

### EAST CHARLOTTE DRAINAGE DISTRICT

### **CHARLOTTE COUNTY**

REGULAR BOARD MEETING OCTOBER 17, 2023 9:00 A.M.

Special District Services, Inc. 27499 Riverview Center Boulevard, #253 Bonita Springs, FL 33134

www.eastcharlottedd.org

561.630.4922 Telephone 877.SDS.4922 Toll Free 561.630.4923 Facsimile

#### AGENDA EAST CHARLOTTE DRAINAGE DISTRICT

Charlotte Harbor Event Conference Center
75 Taylor Street
Punta Gorda, Florida 33950

#### **REGULAR BOARD MEETING**

October 17, 2023 9:00 A.M.

A.	Call to Order
B.	Pledge of Allegiance
C.	Proof of Publication
D.	Establish Quorum
E.	Additions or Deletions to Agenda
F.	Comments from the Public for Items Not on the Agenda
G.	Approval of Minutes
	1. July 18, 2023 Regular Board Meeting & Public Hearing Minutes
H.	Old Business
I.	New Business
	1. Consider Resolution No. 2023-05 – Adopting a Fiscal Year 2022/2023 Amended BudgetPage 7
	2. Discussion of Hauling on Graham Rd for Motor Cross Park
J.	Manager's Report
	1. Financial Report
K.	Field ReportPage 13
L.	Engineer's Report
M.	Attorney's Report
N.	Administrative Matters
O.	Board Members Comments
P.	Adjourn

Publication Date 2023-10-06

Subcategory Miscellaneous Notices

EAST CHARLOTTE DRAINAGE DISTRICT

FISCAL YEAR 2023/2024 REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors (the Board) of the East Charlotte Drainage District (the District) will hold Regular Board Meetings (the Meeting or Meetings) in the Charlotte Harbor Event and Conference Center located at 75 Taylor Street, Punta Gorda, Florida 33950 at 9:00 a.m. on the following dates:

October 17, 2023

January 16, 2024

April 16, 2024

July 16, 2024

The purpose of the meetings is to conduct any business coming before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agendas for any of the meetings may be obtained from the Districts website www.eastcharlottedd.org or by contacting the District Manager at (941) 786-3716 or by email at

kdailey@sdsinc.org and/or toll free at 1-877-737-4922 prior to the date of the particular meeting. The Meetings are open to the public and will be conducted in accordance with the provisions of Florida law for special districts. The Meetings may be continued to a date, time and place to be specified on the record at the Meeting.

From time to time one or two Supervisors may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Said meeting(s) may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at (941) 786-3716 and/or toll free at 1-877-737-4922 at least seven (7) days prior to the date of the particular meeting.

Meetings may be cancelled from time to time without advertised notice.

EAST CHARLOTTE DRAINAGE DISTRICT

www.eastcharlottedd.org

Publish: 10/06/23 119664 3905551

#### EAST CHARLOTTE DRAINAGE DISTRICT PUBLIC HEARING & REGULAR BOARD MEETING JULY 18, 2023

#### A. CALL TO ORDER

The July 18, 2023, Regular Board Meeting of the East Charlotte Drainage District (the "District") was called to order at 9:05 a.m. in the Charlotte Harbor Event Conference Center located at 75 Taylor Street, Punta Gorda, Florida 33950.

#### B. PLEDGE OF ALLEGIANCE

#### C. PROOF OF PUBLICATION

Proof of publication was presented that notice of the Regular Board Meeting had been published in the *Fort Myers News-Press* on October 7, 2022, as part of the District's Fiscal Year 2022/2023 Meeting Schedule, as legally required.

#### D. SEAT NEW BOARD MEMBERS

### E. ADMINISTER OATH OF OFFICE AND REVIEW BOARD MEMBER RESPONSIBILITIES & DUTIES

Ms. Meneely swore in Phillip Varner.

#### F. ESTABLISH A QUORUM

It was determined that the attendance of the following Supervisors constituted a quorum and it was in order to proceed with the meeting:

Chairman	Zachary Varner	Present
Vice Chairman	David Kemeny	Present
Supervisor	Phillip Varner	Present

#### Staff members in attendance were:

District Manager	Kathleen Meneely	Special District Services, Inc.
General Counsel	Robert Diffenderfer	Lewis, Longman & Walker
General Counsel	Seth Behn	Lewis, Longman & Walker

Also present was Marchella D'Antuono.

#### G. ELECTION OF OFFICERS

Chairman

Mr. Kemeny nominated Zachary Varner for Chairman.

• Vice Chairman

Mr. Kemeny nominated Phillip Varner for Vice Chairman.

• Secretary/Treasurer

Mr. Kemeny nominated Kathleen Meneely for Secretary/Treasurer.

Assistant Secretary

Mr. Kemeny nominated himself for Assistant Secretary.

A **motion** was made by Mr. Zachary Varner, seconded by Mr. Kemeny and passed unanimously electing the above referenced slate of officers of the District.

#### H. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

#### I. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

Ms. D'Antuono stated that her property was not part of any district and she expressed that she wanted to join ECDD in order to use the easement to Graham Road. She stated she was willing to pay the fees. Mr. Diffenderfer noted that in order to add the property to the District, it would need to be done by a State special act. He added that the property was not contiguous and drained elsewhere and the charges would be approximately \$75,000 to \$100,000, plus funding of an engineer's report. Zachary Varner stated that an easement would also be needed in order to maintain the area since it is not contiguous. He added that it would be easier for Ms. D'Antuono to work with the Bermont Drainage District. Mr. Kemeny stated that he saw no benefit to ECDD and that it would be a legal mess trying to get easements. Ms. D'Antuona asked about having permission to drive down the easement. Mr. Kemeny stated that access was a burden to ECDD even with a fee, due to having to manage the areas. There was general discussion regarding the process of an agreement for such use with Mr. Diffenderfer stating that there were lots of opportunities for conflict and the approval would create a precedence. Zachary Varner stated that it would put the District in the position to be enforcers on use of the easement. Mr. Kemeny stated that he was not inclined to grant the request, as it will cause problems managing in the future, sets precedence and is no benefit to the District. Phillip Varner agreed and it was consensus of the Board to take no action on this request.

#### J. APPROVAL OF MINUTES

#### 1. April 18, 2023, Regular Board Meeting

The April 18, 2023, Regular Board Meeting minutes were presented for consideration.

A **motion** was made by Mr. Phillip Varner, seconded by Mr. Kemeny and passed unanimously approving the April 18, 2023, Regular Board Meeting minutes, as presented.

The Regular Board Meeting was then recessed and the Public Hearing was opened.

#### K. PUBLIC HEARING

#### 1. Proof of Publication

Proof of publication was presented that notice of the Public Hearing had been published in the *Fort Myers News-Press* on June 23, 2023, and June 30, 2023, as legally required.

#### 2. Receive Public Comment on Fiscal Year 2023/2024 Final Budget

There was no public comment on the Fiscal Year 2023/2024 Final Budget.

#### 3. Consider Resolution No. 2023-02 – Adopting a Fiscal Year 2023/2024 Final Budget

Resolution No. 2023-02 was presented, entitled:

#### **RESOLUTION NO. 2023-02**

### A RESOLUTION OF THE EAST CHARLOTTE DRAINAGE DISTRICT ADOPTING A FISCAL YEAR 2023/2024 BUDGET.

A **motion** was made by Mr. Kemeny, seconded by Mr. Phillip Varner and passed unanimously adopting Resolution No. 2023-02, as presented.

The Public Hearing was then closed and the Regular Board Meeting was reconvened.

#### L. OLD BUSINESS

There were no Old Business items to come before the Board.

#### M. NEW BUSINESS

#### 1. Consider JWCD/ECDD Annual Agreement

A **motion** was made by Mr. Phillip Varner, seconded by Mr. Kemeny and passed unanimously approving the JWCD.ECDD Annual Agreement, as presented.

#### 2. Consider New Services Agreement with RESPEC

Ms. Maneely advised that this was a change to the name of the company and that the District would still work with Peter Brown.

A **motion** was made by Mr. Phillip Varner, seconded by Mr. Kemeny and passed unanimously approving the new Services Agreement with RESPEC, as presented.

#### 3. Consider Annual Stormwater Needs Analysis

Ms. Meneely explained that this was a proposal in the amount of \$2,020 for RESPEC to perform the Annual Engineer's Report.

A **motion** was made by Mr. Kemeny, seconded by Mr. Phillip Varner and passed unanimously approving the Annual Stormwater Needs Analysis with RESPEC at a cost of \$2,020, as presented.

4. Consider Resolution No. 2023-03 – Adopting a Fiscal Year 2023/2024 Meeting Schedule

Resolution No. 2023-03 was presented, entitled:

#### **RESOLUTION NO. 2023-03**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST CHARLOTTE DRAINAGE DISTRICT, ESTABLISHING A REGULAR MEETING SCHEDULE FOR FISCAL YEAR 2023/2024 AND SETTING THE TIME AND LOCATION OF SAID DISTRICT MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

A **motion** was made by Mr. Phillip Varner, seconded by Mr. Kemeny and passed unanimously adopting Resolution No. 2023-03, as presented.

5. Consider Resolution No. 2023-04 – Adopting a Records Retention Policy

Resolution No. 2023-04 was presented, entitled:

#### **RESOLUTION 2023-04**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST CHARLOTTE DRAINAGE DISTRICT PROVIDING FOR THE APPOINTMENT OF A RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER; ADOPTING A RECORDS RETENTION POLICY; DETERMINING THE ELECTRONIC RECORD TO BE THE OFFICIAL RECORD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

A **motion** was made by Mr. Kemeny, seconded by Mr. Phillip Varner and passed unanimously adopting Resolution No. 2023-04, as presented.

#### N. MANAGER'S REPORT

a. Financial Report

A **motion** was made by Mr. Kemeny, seconded by Mr. Phillip Varner and passed unanimously accepting the Financial Report, as presented.

#### O. FIELD REPORT

There was no Field Report at this time.

Mr. Zachary Varner indicated he would try to get an update on the Williams property.

#### P. ENGINEER'S REPORT

1. Accept and Receive 2023 Annual Engineer's Report

Ms. Meneely advised that the report had been included in the agenda packet.

#### Q. ATTORNEY'S REPORT

Mr. Behn advised that 4 hours of ethics training would now be required annually for special district board members beginning in January 2024. He stated that the firm was working on ways to make the training available and will keep the Board updated.

A **motion** was made by Mr. Phillip Varner, seconded by Mr. Kemeny and passed unanimously accepting the Attorneys Report, as presented.

#### R. ADMINISTRATIVE MATTERS

Ms. Meneely advised that the next meeting was scheduled for October 17, 2023.

#### S. BOARD MEMBER COMMENTS

There were no further Board Member comments.

#### T. ADJOURNMENT

Secretary/Assistant Secretary

There being no further business to come before the Board, a <b>motion</b> was made by Mr. Phillip Varner, seconded by Mr. Kemeny and passed unanimously adjourning the Regular Board Meeting at 9:58 a.m.

President/Vice President

#### **RESOLUTION NO. 2023-05**

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST CHARLOTTE DRAINAGE DISTRICT AUTHORIZING AND ADOPTING AN AMENDED FINAL FISCAL YEAR 2022/2023 BUDGET, PURSUANT TO CHAPTER 197, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Board of Supervisors of the East Charlotte Drainage District (hereinafter the "District") is empowered to provide a funding source and to impose special assessments upon the properties within the District; and,

**WHEREAS**, the District has prepared for consideration and approval an amended final fiscal year 2022/2023 budget.

### NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST CHARLOTTE DRAINAGE DISTRICT, THAT:

**Section 1.** The Amended Operating Fund and Debt Service Fund Budget for Fiscal Year 2022/2023 attached hereto as Exhibit "A" is hereby approved and adopted.

<u>Section 2</u>. The Secretary/Assistant Secretary of the District is authorized to execute any and all necessary transmittals, certifications or other acknowledgements or writings, as necessary, to comply with the intent of this Resolution.

**PASSED, ADOPTED and EFFECTIVE** this 17<sup>th</sup> day of October, 2023.

ATTEST:	EAST CHARLOTTE DRAINAGE DISTRICT
By: Secretary/Assistant Secretary	By:Chairperson/Vice Chairperson

### East Charlotte Drainage District

Amended Final Budget For Fiscal Year 2022/2023 October 1, 2022 - September 30, 2023

## AMENDED FINAL BUDGET EAST CHARLOTTE DRAINAGE DISTRICT FISCAL YEAR 2022/2023 OCTOBER 1, 2022 - SEPTEMBER 30, 2023

REVENUES		FISCAL YEAR 2022/2023 BUDGET 10/1/22 - 9/30/23		AMENDED FINAL BUDGET 10/1/22 - 9/30/23		YEAR TO DATE ACTUAL 10/1/22 - 9/29/23
Assessment - Maintenance		225,470		225,518		225,518
Assessment - Capital Unit 1		0		0		0
Assessment - Capital Unit 2		0		0		0
Assessment - Shell Roads Maintenance		6,011		6,012		6,012
Miscellaneous Income		0,011		2,594		2,594
Interest Income		60	_	6,874		6,824
Total Revenues	\$	231,541		240,998	\$	240,948
EXPENDITURES						
Management Fees		29,760		29,760		29,760
Legal Fees		7,000		16,500		12,334
Engineering		6,500		3,000		2,020
Audit Fees		8,900		8,780		8,780
Office Supplies		500		425		380
Postage & Delivery		350		230		210
Miscellaneous		750		750		352
Legal Advertising		850		850		528
Meeting and Membership Dues		1,200		175		175
Insurance		4,225		3,885		3,885
Interest on Credit Line (LOC)		275		0,000		0,000
Roads Paving Loan - Principal		0		0		0
Roads Paving Loan - Interest		0		0		0
Discharge Pump, Section 16		500		0		0
Contractual Services		24,000		25,472		25,472
Weed Control		27,432		27,000		24,845
Mechanical Cleaning		30,000		5,000		24,043
Canal Maintenance		30,000		3,000		0
Road Maintenance		24,241		27,000		24,000
Control Structures		17,689		5,000		24,000
		240		240		
Water Analyses Miscellaneous Maintenance		2,500		500		120 0
Reserve		30,740		30,740		0
Total Expenditures	•	247.652	•	405 207	¢	422.064
Total Expericitures	\$	217,652	\$	185,307	\$	132,861
Revenues Less Expenditures	\$	13,889	\$	55,691	\$	108,087
County Appraiser & Tax Collector Fee		(4,630)		(4,647)		(4,647)
Discounts For Early Payments		(9,259)		(6,032)		(6,032)
Excess/ (Shortfall)	\$	(0)	\$	45,012	\$	97,408
Carryover From Prior Year		0		0		0
Net Excess/ (Shortfall)	\$	(0)	\$	45,012	\$	97,408

Fund Balance As Of 9/30/22	\$ 132,717
Fiscal Year 2022/2023 Activity	\$ 45,012
Fund Balance As Of 9/30/23	\$ 177,729

# East Charlotte Drainage District

### Financial Report For September 2023

#### EAST CHARLOTTE DRAINAGE DISTRICT MONTHLY FINANCIAL REPORT SEPTEMBER 2023

REVENUES	Annual Budget 10/1/22 - 9/30/23	Actual Sep-23	Year To Date Actual 10/1/22 - 9/30/23
Assessment - Maintenance	225,470	0	225,518
Assessment - Capital Unit 1	0	0	0
Assessment - Capital Unit 2	0		
Assessment - Shell Roads Maintenance	6,011	0	6,012
Miscellaneous Income	0		2,594
Interest Income	60	0	
Total Revenues	\$ 231,541	\$ -	\$ 240,949
EXPENDITURES			
Management Fees	29,760	2,480	29,760
Contractual Services	24,000	,	25,472
Weed Control	27,432	,	,
Mechanical Cleaning	30,000		,
Canal Maintenance	0		0
Road Maintenance	24,241		
Control Structures	17,689		,
Water Analyses	240		
Legal Fees	7,000		
Legal Advertising	850		
Engineering	6,500		
Audit Fees	8,900		,
Postage & Delivery	350		210
Assessment/Tax Roll	0		
Office Supplies	500		380
Website & ADA Compliance	0		
Meeting and Membership Dues	1,200		· ·
Miscellaneous	750		
Insurance	4,225		
Discharge Pump, Section 16	500		,
Interest on Credit Line (LOC)	275		
Reserve	30,740		
Miscellaneous Maintenance	2,500		_
Total Expenditures	\$ 217,652	\$ 8,488	\$ 132,861
Revenues Less Expenditures	\$ 13,889	\$ (8,488)	\$ 108,088
County Appraiser & Tax Collector Fee	(4,630)	0	(4,647)
Discounts For Early Payments	(9,259)		(6,032)
DISCOUNTS FOR EATHY FAYINGHIS	(9,259)	U	(0,032)
Excess/ (Shortfall)	-	\$ (8,488)	\$ 97,408
Carryover From Prior Year	0	0	0
Net Excess/ (Shortfall)	\$ -	\$ (8,488)	\$ 97,408

Bank Balance As Of 9/30/23	\$ 241,421.86
Accounts Payable As Of 9/30/23	\$ 11,295.80
Accounts Receivable As Of 9/30/23	\$ -
Available Funds As Of 9/30/23	\$ 230,126.06

# East Charlotte Drainage District Budget vs. Actual October 2022 through September 2023

	Oct 22 - Sept 23	22/23 Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense		J	,	
Income				
01-3101 · Assessments - Maintenance	225,518.47	225,470.00	48.47	100.02%
01-3104 · Assessments - Shell Roads Maint	6,012.03	6,011.00	1.03	100.02%
01-3830 · Assessment Fees	-4,647.46	-4,630.00	-17.46	100.38%
01-3831 · Assessment Discounts	-6,032.30	-9,259.00	3,226.70	65.15%
01-9400 · Miscellaneous Income	2,594.26	0.00	2,594.26	100.0%
01-9410 · Interest Income	6,824.31	60.00	6,764.31	11,373.85%
Total Income	230,269.31	217,652.00	12,617.31	105.8%
Gross Profit	230,269.31	217,652.00	12,617.31	105.8%
Expense				
01-1311 · Management Fees	29,760.00	29,760.00	0.00	100.0%
01-1480 · Legal Advertisements	527.67	850.00	-322.33	62.08%
01-1513 · Postage and Delivery	209.55	350.00	-140.45	59.87%
01-1600 · Contractural Services	25,471.78	24,000.00	1,471.78	106.13%
01-1620 · Weed Control	24,844.65	27,432.00	-2,587.35	90.57%
01-1640 · Road Maintenance	24,000.00	24,241.00	-241.00	99.01%
01-1650 · Control Structures	0.00	17,689.00	-17,689.00	0.0%
01-1660 · Water Analyses	120.00	240.00	-120.00	50.0%
01-1670 · Legal Fees	12,334.49	7,000.00	5,334.49	176.21%
01-1680 · Engineering	2,020.00	6,500.00	-4,480.00	31.08%
01-1690 · Audit Fees	8,780.00	8,900.00	-120.00	98.65%
01-1700 · Mechanical Cleaning	0.00	30,000.00	-30,000.00	0.0%
01-1720 · Office Supplies	380.20	500.00	-119.80	76.04%
01-1725 · Meetings & Membership Dues	175.00	1,200.00	-1,025.00	14.58%
01-1730 · Miscellaneous	352.29	750.00	-397.71	46.97%
01-1740 · Insurance	3,885.00	4,225.00	-340.00	91.95%
01-1797 · Discharge Pump, Section 16	0.00	500.00	-500.00	0.0%
01-1815 · Miscellaneous Maintenance	0.00	2,500.00	-2,500.00	0.0%
01-1816 · Interest - Line of Credit	0.00	275.00	-275.00	0.0%
01-1817 · Reserve	0.00	30,740.00	-30,740.00	0.0%
Total Expense	132,860.63	217,652.00	-84,791.37	61.04%
Net Ordinary Income	97,408.68	0.00	97,408.68	100.0%
Income	97,408.68	0.00	97,408.68	100.0%

### EAST CHARLOTTE DRAINAGE DISTRICT MONTHLY FIELD REPORT

<u>FOR THE MONTHS OF</u> : July – Au	ugust - September 2	2023
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1)	MAJOR PURCHASES/EXPENDITURES
	(See attached)

#### 2) CANALS MAINTENANCE

Working on canal maintenance

#### 3) ROAD MAINTENTANCE

MILES GRADED:	0	SECTIONS:
None this period		

#### 4) **CULVERTS**

Ongoing work on culverts

#### 5) WEED CONTROL

None

#### 6) PROJECTS COMPLETED AND WELLS

Water meters read each month Water samples pulled

#### 7) PROJECTS PENDING

Ongoing canal and culvert maintenance

#### 8) REMARKS

- a) The ditch that runs on the west side of section 17 from the Neal Road ditch to the north outfall canal is in fair condition
- b) The Neal Road ditch running in sections 15, 16 and 17 is in fair condition

### East Charlotte Drainage District Transactions by Account

As of September 30, 2023

Name

LEWIS, LONGMAN & WALKER, P.A.

LEWIS, LONGMAN & WALKER, P.A.

Advanced Environmental Laboratories Inc.

Special District Services Inc

CHARLOTTE HARBOR EVENT & CONF. CENTER

East Charlotte Drainage District				
	Bill Pmt -Check	07/05/2023	BODINE PERRY	8,780.00
	Bill Pmt -Check	07/05/2023	Special District Services Inc	2,487.00
	Bill Pmt -Check	08/02/2023	JOSHUA WATER CONTROL DISTRICT	6,000.00
	Bill Pmt -Check	08/02/2023	Progressive Water Resources, LLC	2,020.00
	Bill Pmt -Check	08/02/2023	SUN NEWSPAPERS	274.56
	Bill Pmt -Check	08/02/2023	Special District Services Inc	2,499.87

08/16/2023

08/16/2023

09/05/2023

09/05/2023

09/14/2023

Date

Type

Bill Pmt -Check

Credit

137.50

300.00

2,018.46

2,677.06

60.00