

**MINUTES OF MEETING
ORANGE BLOSSOM RANCH
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Orange Blossom Ranch Community Development District held a Public Hearing and a Regular Meeting on July 27, 2022, at 2:00 p.m., at The Ronto Group, 3066 Tamiami Trail North, Suite 201, Naples, Florida 34103.

Present were:

Mark Taylor	Chair
Brian O'Donnell	Assistant Secretary
Kathy Miller	Assistant Secretary
Karen Welks	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC
Wes Haber (via telephone)	District Counsel
Carl Barraco (via telephone)	District Engineer
Dave Closas	Collier County Facilities Management
Mike Delate	GradyMinor Engineer/Consultant

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 2:00 p.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Consider Appointment to Fill Unexpired Term of Seat 4

Ms. Cerbone asked if the Board wished to appoint someone to fill Seat 4 or leave it vacant until the November election. The consensus was for the seat to remain vacant.

- **Administration of Oath of Office (*the following to be provided in a separate package*)**

- A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. **Membership, Obligations and Responsibilities**
- C. **Chapter 190, Florida Statutes**
- D. **Financial Disclosure Forms**
 - I. **Form 1: Statement of Financial Interests**
 - II. **Form 1X: Amendment to Form 1, Statement of Financial Interest**
 - III. **Form 1F: Final Statement of Financial Interests**
- E. **Form 8B: Memorandum of Voting Conflict**

This item was deferred.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 2022-09,
Designating Certain Officers of the District,
and Providing for an Effective Date**

This item was deferred.

- **Acceptance of Unaudited Financial Statements as of June 30, 2022**

This item, previously the Twelfth Order of Business was presented out of order.

Ms. Cerbone presented the Unaudited Financial Statements as of June 30, 2022.

On MOTION by Ms. Welks and seconded by Mr. Taylor, with all in favor, the Unaudited Financial Statements as of June 30, 2022, were accepted.

- **Approval of April 27, 2022 Regular Meeting Minutes**

This item, previously the Thirteenth Order of Business was presented out of order.

Ms. Cerbone presented the April 27, 2022 Regular Meeting Minutes.

On MOTION by Ms. Miller and seconded by Ms. Welks, with all in favor, the April 27, 2022 Regular Meeting Minutes, as presented, were approved.

- **Discussion: Big Corkscrew Island Regional Park Phase 2 – County Request to Modify SWFMD Permit for New Master Water Management System**

This item, previously the Eleventh Order of Business was presented out of order.

Mr. Barraco reported the following:

- Mr. Delate is working with the County on the adjacent regional park, the shared water management system and a water management permit.
- As part of the project, Mr. Delate needs to modify the South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) in the District because the CDD is affected by the proposed modification. Mr. Delate would like the CDD to execute the application to modify the ERP.
- After scrutinizing this for months with Mr. Delate, Mr. Barraco would like the Board to be aware that the existing permit has specific storm stages documented in it for 5-year, 25-year and 100-year storms and for minimum floor elevations. In this case, the modeling shows that the a 100-year stage could increase by about 0.23'.
- Staff's intent is to bring to the Board's attention the stage that increases, which is the 100-year stage. An argument could be made that this modification can take .25' of freeboard away from existing property owners, which is basically an extra level of protection from a flood.

Referencing an area map, Mr. Delate explained that he and Mr. Closas, of Collier County Facilities Management, have been working on the Big Corkscrew Island Regional Park for over five years and the first phase, north of the Bolt Canal, which will be completed in the next few months. The focus has shifted to the next phase, which involves an area south of the canal, which runs across the north side of the CDD, which utilizes part of the Corkscrew lake. There is a drainage easement and a use agreement that allows the CDD to put its stormwater into the lake. He stated that the County plans to fill part of the lake, excavate other parts of the lake and tear down berms along another County-owned lake north of the canal to make one large Water Management System, which includes, the CDD, the County facilities and the School Board's lakes at the high school. The School Board and the County signed off and agreed to participate and be part of this Master Stormwater Management System; Staff is petitioning the CDD to sign off on the ERP modification application in order to proceed with Phase 2 of the project. Mr. Delate stated, as Mr. Barraco indicated, a series of storm events were tested and most of them decrease below what was already permitted for the CDD but the 100-year storm event raises

the elevation $\frac{1}{4}'$. The County has also designed the weir at the east end of the canal where the CDD discharges, with an automated master control weir, which would allow the water table to be lowered in the event of a big storm. The weir will cost \$1.5 to \$2 million to construct and will go out to bid within the next few months. Mr. Delate voiced his opinion that this master weir system will compensate for any potential flooding and improve the stormwater system tremendously.

Mr. Barraco stated he concurs with Mr. Delate and is only bringing this up for those individuals who have already purchased a home in this system and the paperwork will show that the estimated theoretical 100-year will increase by 0.25' and that Mr. Delate voiced his opinion that, once the County installs the weir structure, it will be more beneficial than the way the system is today without the modification.

A Board Member asked if Lennar was contacted. Mr. Barraco replied no. In response to the question of whether the CDD Board is obligated to alert the approximately 6,000 homeowners that are affected, Mr. Barraco stated it is only important to the individuals who have already purchased a home because they purchased it under today's condition and anyone who purchases a home after the modification would have no potential loss.

Mr. Haber stated that Mr. Barraco went through the actual ramifications of the flooding aspects of the change. He asked, in addition to those, if the CDD signs off on the application would it be an application for an amendment to the permit and, if so, will the amendment result in any greater obligations for the CDD, under the permit, such as a higher level of maintenance, capital construction changes, etc. Mr. Haber asked for confirmation that the CDD will not be responsible for any additional obligations that it is not presently obligated to undertake.

Mr. Barraco voiced his opinion that, based upon his review of the documents forwarded by Mr. Delate, the only change is the potential increase in the 100-year stage and there would be no maintenance or cost obligations to the CDD. Mr. Barraco reiterated that his only concern is for those existing homes, which will remain above the modified 100-year estimated elevation and, if there is a storm event and those homes flood by an inch, an argument could be made that, but for this modification, they would not have had that inch of water in their homes.

However, to counter that argument, Mr. Delate has confirmed that, when the major weir structure is installed, the County will have the ability to offset that.

Discussion ensued regarding the Water Management System, Lennar, the weir, construction timeline, the Board's hesitation, allowing Board Members time for due diligence, adhering to the Sunshine Law, the impact to the County if the Board withholds approval, a legal obligation to notify homeowners and recessing and reconvening this meeting.

It was suggested that the Board has two options:

- The Board can state that more review, diligence and research is necessary and defer the decision.
- The Board, if comfortable, can authorize a Board Member to work with Staff and signoff, on the Board's behalf, between meetings. If the Board Member is uncertain about any aspects, another meeting can be scheduled before making a decision.

It was noted that there is a time urgency to commence the permitting process in order to go out to bid because the County procurement process is rather slow. Ms. Cerbone asked when an answer would be needed from the Board. Mr. Closas stated, preferably, within a few weeks; 30 to 45 days would be too much time since the SFWMD is already pressuring the County to complete the permitting.

Regarding which entities could be sued if a home is flooded more than an inch, Mr. Haber stated that the CDD, as a unit of government, making legislative determinations, has sovereign immunity protection since they are making decisions that would be in the CDD's best interest. Mr. Barraco stated that his primary purpose in bringing this item forward is so that there is a record of the discussion. The facts are quite clear and Mr. Delate gave his professional opinion that, once everything is done, including installing this major weir structure, it would offset the .25' and the permit will still show that the numbers for the 100-year estimated stage went up by .25'.

Ms. Cerbone stated today's meeting could be continued to allow the Board to conduct due diligence and she could provide Mr. Closas' and Mr. Delate's contact information to the Board.

Mr. Haber voiced his understanding that the Engineer from GradyMinor indicated that, in his professional opinion, the proposed change from the weir would result in greater protection from flooding for the residents of the CDD as opposed to the status quo. He asked if there is a way, between now and the next Board meeting, to get a certification or documentation that a professional representative helped the Board make a decision that would be in the CDD's best interest and that would result in better protection than the status quo.

Mr. Delate emphasized that the 100-year event is completely theoretical. The 25-year is practical because there is a berm around the entire site that protects it and the 100-year event is the worst-case scenario, times ten; it is just used to provide a level of safety for the homes and, as Mr. Barraco noted, the permitted 100-year elevation was 14.51' and the minimum finished floor elevation is 15.30', so there is already a safety factor built in into that. He offered to draft a memo or letter to that effect and transmit it to Mr. Barraco to review, if that would be helpful.

Ms. Cerbone summarized that Mr. Taylor is suggesting that the Board give Staff direction to contact property owners via an informational letter regarding this and making them aware of the next meeting date for their feedback. She stated this meeting would be continued to allow Mr. Delate time to prepare and transmit the letter to Mr. Barraco and Mr. Haber for review and for them to then forward it to her to disseminate to the Board.

The meeting will be continued to Tuesday, the August 16, 2022 at 2:00 pm.

Mr. Closas and Mr. Delate left the meeting.

▪ **Ratification of Stormwater Management Needs Analysis Report**

This item, previously Tenth Order of Business, was presented out of order.

Ms. Cerbone presented the Stormwater Management Needs Analysis Report.

Mr. Barraco stated this is the first such report required by the State and, based on the future and budgeting, there is nothing very alarming in the Report.

Ms. Cerbone asked if there is anything related to stormwater maintenance that might be missing, for which the CDD should be putting aside reserves, going forward.

Mr. Haber stated, although he could not speak to what those amounts would be, ultimately, the CDD would be responsible for any repairs to the system and it never hurts to set aside funds for those type of future capital improvements.

Ms. Cerbone will email a copy of the Maintenance Agreement to Mr. Haber. District Staff will coordinate with the Board to commence a reserve stormwater maintenance account.

On MOTION by Mr. Taylor and seconded by Ms. Welks, with all in favor, the Stormwater Management Needs Analysis Report, was ratified.

Mr. Barraco left the call.

FIFTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2022/2023 Budget

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2022-06, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date

Ms. Cerbone reviewed the proposed 2023 Fiscal Year budget.

On MOTION by Ms. Miller and seconded by Ms. Welks, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. O'Donnell and seconded by Ms. Welks, with all in favor, the Public Hearing was closed.

Ms. Cerbone presented Resolution 2022-06.

On MOTION by Ms. Welks and seconded by Ms. Miller, with all in favor, Resolution 2022-06, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2022-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2022-07.

On MOTION by Mr. Taylor and seconded by Ms. Welks, with all in favor, Resolution 2022-07, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2021, Prepared by Grau & Associates

Ms. Cerbone presented the Audited Financial Report for the Fiscal Year Ended September 30, 2021 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2022-08, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021

Ms. Cerbone presented Resolution 2022-08.

On MOTION by Ms. Welks and seconded by Ms. Miller, with all in favor, Resolution 2022-08, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021, was adopted.

NINTH ORDER OF BUSINESS

Ratification of Interlocal Agreement for the Preparation and Submission of the Orange Blossom Ranch CDD, Non-Ad Valorem Assessment Roll and the Related Uniform Collection and Enforcement Thereof

Ms. Cerbone presented the Interlocal Agreement.

On MOTION by Mr. Taylor and seconded by Ms. Welks, with all in favor, the Interlocal Agreement for the Preparation and Submission of the Orange Blossom Ranch CDD, Non-Ad Valorem Assessment Roll and the Related Uniform Collection and Enforcement Thereof, was ratified.

TENTH ORDER OF BUSINESS

Ratification of Stormwater Management Needs Analysis Report

This item was presented following the Fourth Order of Business.

ELEVENTH ORDER OF BUSINESS

Discussion: Big Corkscrew Island Regional Park Phase 2 – County Request to Modify SWFMD Permit for New Water Master System

This item was presented following the Fourth Order of Business.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2022

This item was presented following the Fourth Order of Business.

THIRTEENTH ORDER OF BUSINESS

Approval of April 27, 2022 Regular Meeting Minutes

This item was presented following the Fourth Order of Business.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock LLP*

There was no report.

B. District Engineer: *Barraco and Associates, Inc.*

There was no report.

C. District Manager: *Wrathell, Hunt & Associates, LLC*

I. 869 Registered Voters in District as of April 15, 2022

II. NEXT MEETING DATE: November 3, 2022 at 2:00 p.m. (Landowners Meeting)

○ QUORUM CHECK

The next meeting would be held on August 16, 2022.

Discussion ensued regarding the Landowners' Meeting.

Regarding what happens if no one comes forward to join the Board, Ms. Cerbone stated the current Board Members can become holdovers.

Mr. Haber stated Chapter 190 specifies that all reasonable efforts should be made to fill seats where no one qualifies within 90 days of the date that they would have been filled. The Board should try to identify candidates to serve on the Board by contacting the HOA and posting a notice on the CDD website.

Regarding who would be Landowner-appointed, Mr. Haber stated, for seats where no one qualifies, the seats are deemed vacant and the existing Board Members remain in those seats until the vacancies are filled. Asked if this will be a resident only Board going forward, Mr. Haber stated that will occur in due time.

Ms. Cerbone will find out if a Lennar representative is interested in joining the Board.

FIFTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

SIXTEENTH ORDER OF BUSINESS

Audience Comments

There were no audience comments.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting recessed.

On MOTION by Ms. Miller and seconded by Ms. Welks, with all in favor, the meeting recessed and was continued to on August 16, 2022 at 2:00 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair