

**MINUTES OF MEETING  
NAPLES RESERVE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Naples Reserve Community Development District held multiple Public Hearings and a Regular Meeting on August 17, 2021 at 10:30 a.m., at the Island Club at Naples Reserve, Activities Room, 14885 Naples Reserve Circle, Naples, Florida 34114.

**Present at the meeting were:**

Thomas Marquardt	Chair
Deborah Lee Godfrey	Assistant Secretary
Charlene Hill	Assistant Secretary

**Also present, were:**

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Daniel Rom (via telephone)	Wrathell, Hunt and Associates, LLC (WHA)
Greg Urbancic	District Counsel
Meagan Magaldi	Coleman, Yovanovich & Koester, P.A.
Terry Cole	District Engineer
Alan Jowers (via telephone)	Carr, Riggs & Ingram
Randy Sparrazza	Resident/HOA President
Anna Harmon	Supervisor Appointee

**Residents present, were:**

Deborah Newton	Janice Skenderian	Mark Sandler	Laurie Sandler
Al San Souza	Maryann Siemen	Harry C. Siemen	Paul Mosby
Jerry Whitlock	Jeannine Whitlock	George Spence	Michael Considine
Jeff Godfrey	Frank Hawkins	Dave Brehun	Monica Brehun
Alan Sanger	Dave Caram	Bev Caram	Ken Woods
Claudia Woods	Gary Carinci	Don Skenderian	Heidi Devlin
Walt Matystik	Heidi McIntyre	Robin Giaimo	Chris Bender
Vincent Raccuglia	Donald Burg	Maria Desjardins	Leo Desjardins
Clement Soffer			

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 10:35 a.m. Supervisors Marquardt, Godfrey and Hill were present, in person. Supervisor Inez was not present. One seat was vacant.

Ms. Cerbone discussed the public comments and Public Hearing protocol, noted there would be four opportunities to speak during the meeting. She explained that the Board and Staff may decide whether to respond to questions or comments during the meeting; however, they are not required to respond.

**SECOND ORDER OF BUSINESS**

**Public Comments**

Resident Donald Burg expressed his opinion that the proposed assessment was too much. He asked if these types of assessments were previously paid by the HOA and if so, if property owners would see a reduction in HOA fees.

Resident Maria Desjardins read a statement in which she expressed her opinion that a lot of the costs were related to developing Naples Reserve. She recalled that the CDD collected for Operation and Maintenance (O&M) for the last five years and questioned whether residents are getting value for the investments. She asked how much revenue the CDD collected from 2015 to 2020 for O&M and if the CDD is required to advise residents when adjusting the budget. She felt that the CDD spends too much on overhead and that improvements should be meaningful to residents. She asked if lake erosion, Hurricane Irma, drainage systems and builder contributions to repair drainage and irrigation systems were discussed with the Developer prior to assessing property owners and if so, she wanted to know the outcome.

Resident Leo Desjardins expressed his appreciation for the Board's hard work. He believed that property owners are concerned that they may be paying for things that were not properly maintained or that should have been repaired by the Developer and that the HOA would assume responsibility for those issues. He asked if, during the turnover and lease agreement negotiations with the Developer, there might be some compensation for those items. He asked if the Board would be in contact with the HOA Board and review the HOA's Delta Engineering study to make sure it thoroughly covers items that are CDD responsibilities.

Resident Walt Matystik stated the legal notice cited four primary reasons for the O&M assessment increase. He hoped the costs and plans for Field Operations, Engineering, Legal and Contingencies would be itemized and explained during the meeting.

Resident Clement Soffer stated he complained about an issue with his backyard drain at the first CDD meeting after the Board transition and was told that the Developer would inspect and correct the issue before leaving. As the drain is still cracked, collecting debris and clogging, in his mind, the CDD did not address the issue. He discussed issues with riprap in his previous community and urged the Board to do their best to save money for the community.

**THIRD ORDER OF BUSINESS****Chairman's Opening Remarks**

Mr. Marquardt provided an overview of CDD history and operations as follows:

- CDDs are created by a Florida Statute that allows a Developer to plan and finance infrastructure. Developers approach things differently and include different items under the broad scope of a CDD. The Naples Reserve CDD's scope is limited to storm drainage, catch basins and lakes; it does not include irrigation, roads, light poles or amenities.
- One line in the annual tax bill includes the two CDD assessment items: one is the debt assessment for the two bond issuances and the other is the O&M assessment. The O&M part is a small portion and the debt assessment portion will most likely not change during the course of the bonds, unless bonds are refinanced.
- O&M can change due to issues facing the CDD. O&M has been steady for the last three years and it was less than the Developer projected. The assessment increase now is because the Developer did not project that the CDD would perform maintenance. Since the HOA decided not to renew the contract providing for the HOA to be responsible for maintenance, the CDD inherits the maintenance responsibility. The maintenance items the community faces, including lake bank erosion, would have required the HOA to raise its fees as well.
- This CDD was formed in 2008, long before the first house was built. In the initial years the Developer paid the O&M and, once bonds were issued, all property was assessed and the Developer was paying assessment fees to the CDD each year. As lots are sold to builders or property owners, the assessment payment to the CDD shifts to the builder or property owner.

- Until now, the CDD focused only on operations, which consisted of Staff managing the organization, including the District Engineer, District Counsel, District Manager, and expenses.
- Board Members cannot discuss these matters between meetings because CDD matters may only be discussed at public meetings, which is why agenda items are often being discussed for the first time.
- He worked with Staff to develop an initial budget that anticipated fully funding necessary repairs, given that the CDD would assume responsibility for maintenance beginning the first of the year. Unlike the HOA, the CDD cannot levy a special assessment if emergency expenses arise during the course of the fiscal year. The only option if emergency funds are needed is a bank loan, which is expensive. Foresight is needed to anticipate expenses for the next budget year. Looking at the budget, it may be possible to reduce assessments considerably if the Board is willing to assume some risk, address issues that are the highest priority and hold back on others, which would be discussed today.
- The District Engineer did a survey that was updated in 2020 that documented all lake erosion and repairs to be made. Approximately 70 sites were noted and some were not caused by the Builder or the Developer but by the property owner, as in the case of improperly placed downspouts. These have been identified as maintenance issues because nothing is wrong with construction and placement is all a maintenance matter. The HOA was in charge of maintenance so that document list has been given to Mr. Sparrazza, the President of the HOA, and he agreed that this document and survey should be presented to the Developer during negotiation. The HOA has the best case to make that these maintenance issues were long overdue and should have been done by the Developer. Mr. Cole would update the document if necessary and also inspect catch basins, particularly those under construction, in advance of negotiations with the Developer.
- The Board previously discussed having an onsite representative to manage CDD issues and budgeting \$5,000 to have a staff member of the HOA field complaints from property owners. Mr. Sparrazza has offered to waive that fee so the CDD would save that much and would look to make further reductions to the budget.

Mr. Marquardt stated he attended a recent meeting about the littoral shelf, along with a County representative and the CDD’s contractor. By County law, the CDD must meet minimum littoral shelf planting requirements. He expressed concern because the District is having difficulty locating the plan for what is needed and the costs of additional plantings that would be required are unknown. There was an overgrowth of spikerush at one lake. In January, lake maintenance would become a CDD responsibility. Mr. Sparrazza was also reviewing documents to see if the plan requirements are included in documents received from the Developer.

**FOURTH ORDER OF BUSINESS**

**Consider Appointment to Fill Unexpired Term of Vacant Seat 5 (*Term Expires November, 2022*)**

Ms. Cerbone stated Mr. Jeff Bieker’s resignation was accepted at a previous meeting. The Board previously had an opportunity to nominate and appoint a new Board Member but chose to wait and see if feedback was received from interested residents.

Mr. Marquardt nominated Ms. Anna Harmon to fill the unexpired term of Seat 5. No other nominations were made.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the appointment of Ms. Anna Harmon to Seat 5, term expires November 2022, was approved.**

Ms. Cerbone stated Ms. Harmon asked to defer administration of the Oath of Office until the next meeting. She would be present today as an appointed but not official Board Member. Administration of the Oath of Office would be included on the next agenda.

- A. Administration of Oath of Office to Newly Appointed Supervisor (*the following to be provided in a separate package*)**
  - I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
  - II. Membership, Obligations and Responsibilities**
  - III. Financial Disclosure Forms**

- a. **Form 1: Statement of Financial Interests**
- b. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
- c. **Form 1F: Final Statement of Financial Interests**

**IV. Form 8B – Memorandum of Voting Conflict**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-09,  
Designating Certain Officers of the District,  
and Providing for an Effective Date**

Ms. Cerbone reiterated that, as a newly appointed but not yet official Board Member, Ms. Harmon may not participate as a Board Member in discussions or voting.

This item was deferred to the next meeting.

**SIXTH ORDER OF BUSINESS**

**Consideration of Naples Reserve  
Homeowners Association, Inc.,  
Amendments to the Community  
Development District Systems and  
Facilities Operation and Maintenance  
Agreement**

- A. First Amendment**
- B. Second Amendment**

These items were included for informational purposes.

Ms. Cerbone stated the CDD was notified that the HOA would like to terminate the existing Maintenance Agreement, effective January 1, 2022. The required notice was received from the HOA and Staff worked with the Chair, the HOA President and HOA Counsel to amend the existing Agreement. The First Agreement memorializes when the Agreement will terminate. This was necessary because a new HOA President and CDD Chair are in place than when the Agreement was originally executed so this Amendment allows them to be signatories to execute the new document.

Mr. Urbancic stated the First Amendment was already approved by the HOA and extends the term; the Second Amendment adds language regarding potential disaster

situations. Counsel for the HOA has not reviewed the Second Amendment; approval was recommended for each Amendment individually.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the First Amendment to the Community Development District Systems and Facilities Operation and Maintenance Agreement, was approved.**

Ms. Cerbone stated the Second Amendment would allow the CDD to assume responsibilities for the lakes, drainage and/or catch basins in the event of a disaster to facilitate a storm cleanup claim with the Federal Emergency Management Agency (FEMA).

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Second Amendment to the Community Development District Systems and Facilities Operation and Maintenance Agreement, in substantial form, and authorizing the Chair or Vice Chair to execute, was approved.**

**SEVENTH ORDER OF BUSINESS**

**Consideration of Agreement for General Oversight of CDD Components/Improvements by Naples Reserve Homeowners Association, Inc.**

Ms. Cerbone stated, as discussed earlier, the proposed Fiscal Year 2022 budget originally included \$5,000 for the CDD to pay the HOA to provide general oversight for on-site CDD assets beginning January 1, 2022. The HOA agreed to waive the \$5,000 annual fee, which would be removed from the budget later in the meeting.

Mr. Urbancic stated the letter in the agenda could be amended to include required statutory language. A more robust version may be created or the Letter Agreement could be amended to address the HOA's obligation to maintain public records. He suggested amending the letter, in substantial form, pending the addition of public records and E-Verify language and a termination provision.

Mr. Marquardt stated, in his discussions with the HOA President, it was agreed that this arrangement would be experimental and, if the requests become excessive or the parties agree

that it would be more efficient for the CDD to manage its assets, the Agreement may be revisited. Mr. Urbancic suggested adding a phrase such that the Agreement would be annual, and updated to add a 90-day termination provision and public records and E-Verify verbiage.

Mr. Marquardt directed Mr. Urbancic to make the revisions discussed.

This item would be included on the next meeting agenda.

**EIGHTH ORDER OF BUSINESS**

**Discussion/Consideration: Naples Reserve Homeowners Association, Inc., Memorandum of Understanding Regarding Ownership of Fountains, Aerators, Cannons and Other Pond Related Equipment**

Ms. Cerbone stated productive discussions occurred between the HOA and CDD and Counsel for each regarding maintenance of equipment.

Mr. Urbancic presented the Memorandum of Understanding, which would clarify ownership and responsibility for maintenance of specific items. The Chair and the HOA President would fill in the blank spaces relating to items mentioned.

Mr. Marquardt stated the CDD does not own the cannons and maintenance for those is the responsibility of the HOA. Two aerators for water circulation and clarity are owned and maintained by the CDD. Water features such as the fountain, installed for aesthetic purposes, are owned and maintained by the HOA.

Ms. Hill asked where the two aerators are located. Mr. Cole stated one is in Lake 18, on the west side, and the other is on the south side. Mr. Marquardt stated the lakes may have required aerators due to their size or water quality issues; the cost of additional aerators that may be needed is unknown.

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Naples Reserve Homeowners Association, Inc., Memorandum of Understanding Regarding Ownership of Fountains, Aerators, Cannons and Other Pond Related Equipment, in substantial form, and authorizing the Chair to execute, was approved.**

**NINTH ORDER OF BUSINESS**

**Discussion/Update: CDD Easements  
(Maintenance, Utility, Drainage, Other)  
Between Homes and in Other Locations of  
the CDD**

Ms. Cerbone stated the agenda included color coded maps provided by the District Engineer; the Board also received a handout from District Counsel.

Mr. Marquardt stated, initially, some lakes were clearly owned by the CDD and some were not. It was necessary to establish CDD ownership of the lakes.

Ms. Cerbone stated a review several months ago revealed that some lakes owned by the HOA and some owned by the Developer. Because it was determined that due to the bond financing all lakes should either be owned by the CDD or subject to O&M easements, District Counsel contacted HOA Counsel and the Developer to execute Quit Claim deeds from the HOA to the CDD and from the Developer to the CDD. The CDD now owns all the lakes.

Mr. Marquardt asked if the CDD is liable for recreational usage of the lakes.

Mr. Urbancic stated, in some cases the CDD owns the lake but the HOA reserves rights for purposes of recreation and enforcement. Regarding liability, the CDD enjoys sovereign immunity, which limits liability to \$200,000 per occurrence and \$300,000 in aggregate. The HOA has the right to enforce regulations on the property with the understanding that the lakes are primarily to be used for water management purposes. Discussion ensued regarding the numbering of the lakes on the exhibit. Mr. Cole stated, while the overall numbering scheme for the lakes is Lake 1 through Lake 24, some numbers are skipped, such as, there is no Lake 22 or Lake 23. Lake numbers on the plats do not correspond to the overall Master Plan.

**TENTH ORDER OF BUSINESS**

**Discussion/Update: Permits in the CDD  
Name or that Need to be in the CDD Name**

Mr. Cole presented a spreadsheet listing the different South Florida Water Management District (SFWMD) permits that need to be transferred from the Developer to the CDD. Documents would be prepared and submitted to the District Manager and the Chair for review.

## ELEVENTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year  
2021/2022 Budget**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2021-10, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Cerbone reviewed the proposed Fiscal Year 2022 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal year 2021 budget, and explained the reasons for any adjustments.

Discussion ensued regarding increases to the “Engineering” and “Legal” line items. Mr. Marquardt noted that Dock and Generator Requests all require an Engineering review and, in some cases, Legal review as well.

Mr. Cerbone stated, as previously discussed, although the HOA considered charging the CDD \$5,000 for oversight, the HOA agreed to waive the fee for Fiscal Year 2022.

Mr. Cole discussed a spot check of dozens of catch basins and noted that only nine were identified with 3” of silt, which did not warrant cleaning at this time. He suggested reducing the line item to \$3,000 and estimated that 10 catch basins could be cleaned for no more than \$3,000. The consensus was to reduce the line item to \$3,000.

Ms. Cerbone stated that she and Mr. Cole reviewed the “Lake maintenance / water quality” expenses invoices and scope of services and, based on that review, they were comfortable with budgeting \$55,000 for lake maintenance and water quality and \$20,000 for littoral replacement for a total of \$75,000, rather than \$110,000.

Mr. Cole stated that spraying for aquatic weeds costs approximately \$45,000 per year and water quality monitoring costs \$3,600 per year. The CDD currently has over 11 acres of littoral plantings and replacement typically happens annually. Mr. Marquardt stated some lakes may have extensive plantings and others may be sparse; the requirement is across the total acreage.

Ms. Cerbone stated the \$75,000 estimate included \$3,300 for Cardno water monitoring, \$45,000 for SOLitude aquatic treatments \$25,000 for littoral replacements and \$2,000 for aerator maintenance. Mr. Cole stated the SOLitude contract does not include replanting. He discussed the basis for littoral plantings and the suggestion to budget for the littorals.

Mr. Urbancic discussed the Florida Legislature's recently enacted requirement that a detailed stormwater needs analysis be submitted every five years beginning July 31, 2022. Ms. Cerbone noted there would be an Engineering fee component for this and there may be additional work required of CDD vendors.

Mr. Cole suggested budgeting approximately \$3,000 for this expense and stated, based on his experience with other CDDs, the lake erosion component would represent the biggest capital expenditure. He anticipated that the five-year plan might require budgeting \$100,000 per year for lake bank erosion repairs. He did not anticipate the need to replace catch basins or piping but the basins may need to be cleaned out. Following a hurricane or storm, landscape debris clogging catch basins is an issue that requires immediate attention.

Ms. Cerbone observed that, if the HOA is responsible for landscaping but the CDD is responsible for catch basins, Staff would need to work with the HOA to address the issue.

Mr. Marquardt asked if, in light of the previous question about riprap, more grasses should be planted to prevent lake bank erosion and reduce the need for riprap. Mr. Cole discussed the use of riprap and stated he has had good success with geotubes. Additional littoral plantings can help dissipate wave energy and provide a more stable bank. Mr. Marquardt stated a more aggressive planting approach may be discussed in the future.

Mr. Cole suggested increasing the "Engineering" line item to \$25,000.

Discussion ensued regarding the "Other repairs & maintenance" line item. Ms. Cerbone stated this non-specific line item could be utilized to supplement lake bank erosion repairs, aerators, drainage, etc. Mr. Cole suggested reducing the amount budgeted to \$50,000, noting it could also be utilized for storm cleanup.

Ms. Cerbone discussed the need to maintain three months working capital to cover expenses that must be paid before assessment revenues are received from the Tax Collector.

Lake bank remediation costs, the possibility of the HOA receiving funds from the Developer and uses for reserves were discussed. The consensus was to keep the “Lake bank remediation” budget at \$150,000.

**On MOTION by Mr. Marquardt and seconded by Mr. Ms. Godfrey with all in favor, the Public Hearing was opened.**

Mr. Soffer asked for the total amount of the bonds. Mr. Marquardt stated the par amount of both bonds was approximately \$16 million. Mr. Soffer asked if the CDD would dissolve if the bonds are paid off. Mr. Marquardt stated it would not, as the CDD would still own and be responsible for maintaining the assets. Ms. Cerbone stated in the unlikely event that the CDD were dissolved, the County or the City would take ownership of the governmental assets. Mr. Soffer discussed concerns about debris blocking drainage following Hurricane Irma.

Resident Mark Sandler asked where maintenance of Tiki Island fits in. Mr. Marquardt stated there are structures on the island and a dock attached to the island and the HOA budget includes monies set aside for contingencies. Mr. Urbancic stated he would review property ownership of the assets in question. Mr. Sandler expressed concern that the “Legal” expenses budget is inadequate.

Resident Laurie Sandler expressed concern with the budget cuts discussed today. She felt that cutting a line item from \$230,000 to \$50,000 would not leave adequate funds in the event of a disaster.

Resident Al San Souza expressed his agreement with Ms. Sandler.

Ms. Desjardins stated, as she listened, she realized how important it is to have a global view and prioritize and to lean on Mr. Cole’s knowledge about the community. She asked what really needs to be done to remedy lake erosion and stated she would like to have a list of assets and a list of delineation between the HOA and the CDD. She felt that it is critical to prioritize without cutting the budget too much.

Mr. Desjardins agreed that the Board should not be overly aggressive in cutting the budget and losing needed contingencies. He asked if the Reflection Lakes drainage easement

out to 41 is a CDD responsibility. He asked what the annual littoral shelf plantings cost, in terms of the community, and expressed support for preemptively planting and budgeting properly.

A resident asked if the bonds could be refinanced. Ms. Cerbone stated the 2014 and 2018 bonds have a 10-year call period and, while neither bond is currently eligible, the bond Underwriters are checking to see if there is an early call provision. He requested a summary of the budget reductions discussed. Mr. Marquardt stated this would be discussed further.

Resident and HOA President Randy Sparrazza stated, in the event of a catastrophic storm or event, the landscaping company contract included a provision that they would immediately attend to storm cleanup.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill with all in favor, the Public Hearing was closed.**

The following changes were made to the proposed Fiscal Year 2022 budget:

Page 1, "Engineering": Change \$20,000 to \$25,000

Page 1, "Operations management": Change \$5,000 to \$0

Page 1, "Drainage / catch basin maintenance": Change \$5,000 to \$3,000

Page 1, "Lake maintenance / water quality": Change \$110,000 to \$75,000

Page 1, "Other repairs & maintenance": Change \$230,000 to \$75,000

Ms. Cerbone reviewed estimated updated figures for "Professional and Admin", "Field Operations", "Other Fees & Charges" and "Total expenditures". She reviewed the "Projected Assessments" and stated, while the Debt Service Fund assessments would not change, the General Fund assessment would be reduced from \$678.62 to approximately \$443.12.

Ms. Cerbone presented Resolution 2021-10.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, Resolution 2021-10, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022, as amended; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

- **Presentation of Audited Financial Statements for the Fiscal Year Ended September 30, 2020, Prepared by Carr, Riggs & Ingram, LLC**

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

Mr. Jowers presented the Audited Financial Report for Fiscal Year Ended September 30, 2020. There were no findings, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

- **Consideration of Resolution 2021-13, Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2020**

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

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, Resolution 2021-13, Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2020, was adopted.**

**TWELFTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2021/2022, Pursuant to Florida Law**

- A. **Proof/Affidavit of Publication**
- B. **Mailed Notice(s) to Property Owners**  
These items were included for informational purposes.
- C. **Consideration of Resolution 2021-11, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the Public Hearing was opened.**

Resident Gary Carinci asked how many people reside in the CDD. Ms. Cerbone stated under, Florida Statute, the CDD gets information from the Property Appraiser and assessments are calculated for each parcel or platted lot.

Ms. Desjardins suggested installing a reservoir or tank for irrigation during the dry season.

A resident thanked the Board and Staff for being conscientious.

Resident Michael Considine asked if there is an issue with letting the public use the recreational lake since public monies were used to build the lakes. Mr. Urbancic stated the lakes are set aside for water management purposes; the lakes are open to the public for inspection but the lakes are not open for recreational purposes. The issue may need to be addressed in the future, from a rulemaking standpoint, in conjunction with the HOA.

Mr. Marquardt stated, if the CDD had assumed responsibility for the roads, it would be required to allow public access on the roads. Presumably, members of the public would need access to the property to launch a boat and a fee could be charged.

Mr. Matystik thanked the Board for reducing the assessment. He asked if the Board could take a revenue anticipation note instead of including the three months working capital in the assessment. Ms. Cerbone stated that might be possible but the assessment increase was necessitated by the CDD assuming responsibility for maintenance from the HOA.

Mr. Matystik asked if assessing more up front would result in a surplus of 25%. Ms. Cerbone stated it was a defined surplus to be used for projects at the Board's discretion.

A resident asked why it is necessary to assess residents to cover the three months working capital if there was an excess from the previous year. Ms. Cerbone discussed the need to supplement working capital in the early part of the fiscal year, before revenues are received.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the Public Hearing was closed.**

Ms. Cerbone presented Resolution 2021-11.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, Resolution 2021-11, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of Generator Encroachment Agreement [Ralph Guyer, 14316 Neptune Avenue]**

Ms. Cerbone presented the Agreement. The property owner provided the plan and the District Engineer reviewed the plan and found no issues.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the Generator Encroachment Agreement, was approved.**

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-12, Establishing Policies and Procedures Relating to the Review of Requests for Encroachments by Generators into Drainage Easements; and Providing for Severability, Conflicts and an Effective Date**

Ms. Cerbone stated District Counsel prepared these Policies and Procedures similar to those for dock approvals. Requests would be submitted to the District Manager and reviewed by the District Engineer. Property owners must submit a \$250 review fee plus recording costs for a total of \$319.50. Authorizing the Chair to execute the Agreement was suggested.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, Resolution 2021-12, Establishing Policies and Procedures Relating to the Review of Requests for Encroachments by Generators into Drainage Easements; and Providing for Severability, Conflicts and an Effective Date, was adopted.**

**FIFTEENTH ORDER OF BUSINESS**

**Presentation of Audited Financial Statements for the Fiscal Year Ended September 30, 2020, Prepared by Carr, Riggs & Ingram, LLC**

This item was presented following the Eleventh Order of Business.

**SIXTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-13, Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2020**

This item was presented following the Eleventh Order of Business.

**SEVENTEENTH ORDER OF BUSINESS**

**Approval of Unaudited Financial Statements as of June 30, 2021**

Ms. Cerbone presented the Unaudited Financial Statements as of June 30, 2021.

**On MOTION by Mr. Marquardt and seconded by Ms. Hill, with all in favor, the Unaudited Financial Statements as of June 30, 2021, were accepted.**

**EIGHTEENTH ORDER OF BUSINESS**

**Approval of Minutes**

Ms. Cerbone presented the following:

- A. February 9, 2021 Continued Regular Meeting**
- B. June 2, 2021 Regular Meeting**

**On MOTION by Mr. Marquardt and seconded by Ms. Godfrey, with all in favor, the February 9, 2021 Continued Regular Meeting and the June 2, 2021 Regular Meeting Minutes, as presented, were approved.**

**NINETEENTH ORDER OF BUSINESS**

**Other Business**

There was no other business.

## TWENTIETH ORDER OF BUSINESS

## Staff Reports

**A. District Counsel: *Coleman, Yovanovich & Koester, P.A.***

There was nothing further to report.

**B. District Engineer: *Hole Montes, Inc.***

There was nothing further to report.

**C. District Manager: *Wrathell, Hunt and Associates, LLC*****I. Disaster Debris Removal & Disposal and Disaster Debris Monitoring & Reimbursement Consulting Services**

- **Registration with Collier County**

Ms. Cerbone stated the CDD filed with Collier County to request assistance with debris removal and road clearing. The County is aware that the CDD does not own the roads. The filing was done with the County's knowledge, as a precaution.

- **Piggyback Agreement Options**

Ms. Cerbone stated, when a governmental agency has a contract with another party, another governmental agency can generally utilize that agreement without the rates changing. Collier County and the City of Naples have an Agreement for debris removal and disposal services with CrowderGulf. The CDD has the option of entering into a Piggyback Agreement with CrowderGulf. CrowderGulf advised that it has the capacity to assist the CDD with water clearing, in the event of a storm event.

- **RFP for Emergency Disaster Debris Removal & RFP for Disaster Debris Monitoring and Reimbursement Management Services**

Ms. Cerbone stated the CDD would be also required to utilize a debris removal monitoring company and could enter into a Piggyback Agreement with Rosten, a firm that also specializes in filing claims with FEMA. The other option would be to advertise a Request for Proposals (RFP) but this would require time and the cost of legal advertising. She discussed the possible benefits of entering into a piggyback agreement with a local company. The consensus was to enter into a piggyback agreement instead of utilizing the RFP process. Mr. Marquardt directed Ms. Cerbone to include the Agreements on the next Agenda.

**II. NEXT MEETING DATE: October 7, 2021 at 10:30 AM**

○ **QUORUM CHECK**

The October 7, 2021 meeting would be canceled. Ms. Cerbone stated she would work with the Chair and Staff to schedule the next meeting, most likely in late October or early November.

**TWENTY-FIRST ORDER OF BUSINESS**

**Audience Comments**

Mr. Soffer asked if his cracked drain cover could be replaced. Mr. Marquardt stated he noted the address. Mr. Cole would inspect the drain.

A resident asked if the CDD is uncovered for debris removal. Ms. Cerbone stated the CDD has a Maintenance Agreement with the HOA so it is technically the HOA's responsibility. In a state of emergency and to qualify for FEMA funding she could work with District Counsel and have the Chair execute the piggyback agreement.

Resident Don Skenderian stated he is a member of the Design Review Committee (DRC). He asked about the procedure for approval of generators, with regard to CDD easements.

Discussion ensued with the Board Liaison for the DRC. Mr. Marquardt stated he would discuss this after the meeting. A procedure would be posted on the website.

**TWENTY-SECOND ORDER OF BUSINESS**

**Supervisors' Requests**

There were no Supervisors' requests.

**TWENTY-THIRD ORDER OF BUSINESS**

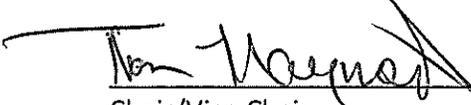
**Adjournment**

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

**On MOTION by Ms. Godfrey and seconded by Ms. Hill, with all in favor, the meeting adjourned at 1:26 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair