

**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 **Thursday, January 21, 2016, at 9:30 a.m., at The Renaissance Center, 28121 Palmira Blvd., Bonita Springs, Florida 34135.**

Present were:

Frank Godshall	Chair
David Risley	Vice Chair
Thomas H. Van Tassel	Assistant Secretary
Brian Neary	Assistant Secretary
David Bocchini	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Cleo Crismond	Assistant Regional Manager
Jonathan Johnson	District Counsel
Andrew Tilton	District Engineer
Sarah Webber	Johnson Engineering, Inc.
Greg Pick	General Manager, MCA

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Godshall called the meeting to order at 9:32 a.m., and noted, for the record, that all Supervisors were present, in person.

SECOND ORDER OF BUSINESS

Public Comments [3 minutes per person]

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Approval of October 15, 2015 Regular Meeting Minutes

Mr. Godshall presented the October 15, 2015 Regular Meeting Minutes and asked for any additions, deletions or corrections.

Mr. Godshall referred to the sentence "Mr. Godshall understood that the Mediterra North ponds need more work than Mediterra South's ponds.", on Lines 584 and 585, and asked why

the Mediterra North CDD’s ponds required more work than Mediterra South CDD’s ponds. Ms. Crismond recalled that, last year, the Board agreed to add more aeration; Mediterra North CDD needs three more systems to complete all of its lakes but Mediterra South CDD will prioritize its problematic lakes. Today, the Board will consider approval to proceed with aeration to complete the Mediterra North CDD’s ponds. Mediterra South CDD approved its portion yesterday.

Mr. Godshall surmised that the sentence “Mr. Godshall understood that the Mediterra North ponds need more work than Mediterra South’s ponds.”, inferred that Mediterra North required more work than the Mediterra South’s ponds, which he did not recall being the intention of his comments. Mr. Neary recalled that the preceding discussion was about the difficulty encountered by LakeMasters Aquatic Weed Control, Inc. (LakeMasters), trying to run electricity to the Mediterra North ponds, which was why they were left to the end.

On MOTION by Mr. Risley and seconded by Mr. Neary, with all in favor, the October 15, 20155 Regular Meeting Minutes, as presented, were approved.

FOURTH ORDER OF BUSINESS

Presentation: Wildfire Assessment and Reduction Options

This item was presented following the Fifth Order of Business.

FIFTH ORDER OF BUSINESS

Update: Directors and Officers Coverage with Aggregate of \$10M

Mr. Adams recalled that the Board previously agreed to increase the Directors and Officers (D&O) coverage from \$1 million to \$5 million. At Mediterra South CDD’s request, Mr. Adams inquired about obtaining \$10 million coverage and found that Florida Insurance Alliance’s (FIA) reinsurance company, Allied World, will not increase the D&O coverage above \$5 million. Allied World felt that, from an operational perspective and based on what the Board Members do, \$10 million coverage was not necessary. Mr. Adams pointed out that the request to increase the coverage to \$10 million raised suspicions. Allied World wondered what was occurring that would prompt the Mediterra North and South CDD Boards to seek an increase from \$1 million to \$10 million, in a single year.

Regarding the crime policy, Mr. Adams recalled that, last spring, Management agreed to pay to add crime insurance to the District's policy so that the District had coverage within its own policy. Mediterra South requested increasing the amount from \$1 million to \$2 million; however, Allied World rejected the request.

- **Presentation: Wildfire Assessment and Reduction Options**

****This item, previously the Fourth Order of Business, was presented out of order.****

Mr. Adams recalled that the Mediterra South CDD Board was concerned about the potential for a wildfire in preserve areas near the golf course and inquired about fuel reduction options, providing more easily accessed and controlled points of access for the fire departments' into preserve areas, in hopes of reducing damage to the golf course and creating firebreaks to protect or contain certain areas. He introduced Ms. Sarah Webber, of Johnson Engineering, Inc.

Ms. Webber surveyed the area to determine the conditions in the community and developed a presentation highlighting the concepts of a wildfire risk assessment. Fire is not an unstoppable wave that will consume everything in its path. Wildfires start through ignitions and require fuel, such as vegetation. Fire intensity is influenced by weather, type and arrangement of fuel and topography. Weather and topography cannot be controlled; however, fuel can be managed. Fine fuels include grasses and needles, which ignite and burn quickly, and can ignite heavier fuels, such as tree branches. Heavier fuels will burn longer and more intensely. Fuel arrangement, meaning the different levels of fuel, such as surface and ladder fuels, including vines, which can carry fire into the canopy and cause a catastrophic fire, must be considered.

Ms. Webber explained that the goals of a wildfire risk assessment and fuel management are to find a way to disrupt the wildfire process, by disrupting ignition or the continuity of how the fire spreads.

Ms. Webber advised that the three types of fuel treatments are important tools but must be implemented carefully and be part of a comprehensive plan; otherwise, actions could result in additional fuel loads. Currently, the South Florida Water Management District (SFWMD) conservation easements for Lee and Collier Counties do not allow fuel management within Mediterra; however, those easements can be modified. Fuel management is not currently an option; other considerations must be factored, including the monitoring and mitigation commitments within the conservation areas, as fuel management can influence whether the success criteria is met. Additionally a "disturbance", such as fuel management or a prescribed burn, can be beneficial but can also create an opportunity for invasive species to enter an area,

which can become an issue. Habitats, equipment types and aesthetic goals must be considered, as well, as some fuel management methods may not be aesthetically pleasing. The best approach would be to implement a community-wide plan, including everything and not just the conservation areas. Once the plan is implemented, it would eventually reduce the Districts' costs related to fire risk and fighting the fire.

Regarding the fuel load and arrangements, Ms. Webber indicated that it was evident that the conservation areas were not burned or mechanically managed in a very long time. Mr. Neary asked Ms. Webber about her experience with wildfires in the area; he could not recall the last time there was a wildfire. Ms. Webber noted a wildfire south of the community, one or two years ago, which carried ash and embers into the community. It was noted that the wildfire was three to five years ago. Mr. Neary believed that the area with the most recent wildfire was addressed; it was an industrial area and not part of the planned community. Ms. Webber pointed out that heat sources can come from many sources and travel many miles. In response to Mr. Neary's question, Mr. Adams confirmed that he was not aware of any fires that were not prescribed burns. Discussion ensued regarding structures that were lost between 1990 and 2011, due to wildfires. Mr. Greg Pick, MCA General Manager, discussed wildfires that he encountered in another community, which were attributed to lightning strikes in an area with vegetative fuel, primarily melaleuca. Mr. Neary stated and Mr. Adams concurred that the melaleuca were removed and no longer existed in Mediterra.

Ms. Webber noted that she was asked to provide a risk assessment, with fuel management, of whether a fire could occur in Mediterra. She concluded that there is no way to determine if a fire could occur. Ms. Webber continued reviewing the fuel arrangement, which included ladder, mid-canopy fuels that extend up to the canopy, creating a lot of fuel and, if a fire ignited, it would quickly carry up to the canopy. The proximity of the natural areas and vegetation, to homes, was less than 10', in many areas; the appearance is beautiful but there are methods to reduce the fire potential. Ms. Webber indicated that recommendations could be made to make homes in the community more fire resistant. Within a home ignition zone, the goal is to bring the fire from the canopy down to the ground, which lessens intensity and less likely to burn the home. She noted areas where the conservation areas were within close proximity to homes; if a fire started in those areas, it was easily assumable that the fire could move through all of those homes, due to the vegetation between the homes and overlapping ignition zones, which

increases the chance of spreading fire. The community had no pronounced firebreaks in its perimeter, which could potentially stop a fire.

Regarding access roads, Ms. Webber observed several areas where, if a fire occurred, the fire department would plow through to access the fire area, as the priority is to put out the fire. While the winding roads throughout the community are beautiful, if emergency routes are not clearly marked, emergency responders will cut through fences, gates and vegetation to access the fire.

Ms. Webber suggested that the Districts complete a comprehensive fire risk assessment and develop a plan, incorporating the entire community's primary goals and concerns. The result would be reducing the chance of fire and a fire's intensity and ability to spread, which can reduce the cost of damage. The components of a comprehensive fire risk assessment include:

- Evaluating natural areas to quantify the amount of fuel and fuel arrangement.
- Developing an appropriate management strategy, in coordination with the Florida Forestry Service (FFS).
- Factoring in long-term costs related to fuel and land management.
- Determining the aesthetic desires of the community.
- Evaluating home ignition zones, including different types of landscaping plants.

Ms. Webber noted that it might be beneficial to coordinate with the new landscape architect regarding the types of plants that will be planted. Mexican petunias planted adjacent to and spreading into the conservation areas were discovered; which can increase clearing costs. In response to Mr. Godshall's question, Ms. Crismond confirmed that invasive plants are cleared from the conservation areas twice each year; otherwise, the Districts do not maintain the conservation areas. Ms. Webber suggested educating residents about invasive plants and encouraging them to plant other types of vegetation. Most invasive plants that the Districts must battle were introduced via landscaping.

Ms. Webber surmised that the goal is to reduce the risk of wildfires.

In response to a question, Ms. Webber reiterated that the SFWMD conservation easements for Collier and Lee Counties do not allow removal of native vegetation; the Districts should seek modification of the easements to allow healthy removal of vegetation. The easements were probably written prior to the agencies incorporating this type of activity; however, fuel management and prescribed burning are now commonly included in management

plans for conservation areas. She confirmed that dead vegetation could be removed; however, it is generally not cost effective.

A Board Member voiced his opinion that there are no certainties; the suggestions are “a general prophylactic and, if you do some of this, maybe you will be better off”. Ms. Webber pointed out that the suggestions are ways to reduce risk; there are no guarantees.

Mr. Adams confirmed that the conservation areas were not cleared since the initial clearing and planting. Although the Districts have not had fires, there are fire risks. Yesterday, the Mediterra South CDD Board discussed the expectation of the community about the view and buffer provided by the conservation areas. The first phase was to determine how to improve the ability to respond to a potential fire. Mediterra South CDD authorized Staff to evaluate the preserves, identify preferred points of access that can be well marked and work with the FFS and fire departments to determine the best way to gain access and control access, as well as potential installation of well-placed firebreaks. The first phase would focus on access, to control response and avoid unnecessary destruction of private and golf course property.

Mr. Neary pointed out the potential for this project to create the same changing view issues as the deer project and recommended informing the community of what is occurring. Mr. Adams felt that, despite attempts to create awareness, the Districts would meet with tremendous resistance from residents, even after explaining the reason it must be done. Mr. Adams indicated that the Mediterra South CDD authorized a not-to-exceed amount of \$15,000 for the first phase. Ms. Webber advised that little things can be done to increase safety but would not change views by implementing a comprehensive plan involving planners, landscapers and maintenance staff, which may decrease wildfire risks.

In response to a question regarding how many feet preserve or conservation areas should be away from homes to protect them from wildfires, Ms. Webber stated that a home ignition zone varies from 100 meters to 200 meters; however, studies suggest securing within 30' of the home can make a positive difference. The recommended distance is impacted by the general conditions, building conditions of the surrounding area and vegetation. Some plants are highly flammable but others have capabilities to reduce the chance of a fire and fire intensity. Minor actions that could improve fire resistance around homes without changing the aesthetic appearance of the community include changing the types of plants, installing gravel around homes, installing grates behind louvers or vents and cleaning pine needles from gutters.

Mr. Godshall questioned if the Mediterra South CDD Board approved conducting a study that could lead to possibly creating firebreaks and access into preserve areas. Mr. Adams replied affirmatively; if the Board approves implementation, the report could outline a process and include a cost opinion. Mr. Godshall felt that residents should be notified following the study. Regarding cost, Mr. Adams confirmed that the \$15,000 not-to-exceed amount was to conduct the study and prepare a report for both CDDs; the cost breakdown would be in line with each District's normal prorata share.

Mr. Neary recalled a comment about additional expenses for maintenance of the fire program. Mr. Adams explained that several options were discussed, including mechanical or prescribed burning, which would reduce the amount of native vegetation and open the area to new plant materials, which could require maintenance. Currently, the areas are maintained twice per year but would likely return to quarterly maintenance to address new growth.

Ms. Webber stated that the cost of fuel management varies depending on the types of vegetation and habitats. If the Boards determine that the cost exceeds an acceptable amount and the risk and costs are not worth the benefits, her recommendation would be to leave everything as it is and not perform any fuel reduction activities. Ms. Webber recalled that the Mediterra South CDD Board's approval was to evaluate the existing emergency access, identify potential risk areas or gaps that are not accessible and propose feasible options for consideration.

Discussion ensued regarding dangers, such as pine straw. In response to a comment about irrigation, Ms. Webber noted the possibility that the irrigation system might not function during a wildfire because emergency responders divert all water pressure to fighting the wildfire. Mr. Godshall stated that all of the Districts' irrigation water comes from lakes. Ms. Webber stressed the importance of being aware and having an emergency plan, including items such as increasing pressure in the irrigation system when a fire occurs, if the pressure was reduced.

Mr. Bocchini felt that an access plan was sensible but was not anxious to "do a lot" or spend money, even on a regular basis, if the probability of a wildfire is so low that the Districts are creating issues that "really don't exist". Wildfires are further east than the Mediterra community. Mr. Godshall agreed with Mr. Bocchini that the first phase was a wise step to gain information and the Districts can determine whether to take action, based on the findings. Regarding whether anything could be removed from the preserve areas, Mr. Adams stated that, first, the conservation easements must be modified to allow fuel reduction activities and/or installation of firebreaks, as those activities would disturb native vegetation.

On MOTION by Mr. Neary and seconded by Mr. Van Tassel, with Mr. Neary, Mr. Van Tassel, Mr. Godshall and Mr. Risley in favor and Mr. Bocchini dissenting, authorizing Johnson Engineering, Inc., to review and prepare a Preserve Controlled Access and Strategic Firebreak Plan and Cost Opinion, in a not-to-exceed amount of \$15,000, shared on a prorata basis with Mediterra South CDD, was approved. (Motion passed 4-1)

Mr. Bocchini voiced his opinion that this action is “a solution chasing a problem”; it is “spending money on niceties”.

SIXTH ORDER OF BUSINESS

Other Business

Mr. Godshall noted that electronic agenda continued being emailed to people who are no longer with the golf club. Mr. Adams will review and revise the electronic distribution list.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Johnson recalled that the District received suggestions from the community about the Deer License Agreement and a recommendation that the District seek an Attorney General opinion. Mr. Johnson confirmed that he was comfortable and clear about the legality of the agreement and stated, for the record:

“Section 190.011, Sub Paragraph 1, is very clear that you have the authority to enter into contracts. Sub 15, of that same statute is very clear that you have the authority to exercise powers not only that are necessary but also that are convenient and incidental to your overall authority. Section 190.012 does say that you have the power to maintain habitat and plant and animal species but it has a very important introductory sentence, which is, that the District shall have and the Board may exercise, and the meanings of shall and may are very clear, under Florida law, you have the authority but you are not obligated to exercise it, yourself. You have not undertaken the transfer of any powers, pursuant to the Florida Constitution. What you did was grant a non-explicit license for the MCA to come onto your property and perform those activities. You are still perfectly

permitted, legally and under the license agreement, to perform those activities yourself, if you are unhappy with the way the MCA is conducting the business. The license requires them to do so in accordance with Florida law and permits and etc.”

Mr. Johnson did not recommend seeking an Attorney General opinion. The Attorney General is a resource truly unanswerd questions about Florida law. The Attorney General provides an advisory opinion. If the District seeks an Attorney General opinion, costs would be incurred, as the request must be accompanied by a formal Memorandum of Law (MOL) explaining all of the issues, the recommendations and decisions. The Mediterra South CDD Board did not proceed with this matter.

Mr. Johnson indicated that a number of bills are before the Florida Legislature. Senate Bill 516, sponsored by Senator Jeremy Ring, of Margate, Florida, focuses on all special districts and, if passed, it would require many changes to district websites, including an increased volume of information to be posted, such as copies of all cancelled checks. It would require various documents to be formatted and presented in very specific ways, such as requiring budgets to contain tabular and graphic information, which is information that districts do not currently calculate or track in the way specified in the bill. Certain searchability features would also be required, which would require very specific software in order to implement. It was noted at a recent committee meeting that only one Florida company has the software and that company *may* be associated with the bill's sponsor. If the bill continues moving, Mr. Johnson felt that it would be worthwhile to call local legislators, as the potential financial impact to districts could be \$10,000, or more, not including the amount that the software company would charge for the necessary software.

Mr. Bocchini asked why the Mediterra North and South CDDs cannot be combined. Mr. Johnson stated that the CDDs could be combined. There is a legal process to combine districts; based on the size of these Districts, it would probably entail a filing with the Florida Land and Water Adjudicatory Commission (FLWAC). The process would involve an administrative hearing, with an administrative law judge issuing a recommendation. Legislation is pending that could make the process more “user-friendly”, if it passes.

Mr. Johnson discussed a bill amending Chapter 190 that would give CDDs the ability to tow vehicles off its property and makes the CDD creation, merging and amending boundaries processes easier and less costly. Under current law, merging CDDs is a \$60,000 to \$70,000

process. If merged, the Districts must shift from ten to five Board Members, raising the question of who would willingly give up their seats.

Mr. Godshall believed that, over time, there could be cost savings if the CDDs merged. Additionally, although not allowed under the current statutes, the ability to meet at the clubhouse would be more conducive to the community. Mr. Johnson confirmed that, if the CDDs merged, meetings could be held at the clubhouse; special districts with boundaries spanning more than one district are allowed to meet in either county. Mr. Godshall noted the benefit to meeting at the clubhouse, even if the CDDs did not merge, as it would improve meeting access. Mr. Johnson believed that, even if the new bill passed, the only way that Mediterra North CDD could meet at the clubhouse is if the CDDs merged. In response to a question, Mr. Johnson confirmed that the number of CDD board members is set by statute; a CDD can only have five board members.

This item will be included on the next agenda.

B. District Engineer

Mr. Tilton noted that legislation related to water recently passed but would not affect CDDs.

Mr. Neary pointed out that costs are incurred when the District Engineer attends a meeting and questioned why Mr. Tilton attended today. Mr. Adams asked Mr. Tilton to attend because of the fire risk assessment presentation, as it was important for input, if mitigation requirements became a part of the discussion.

▪ **Operations Manager**

****This item was an addition to the agenda.****

Regarding aeration, Ms. Crismond indicated that Mediterra North CDD would be completed during Fiscal Year 2016, along with installation of aeration in four or five lakes in Mediterra South CDD; the Mediterra South CDD Board approved a not-to-exceed amount of \$74,000. Mr. Adams noted that the \$50,000 was budgeted; however, there were savings in other items, which would cover the expense. Mr. Adams advised that the \$74,000 would be split on the normal prorata basis. Ms. Crismond confirmed that aeration in Mediterra North CDD would be completed but Mediterra South CDD has many lakes to complete, which will be addressed over several years.

On MOTION by Mr. Van Tassel and seconded by Mr. Neary, with all in favor, the proposal for installation of aeration, in a not-to-exceed amount of \$74,000, was approved.

Ms. Crismond stated that Board Members received an email regarding the golf course’s continuing erosion repairs; work is progressing.

Ms. Crismond indicated that, due to the warm weather, the canna cutback was delayed until spring.

C. District Manager

i. Approval of Unaudited Financial Statements as of November 30, 2015

Mr. Adams presented the Unaudited Financial Statements as of November 30, 2015.

On MOTION by Mr. Neary and seconded by Mr. Van Tassel, with all in favor, the Unaudited Financial Statements as of November 30, 2015, were approved.

ii. NEXT MEETING DATE: May 19, 2016 at 9:30 A.M.

The next meeting will be held on May 19, 2016, at this location.

EIGHTH ORDER OF BUSINESS

Supervisors’ Requests

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

NINTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

TENTH ORDER OF BUSINESS

Adjournment

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

On MOTION by Mr. Neary and seconded by Mr. Risley, with all in favor, the meeting adjourned at 10:51 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair