

**MINUTES OF MEETING  
MEDITERRA  
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the Mediterra Community Development District's Board of Supervisors was held on Wednesday, June 20, 2018 at 9:00 a.m., at The Sports Club at Mediterra (Bella Vita I Room), 15735 Corso Mediterra Circle, Naples, Florida 34110.

**Present and constituting a quorum were:**

Robert Greenberg	Chair
Ken Tarr	Vice Chair
Mike Bishko	Assistant Secretary
Thomas H. Van Tassel	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Cleo Adams	Assistant Regional Manager
Jason Olson	Assistant Regional Manager
Andy Tilton	District Engineer
Alyssa Willson ( <i>via telephone</i> )	District Counsel
Tim Richards	General Manager, MCA
Terry Woods	Grounds, MCA
David M. Risley ( <i>via telephone</i> )	Supervisor appointed to Seat #1

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 9:02 a.m. Supervisors Greenberg, Tarr and Bishko were present, in person. Resigning Supervisors Luby and Henry were not present.

**SECOND ORDER OF BUSINESS**

**Chairman's Opening Remarks**

Mr. Greenberg stated this was an auspicious day with the merger being completed. Today's focus to appoint the former Mediterra North CDD Supervisors to the Board and have an after-action discussion regarding the Wildfire Protection Management Plan and response to the small brush fire that occurred. Mr. Greenberg thanked MCA and, especially Mr. Richards, for attending the former Mediterra CDD South meetings and the efforts involved to achieve the goal of increasing the level of coordination between the two Districts.

**THIRD ORDER OF BUSINESS**

**Public Comments [3 minutes per person]**

There being no public comments, the next item followed.

**FOURTH ORDER OF BUSINESS**

**Acceptance of Resignation of Supervisor Dallas Luby [SEAT 1]; *Term Expires November 2018***

Mr. Greenberg presented the letter of resignation from Mr. Dallas Luby, which was submitted pursuant to the merger plan.

**On MOTION by Mr. Tarr and seconded by Mr. Bishko, with all in favor, the resignation of Supervisor Dallas Luby, dated June 20, 2018, was accepted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Appointment of Mr. David M. Risley to Fill Unexpired Term of Seat 1**

***\*\*\*Mr. Risley joined the meeting at 9:05 a.m., via telephone.\*\*\****

Mr. Greenberg nominated Mr. David M. Risley to fill the unexpired term of Seat 1, vacated by Mr. Luby. The appointment of Mr. Risley was pursuant to the merger plan stating that one of the two unexpired terms must be filled by a former Mediterra North CDD Supervisor. No other nominations were made.

**On MOTION by Mr. Bishko and seconded by Mr. Tarr, with all in favor, the appointment of Mr. David M. Risley to Seat 1, was approved.**

**SIXTH ORDER OF BUSINESS**

**Acceptance of Resignation of Supervisor John Henry [SEAT 5]; *Term Expires November 2020***

Mr. Greenberg presented the letter of resignation from Mr. John Henry, which was submitted pursuant to the merger plan.

**On MOTION by Mr. Tarr and seconded by Mr. Bishko, with all in favor, the resignation of Supervisor John Henry, dated June 20, 2018, was accepted.**

Mr. Adams stated until the Oath of Office is administered to Mr. Risley, in person, he was not able to actively participate in this meeting, as a Board Member.

**SEVENTH ORDER OF BUSINESS**

**Acceptance of Notice of Candidacy  
Withdrawal from Mr. Brian Neary**

Mr. Greenberg presented the email from Mr. Brian Neary withdrawing his candidacy to fill Seat 5.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Appointment of Mr.  
Thomas H. Van Tassel to Fill Unexpired  
Term of Seat 5**

Mr. Greenberg nominated Mr. Thomas H. Van Tassel to fill the unexpired term of Seat 5, vacated by Mr. Henry; term expires November 2020. No other nominations were made.

**On MOTION by Mr. Tarr and seconded by Mr. Bishko, with all in favor, the appointment of Mr. Thomas H. Van Tassel to fill Seat 5, was approved.**

**NINTH ORDER OF BUSINESS**

**Administration of Oath of Office to Newly  
Appointed Supervisors (*the following to  
be provided in separate package*)**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Thomas H. Van Tassel.

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
  - i. Form 1: Statement of Financial Interests**
  - ii. Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - iii. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

Mr. Adams directed Mr. Van Tassel to complete Form 1 under the new entity and file it accordingly.

**TENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-03,  
Electing Officers of the District**

Mr. Greenberg presented Resolution 2018-03.

Mr. Tarr nominated Mr. Greenberg as Chair. No other nominations were made.

Mr. Greenberg nominated Mr. Tarr as Vice Chair. No other nominations were made.

Mr. Greenberg nominated Mr. Mike Bishko, Mr. Thomas Van Tassel and Mr. David Risley, as Assistant Secretaries. No other nominations were made.

The existing and newly nominated slate of officers was as follows:

Chair	Robert Greenberg
Vice Chair	Kenneth Tarr
Secretary	Chuck Adams
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder
Assistant Secretary	Michael Bishko
Assistant Secretary	Thomas Van Tassel
Assistant Secretary	David M. Risley
Assistant Secretary	Craig Wrathell

<p><b>On MOTION by Mr. Bishko and seconded by Mr. Van Tassel, with all in favor, Resolution 2018-03, Electing Officers of the District, as nominated, was adopted.</b></p>
--

**ELEVENTH ORDER OF BUSINESS**

**Update: District Merger**

Mr. Greenberg asked if there were any outstanding items to be addressed to complete the merger. Mr. Adams stated several transitional items were still open, such as the tax exempt certificate, the Employer Identification Number (EIN), bank accounts and insurance, which all require a certified copy of the Rule with the submittal; once received, the process will be concluded quickly. Ms. Willson was working with the State Department to obtain the document; however, she also requested the Notice of Merger be executed, which in turn, would be recorded in the Official Records of Collier and Lee Counties.

Mr. Greenberg expressed his concern with the 2018 CDD elections not being recorded with both the Collier County Supervisor of Elections and the Secretary of State candidate and party websites. Mr. Tarr stated he contacted Election Bureau Chief, Ms. Christy Willis and

Malcolm, who advised that, because the merger occurred so close to the qualifying period, they were behind in their workload but assured him it would be posted soon. Mr. Tarr will follow up.

In response to requests, Mr. Adams would update the Key Activity Dates chart. He stated the new website was in the process of being updated, which will include links directing users to the North and South CDD websites as well. In response to a request, Mr. Richards will coordinate with The Club, specifically Carmen, to add a “Mediterra CDD” link to the first page of The Club’s website.

**TWELFTH ORDER OF BUSINESS****Preserve Management Plan and Implementation**

Mr. Adams distributed the Preserve Management Plan and Implementation, which was sent to the Board last week. He highlighted the following:

- Preserve areas 1 through 8 were completed.

As the Contractor toured the site, the area was renumbered to reflect sequentially on how the Contractor planned to complete the project. The Contractor’s renumbering of the area caused delays due to Staff cross-referencing the field note numbers against the CDD’s maps. Mr. Adams clarified the numbers, the specific names and locations on the map.

- Contractors mapping system of the Preserve areas denoted that areas 9 through 11 were expected to be completed by the end of the week.
- Preserve areas 12 through 16 would be completed by the end of next week.

Mr. Greenberg clarified, for the record, the project started in the northeast quadrant, on the west side of Livingston and moving westward around the course; the northern tier of the west side is completed. Mr. Tilton confirmed Mr. Greenberg’s statement. Mr. Adams stated, effectively, by the end of next week, the areas identified as Mediterra North should be completed. The east side would be finished last since there was only one significant piece in the northeast corner. Mr. Adams confirmed that area had a natural fire last year.

In response to a question, Mr. Greenberg and Mr. Adams stated that fireworks are prohibited in Mediterra. In response to whether anyone received feedback, other than the favorable feedback from Calabria, Mr. Greenberg stated “Thank You’s” were extended to the CDD for what was done, from people he knows, in three various neighborhoods. In response to a question regarding responding to an Emergency Order, Mr. Richards stated Johnson Engineering was preparing a proposal to do additional work in the upland preserves under the Governor’s emergency order and will submit to the CDD for approval. Discussion ensued

regarding whether there were plans to mitigate the entire preserve, the MCA’s discussions about obtaining pricing, etc.

Mr. Tarr asked if the CDD should send information to residents about the new CDD and provide a recap of specific duties, similar to how Mr. Richards reported information regarding the fire. Mr. Adams will forward the email. Mr. Adams will prepare and send a letter to the Board and the other involved parties for their comments.

Mr. Tilton stated the program, beyond the 60’, would still fall under the South Florida Water Management District (SFWMD) Emergency Order and Governor Scott’s Emergency Order guidelines. He clarified the criteria for labeling a downed tree. Mr. Greenberg directed MCA take advantage of the Order, since it is still in effect. Mr. Richards stated, once the projects are completed, they should continue maintaining the area until the Emergency Order is no longer valid.

**THIRTEENTH ORDER OF BUSINESS**

**Discussion: Recent Brush Fire and Response**

Mr. Richards provided a brief overview, timeline of the activities and the parties involved in responding to the recent brush fire that occurred in the preserve on June 10, 2018. He emailed an account of the event on June 15, 2018 and also distributed at the meeting.

Discussion ensued regarding whether the Florida Forest Service (FFS) should be called first when a fire occurs in the preserve, before contacting the County, since the CDD crosses two counties, and whether residents should be educated and provided with instructions to follow. Various procedural suggestions for responding to a fire in the preserve were made, which resulted in a recommendation to the MCA to include them as part of their Wildfire Response Plan. The instructions for residents, if there is a fire in the preserve, are as follows:

1. Call 911
2. Call the front gate
3. Front gate personnel will contact the FFS

In response to a question regarding Area #23, Mr. Tilton stated it would be trimmed if it was not already affected by the fire. Mr. Adams will, on behalf of the CDD, prepare letters to the FFS and County responders thanking them for their quick response and, based on their recent activity, ask for suggestions of what the CDD could do to enhance future response.

**FOURTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of April 30, 2018**

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2018. Expenditures were at 58% and in line with the prorated projections.

Mr. Bishko asked if a new line item was created and budgeted, under Water Management in the Fiscal Year 2019 budget, to fund the lake aeration maintenance program. Mr. Adams stated a \$45,000 "Repair and maintenance" line was included in the Fiscal Year 2019 budget, based on the depreciation schedule created by Mrs. Adams and SOLitude Lake Management (SOLitude); however as discussed, motors and diffuser heads would only be replaced, as necessary, not just because they are budgeted. Funds were budgeted as a safeguard to ensure enough funds when needed; if the funds are not used, they would help build back fund balance for future capital needs for the aeration system. Mr. Greenberg stated that the immediate goal would be to use savings from the merger, as well as repair expenses that are under budget, to build up fund balance, as quickly as possible. In response to a request, Mr. Adams will complete an analysis of the \$90,000 amortization versus the original savings over the course of the loan. In response to a question, Mr. Adams confirmed that "Intergovernmental revenue" would roll away with the July Unaudited Financial Statements, as June was the effective date of the merger.

**On MOTION by Mr. Tarr and seconded by Mr. Bishko, with all in favor, the Unaudited Financial Statements as of April 30, 2018, were approved.**

**FIFTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *Hopping Green & Sams, P.A.***

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

**B. District Engineer: *Johnson Engineering, Inc.***

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

**C. District Manager: *Wrathell, Hunt and Associates, LLC***

**i. NEXT MEETING DATE: August 15, 2018 at 9:00 A.M.**

Changing the meeting date from August 15 to another date was discussed during the Twenty-Third Order of Business.

**D. Operations Manager: *Wrathell, Hunt and Associates, LLC***

Mrs. Adams reported the following:

- EarthBalance anticipates completing the project in five weeks, weather permitting.
- Lake Audit was completed and the memorandum would be provided to the Board at the next meeting.

➤ M.R.I. Underwater Specialists (MRI) started the drainpipe cleaning and interconnecting pipes project. As directed, the map was revised to reflect the removal of the pipes between Lakes #64 and #65 that did not exist; once it is reviewed for accuracy, it will be posted on the website and distributed.

➤ EarthBalance Orphaned Lake Bank Project and dead plantings: Mr. Olson toured the areas and completed a plant count of each area. Mrs. Adams suggested planting cord grasses next year instead of muhly grasses, as they will have a better chance of survival.

Mr. Tarr requested further discussions not only regarding the Orphaned lake banks but a review of all of them. Mr. Greenberg felt that the purpose of preventative maintenance and being proactive is to improve the appearance of the lake banks to assist in maintaining and increasing home values and attractiveness of Mediterra. He asked whether the MCA and CDD should coordinate efforts, such as forming a task force of various delegates to look long-term at what could be done to improve the aesthetics of the CDD lake banks, without compromising water quality. Mr. Woods stated the MCA has a long-term landscaping plan. Discussion ensued regarding CDD lake banks and the cost to bring them up to the quality of the Medici lake banks. Board Members were directed to bring ideas to the next meeting; this item would be placed on the next agenda. Residents could be given the option to pay for the cost to bring their lake banks to upgraded standards and MCA would supervise the project. Mr. Adams will provide Mr. Greenberg with a record of the past year's aquascape budget.

**SIXTEENTH ORDER OF BUSINESS**

**Approval of May 16, 2018 Regular Meeting Minutes**

Mr. Greenberg presented the May 16, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections. Supervisors were directed to forward corrections directly to Management, instead of Mr. Greenberg. Mr. Greenberg submitted his changes to Mrs. Adams.

**On MOTION by Mr. Bishko and seconded by Mr. Tarr, with all in favor, the May 16, 2018 Regular Meeting Minutes, as amended to incorporate edits previously submitted to Management, were approved.**

**SEVENTEENTH ORDER OF BUSINESS**

**Action Items**

Items 3 through 7 and 9 were completed.

Items 1, 2 and 8, remained ongoing.



Mr. Adams will prepare the requested additional information to Item 8 and place it on the August agenda.

Mr. Bishko believed that items on the Completed Items List were supposed to remain for 18 months, meaning the full current Fiscal Year plus six months prior. Discussion ensued regarding whether it was previously decided to hold items on the Completed Items List for six months and then remove them because of the large quantity of activities and whether to keep completed items on the Completed Items List for 18 months rather than six months.

It was noted that Item 9, on the Completed Items List, stated that items six months or older should be removed from the Completed Items List, meaning they should only remain on it for six months. The Board agreed to maintain the same six-month time frame for the Completed Items List. The following change was made:

Completed Items List: Move Item 9 back to the Action Items List

Mr. Greenberg asked for an update on the Lucarno retaining walls noted under the “Temporarily Removed From Action Items List”. Mr. Adams stated he had not received any response to his letter addressed to London Bay Homes and Lucarno. This item will be moved back to the “Action Items List” and included as an agenda item on the August agenda. Mr. Adams recalled the decision was to record the deeds, which indicate the CDD does not own or claim responsibility for the wall and to send letters to the Association and the Developer, instead of to the homeowners. Mr. Adams was directed to send a follow-up letter to the Association and the Developer stating that, unless the Association affirmatively takes action or responsibility, the CDD will have no choice but to notify the homeowners, with a caveat to respond before the August meeting. Mr. Greenberg provided Mr. Van Tassel an outline of the retaining wall issue.

**MEDITERRA NORTH ITEMS**

**EIGHTEENTH ORDER OF BUSINESS**

**Presentation of Mediterra North Community Development District’s Audited Annual Financial Report for the Fiscal Year Ended September 30, 2017, Prepared by Berger, Toombs, Elam, Gaines & Frank**

Mr. Greenberg presented the Audited Annual Financial Report for Fiscal Year Ended September 30, 2017. Mr. Tarr asked about Note G, on Page 29, where the Auditor stated “There were no claims or settled claims from these risks have not exceeded commercial insurance coverage.” Regarding that concern and the question of the merged Board’s obligations and responsibilities regarding the Mediterra North CDD audit, Ms. Willson stated it should be

reviewed for accuracy and for the purposes of the key requirements; it was a clean audit and meets State requirements. Discussion ensued regarding the audit statement, that Mediterra North CDD exceeded its budget. Mr. Tarr stated both Districts had the same constraints and same issue but the Mediterra South CDD audit did not mentioned it. Mr. Adams stated this area is subjective to each Auditor; it is the individual auditor’s opinion as to whether that issue is relevant or not, especially when most Districts deal with the same issue of unbudgeted expenses incurred as a result of Hurricane Irma and not being able to amend their budget, due to timing issues. The following changes were made:

- Page 8 “Economic Factors and Next Year’s Budget: Change “merger” to “merging”
- Page 8 “Economic Factors and Next Year’s Budget: Delete “negotiations”
- Page 8 “Economic Factors and Next Year’s Budget: Insert “the” after “with”
- Page 29, NOTE F – Interlocal Agreement: State that the Interlocal Agreement dissolved
- Page 29, NOTE H – Subsequent Event: Delete “Entire paragraph” and replace with:  
 “The Mediterra North CDD was merged into the Mediterra South CDD with an Effective Date of June 11, 2018. The Mediterra South CDD, now officially called The Mediterra CDD, will assume all assets, liabilities and responsibilities of the Mediterra North CDD which now no longer exists.”

The Board directed and authorized Mr. Adams to seek other modifications, specifically in the Notes Section, to comply with the actual state of the merger as of September 30, 2017.

**NINETEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-04, Accepting the Mediterra North Community Development District’s Audited Annual Financial Report for the Fiscal Year Ended September 30, 2017**

Mr. Greenberg presented Resolution 2018-04.

**On MOTION by Mr. Bishko and seconded by Mr. Tarr, with all in favor, Resolution 2018-04, Accepting the Mediterra North Community Development District’s Audited Annual Financial Report for the Fiscal Year Ended September 30, 2017, in substantial form and as amended and authorizing Staff to seek other modifications to the Notes to comply with the actuality of the merger as of September 30, 2017, subject to Mr. Adams review of the modifications to be made, was adopted.**

Mr. Greenberg affirmed the District will receive a final Mediterra North CDD audit on the effective date of the merger. Mr. Adams confirmed that the final audit would be presented in the fall.

**TWENTIETH ORDER OF BUSINESS**

**Approval of Mediterra North CDD  
January 18, 2018 Regular Meeting  
Minutes**

Mr. Greenberg presented the Mediterra North CDD January 18, 2018 Regular Meeting Minutes and asked for any additions, deletions or corrections.

**On MOTION by Mr. Van Tassel and seconded by Mr. Bishko, with all in favor, the January 18, 2018 Mediterra North CDD Regular Meeting Minutes, as presented, were approved.**

**TWENTY-FIRST ORDER OF BUSINESS**

**Supervisors' Requests**

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

**TWENTY-SECOND ORDER OF BUSINESS**

**Public Comments**

There being no public comments, the next item followed.

**TWENTY-THIRD ORDER OF BUSINESS**

**Adjournment**

Discussion ensued regarding rescheduling the August 15, 2018 meeting, due to possible quorum issues. The next meeting will be held on August 8, 2018 at 9:00 a.m., at this location, rather than on August 15, 2018, as originally scheduled.

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Greenberg and seconded by Mr. Van Tassel, with all in favor, the meeting adjourned at 10:21 a.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair