

**MINUTES OF MEETING
MEDITERRA
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Mediterra Community Development District held a Regular Meeting on October 16, 2024 at 9:00 a.m., in the Bella Vita I Room at the Sports Club at Mediterra, 15735 Corso Mediterra Circle, Naples, Florida 34110.

Present were:

Kenneth Tarr	Vice Chair
Vicki Gartland	Assistant Secretary
Mary Wheeler	Assistant Secretary
John Henry	Assistant Secretary

Also present:

Chuck Adams	District Manager
Cleo Adams	District Manager
Shane Willis	Operations Manager
Alyssa Willson (via telephone)	District Counsel
Mark Zordan	District Engineer
Bill Bowden	MCA General Manager
Steven Light	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 9:05 a.m. Supervisors Wheeler, Gartland, Henry and Tarr were present. Supervisor Greenberg was not present.

Mr. Tarr expressed appreciation for District Management's delivery of the agenda books in a timely manner despite difficulties related to Hurricane Milton.

SECOND ORDER OF BUSINESS

Public Comments (3 minutes per speaker)

Resident Steven Light asked if the CDD has a contractor code of conduct for ethical behavior and resident interactions that contractors must sign. He noted that the Request for Proposals (RFP) references bribery and stated he thinks the risk must be acknowledged with various CDD contracts. Given the number of CDD contracts, he thinks it would be helpful for residents to have a list of the CDD's contractual obligations, contract expiration dates and the parties responsible for maintenance of the contracts.

Neither Mr. Adams nor Ms. Willson have encountered a code of conduct for any of their CDD clients' contractors. Ms. Willson stated that participant codes of conduct have been utilized in some cases for recreational sport groups utilizing sports facilities but, other than statutory requirements and any general requirements imposed by specific Boards of Supervisors, no specific codes of conduct have been designed for CDD contracts.

Mr. Adams noted that the Key Activity Dates included in the meeting agenda is updated and includes key dates and certain contract periods for which the CDD must go out to bid, including multi-year contracts.

Mr. Tarr stated that the list of Action/Agenda Items included in the agenda has also been helpful and informative in keeping track of contracts.

Mr. Henry asked if some language related to a Code of Conduct could be inserted into the CDD's standard contracts, going forward, rather than developing a separate policy.

Mr. Adams stated that Staff will work to develop a bullet list of obvious Code of Conduct items for contractors, such as a dress code, uniforms that clearly identify the contractor, a neat appearance and legal components of the law.

THIRD ORDER OF BUSINESS**Chairman's Comments**

This item was addressed during the First Order of Business.

FOURTH ORDER OF BUSINESS**Update: Aquatics Report**

Mr. Adams stated the lakes are full.

Mr. Tarr asked for an update regarding MRI's pipe cleaning. Mrs. Adams stated the cleaning is ongoing; she requested an update from MRI and will email updates to the Board when received.

Mr. Henry asked if Staff can confirm that there was no intrusion of lake waters onto properties during the last storm. Mrs. Adams stated that no reports of water intrusion were received. Mr. Willis stated that no reports of illicit discharges or breaches of banks were received from technicians on the ground.

Mr. Adams asked Mr. Bowden if any reports were received by the MCA, which might be more likely to receive such reports. Mr. Bowden replied no and stated the MCA fared very well; the drainage system worked well thanks to the CDD and the County. He stated that there is a

misperception by residents/property owners that the CDD has floodgates and weirs and that the CDD can raise and lower the levels of the lakes. He fielded many calls and advised callers that the County is proactive. He thinks this is a good example of how a well-maintained drainage system for County-driven canals prevents flooding and that it worked very well. Mr. Bowden received no reports of flooding and stated that Mediterra did not receive an excessive amount of rain.

Ms. Gartland suggested that the Chairman's letter advise that the stormwater system works well and that it operates by gravity drainage and depends upon water levels in areas outside the community.

Mr. Bowden voiced his opinion that, when residents become alarmed by lake levels, they do not realize what a tremendous increase would be needed for the water to reach their homes, due to the elevations.

Mr. Tarr noted that his neighbor's drain pipes that were installed by MRI floated to the surface of the lake. He asked to have them taken care of. Mr. Willis replied affirmatively; he is aware of three or four pipes that Cross Creek weighed down yesterday. He will add 15221 Medici to the list.

Ms. Gartland asked if palm fronds will be removed from the lakes. Mrs. Adams replied affirmatively; as water levels go down, palm fronds, trash and debris will be removed.

FIFTH ORDER OF BUSINESS

**Continued Discussion/Consideration:
Pesky Varmints, LLC Estimate #1992
[Iguana Removal]**

Mr. Tarr stated the minutes from the last meeting indicate that Mr. Greenberg wanted an expert to make a presentation related to iguanas and to include The Club and the MCA.

Mr. Willis stated that a presentation by The Conservancy of Southwest Florida was scheduled; however, it was paused and then canceled due to Hurricane Helene. The organization is experiencing staffing issues; he will reschedule the presentation in one to two months. He spoke with The Club to gauge interest in participating in iguana removal, as directed by the Board, and Mr. Tom Lively stated that, because he has only seen two or three iguanas on the golf course in a couple of years, he thinks it is not worth their time or financial resources to participate; however, he is open to discussion.

Mr. Tarr voiced his opinion that it is the CDD’s responsibility because it is lake related. The CDD did not ask The Club to participate in cane toad removal and what began with a few cane toads has developed into thousands. He noted that the CDD has a good relationship with Pesky Varmints (Pesky) but it is not a long-term contract. If an iguana is found, Pesky does not charge the \$49 trip charge and, if they capture one, the CDD pays for it.

Mr. Henry asked if the MCA has an agreement with Pesky. Mr. Bowden stated they do not have a contract because, if a snake or an iguana is reported in a resident’s yard, it raises the issue of whether it came from a single-family home and whether the homeowner should pay for it. In these rare instances, the MCA calls Pesky and they take care of it.

Mr. Tarr stated that Pesky has not always charged a trip charge but he thinks \$49 is a low charge and it is reasonable if they are searching the golf course while it is closed.

The Board and Staff discussed engaging Pesky and the scope of work.

Ms. Gartland recalled agreement at the last meeting that Pesky should visit both golf courses once. She suggested Pesky can inspect the areas where iguanas have been observed, look at areas where iguanas would likely be found and search for nests and tracks.

Mr. Adams noted that the \$49 trip charge likely applies to an actual sighting, not a lengthy search. The consensus was to authorize one full sweep of both golf courses and rock banks. Ms. Willson suggested the work be authorized as an additional service under the CDD’s existing Pesky Varmints Agreement, which includes requirements to comply with governmental requirements and to repair any damage to property.

Mrs. Adams will submit a Change Order to the existing Contract Agreement accordingly.

Ms. Gartland stated she would still like to hear from a wildlife specialist regarding the potential scope of the issue, given Mr. Lively’s comments. Mr. Tarr voiced his opinion that iguanas are very territorial and estimated that just a few iguanas could propagate very quickly.

On MOTION by Ms. Wheeler and seconded by Mr. Henry, with all in favor, engaging Pesky Varmints, LLC to perform one full sweep of both golf courses and rock banks, in a not-to-exceed amount of \$1,000, was approved.

SIXTH ORDER OF BUSINESS

Continued Discussion: Removal of Vegetation Debris

Mrs. Adams stated the title of this agenda item is incorrect.

- **Discussion: Lake and Wetland Contract**

This item was an addition to the agenda.

Mrs. Adams stated that the current contract expires on October 31, 2024; it has a clause that provides for automatic renewal unless the Board decides to go out to bid. When the contract was approved, there was a request that the Board revisit the contract before allowing it to automatically renew. If the Board would like to go out through the sealed bidding process it can; otherwise, the second-year option maintains the current price of \$349,364.60.

The Board and Staff discussed the current bid package and contractor.

Mr. Tarr asked about the 4% escalator with a four-year contract, shown on Page 19. Ms. Willson believes that was included in the contractor's proposal or in the form of Agreement already in use.

Mr. Tarr asked if Staff is generally satisfied with the work being done by the contractor.

Mr. Willis stated they are satisfied with the physical work being done by EarthBalance's subcontractor, Crosscreek; however, he has requested more detailed reports. Some administrative matters need to be cleared up but, overall, he thinks they do a nice job. He speaks weekly with the Team Lead, Mr. Jim Sheerhan, and will confirm the number of technicians and the number of days of service per week. The contract is performance based so, regardless of the number of technicians sent, they are required to maintain the CDD's standards.

Mr. Tarr asked if the spike rush is being maintained at the required 15' distance. Mr. Willis replied affirmatively; they have thinned out many areas of littoral bands responsibly and are reducing it on each visit to maintain the aesthetics.

Mr. Tarr asked if Staff thinks Crosscreek is adhering to the contract and if they are generally satisfied. Mr. Willis replied affirmatively.

Mr. Henry recalled numerous discussions about the quality of the lake and the performance of the lake contractors and asked if an independent assessment as to whether the lakes are meeting the standards is in order. Mr. Adams suggested the District Engineer would be a good resource, given that Johnson Engineering specializes in stormwater and can evaluate water quality, plants and lake banks for erosion and compliance with permitting in one review. Mr. Zordan stated that his firm has ecologists and water scientists who can evaluate water and littorals. Mr. Adams suggested an annual review during the first or second quarter so that the Report can help the Board and Staff in developing the budget for the next fiscal year.

Given the expense, Ms. Gartland stated she hopes an annual review is not necessary but she supports a one-time evaluation for the new contractor and relying on Staff when possible.

Mrs. Adams noted that the CDD can cancel the contract at any time, with 30 days' notice. The contract will automatically renew if no action is taken.

Mr. Tarr stated that, having discussed it, the Board supports proceeding with the second year of the contract.

Mr. Adams stated a proposal will be secured for a more comprehensive review that will include more than just the scope of this contract and its performance; it will also include the overall quality of the water and the lakes.

The consensus was not to combine the review with the Annual Lake Audit but to have a totally independent review. Mr. Zordan was asked to submit a proposal for discussion at the next meeting. Mr. Zordan asked for clarification regarding the scope of work.

Mr. Adams asked for a performance review of the stormwater system with regard to whether the number of plants is proper, whether they are being maintained properly, if there are excessive amounts of invasive and exotic material, if lake bank erosion issues would cause noncompliance with the permit, if the structures are in good condition, if grates need to be replaced, if spalling issues with concrete suggest a structure might need to be replaced within a few years, etc., in addition to the general performance of this contract.

It was noted that water quality is tested separately. Mr. Zordan stated that water samples were taken in September and a report will be presented at the November meeting.

SEVENTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of August 31, 2024**

Mr. Adams presented the Unaudited Financial Statements as of August 31, 2024.

Mr. Henry voiced his opinion that the interest received is low and that more of the CDD's funds should be invested. Mr. Adams stated there is \$781,000 in the operating account and at least two-thirds of that should be shifted to the BankUnited account. He will ask the Controller and the Treasurer to keep that account at \$250,000 and to sweep amounts above that level to the BankUnited account. When last checked the interest rate was 4.75%.

Ms. Gartland asked if the Board should be more watchful of the operating account. Mr. Adams stated that he will speak to the Treasurer and Controller about it.

On MOTION by Mr. Henry and seconded by Ms. Gartland, with all in favor, the Unaudited Financial Statements as of August 31, 2024, were accepted.

EIGHTH ORDER OF BUSINESS

Approval of August 21, 2024 Public Hearing and Regular Meeting Minutes

Mr. Tarr presented the August 21, 2024 Public Hearing and Regular Meeting Minutes.

Discussion ensued regarding improvements in production of the minutes this past year.

Mr. Tarr noted that the information that Ms. Willson emailed to Mr. Greenberg was distributed to Board Members and will be discussed later in the meeting.

The following change was made:

Line 287: Change "Report" to "report"

On MOTION by Ms. Wheeler and seconded by Ms. Gartland, with all in favor, the August 21, 2024 Public Hearing and Regular Meeting Minutes, as amended, were approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

Mr. Tarr referred to Ms. Willson’s email related to “the rights of the CDD regarding runoff from clogged (association) pipes or overland runoff from adjacent property either owned by an association or homeowner”, which was distributed as a handout. He voiced his belief that the recommended “soft touch” with residents is consistent with past policy.

Ms. Willson concurred and stated it is consistent with what was discussed at the last meeting, consistent with CDD policy if an issue is noted on a property adjacent to CDD-owned property, and it is recommended that Staff or the District Engineer be contacted so they can inspect the area and take pictures. If the District Engineer determines the activity is likely causing an issue on the adjacent CDD property, they can ask the property owners/resident, request that they correct the issue and follow up accordingly.

Mr. Tarr voiced his opinion that the comment at the bottom of Page 1 is relevant, where it states that Villoresi’s Declarations do not include any authority to pursue homeowners in violation. He stated that, in Medici, the HOA took the position that, since some of these drains were common utilities between two properties and it is stated in their Declarations that the

HOA has to maintain the stormwater system for the common property, the Medici Board took the position that it would just do the curing as necessary. It was done at a cost of approximately \$10,000 but no property owners who were not on the lake voiced a complaint. He thinks it will be up to each HOA to determine how they will handle it.

Mr. Tarr stated that he discussed the matter with Mr. Bowden and was told the MCA does not have any responsibility, per se, for the CDD's stormwater system, yet, in the Design Review Guidelines (DRG) for Mediterra, it specifically states that "You cannot create an issue on your property where your stormwater is moved onto an adjacent property." He suggested sharing this with the Architectural Review Committee (ARC) and offered to help rewrite the DRG with Mr. Stephen Light, who was on the MCA Board. He stated the issue of drainage was never discussed when applications were submitted for expansion of lanais and pool areas. In Medici, it was discovered that owners maintaining their downspouts were disconnecting them from underground drains and many, many homes have pipes that go under the CDD lake plat and continue to maintain those. He does not recall seeing any document regarding the CDD's position on homeowners adding or changing the drainage through the CDD's property to the lake.

Mr. Zordan stated that he is not aware of any documents.

Mr. Tarr asked if the MCA, the CDD and the Associations are in error, and noted that Mr. McHarris, the Architect who advises the MCA, never raises the issue. He suggested that, before engaging in another lake bank remediation, the CDD should ensure that these properties do not create another Medici situation where MRI finds washouts following a big rain storm because nobody realized how bad it was.

Mr. Henry stated that, in Lucarno, he has seen home drainage systems not documented by the Developer and homeowners had to document their own drainage. Remediations were done to address problems and the pipes were extended to the lake, thinking that is the correct thing to do, which he thinks is acceptable, if it is done properly.

Mr. Tarr stated his point is that work is being done on CDD property and asked if a Policy and Procedure is needed.

Mr. Adams stated the "policy" should be that the CDD is not concerned unless there are negative impacts. These would be identified through routine reviews, which is part of what is done weekly by lake maintenance contractors. When they treat the ponds, they are looking for those types of erosions, illicit discharges, etc.

Mr. Tarr expressed his opinion that should be part of the District Engineer's review since major washouts are obvious but subtle sheet flow over the years caused the Medici erosion and erosion exposed the original irrigation installed by the Developer.

Mr. Adams stated that wind and wave action from the water body itself can also affect the shore. Mr. Zordan stated that wind and wave action is actually the number one problem causing lake bank erosion. Mr. Tarr thinks the southwest facing lakes are the hardest hit, as in Medici. Mr. Henry noted that drainage issues can leave obvious gullies leading to the lake. Mr. Adams stated that pool overflow can also occur between properties.

Discussion ensued regarding numerous pool areas being redone, an issue in which MRI had to remediate problems and the need to learn from the experience.

Mr. Tarr stated his opinion that the Board needs to evaluate the scope of the issue, if the CDD will need to spend hundreds of thousands of dollars on future lake bank remediation, given the age of the community.

Mr. Tarr asked for Ms. Willson's document to be attached to the Minutes.

Ms. Willson stated that, at Mr. Greenberg's direction, the Villoresi documents are the only neighborhood documents she reviewed. Mr. Tarr stated that is appropriate, as they are prototypical.

Ms. Gartland feels that the process and communication to homeowners needs to be streamlined. She discussed an instance in which Cortile homeowners were not properly notified about the need to repair drainage areas; the notification was sent to an incorrect address on the Property Appraiser's website. She stated another homeowner who remediated drainage was upset because the area was torn up and had to be redone.

Discussion ensued regarding the need to streamline the processes.

Mr. Willis stated that he sends notifications to the legal address listed on the Property Appraiser's website. Mr. Adams stated that the same source of information is used for creating the lien rolls and transmitting them to the Tax Collector.

Ms. Gartland suggested the Chairman's Letter include a reminder that homeowners are responsible for maintaining proper drainage to the high-water mark. Mr. Tarr agreed and suggested the future communication to homeowners be called the Board Letter.

Mr. Willis stated he provided Cortile homeowners an informative package with approved vendors for remediations and schematics; this will be forwarded to the Board Members.

- **Discussion: Insurance Policy**

Mr. Tarr asked Ms. Willson if \$75,000 fire liability coverage is sufficient for the CDD.

Ms. Willson stated the insurance carrier clarified that the \$75,000 fire limit would apply to CDD items stored in a rental property. In an example Mr. Tarr previously described related to a vehicle fire due to an aeration box fire, damages would be reviewed under the CDD's general liability coverage. Mr. Adams stated that \$1 million is sufficient for general liability coverage.

Mr. Tarr stated the information sent by Ms. Willson related to the independent review referred to signage around high usage lakes. Mr. Adams stated that high usage lakes refers to recreational lakes with boating, fishing, water skiing, etc.

Mr. Henry asked if the CDD is covered in the unfortunate event of an alligator attack. Mr. Adams stated that the Covenants and Restrictions typically include an affirmation that property owners are aware of the danger and presence of Florida wildlife. Ms. Willson believes the CDD also discussed including that in the annual notice to community members; however, while there is no strict requirement to do so, she believes it was done in the past year.

Mr. Adams stated that several Boards asked the same question about coverage in the event of an alligator attack and the insurance carrier advised that the CDD is covered under its current general liability policy. There is no requirement to post signs; however, if the Board wants to proactively install signs, it was suggested that the signs advising about the presence of alligators in the stormwater management system be installed at certain locations, such as the golf course bag drop, the gatehouse entries to the community; it is not necessary to install signs at every lake. Mr. Tarr noted that signs were installed related to golf carts and mechanized vehicles and that Medici's Governing Documents are being updated; he believes that a warning about dangerous wildlife will be included.

Mr. Henry thinks it would be tremendously helpful for every communication to inform residents about the possible presence of dangerous wildlife and their responsibility to take appropriate precautions. Ms. Gartland stated that a warning was included in previous communications and a telephone number for the Florida Fish and Wildlife Commission (FWC) was included so people can report sightings.

The consensus was that more frequent communications are needed.

Mr. Tarr will ask Mr. Bowden if a wildlife warning is included in the new owner's packet.

Ms. Wheeler supports a boilerplate warning at the bottom of every communication. She suggested a quarterly communication be planned and offered to assist with a November

communication that includes information about the Board Members, the vacant seat, the new fiscal year and the stormwater system.

It was noted that an appointment to Mr. Greenberg’s seat might occur at the November 20, 2024 meeting.

Mr. Henry asked if the CDD has an umbrella insurance policy that picks up after the general liability. Ms. Willson stated the CDD typically has sovereign immunity, which would limit the CDD’s liability. Mrs. Adams will resend the summary of insurance coverages to the Board.

Discussion ensued regarding insurance, sovereign immunity and umbrella policies.

Ms. Willson will prepare an informal email summary related to insurance to Board Members. This item will be included on the next agenda.

B. District Engineer: Johnson Engineering, Inc.

Mr. Tarr noted that, given the declared State of Emergency, another permit extension is possible. Mr. Zordan will find out and report his findings.

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

- **2024 Operations Financial Impact Analysis**
- **Breakdown/Summary Report**

These items were included for informational purposes.

The Board and Staff discussed the EarthBalance bid that was approved at the last meeting; the formal contract is ready for execution. It was estimated that, if possible, the ROV pipe inspection will be scheduled for mid-January.

- **NEXT MEETING DATE: November 20, 2024 at 9:00 AM**
 - **QUORUM CHECK**

Supervisors Wheeler, Tarr, Henry and Gartland confirmed their attendance at the November 20, 2024 meeting.

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

- **Key Activity Dates Report**

The October 2024 Key Activity Dates Report was included for informational purposes.

Mr. Zordan will monitor the Phase Three East Stormwater Pond permit extension.

Mr. Tarr asked about the bond arbitrage. Mr. Adams stated that arbitrage calculations will likely be done this year; a due date will be added to the Report when confirmed.

Items 16, 20, 23 and 24 were completed.

Item 2: Mr. Greenberg’s name will be removed at the appropriate time.

Item 3: The meeting agenda will be sent to the Vice Chair.

Item 9: Remove.

Item 14: Remove.

Item 17: Outfall structures: Veterans/OS-Coco 1

ELEVENTH ORDER OF BUSINESS

Old Business

There was no old business.

TWELFTH ORDER OF BUSINESS

Supervisors’ Requests

Mr. Henry stated he saw a communication from the MCA related to the Resource Conservation District (RCD) injecting chlorine into the lakes to prevent the irrigation system staining. He asked why a request was not presented to the CDD.

Mr. Adams stated he researched it, at the Chair’s request via Ms. Willson. Lake 73, the irrigation holding pond on the east side of the CDD, is owned by RCS. The chlorine injection system occurs in or just outside the pumphouse and into the pressurized line leaving the pumphouse so it is not actually injecting chlorine into the pumphouse itself, which would be an issue as it would be an illicit discharge. He described the injection system and noted that the water is tested in conjunction with their own permit and this does not affect the CDD.

Mr. Tarr stated that he and Mr. Bowden scheduled a call with Barraco regarding the issue and the pumphouses; he will share any relevant information with the Board.

Ms. Gartland agreed with Mr. Tarr’s suggestion that, going forward, the Chairman’s Letter be a Board Letter. She recognized Mr. Tarr for urging the Pipe Cleaning and Inspection Project from the beginning, now that the results are being recognized.

Mr. Tarr commended the Board for its support for the FireWise program.

Ms. Gartland suggested the Board Letter be sent in November and offered to draft it. She will provide a draft to Mrs. Adams, who will forward it to the Board for revisions.

Mr. Tarr asked if any Board Members spoke to anyone interested in filling the upcoming Board vacancy. He stated the only person he spoke to was Mr. Steven Light, who expressed interest and is present today.

Mrs. Adams asked Mr. Light and any other interested candidates to email a letter of interest to her for inclusion in the next agenda.

Ms. Wheeler stated she completed the four hours of ethics training. Mr. Adams stated that her course fee will be reimbursed, if she paid to take the course. Completion of the requirement will be recorded when filing Form 1 in 2025.

THIRTEENTH ORDER OF BUSINESS

Public Comments (3 minutes per speaker)

Regarding insurance, Mr. Light voiced his opinion that contractors would be most likely to sue the CDD in the event of an encounter with wildlife. Mr. Adams stated that all CDD contractors are required to carry their own insurance, name the CDD as an additional insured and to hold the CDD harmless.

Mr. Tarr asked when deer hunting season starts. Mr. Adams stated that recreational deer hunting season is open; he has no information on the culling yet.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Henry and seconded by Ms. Wheeler, with all in favor, the meeting adjourned at 10:51 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/~~Assistant Secretary~~


Chair/~~Vice Chair~~