

**EAST CHARLOTTE DRAINAGE DISTRICT**  
**BOARD OF SUPERVISORS**  
**ANNUAL LANDOWNERS' MEETING AND QUARTERLY MEETING MINUTES**  
**FOR THE MEETINGS HELD ON**  
**JULY 5, 2017, 9:00 A.M.**  
Website: [districtsapecial.org/ecdd](http://districtsapecial.org/ecdd)

**BOARD OF SUPERVISORS**

Mr. Jerry Newlin, President  
Mr. Zachary Varner, Supervisor  
Mr. Leonard Lempenau, Supervisor

**DISTRICT MANAGER/SEC./TREAS.**

Ms. Dana Clement

**FIELD OPERATIONS SUPERINTENDENT**

Mr. James Shattles

**OTHERS PRESENT**

Mr. Steve Varner, Landowner

**1) PRESIDENT, CALLS ANNUAL LANDOWNERS' MEETING TO ORDER**

Mr. Newlin called the July 5, 2017, East Charlotte Drainage District (ECDD) annual landowners' meeting to order at 9:00 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 20, 2017, and Tuesday, June 27, 2017, and is also noticed on the District's website.

Mr. Lempenau made a motion to waive the reading of the notice. Mr. Z. 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. Lempenau made a motion to elect Mr. Newlin as chairperson and Ms. Clement as Secretary. Mr. Z. Varner 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 quorums for landowners' meetings are the acreage present, voting in person or by proxy.

b) **CHAIRPERSON DECLARES A QUORUM**

Mr. Newlin declared a quorum.

6) **ELECTION OF A SUPERVISOR**

a) **TERM EXPIRATION MR. LENNY LEMPENAU**

Ms. Clement stated that Mr. Lempenau's term as supervisor, has expired.

b) **ELECTION OF A SUPERVISOR**

Mr. S. Varner made a motion to nominate Mr. Lempenau as a supervisor of ECDD to serve for a three year term (2017-2020). There were no other nominations. Mr. Newlin seconded the motion and the motion passed unanimously. Mr. Lempenau was elected by acclamation.

c) **OATH OF OFFICE**

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

Mr. Lempenau 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. Varner seconded the motion and the motion passed unanimously. The meeting adjourned at 9:05 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 9:05 a.m.

**b) ELECTION OF A NEW PRESIDENT FOR THE 2017/2018 FISCAL YEAR**

Mr. Lempenau made a motion to nominate Mr. Newlin to serve as President for fiscal year 2017/2018. Mr. Z. 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 2017/2018.

**c) COMMENTS BY NEW PRESIDENT**

None.

**9) OLD BUSINESS**

**a) APPROVE THE MINUTES OF THE QUARTERLY MEETING HELD ON APRIL 19, 2017**

Ms. Clement submitted the minutes of the quarterly meeting held on April 19, 2017, for the supervisor's approval.

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

**b) RATIFY THE CANCELLATION OF SPECIAL MEETING SCHEDULED TO BE HELD ON JUNE 21, 2017**

Mr. Newlin said that the June 21, 2017, special meeting was cancelled due to a lack of forum.

Mr. Lempenau made a motion to ratify the cancellation of the meeting. Mr. Z. Varner seconded the motion and the motion passed unanimously.

**c) SPEED BUMPS ON GRAHAM ROAD**

Ms. Clement said that at the last meeting, the Board directed her to speak with the District's attorney, Mr. Lewis, to see if speed bumps were allowed to be installed within the District. Ms. Clement said that she did email Mr. Lewis and his response is as follows: "I think the answer is yes. As to liability, that would appear to be a "planning" function for which sovereign immunity applies. Liability attaches when a local government fails to maintain something such as a road and someone is injured or killed because the facility is not in good repair."

Ms. Clement said, at the last meeting, there was discussion on the necessity of repairs to Graham Road. Mr. Newlin said that ECDD had performed some road repairs and fixed the pot holes.

After discussion, there was a consensus that Mr. Newlin and Mr. Shattles would meet and determine which areas on Graham Road, require repairs first, and where the speed bumps are to be installed. Mr. Newlin said that the District can repair the worst areas first, and then make repairs to the remaining areas as the budget allows. Mr. Newlin said that a paving company representative should be consulted to

give the District's its options and the cost estimate for repairs. Mr. Newlin said that the District needs to have a planning process in place.

Mr. Newlin asked Mr. Shattles to look into the options and costs for speed bumps.

10) **SECRETARY/ TRESURER'S REPORT**

a) **FINANCIAL REPORT FOR APRIL 19, 2017 THROUGH JULY 5, 2017**

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

Mr. Lempenau made a motion to approve the financial reports for April 19, 2017 through July 5, 2017, as submitted. Mr. Z. 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 2017/2018 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 2017/2018 fiscal year. Mr. Z. Varner seconded the motion and the motion passed unanimously.

The agreement was executed by Mr. Newlin.

c) **APPROVAL AND EXECUTION OF THE CREDIT LINE LOAN DOCUMENTS FEES FOR 2017/2018**

Ms. Clement said that the credit line loan is due to be renewed with First State Bank. Ms. Clement said that the amount is \$100,000.00, fixed rate of interest is 4.25%, and there is a 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 2017-2018 year. Mr. Z. Varner seconded the motion and the motion passed unanimously.

The supervisors executed the documents.

11) **FIELD REPORT**

a) **FIELD REPORT APRIL, MAY, AND JUNE 2017**

Mr. Newlin said that Mr. Crivellaro came and sprayed the submerged weeds in the West Perimeter Canal, but he needs to return and treat the surface weeds. Mr. Shattles said that there are some lateral canals which also need sprayed. Mr. Shattles said that he will make the arrangements.

Mr. Newlin said that he will call Mr. Bickett's representative, Mr. Clay Cecil to see if he will herbicide or clean the lateral canal.

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

13) **ATTORNEY'S REPORT**

None.

14) **BUDGET 2017/2018**

a) **DISCUSSION/APPROVAL OF THE DRAFT BUDGET FOR 2017/2018 FISCAL YEAR**

Mr. Lempenau made a motion to approve the draft 2017-2018 budget which has a total budget amount of \$194,013.92, as submitted. Mr. Z. Varner seconded the motion and the motion passed unanimously.

b) **2017/2018 ASSESSMENT RATES**

Ms. Clement stated that the 2017/2018 assessment rates are as follows: Maintenance Unit: \$27.92 per acre, Capital Unit 1: \$20.58 per acre, Capital Unit 2: \$19.98 per acre, and Shell Roads Maintenance Unit: \$2.65 per acre.

Mr. Lempenau made a motion to approve the assessment rates as stated for the 2017/2018 fiscal year. Mr. Z. Varner seconded the motion and the motion passed unanimously.

c) **EXECUTE 2017/2018 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. Z. 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 2017/2018**

Mr. Z. Varner 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 2017/2018 fiscal year. Mr. Lempenau 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. Mr. Z. Varner seconded the motion and the motion passed unanimously.

Mr. Newlin executed the document.

c) **SCHEDULE MEETING DATES/LOCATION FOR FISCAL 2017/2018**

Mr. Lempenau made a motion to approve the quarterly meeting dates for ECDD to be held on the following dates: October 18, 2017, January 17, 2018, April 18, 2018, and the Annual Landowners'/Quarterly Meeting held on Monday, July 2, 2018. All meetings to be held at 9:00 a.m. (unless otherwise indicated) in the Charlotte Harbor Event & Conference Center located at 75 Taylor Road, Punta Gorda, Florida. Mr. Z. 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 9:46 a.m.

East Charlotte Drainage District  
Annual Landowners' and Quarterly Meetings  
July 5, 2017

Respectfully Submitted,

  
Dana Clement  
Secretary/Treasurer  
East Charlotte Drainage District