

EAST CHARLOTTE DRAINAGE DISTRICT
BOARD OF SUPERVISORS
ANNUAL LANDOWNERS' MEETING AND QUARTERLY MEETING MINUTES
FOR THE MEETINGS HELD ON
JULY 2, 2018, 9:00 A.M.

Website: districtsapecial.org/ecdd

BOARD OF SUPERVISORS

Mr. Jerry Newlin, President

Mr. Zachary Varner, Supervisor

Mr. Lenny Lempenau, Supervisor

FIELD SUPERINTENDENT

Mr. James Shattles

DISTRICT MANAGER/SEC./TREAS.

Ms. Dana Clement

OTHERS PRESENT

Ms. Dana Clement

1) PRESIDENT, CALLS ANNUAL LANDOWNERS' MEETING TO ORDER

Mr. Newlin called the July 2, 2018, East Charlotte Drainage District (ECDD) annual landowners' meeting to order at 9:06 a.m.

ECDD meetings are held in the Charlotte Harbor Event & Conference Center located at 75 Taylor Street, Punta Gorda, Florida, and are open to the public.

2) PLEDGE OF ALLEGIANCE

3) MEETING ANNOUNCEMENT

a) SECRETARY READS NOTICE

Ms. Clement stated that notification of the annual meeting was advertised in the Charlotte Sun Newspaper, per Florida Statutes, on June 12, 2018 and June 21, 2018, and is also noticed on the District's website.

Mr. Lempenau made a motion to waive the reading of the notice. Mr. Varner seconded the motion and the motion passed unanimously.

4) ELECTION OF A CHAIRPERSON AND SECRETARY TO CONDUCT MEETING

a) LANDOWNERS ELECT A CHAIRPERSON AND A SECRETARY

Mr. Newlin made a motion to elect Ms. Clement as chairperson and Ms. Clement as Secretary. Mr. Lempenau seconded the motion and the motion passed unanimously.

5) CALL FOR PROXIES

a) TABULATE – ANNOUNCE RESULTS

Mr. Clement said that Section 298.11 of the Florida Statutes states that a quorum for landowners' meetings are the acreage present, voting in person or by proxy.

b) CHAIRPERSON DECLARES A QUORUM

Ms. Clement declared a quorum.

6) ELECTION OF A SUPERVISOR

a) TERM EXPIRATION MR. LENNY LEMPENAU

Ms. Clement stated that Mr. Varner's term as supervisor had expired.

b) ELECTION OF A SUPERVISOR

Mr. Newlin made a motion to nominate Mr. Varner as a supervisor of ECDD to serve for a three year term (2018-2021). There were no other nominations. Mr. Lempenau seconded the motion and the motion passed unanimously. Mr. Varner was elected by acclamation.

c) OATH OF OFFICE

Ms. Clement administered the oath of office to Mr. Varner.

Mr. Varner executed the oath of office which was submitted to the Secretary for the District's records.

7) ADJOURN ANNUAL LANDOWNERS' MEETING

Mr. Lempenau made a motion to adjourn the annual landowners' meeting. Mr. Newlin seconded the motion and the motion passed unanimously. The meeting adjourned at 9:10 a.m.

8) PRESIDENT CALLS THE QUARTERLY MEETING TO ORDER

a) PRESIDENT CALLS THE QUARTERLY MEETING TO ORDER

Mr. Newlin called the quarterly meeting to order at 9:10 a.m.

b) ELECTION OF A NEW PRESIDENT FOR THE 2018/2019 FISCAL YEAR

Mr. Lempenau made a motion to nominate Mr. Newlin to serve as President for fiscal year 2018/2019. Mr. Varner seconded the motion and the motion passed unanimously. There were no other nominations.

Mr. Newlin was elected to serve as president for fiscal year 2018/2019.

c) COMMENTS BY NEW PRESIDENT

None.

9) OLD BUSINESS

a) APPROVE THE MINUTES OF THE SPECIAL MEETING HELD ON JUNE 20, 2018

Ms. Clement submitted the minutes of the special meeting held on June 20, 2018, for the supervisor's approval.

Mr. Lempenau made a motion to approve the minutes as submitted. Mr. Varner seconded the motion and the motion passed unanimously.

b) COLLINS' DRIVEWAY CULVERT

Mr. Shattles stated that he had been keeping a watch on the driveway and has not seen any more problems with it.

Mr. Lempenau asked Ms. Clement if she had phoned Mr. Collins regarding the discussion at the June 20, 2018, meeting. Ms. Clement said she had not called Mr. Collins because after speaking with Mr. Shattles, she understood that the district does not require a culvert. Ms. Clement said that the culvert was purchased because she was told at the time, that the culvert was necessary for the District's irrigation purposes. Mr. Lempenau said that he thought the culvert was put in for Mr. Collins to drive over and that ECDD does not drive over the culvert. Mr. Lempenau said ECDD needs the culvert for water to flow through. Mr. Newlin said that he thinks the district is okay right now because Mr. Shattles had told him the culvert had blown itself out.

Mr. Newlin stated that he thought that phoning Mr. Collins, right now, would be the right thing to do and by calling Mr. Collins, ECDD can let him know that it had already been watching the culvert and even purchased a new culvert to install if the current one could not be cleaned out to allow water to flow, thereby becoming an emergency. Mr. Newlin told Ms. Clement to phone Mr. Collins and to discuss a cost share plan with him, if it was necessary in the future.

c) UPDATE ON WEBSITES BEING COMPLIANT TO AMERICAN DISABILITIES ACT, (ADA)

Ms. Clement said that there is a huge issue about websites being in compliance with the American Disabilities Act, (ADA). Ms. Clement said that the District's attorney did send a memorandum to all Districts that are members in the Florida Association of Special Districts, recommending that their websites immediately began the steps to become in compliance with ADA. Ms. Clement said that the Florida Association of Special Districts has said that several Districts have already been sued over this issue.

Ms. Clement said that she sent the District's IT company all of the specifications the website must contain, according to various memorandums from FASD, and they said that they can perform most of the requirements, but not all. They indicated that the District must make each piece of paper that is uploaded to its website, accessible to disabled individuals. Ms. Clement said that the cost for the IT Company is going to be at least \$600.00, which will be divided between four districts.

Ms. Clement said that our staff is diligently contacting other districts, FASD, and anyone who has the knowledge to explain to our staff, how to make the documents the District uploads, readable by disabled individuals. Ms. Clement said that she did put a message on the website's home page, indicating that the District is updating its website to be compliant. Ms. Clement said that she asked the District's attorney, Mr. Lewis if all the current information on the website must be retrofitted, and he said no.

Ms. Clement stated that she and staff will continue to seek the solution, and will stay in touch with Mr. Newlin for approval to purchase the necessary software.

Mr. Lempenau made a motion to give Ms. Clement the authorization to do what is necessary for the District to become in compliance with ADA, with Mr. Newlin's approval. Mr. Varner seconded the motion and the motion passed unanimously.

10) SECRETARY/ TREASURER'S REPORT

a) FINANCIAL REPORT FOR JUNE 21, 2018 THROUGH JULY 2, 2018

Ms. Clement submitted the financial report for the supervisors' review/comments.

Mr. Lempenau made a motion to approve the financial reports for June 21, 2018 through July 2, 2018, as submitted. Mr. Varner seconded the motion and the motion passed unanimously.

b) EXECUTION OF THE ANNUAL LETTER AGREEMENT FOR ADMINISTRATION SERVICES TO BE PERFORMED BY JOSHUA WATER CONTROL DISTRICT (JWCD) FOR THE 2018/2019 FISCAL YEAR

Mr. Lempenau made a motion to approve the execution of the annual Letter Agreement for the administrative services to be performed by JWCD for ECDD, in the amount of \$24,000.00, for the 2018/2019 fiscal year. Mr. Varner seconded the motion, and the motion was passed. Mr. Newlin recused himself from voting.

The agreement was executed by Mr. Newlin.

c) APPROVAL AND EXECUTION OF THE CREDIT LINE LOAN DOCUMENTS FEES FOR 2018/2019

Ms. Clement said that the annual credit line loan is due to be renewed with First State Bank. Ms. Clement said that the credit line amount is \$100,000.00, with a fixed interest rate of 5.00%, and that there is a documentation preparation fee of \$150.00. Ms. Clement said that no interest is charged on the loan unless a draw is made.

Mr. Lempenau made a motion to approve the line of credit with First State Bank for the 2018-2019 year, with the above stated provisions. Mr. Varner seconded the motion and the motion passed unanimously.

The supervisors executed the loan documents.

11) FIELD REPORT

a) FIELD REPORT APRIL, MAY, AND JUNE 2018 AND AMENDED FIELD REPORT FOR OCTOBER, NOVEMBER AND DECEMBER 2017

Mr. Shattles said that Mr. Bickett had sprayed only one half, the south half, of the Neal Road Ditch.

Mr. Shattles said that Joshua Water Control District had installed the annual culverts.

Mr. Newlin asked if the North Outfall Canal maintenance had been performed. Mr. Shattles said that the water is too high to begin the work.

Mr. Lempenau made a motion to approve the field report as submitted. Mr. Varner seconded the motion and the motion passed unanimously.

12) ENGINEER'S REPORT

a) ANNUAL ENGINEER'S REPORT

Mr. Lempenau made a motion to approve the annual engineer's report as submitted. Mr. Varner seconded the motion and the motion passed unanimously.

13) ATTORNEY'S REPORT

None.

14) BUDGET 2018/2019

a) DISCUSSION/APPROVAL OF THE DRAFT BUDGET FOR 2018/2019 FISCAL YEAR

Ms. Clement submitted the draft budget for discussion. Each line item was discussed.

Mr. Varner made a motion to approve the draft 2018-2019 budget as drafted, and indicated that the total draft budget amount is \$169,013.92. Mr. Lempenau seconded the motion and the motion passed unanimously.

b) 2018/2019 ASSESSMENT RATES

Ms. Clement said that the 2018/2019 assessment rates are as follows: Maintenance Unit: \$20.97 per acre, Capital Unit 1: \$20.21 per acre, Capital Unit 2: \$19.62 per acre, and Shell Road's Maintenance Unit: \$2.89 per acre.

Mr. Lempenau made a motion to approve the assessment rates as stated for the 2018/2019 fiscal year. Mr. Varner seconded the motion and the motion passed unanimously.

c) EXECUTE 2018/2019 ASSESSMENT RESOLUTION

Mr. Lempenau made a motion to approve the execution of the Assessment Resolution which indicates to the authorities what the assessments rates are for the next year. Mr. Varner seconded the motion and the motion passed unanimously.

Mr. Newlin executed the Assessment Resolution.

15) CALL FOR NEW OR OTHER BUSINESS

- a) APPOINT SECRETARY/TREASURER, LEGAL FIRM AND ENGINEERING FIRM FOR FISCAL YEAR 2018/2019

Mr. Lempenau made a motion to appoint Ms. Clement as the District's secretary/treasurer, Lewis Longman & Walker, P.A. as legal counsel, Progressive Water Resources as the engineering firm, and Baggett, Reutiman & Associate as the auditing firm for the 2018/2019 fiscal year. Mr. Varner seconded the motion and the motion passed unanimously.

- b) EXECUTION OF THE RESOLUTION FOR THE LEVY & COLLECTION OF NON-AD VALOREM ASSESSMENTS

Mr. Lempenau made a motion to approve the execution of the Resolution for the Levy and Collection of Non-Ad Valorem Assessments which indicates to the authorities that the District will continue to collect Non-Ad Valorem assessments. Mr. Varner seconded the motion and the motion passed unanimously.

Mr. Newlin executed the document.

- c) SCHEDULE MEETING DATES/LOCATION FOR FISCAL 2018/2019

Mr. Lempenau made a motion to approve the quarterly meeting dates for ECDD to be held on the following dates: October 17, 2018, January 16, 2019, April 17, 2019, and the Annual Landowners'/ Quarterly Meetings to be held on July 1, 2019. All meetings to be held at 9:00 a.m. (unless otherwise indicated), at the Charlotte Harbor Event & Conference Center located at 75 Taylor Road, Punta Gorda, Florida. Mr. Varner seconded the motion and the motion passed unanimously.

16) CALL FOR PUBLIC COMMENTS

Mr. Newlin asked if there were any public comments. There were none.

17) PUBLIC NOTIFICATION

"Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the District with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based."

18) ADJOURNMENT

Mr. Newlin made a motion to adjourn the meeting. Mr. Lempenau seconded the motion and the motion passed unanimously. The meeting adjourned at 9:36 a.m.

Respectfully Submitted,

Dana Clement
Secretary/Treasurer
East Charlotte Drainage District