Hopping Green & Sams |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:30 p.m., and noted, for the record, that Supervisors Kaenzig, Neary and Godshall were present, in person. Supervisors Van Tassel and Abrams were not present at roll call.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Kaenzig indicated that no member of the public were present.

THIRD ORDER OF BUSINESS

Discussion: New "Opportunity to Be Heard" Legislation

- **Consideration of Resolution 2014-1, Providing for the Public's Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; And Providing for Severability and an Effective Date**

Mr. Thomas Philpot, of Hopping, Green & Sams, reviewed the memorandum and Resolution 2014-1. He stated that the purpose of Resolution 2014-1 is to adopt a public comment policy that is consistent with the recently passed legislation guaranteeing the public the opportunity to be heard at a board or commission meeting. Mr. Philpot advised that the public has the opportunity to speak at the beginning regarding items on the agenda or added to the agenda; furthermore, the Board is obligated to offer opportunity for the public to speak before decision are made on agenda items. He indicated that the resolution also outlines the procedures that will assist the Board in taking public comments from large groups and maintaining decorum.

Mr. Philpot presented Resolution 2014-1 for the Board’s consideration.

On MOTION by Mr. Godshall and seconded by Mr. Neary, with all in favor, Resolution 2014-1, Providing for the Public’s Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; And Providing for Severability and an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Consideration of Publication of Notices of Rule Development and Rulemaking Relating to Updated Rules of Procedure

- A. Memorandum Regarding Updated Provisions**
- B. Updated Rules of Procedure**
- C. Notice of Rule Development**
- D. Notice of Rulemaking**

Mr. Philpot reviewed the memorandum regarding the revisions to the District’s Rules of Procedure (Rules), which District Counsel is recommending, to make the Rules consistent with current Florida law. He stated that the memorandum outlines the various changes to improve the efficiency of the District’s operations.

Mr. Philpot indicated that the Board is not being asked to approve the Rules today; rather, the Board is setting the public hearing for consideration of the Rules updates at the January, 2014 meeting.

*****Supervisor Van Tassel joined the meeting, in person.*****

Mr. Godshall stated that he found confusion regarding voting and questioned if the District's voting procedure changed from the current procedure. Additionally, he found areas that suggested that the only votes that counted were from those Supervisors who were present, in person.

*****Supervisor Abrams joined the meeting, via telephone.*****

Mr. Godshall explained that his interpretation of the Rules regarding voting was that all Supervisors could vote but the only votes that count are the ones from those present, in person. He noted that, at the Mediterra South meeting, Mr. Philpot confirmed that all of the votes count.

Mr. Philpot advised that the confusion was possibly related to the term "present" and clarified that "present" means either in person or via telephone or other electronic means; therefore, those Board Members that are present, by either means, are eligible to vote.

Mr. Kaenzig agreed that the term "present" is confusing, without the explanation that "present" includes in person and/or via telephone or electronically.

Mr. Godshall referred to Rule 1.2, on Page 7, regarding District offices and voiced his opinion that the Rule could be cumbersome. In response to Mr. Godshall's question, Mr. Adams confirmed that the District's office is in the county, as required. Mr. Godshall asked about Collier County. Mr. Adams stated that there is no District office in Collier County but, in the event of a public records request, the District could use the District Engineer's office, located in Collier County. Mr. Adams indicated that, generally, the requested records are provided electronically. Mr. Godshall asked if that means there is "a way around" the District office requirement. Mr. Adams replied affirmatively and confirmed that the District "has coverage".

Mr. Godshall pointed out Rule 3.2, on Page 30, regarding "Establishment of Audit Committee". He voiced his belief that this Rule could be cumbersome and that the District does not currently do this.

Mr. Adams indicated that, when the District goes out to bid for auditing services, the procedures require the District to establish an "Auditing Committee". He stated that the Auditing Committee generally consists of the Board Members; a different group of people is not usually selected as the Auditing Committee Members. Mr. Adams explained that, if a different Auditing Committee were formed and met outside of a Board Meeting, they would be subject to Sunshine Law, being recorded, transcribing minutes, completing the financial documents

required, etc., which makes it somewhat impractical and cleaner to have the Board sit as the Auditing Committee.

On MOTION by Mr. Godshall and seconded by Mr. Neary, with all in favor, setting the Public Hearing on the Updated Rules of Procedure for January 15, 2014 and authorizing Staff to advertise, accordingly, were approved.

FIFTH ORDER OF BUSINESS

Update: Lake Maintenance Activities Report (LakeMasters)

Ms. Crismond spoke about issues on the property and the Board’s request that LakeMasters provide an explanation. In fairness to LakeMasters, Ms Crismond confirmed that the high water levels made it difficult for LakeMasters to treat submersed vegetation. She stressed that LakeMasters needs to get the problems under control, once the water levels recede. Ms. Crismond indicated that she is disappointed in LakeMasters’ maintenance activities related to the invasive and torpedo grasses but without damaging the littoral plants.

SIXTH ORDER OF BUSINESS

Consideration of Award of Lake and Wetland Maintenance Contract

Ms. Crismond advised that, of the five (5) contractors submitting bids, two (2), Aquagenix and LakeMasters, have a strong presence in the area and are qualified to handle a property the size of Mediterra. She disclosed that she had problems with Aquagenix, in the past, and fired them from other Districts; however, Management and the Board have not been pleased with LakeMasters’ work in Mediterra, during the past year. Ms. Crismond believes that the important aspect for each company is their key personnel.

A Board Member noted Ms. Crismond’s long working relationship with LakeMasters and asked her if she believes she can “bring them around” and that they can fulfill the job, to an acceptable level for both Mediterra North and South. Ms. Crismond indicated that she will do her best to make LakeMasters understand. Mr. Adams stated that, two (2) years ago, Management was very happy with LakeMasters. Mr. Adams felt that, regardless of which contractor is selected, Management must have a serious conversation with them regarding supervision.

Mr. Adams advised that Mediterra South selected LakeMasters primarily because of the longstanding relationship but with the understanding that the District can terminate, with or without cause, if the quality of work does not improve. He suggested giving LakeMasters until the spring to improve but stated that he wants improvement by January.

Mr. Adams indicated that Management refrained from making a recommendation at Mediterra South's meeting because the contractors are similar; however, with Mediterra South selecting LakeMasters, Management recommends that Mediterra North select LakeMasters, as well.

Mr. Kaenzig voiced his opinion that LakeMasters is not performing to the same level as in previous years and agreed to the concept of giving them time to correct the issues and terminating them, if necessary.

In response to Mr. Godshall's comment, Mr. Adams confirmed that Aquagenix has been successful in other Districts; supervisory issues and personnel assigned to the project are the primary factors with both Aquagenix and LakeMasters.

In response to a question, Mr. Adams voiced his belief that either contractor would be capable of mobilizing and assuming the contract within the 30 day time period, should the selected contractor be terminated.

Mr. Adams advised that, in Management's opinion, LakeMasters has not earned their monthly fee for the past few months; payment is being held and will continue to be held until Management is satisfied with the level of service. Mr. Adams noted that the matter has not risen to the level of issuing a defective work notice. Ms. Crismond discussed the issues with LakeMasters. In response to a question, Ms. Crismond confirmed that she will review the quality of work and report to the Board in January. Mr. Adams indicated that he is meeting with LakeMasters on Friday.

A Board Member pointed out that LakeMasters noted an issue with getting their boat into the lake in order to complete work. Ms. Crismond conceded that it is a challenge to access some areas; Management must review those areas and address the issues with the adjacent homeowners.

On MOTION by Mr. Godshall and seconded by Mr. Neary, with all in favor, awarding the Lake and Wetland Maintenance Contract to LakeMasters for \$127,248, for a term of two (2) years, with the provision that LakeMasters' performance will be reviewed at the Board's next few meetings, was approved.

SEVENTH ORDER OF BUSINESS

Approval of August 21, 2013 Public Hearing and Regular Meeting Minutes

Mr. Kaenzig presented the August 21, 2013 Public Hearing and Regular Meeting Minutes and asked for any additions, deletions or corrections.

Mr. Godshall stressed the need for Board Members to identify themselves when speaking.

The following change was made:

Lines 74, 76 and 82: Change "Kaenzig" to "Godshall"

On MOTION by Mr. Neary and seconded by Mr. Godshall, with all in favor, the August 21, 2013 Public Hearing and Regular Meeting Minutes, as amended, were approved.

EIGHTH ORDER OF BUSINESS

Other Business

Mr. Adams recalled discussion, at the Mediterra South meeting, regarding the potential misuse of CDD bond funds for construction of irrigation facilities. He indicated that the Mediterra South Board requested that District Counsel draft a memorandum outlining the issues and impediments to pursuing litigation. The Mediterra South Board asked Mr. Adams to provide the Mediterra North Board with a copy of District Counsel's memorandum. Mr. Adams indicated that he will email the memorandum to the Board.

Mr. Adams indicated that Mediterra South discussed this matter in depth, at their August meeting and asked Mr. Adams to notify the Mediterra North Board, as those meeting minutes might be useful to the Board.

Regarding the upcoming newsletter, Mr. Adams indicated that he forwarded a draft to the Board. He noted a few revisions at the Mediterra South meeting. The newsletter comment "Resident and CDD Member Ken Tarr is to be thanked for his research in spearheading the

important effort.” was eliminated, as the Board believed it is not appropriate to single out individual Board Members. The website address for AJC Associates, Inc., will be included in the newsletter, as well as including a link on the District’s website.

Mr. Adams reported that 80.7” of rain was received, through the end of the third quarter,

Mr. Abrams asked Mr. Adams if he has factual evidence that someone is feeding alligators in Mediterra. Mr. Adams replied no; it was included at the request of Mr. Tarr. Mr. Abrams felt that the item should be removed from the newsletter. Mr. Adams voiced his belief that it is a good item to include, as state law prohibits feeding alligators.

Mr. Adams indicated that the newsletter will be sent via first class mail.

A Board Member recalled discussion, at the previous meeting, regarding conducting a forensic accounting of the bond funds, to investigate the potential misuse for construction of irrigation facilities and asked if anything was done, to date. Mr. Adam indicated that Mr. Abrams was leading that investigation. Mr. Abrams advised that he planned to proceed only if the Mediterra South Board agreed to participate. Mr. Abrams recommended suspending the forensic accounting.

On MOTION by Mr. Van Tassel and seconded by Mr. Godshall, with all in favor, suspending pursuing the forensic accounting of requisitions for inappropriate use of funds by paying for irrigation facilities, was approved.

****Supervisor Abrams left the meeting at approximately 2:16 p.m.****

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There being nothing additional to report, the next item followed.

B. Engineer

There being nothing to report, the next item followed.

C. Manager

i. Approval of Unaudited Financial Statements as of August 31, 2013

Mr. Adams presented the Unaudited Financial Statements as of August 31, 2013. He stated that assessment collections were at 100%. Expenditures were at 65% but will be closer to budget, once the costs related to the littoral planting, in September, are posted.

ii. NEXT MEETING: January 15, 2014 at 1:30 P.M.

The next meeting is scheduled for January 15, 2014 at 1:30 p.m.

TENTH ORDER OF BUSINESS

Supervisors' Requests

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

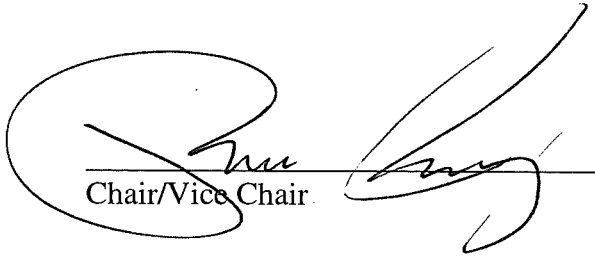
ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned at 2:18 p.m.

**On MOTION by Mr. Godshall and seconded by Mr. Neary,
with all in favor, the meeting adjourned at 2:18 p.m.**


Secretary/Assistant Secretary


Chair/Vice Chair