

**LELY COMMUNITY DEVELOPMENT DISTRICT
NAPLES, FLORIDA
Minutes of the Board of Supervisors Workshop
October 16, 2019**

A workshop of the Supervisors of Lely Community Development District was held on Wednesday, October 16, 2019 at 1 p.m. at the LCDD Maintenance Building.

SUPERVISORS PRESENT: Gerry Campkin, Chairman
William Lee, Vice-Chairman \
Harold Ousley, Treasurer
Kenneth Drum, Secretary
Ann Marie Bularzik, Supervisor, Assistant Secretary

ALSO PRESENT: W. Neil Dorrill, Dorrill Management Group, Manager and
Assistant Secretary/Treasurer
Kevin Carter, Operations Manager
Tony Pires, District Counsel
Freddy Bowers, Director of Community Patrol

WORKSHOP – ADMINISTRATIVE RULES

(***The tape picked up at this point)

As far as check signing, the Board has adopted resolutions as to who can sign and countersign the checks.

The legislation does not really talk about committees, but this provides the ability of the Board to have committees if it wants to.

As it relates to the record book, it closely tracks the statute, and where meetings are held again tracks the statute, but expands upon the Board meetings having to be in a public venue, accessible to the public. If a large amount of people are expected at a particular meeting, a different venue must be obtained if the usual meeting place will not accommodate them.

The next item tracks the voting requirements of the Florida Statutes, which indicated that you have to vote on something unless you have a legitimate conflict of interest under the Statute. A Board member can then abstain from voting.

The second part of Item G relates to a change made this year regarding email addresses for governmental officers and members. This item indicates that the District shall

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provide an email address to the Florida Commission on Ethics, to enable them to send the Board members their annual financial disclosure forms via email. Mr. Dorrill automatically sends this information to the Ethics Commission at the appropriate time each year. These emails are a matter of public record. The physical address will be the address of Management at 5672 Strand Court.

In response to a question from Mr. Drum, Mr. Pires will ask the Supervisor of Elections whether it is required to provide your email on the voting registration.

Mr. Drum also noted that he, as well as the other Board members, regularly receives notices from various organizations advising them of meetings and hearings that will be taking place. He asked if the District had to certify that they had attended a certain number of meetings along with some other requirements, and was advised that this was only for HOA Board members.

Mr. Pires noted that while Subsection H is not in the Statute, he has been asked by other CDD Board members to include it as it was felt that certain members of the Board were involving themselves improperly into the competitive solicitation process. The provision says that once the Board decides that it is going to competitively solicit something, no Board member can have any contact with a vendor providing that type of service.

Mr. Pires noted that this is an optional rule, and when Dr. Bularzik asked if this was as broad as it seems to indicate, which in some cases may preclude discussions with a vendor already working for you on another project, Mr. Pires indicated that if the Board wished to include this, they could make the discussions permissible if they were unrelated to CDD business.

Under Public Information and Inspection of Records, Mr. Pires noted that Chapter 119 is a very large one in the Statutes, but indicated that it was important for the Board members to be aware of it and comply with it, which includes the website. The Board is aware of this as they have been involved in the required changes for compliance with the Americans with Disabilities Act.

Charges are allowed for copying, and the Legislature advises what those charges can be, as well as the extraordinary requests received and what can be charged for them.

Under Public Meetings and Workshops, timely notice to the County and the public is required, and the ADA, again, requires special accommodations for this notice. People must also be advised what will be required if they plan to appeal any Board decision. Anything available by electronic format must be made available a week before a meeting.

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The key on this issue is if anything is added to the agenda, the public must be given an opportunity to comment on it.

With a bona fide emergency where a meeting must be held, the courts give great latitude at the discretion of the Board. Any actions taken at an emergency meeting must get ratified at the next regular meeting.

Under public comment, Mr. Pires noted that the public must be provided with a reasonable opportunity to be heard.

In response to Mr. Campkin's question, Mr. Pires indicated that there are a number of different ways to provide this opportunity. It could be at the beginning of the meeting, when the item comes up, or during general public comment at the end of the meeting. It can be delineated with public comments not on the agenda at the beginning of the meeting, and comments that are on the agenda at the end of the meeting. In any event, it is necessary that this is done.

Mr. Drum asked if the Board was under any obligation to inform residents of any item that is to be taken up at the regular monthly Board meeting. Mr. Pires indicated that there are two obligations. One is during the budget process when you are going to increase the assessment or adopt a new assessment, when notice must be given in the paper as well as by mail.

As far as the regular agenda, it is posted on the District website along with any other electronic formatted material available at that time. The attorney general has indicated many times that an item can be added to the agenda at the beginning of a meeting and the members of the public must be provided with an opportunity to comment on it if they wish to.

Mr. Lee commented on the format provided on Page 2, making some changes, and Mr. Pires indicated that if the Board wished to have public comment at the end of the meeting, it would be their decision to do so. The Board members briefly discussed the options, and it was noted that the rule allows three minutes for a speaker, but that, too, is at the Board's discretion.

Dr. Bularzik added Item K to the agenda, as items that have been carried forward from a previous meeting. Then L could be public comment, and the adjournment could be M. Other Districts use Action Items that are listed at the end of the meeting, and this will be done for the District right before the adjournment.

Mr. Campkin suggested that a section be added regarding the Sunshine Law, and Mr. Pires agreed that it would be a good idea, and he will expand on the appropriate section to include the Sunshine Law.

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Dr. Bularzik asked for clarification on Page 3, Section B, where it states that an official act will be no more than a ministerial act. Mr. Pires indicated that a ministerial act is filing a form with the State, such as annual special District reports. There is no discretion. Mr. Pires will give an example of a ministerial act to make it clear.

The next section was on solicitation of contracts, but it was detailed, and Mr. Pires suggested that it be addressed at the next Administrative Rules workshop.

Dr. Bularzik asked that the physical address noted on Page 4, Section G, could be the management office, and Mr. Pires will change the wording to add the words “may be”. Under Section H, wording will be added to indicate that “contractors unrelated to LCDD business”, relating to work discussions being held with a Board member.

Mr. Pires was thanked for his information, and a five minute recess was taken.