



# **AVE MARIA STEWARDSHIP COMMUNITY DISTRICT**

## **COLLIER COUNTY REGULAR BOARD MEETING AUGUST 6, 2024 9:00 A.M.**

**5080 ANNUNCIATION CIRCLE, SUITE 101, AVE MARIA, FLORIDA 34142**

**[www.avemariastewardshipcd.org](http://www.avemariastewardshipcd.org)**

### **DISTRICT MANAGER**

**Special District Services, Inc.  
The Oaks Center  
2501A Burns Road  
Palm Beach Gardens, FL 33410**

**561.630.4922 Telephone  
877.SDS.4922 Toll Free  
561.630.4923 Facsimile**

**AGENDA**  
**AVE MARIA STEWARDSHIP COMMUNITY DISTRICT**  
**REGULAR BOARD MEETING**

**August 6, 2024**

**9:00 a.m.**

**Ave Maria Master Association (office/fitness center)**

**5080 Annunciation Circle, Unit 101**

**Ave Maria, Florida 34142**

**TO JOIN VIA ZOOM: <https://us02web.zoom.us/j/84779450200>**

**MEETING ID: 847 7945 0200 DIAL IN AT: 1-929-436-2866**

- A. Call to Order
- B. Pledge of Allegiance
- C. Invocation
- D. Proof of Publication.....Page 1
- E. Establish a Quorum
- F. Additions or Deletions to Agenda
- G. Comments from the Public for District Items on the Agenda
- H. Approval of Minutes
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- I. Consent Agenda
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- J. Old Business
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- K. New Business
  - 1. Consider Amended and Restated Contract between AMSCD and Special District Services, Inc. to provide Management and Operations staff and services to the AMSCD.....Page 80
  - 2. Consider Purchase of Ford F150.....Page 95
  - 3. Consider Resolution No. 2024-10 – Resetting the Date for the Landowners’ Election.....Page 98
  - 4. Consider Resolution No. 2024-11 – Awarding Contract for District Construction of Improvements.....Page 100
  - 5. Discussion Regarding Location of the Budget Public Hearing and Regular Board Meeting on September 10, 2024
    - a. Consider Resolution No. 2024-12 – Resetting Proposed Budget Public Hearing Location.....Page 103
  - 6. Consider Approval of Extending the Contract with Davey Tree Expert Company for Landscape and Irrigation Maintenance Services
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L. Administrative Matters

1. Legal Report

2. Engineer Report

3. Manager's Report

a. Financials.....Page 106

M. Final Public Comments

N. Board Members Comments

O. Adjourn

**\*Public Comment will be limited to three minutes (3:00) with no rebuttal**

AVE MARIA STEWARDSHIP COMMUNITY DISTRICT  
NOTICE OF REGULAR BOARD MEETING

The Board of Supervisors (the Board) of the Ave Maria Stewardship Community District (the District) will hold a Regular Board Meeting (Meeting) at 9:00 a.m. on August 6, 2024, in the Ave Maria Master Association located at 5080 Annunciation Circle, Suite 101, Ave Maria, Florida 34142. The Meeting will also be available for viewing utilizing communications media technology (Virtual Attendance) through the following login information, however public comment will only be available to those participating in person. The Zoom link below will allow for up to 1,000 individuals to view the meeting and all requests for public comment participation via Zoom must be submitted by 5 p.m. August 5, 2024, in advance of the meeting to the District Manager, Allyson Holland, at [aholland@sdsinc.org](mailto:aholland@sdsinc.org) with the agenda item they wish to speak on noted. Virtual Attendance is offered for convenience only and in the event there are interruptions in internet service or other technical difficulties the Meeting will continue at the physical location regardless of availability of the Virtual Attendance option.

Join by URL for VIDEO ACCESS at: <https://us02web.zoom.us/j/84779450200>

Meeting ID: 847 7945 0200

Join by PHONE at: 1-929-436-2866

Meeting ID: 847 7945 0200

The purpose of the Meeting is for the Board to address District related items as noted on the Agenda. At such time the Board is so authorized and may consider any business that may properly come before it.

A copy of the agenda may be obtained at the offices of the District Manager, Special District Services, Inc., 2501A Burns Road, Palm Beach Gardens, Florida 33410 (561) 630-4922, during normal business hours, or by visiting the Districts website at [www.avemariastewardshipcd.org](http://www.avemariastewardshipcd.org) seven (7) days prior to the meeting date.

The meeting is open to the public and will be conducted in accordance with the provisions of Florida law. The meeting may be continued to a date, time and place to be specified on the record at the meeting. There may be occasions when Board Supervisors or District Staff may participate by speaker telephone or other communications media technology.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Managers Office at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY)/1-800-955-8770 (Voice), for aid in contacting the District Managers office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that person will need a record of proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

AVE MARIA STEWARDSHIP COMMUNITY DISTRICT

[www.avemariastewardshipcd.org](http://www.avemariastewardshipcd.org)

104012367/25/24

**AVE MARIA STEWARDSHIP COMMUNITY DISTRICT  
 “RECONVENED”  
 REGULAR BOARD MEETING**

**June 19, 2024**

**6:00 p.m.**

**Grand Hall at Del Webb**

**6008 Del Webb Way**

**Ave Maria, Florida 34142**

**TO JOIN VIA ZOOM: <https://us02web.zoom.us/j/85151231786>**

**MEETING ID: 851 5123 1786 DIAL IN AT: 1-929-436-2866**

**A. Call to Order**

The June 19, 2024 Reconvened Regular Board Meeting of the Ave Maria Stewardship Community District (the “District”) was called to order at 6:00 p.m. in the Grand Hall at Del Webb located at 6008 Del Webb Way, Ave Maria, FL 34142. The meeting was also available via Zoom information indicated above.

**B. Pledge of Allegiance**

**C. Invocation**

Supervisor Klucik led the meeting in prayer.

**D. Proof of Publication**

Proof of publication was presented indicating that notice of the Regular Board Meeting had been published in the Naples Daily News on June 12, 2024, as legally required.

**E. Establish a Quorum**

A quorum was established with the following:

**Board of Supervisors**

Chairman	Thomas Peek	Present
Vice Chair	Jay Roth	Present
Supervisor	Jeff Sonalia	Present
Supervisor	Tom DiFlorio	Present
Supervisor	Robb Klucik	Present

District Staff in attendance were:

District Manager	Todd Wodraska	Special District Services, Inc.
District Manager	Allyson Holland	Special District Services, Inc.
Director of Operations	Sal D’Angelo	Special District Services, Inc.
General Counsel	Alyssa Willson	Kutak Rock, LLP
District Engineer	Ted Tryka	LJA Engineering, Inc.
Owner Representative	David Genson	Barron Collier Companies

Also present were the following:

Jaclyn Canerdy, Donny Diaz, Monica Villa, Russ Weyer, Commissioner McDaniel and approximately 250 members of the public.

There were also approximately 200 present via Zoom.

#### F. **Additions or Deletions to Agenda**

District Staff (Todd Wodraska, David Genson, Alyssa Willson) presented a PowerPoint presentation (attached hereto) to the Board and members of the public. The presentation discussed Special Districts, the creation of the AMSCD, ownership and responsibilities of AMSCD, benefits to residents, and introduction of District Staff. The presentation included roles and responsibilities of the Board. An explanation of the O&M and Debt Assessments including the methodology to determine the assessment amounts (i.e. buildout budget, trip generation, etc.) was provided. The presentation included a discussion on reserves and the need to start increasing the amount of reserves for future infrastructure improvements/replacement. Debt and O&M assessment comparisons with other local Special Districts were discussed, noting that AMSCD assessments are on the low end of the spectrum. The presentation concluded with the owner's representative indicating that the developer proposes to increase the proposed assessments (both O&M and Debt) over three years, rather than one increase next fiscal year, but ultimately this will be the Board's decision.

#### G. **Comments from the Public for District Items on the Agenda**

Public comments were moved to Item K.3 (heard prior to voting on Item K.3). Comments followed staff presentation and were heard before the vote. John Lanham stated that he's been living in Ave Maria since 2018 and this is the third time there's been a blow up at a Board meeting. He asked why the District is so poor in providing information for the public. He requested plain English communication and asked that information be placed on the website and that the District communicate better. Ronny Lambotte stated that he's been a resident since 2016. He said that the District should have added a small amount to the reserves every year instead of doubling the assessment now. Gregory Kolker was seeded time by 3 other residents. He stated that Ave Maria is a special place to live. He stated that there is garbage communication and that the District needs to be responsible; although he thanked the developer. He stated that he is on the Board at Emmerson Park and they have \$235,000 in reserves for their small community. He stated that the District should have a lot more in reserves than approximately \$300,000. He stated that the money that is spent to repair 20-year-old roads should be paid for using reserves and the District should have been saving for 10-15 years. He stated that if the developer gets 60% of the Board, the developer should be paying 60% of the reserves. He asked that the developer not get hung up on angry people and see this as an opportunity to run to the bank so Ave Maria is here for another 25 years. Diane Alfonso stated that if you want to make money, you need to spend it. She said that Pulte needs to better explain the special assessment to folks buying homes. She suggested a 5-year increase in assessments rather than 3-year. Victor Acquista has concerns about the budget: the developer contribution reduction, the proposed reserves, and why management/admin services increased. Will Hampton wants to know when residents get control of the Board. Supervisor Klucik responded that once they reach 50% of land ownership, they get the 3<sup>rd</sup> seat and that residents won't control for another 10/15 years Marilyn Cavanaugh stated that residents need to start attending Board meetings and that it's not fair for meetings to be held at 9 a.m. Yolande thanked Robb, stated that she moved her in 2018 and promises were made to her that haven't been kept.

#### H. **Approval of Minutes**

##### 1. **May 7, 2024 Regular Board Meeting Minutes**

The minutes of the May 7, 2024 Regular Board Meeting were presented for consideration.

A **motion** was made by Mr. Peek, seconded by Mr. Roth and passed unanimously approving the minutes of the May 7, 2024 Regular Board Meeting.

## I. **Consent Agenda**

### 1. **Consider Approval of Updated Traffic Study Agreement**

Mr. DiFlorio questioned why the traffic study included areas outside of district roadways and if they will be reimbursed for those areas. Staff explained that roadways outside the district roadways contribute to traffic and could be included in order to ensure a comprehensive traffic study to best allow the District to plan and provide for its roadways.. A **motion** was made by Mr. Peek, seconded by Mr. DiFlorio and passed unanimously approving the consent agenda, as presented.

## J. **Old Business**

### 1. **AMSCD Projects Update**

Staff reviewed the list briefly.

## K. **New Business**

### 1. **Consider Preliminary Approval of Developer Contribution & Deficit Funding Agreement FY 2025**

Staff presented the agreement and advised it is for preliminary presentation only and would be presented again with the final budget and scheduled public hearing. Preliminarily the funding agreement is in substantially similar form to years' past, provides developer will provide such amounts included in budget as developer contribution and provides a process for requesting additional funds in the event of non-budgeted or over budget items. Staff explained the developer is not legally obligated to contribute funds not outlined in the budget.

### 2. **Consider Approval of Revised O&M Methodology**

Russ Weyer with Real Estate Econometrics presented this item. He explained that this was the 3<sup>rd</sup> iteration of the O&M Methodology and that this includes the additional SRA lands. The methodology considers the 2024 buildout budget and the newest version of the Trip Generation.

### 3. **Consider Resolution No. 2024-05 – Adopting a Fiscal Year 2024/2025 Proposed Budget**

Todd Wodraska introduced this item. He explained the assessments are based on the build out budget presented in the O&M Methodology and not on the FY 24/25 budget. Todd explained that significant Administrative increases include staff changes/additions, and increase in insurance due to property, and maintenance. Supervisor Klucik asked if the 80% increase is for management and \$600,000 for the O&M team. Todd explained that the District hired Sal, but Sal decided to retire. SDS decided to hire a fulltime District manager. Part of this increase is salary and benefits. Supervisor Klucik asked about the value of the District's assets, stated that some are not 20 years old, and asked if we have programmed the assets for maintenance. He stated that the sugar daddy developer has been funding Ave Maria, and one day they will leave, and now we are reacting. Supervisor Klucik asked why there was an increase in the website cost. Todd responded that we reviewed that cost, discussed it yesterday, and we will bring it back down.

Sal D'Angelo presented the O&M portion of the budget. Sal explained that the asset manager line item is not a person, it's the asset management software and management of the software. Staff is working on getting all of the District's assets linked to the asset management software. He explained that the increase in the budget is a function of the infrastructure improvements. Sal recognized Donny Diaz for his dedication to Ave Maria.

Robb Klucik questioned who can speak to the reserve study. Sal explained that staff are reviewing the reserve study and that it will be presented at the July meeting. The reserve study looks at CIP and projects into the future including projects such as paving roadways. Supervisor Klucik stated that the development began 20 years ago and he wants someone to explain why the District hasn't planned for reserves 20 years in. Sal explained that the reserve study has been done and will be beneficial to the future of the community. David Genson stated that there was no benefit to completing a reserve study the first few years of development. Now the roads have met their useful life and now is the time to look at reserves. Supervisor Klucik stated that he's talked about the reserves in the past. His concern is that reserves are like retirement. We should have been paying for the reserves for many years. David Genson explained that the developer didn't increase the O&M assessment due to the recession for approximately 7-8 years. Supervisor Klucik stated that Ave Maria has been the best selling community for 10 years and we still have no reserves and he's mad. He thinks that's bad government. David questioned why the Board didn't require reserves. Supervisor Klucik told David that Todd told him that he takes direction from David. The Board brought up reserves and nothing was done. SDS takes direction from David, but they should take direction from the Board. Todd explained that a portion of the budget came from the developer. Supervisor Klucik said we have a great developer and the Board is only a voice. David stated that this hasn't been discussed among the Board.

Supervisor Klucik stated that this is frustrating to him and this is a screw up. He stated he's trying to get people to admit that they screwed up. This can't be good government. His four concerns are reserves, staff increase, insurance, and reduced contribution from the developer. He wants someone to say "you're right Robb". David stated that we are growing up. We've begun with the asset management software. We've also introduced the reserve number in order to get to \$2M in reserves in two years (\$2M is number reflected in reserve study).

Supervisor Klucik asked if we adopt the proposed 3-year incremental increase, will the developer fund the shortage. He asked if \$2M in reserves is an average moving forward. He stated that the developer dropped the ball on the reserves and that is not the Board's fault. He wants to make sure we are moving in the right direction. Alyssa stated that if the budget includes the reserves, the Board will receive a presentation of the reserve study prior to the budget hearing. Supervisor Klucik stated that we will be behind the 8 ball again. Supervisor Sonalia stated that the Board would like to see more detail, show the Board that this is real and not costing people more because we are ramping it up. Discussions on the reserve contribution continued. If we want these things, then we have to pay for them.

Todd explained that public comment is not Q&A. See Item G. for public comments.

A **motion** was made by Mr. Klucik for not adopting the budget, seconded by Mr. Roth. After further discussion, Mr. Klucik withdrew his motion, and a **motion** was made by Mr. Peek to continue Items K.1, K.2, K.3. and K.4. to the July 2, 2024 meeting, seconded by Mr. Klucik, and passed unanimously to continue these items. Mr. Klucik requested that the staff presentation of the budget on July 2, 2024 needs to include all of the documents showing the 3-year incremental assessment increase and include a reserve study discussion.

**4. Consider Resolution No. 2024-06 – Adopting a Fiscal Year 2024/2025 Proposed Budget for the Master Irrigation Utility System**

This item was continued with Item K.3. above.

**5. Consider Resolution No. 2024-07 – Designating a Landowners' Meeting Date**

Todd Wodraska presented this item. Mr. Klucik stated that the proposed meeting date will not work as November 5, 2024 is election day. A **motion** was made to hold the Landowner's Meeting on



November 12, 2024 at 6:00 p.m. by Mr. Peek, seconded by Mr. DiFlorio and passed unanimously approving Resolution No. 2024-07 – Designating a Landowners’ Meeting Date, as amended. Staff will try to get Del Webb Grand Hall for meeting location, to be advertised 90 days prior to meeting.

**6. Consider Resolution No. 2024-08 – Directing the District Manager Appoint Additional Signatories**

Todd Wodraska presented this item. Mr. Klucik asked what this includes and who can sign now. Staff explained that the Chairman is the only signatory currently, and that this will allow signing authority to the signatories included in the resolution. A **motion** was made by Mr. Roth, seconded by Mr. DeFlorio and passed unanimously approving Resolution No. 2024-08 – Directed the District Manager Appoint Additional Signatories, as presented.

**L. Administrative Matters**

**1. Legal Report**

Mrs. Willson reminded the board to file their Form ones and noted they were not impacted by the recent court ruling regarding the Form 6.

**2. Engineer Report**

Mr. Tryka had nothing further to report.

**3. Manager’s Report**

**a. Financials**

Mr. Klucik inquired about the expenditures for the remainder of the year and about securing shortfalls with the developer. Todd Wodraska explained that expenditures are tracking well and he’s unsure what shortfalls will be, but the overages will be paid by the developer.

**M. Final Public Comments**

No further public comments.

**N. Board Members Comments**

The Board unanimously agreed that the July 2, 2024 meeting is to be held at 6:00 p.m. at a location to be determined (Del Webb or University).

**O. Adjourn**

There being no further business to come before the Board, the reconvened Regular Board Meeting was adjourned at 9:15 p.m. by Chairman Peek. There were no objections.

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Secretary/Assistant Secretary

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Chair/Vice-Chairman

# Ave Maria

A BIG KIND OF SMALL TOWN



# ☀️ ISD – Independent Special District ☀️



“Local unit of special purpose government”



Provides a mechanism to finance, construct and maintain high quality improvements and amenities



Separate from, and NOT an arm of, the County or City

**Ave Maria**  
Stewardship Community District

# AMSCD – Ave Maria Stewardship Community District



Established in accordance with the Uniform Special District Accountability Act (Ch.189, F.S.) by special act of the Florida Legislature (Ch. 2004-461, Laws of Florida)



# What Can an ISD Do?

## **Allowed by Ch. 2004-461, Laws of Florida**



- Construct and maintain public infrastructure
- Levy and collect non-ad valorem assessments for operations and maintenance & bond debt service
- Contract for services
- Borrow money & issue bonds
- Adopt rules
- Maintain an office
- Charge fees
- Levy, collect & enforce special assessments

## **An ISD can construct/acquire the following:**

- Stormwater management infrastructure
- Water and wastewater infrastructure
- Roadways and street lighting
- Hardscaping, landscaping, irrigation
- Conservation areas, mitigation areas, and wildlife habitats
- Any project set forth in a development order or interlocal agreement

**AMSCD  
Ownership /  
Facilities Map:  
Lakes**

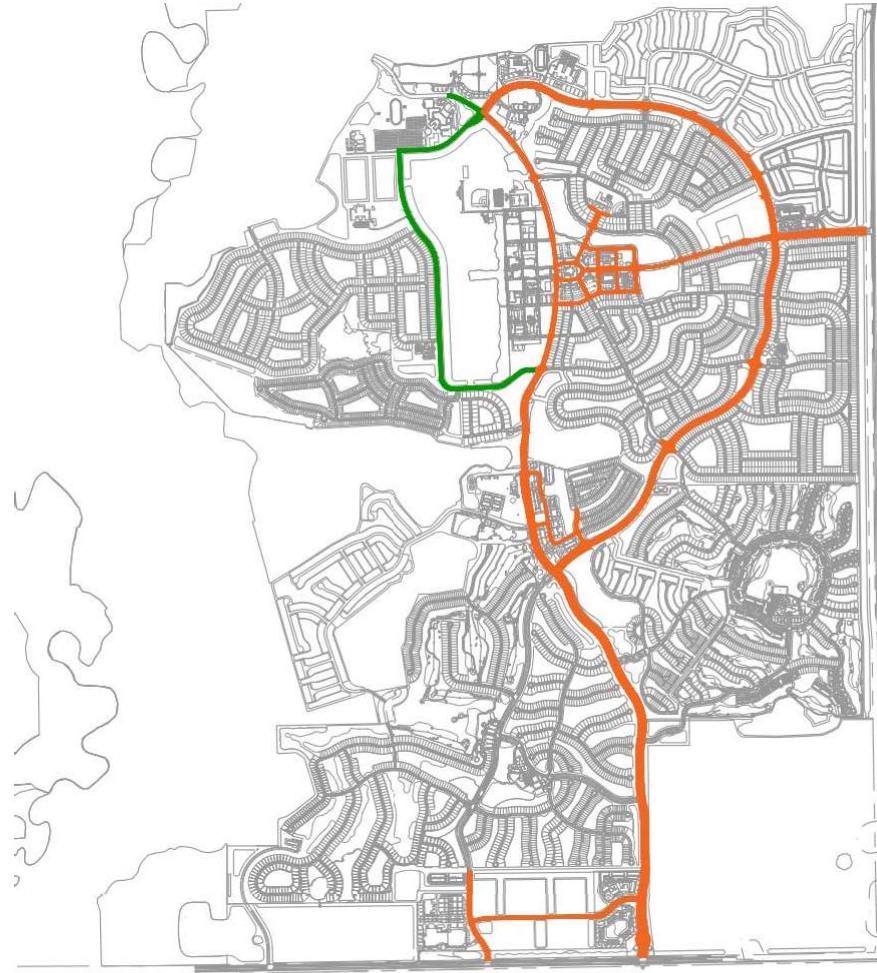


LEGEND		
DESCRIPTION	IDENTIFICATION	AREA (ACRES)
PREVIOUS LAKES		438.91
ADDITIONAL LAKES		35.63
TOTAL LAKES		474.54

**AMSCD OWNERSHIP - LAKES**



**AMSCD  
Ownership /  
Facilities Map:  
Roadways**

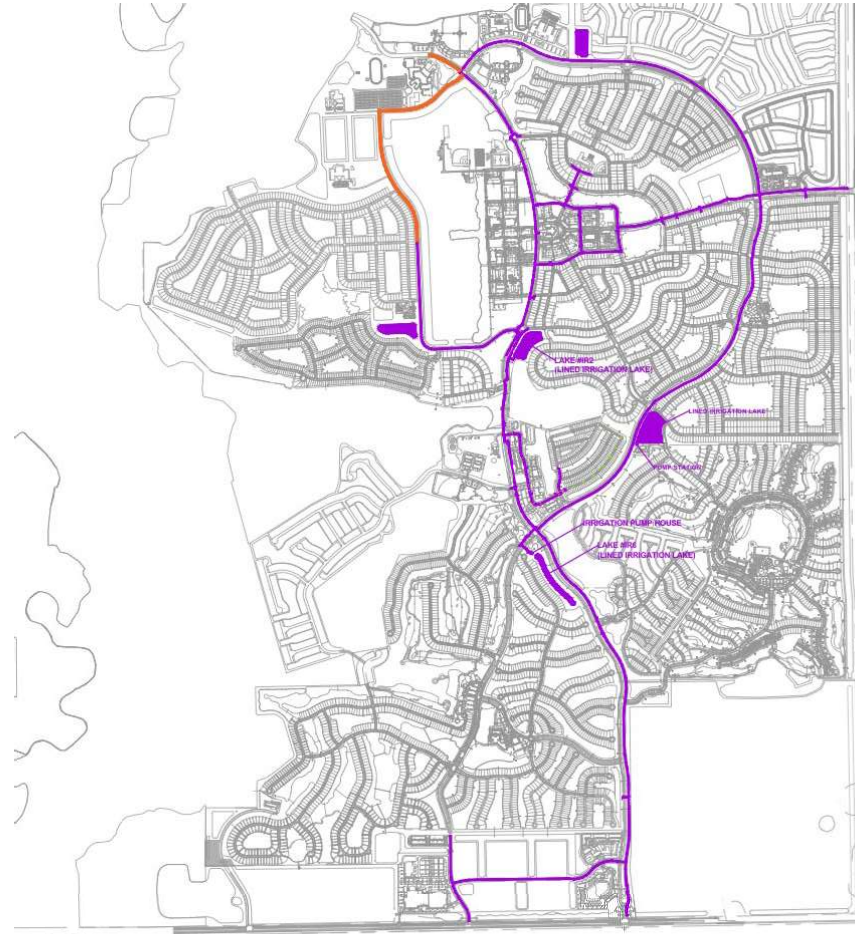




LEGEND		2-LANE UNDIVIDED	2-LANE DIVIDED	4-LANE DIVIDED	TOTAL LANES
DESCRIPTION	IDENTIFICATION	MILES	MILES	MILES	MILES
PREVIOUS ROADS		3.25	2.88	4.96	16.05
ADDITIONAL ROADS		2.05	0	0	2.05
TOTAL ROADS		5.30	2.88	4.96	18.10

**AMSCD OWNERSHIP - ROADWAYS**



**AMSCD  
Ownership /  
Facilities Map:  
Irrigation**



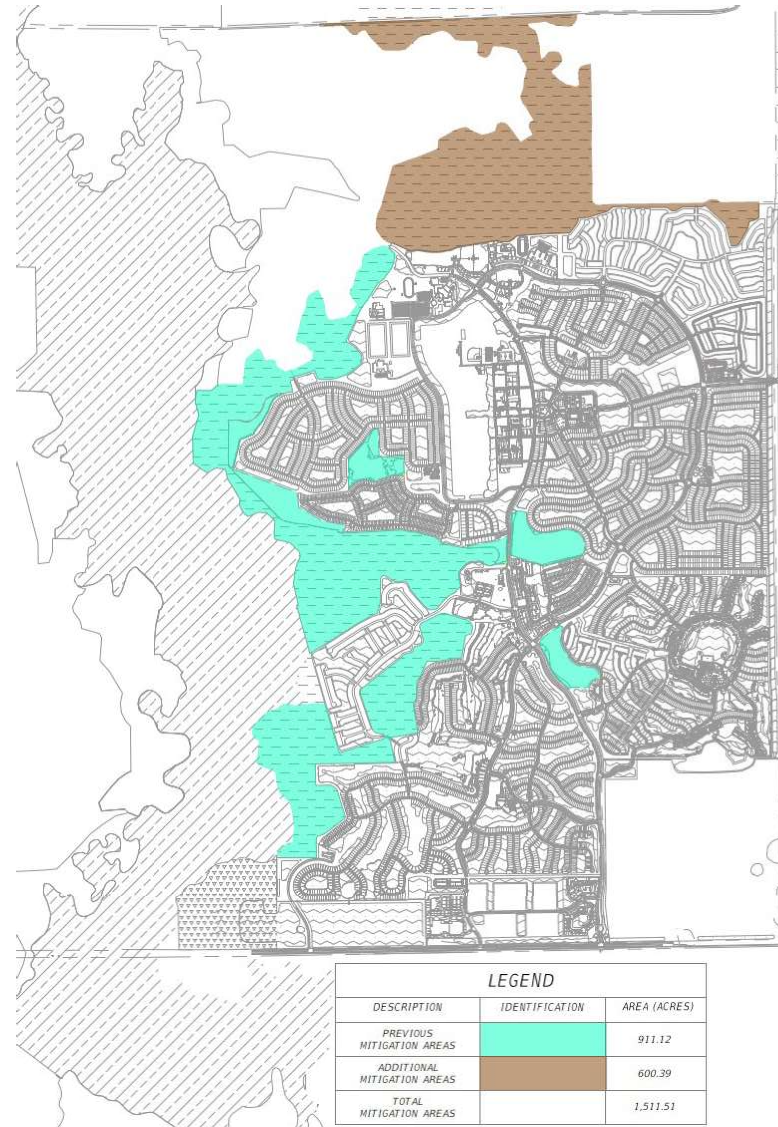
LEGEND		
DESCRIPTION	IDENTIFICATION	LINEAR FEET
PREVIOUS IRRIGATION		67,795
ADDITIONAL IRRIGATION		5,967
TOTAL IRRIGATION		73,762



**AMSCD OWNERSHIP - IRRIGATION**



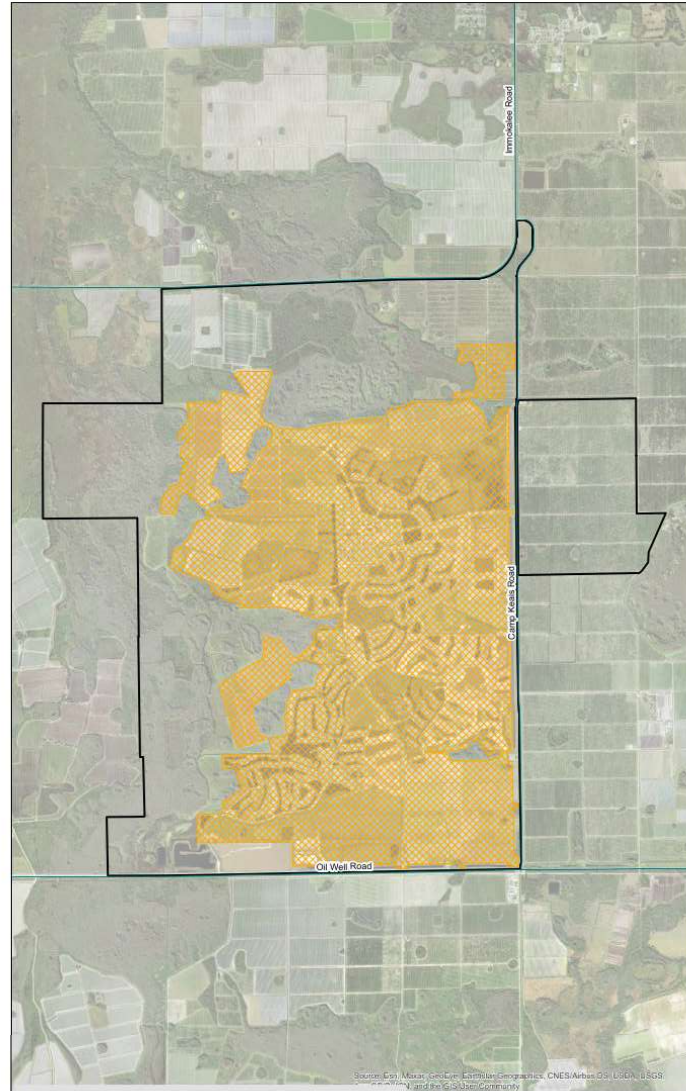
**AMSCD Ownership  
/ Facilities Map:  
Preserve and Water  
Retention Areas**



**AMSCD OWNERSHIP  
PRESERVE AND WATER RETENTION AREAS**

NOT TO SCALE

**Current  
Stewardship  
Receiving Area  
(SRA) and ISD  
Limits**



Legend	
	Current_SRA 5,928 Acres
	Current_ISD 11,806 Acres

**Exhibit to Show  
Current SRA and ISD Limits**

# What Can an ISD **Not Do?**

## **Not Allowed by Ch. 2004-461**

- Issue building permits
  - Regulate land use/zoning
  - Issue development orders
  - Enforce code compliance
  - Architectural review
  - Provide Police/EMS/Fire Services
- An ISD cannot take any action which is inconsistent with the comprehensive plans, ordinances and regulations of the County
  - An ISD does not have the power to adopt its own comprehensive plan, building code or land development code – it is not a zoning authority
  - All the ISD's powers must comply with all applicable County laws, rules, regulations, and policies governing planning and permitting of the development

# ISD Transparency

- Disclosed in Sales Contracts
- Mandatory Public Website:  
<https://avemariastewardshipcd.org/>
- Subject to Sunshine Laws & Public Records Laws
- All Meetings & Public Hearings Must Be Advertised & Posted
  - Advertised in Newspaper per statutory requirements and Annual Schedule is posted on website
- Public Procurement Laws Govern
- Recordable Notice of Establishment
- Recordable Disclosure of Public Finance
- Recordable Notice of Special Assessments
- Annual Audit Required
- Minutes are kept of each meeting

# Benefits to Residents

- Allows homebuyers to purchase housing in communities with higher levels of amenities such as open space, trails, parks and lower impact developments
- Infrastructure costs spread over time
- Stable Revenue Stream – the assessments are paid along with property taxes\*
- Increased Accountability\*\*
- Enhanced Level of Service - Allows for enhanced amenity levels and recreation options making community more attractive and livable
- Excellent Long-Term Maintenance Entity – Stewardship Districts are long term maintenance entities, which provide for stable, long term property values

## **Key Advantages of an ISD:**

- Collect assessments on the tax roll
- Sovereign immunity protection
- Eligible for FEMA and other emergency funding
- Professional staff

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\* Once lands are platted, District will typically utilize the Uniform Method of Collection and collect its assessments through the County's tax roll, coordinating that effort with the Property Appraiser and the Tax Collector; District can alternatively direct bill and collect; either way, the District must annually pass a budget via public hearing

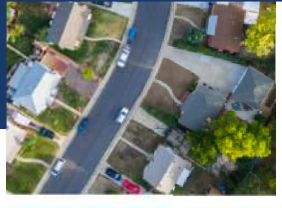
\*\* Open meetings, various statutory notices, public procurement of services and goods, public records; all providing for a transparent operation of District business



# Your Day-to-Day Administrative Team

District Manager	District Counsel	District Engineer
<p>Administrator of AMSCD</p> <p>Oversees AMSCD’s operations</p> <p>Prepares budget and administers accounting and finance functions</p>	<p>Legal counsel to AMSCD</p> <p>Ensures that AMSCD conducts its business in accordance with Florida law</p>	<p>Engineer of AMSCD</p> <p>Provides support services regarding planning, design, permitting, construction, and operation and maintenance of the AMSCD’s infrastructure</p>
<p><b>Allyson Holland, P.E.</b> Special District Services, Inc.</p>	<p><b>Alyssa Willson, Esq.</b> Kutak Rock LLP</p>	<p><b>Edward Tryka, P.E.</b> LJA Engineering</p>





# TOP 50 MASTER-PLANNED COMMUNITIES



RANK	MPC	CITY, STATE	DEVELOPER	SALES		
				2023	2022	%Δ
1	The Villages	The Villages, Florida	The Villages	3,029	3,923	-23%
2	Lakewood Ranch	Sarasota, Florida	Schroeder-Manatee Ranch, Inc.	2,257	1,846	22%
3	Sunterra	Katy, Texas	Land Tejas/Starwood Land	1,293	795	63%
4	Summerlin	Las Vegas, Nevada	Howard Hughes Corporation	1,090	782	39%
5	Bridgeland	Cypress, Texas	Howard Hughes Corporation	985	567	74%
6	Cadence	Henderson, Nevada	The LandWell Company	964	571	69%
7	Babcock Ranch	Punta Gorda, Florida	Kitson and Partners	958	934	3%
8	Silverleaf	St. Augustine, Florida	Hutson Companies	896	1,034	-13%
9	Wellen Park (formerly West Villages)	Venice, Florida	Wellen Park LLLP	887	722	23%
10	Ontario Ranch*	Ontario, California	Multiple Developers*	865	626	38%
11	Mission Ridge	El Paso, Texas	Hunt Communities	850	805	6%
12	Marvida	Cypress, Texas	Land Tejas/Starwood Land	835	635	31%
13	Cane Bay Plantation	Charleston, South Carolina	Gramling Brothers	775	959	-19%
14	Tamarron	Katy, Texas	D.R. Horton	774	435	78%
15	Santa Rita Ranch	Liberty Hill, Texas	Platform Ventures and Capitol Realty	742	450	65%
16	Silverado	Aubrey, Texas	D.R. Horton	721	795	-9%
17	Mirada	San Antonio, Florida	Metro Development Group	703	371	89%
18	Ave Maria	Ave Maria, Florida	Barron Collier Companies	652	586	11%
19	Baytown Crossings	Baytown, Texas	Friendswood Development Co.	638	338	89%
20	Tradition	St. Lucie, Florida	Mattamy Homes	637	434	47%

8 out of the top 20 master-planned communities in the nation are located in Florida, and all but 1 is located in an independent special district(s):

Ave Maria Ranks #18 out of Nationally Top Ranked Communities by Homes Sold (2023)- RCLCO Annual Report



# AMSCD Board

## How are ISDs Governed?

- Governed by a 5-member Board of Supervisors. Election is in accordance with Ch. 2004-461. Currently:
  - 3 Elected by Landowners at Landowner Meeting
  - 2 Elected by Qualified Electors on General Election Ballot (Residents registered to vote in Collier County)
- Elections every 2 years (4-year terms) in November

## Board Member Roles:

- Receive input from constituents
- Sets public policies implemented by AMSCD staff
- Makes material business decisions for AMSCD
- Action taken by AMSCD shall be by majority vote of the Board, but the Chairman has certain authorization in making day-to-day decisions (in conjunction with AMSCD staff) in between Board meetings

## Board Meeting Agendas and Protocol

### District Business:

- Most policy is adopted by Resolution (versus by an “Ordinance” like the City or County)
- Some items require public hearings- i.e. rules, rates, assessments, etc.

### Public Notice of Meetings- at least 7 days prior to meeting

- Newspaper advertisement
- Agenda package is distributed by email to distribution list
- Agenda package is placed on AMSCD website

### Meetings are open to the public

### Members of the public are able to provide comments on agenda items

- During “Audience Comments” portion of agenda only
- 3-minute limit
- Not a Q&A session



# Stewardship District Assessments

## O&M Assessments

- Based on the operating budget approved at the annual public hearing
- May change from year to year
- Directly tied to the operating expenses of AMSCD
- Includes administrative costs and field maintenance expenses

\*Developer Voluntarily Funds the Deficit O&M Costs

## Debt Assessments

- Established at bond issuance
- Does not change from year to year unless refinanced for a lower interest rate
- Repays the debt service on the bonds used to pay for public infrastructure
- Can be paid off



# FDOT – Florida Cost Trends



Florida Cost Trends – Asphalt Pavement (Quarterly through March 2023)



NOTE: Lump Sum, Design-Build Contracts not included in this graph



# FDOT – Florida Cost Trends



**Florida Cost Trends – Structural Concrete (Quarterly through March 2023)**



NOTE: Lump Sum, Design-Build Contracts not included in this graph



# 2024 Buildout Budget

DISTRICT O&M BUDGET WORKSHEET	2024 BUILDOUT BUDGET
OPERATIONS & MAINTENANCE EXPENDITURES	
<b>ELECTRIC</b>	\$ 300,000
ELECTRIC - STREETLIGHTS AND LANDSCAPING	\$ 300,000
<b>ROADS</b>	\$ 1,200,000
ROADS - GENERAL MAINTENANCE	\$ -
ROADS - STREET SWEEPING	\$ 100,000
ROADS - STRIPING & TRAFFIC MARKINGS	\$ 350,000
ROADS - STREET LIGHT MAINTENANCE	\$ 300,000
ROADS - SIDEWALK/CURB REPAIRS	\$ 200,000
ROADS - SIGNAGE REPAIR	\$ 250,000
<b>LANDSCAPE</b>	\$ 3,250,000
LANDSCAPE - MAINTENANCE CONTRACTS	\$ 1,800,000
LANDSCAPE - TREE TRIMMING	\$ 300,000
LANDSCAPE - PLANT REPLACEMENT	\$ 400,000
LANDSCAPE - MULCH & MISCELLANEOUS	\$ 350,000
LANDSCAPE - STORM CLEANUP	\$ 400,000
<b>LAKES</b>	\$ 300,000
LAKES - MAINTENANCE & LITTORALS	\$ 200,000
LAKES - AERATORS	\$ 25,000
LAKES - AQUATIC REPLACEMENTS	\$ 75,000
<b>DRAINAGE</b>	\$ 100,000
DRAINAGE - STORM DRAIN CLEANING	\$ 100,000
<b>ENVIRONMENTAL</b>	\$ 490,000
ENVIRONMENTAL - PRESERVES MAINTENANCE	\$ 450,000
ENVIRONMENTAL - MOSQUITO CONTROL	\$ -
ENVIRONMENTAL - PEST/RODENT CONTROL	\$ 40,000

# 2024 Buildout Budget

<b>UTILITIES</b>	<b>\$ 585,000</b>
UTILITIES - IRRIGATION WATER	\$ 225,000
UTILITIES - IRRIGATION REPAIR	\$ 350,000
UTILITIES - ENTRY FEATURE WATER	\$ 10,000
<b>MAINTENANCE</b>	<b>\$ 1,285,000</b>
MAINTENANCE - ENTRY FOUNTAIN	\$ 175,000
MAINTENANCE - EQUIPMENT REPAIR	\$ 20,000
MAINTENANCE - MISC. REPAIRS	\$ 15,000
MAINTENANCE - SMALL TOOLS	\$ 20,000
MAINTENANCE - VEHICLE LEASE/FUEL REPAIRS	\$ 60,000
MAINTENANCE - OPERATIONS TEAM (8 PPL)	\$ 995,000
<b>ADMIN</b>	<b>\$ 1,251,500</b>
ADMIN - MANAGEMENT TEAM (5 PPL)	\$ 815,000
ADMIN - PAYROLL	\$ 63,000
ADMIN - MAINTENANCE TECHNICIANS	\$ -
ADMIN - OFFICE LEASE	\$ 30,000
ADMIN - OFFICE UTILITIES	\$ 27,500
ADMIN - ADMINISTRATIVE SUPPLIES	\$ 10,000
ADMIN - INSURANCE	\$ 250,000
ADMIN - TAXES & LICENSES	\$ 1,000
ADMIN - VEHICLE LEASE/FUEL/REPAIRS	\$ -
ADMIN - ASSESSMENT ROLL	\$ 30,000
ADMIN - WEBSITE	\$ 25,000
<b>CONTINGENCY</b>	<b>\$ 75,000</b>
	<b>\$ 8,836,500</b>

# What are Reserves?

What are Reserves, and why should we start collecting Reserves?

## **5.0 Establishment of a Reserve Account**

The District is establishing a reserve account to fund the future replacement of various infrastructure items that are approaching the later stages of their useful life. The District is seeking to generate \$2,000,000 for the account. As with the current O&M methodology described previously in this Third Revised O&M Methodology, the reserve account will be funded through additional assessments based on trip generation since the Ave Maria Capital Improvement Program is heavily focused on the provision of transportation infrastructure and its related uses such as the master irrigation system parallel the transportation system. In addition, the roadway water is channeled through a series of drainage structures in the roads through pipes to the water management system.

Previously, Table 3 and Table 4 established the method for allocating the special benefit by product type for the operations and maintenance of the District's capital assets. Using the same special benefit allocations, the Third Revised O&M Methodology determines the annual assessments for the reserve account as shown in Table 6 on the next page.



# Trip Generation Rates for District Land Use Types

**Table 3. Trip Generation Rates for District Land Use Types**

Product Type	Number of Units	ITE Code	Trips Per Unit	Total Number of Trips	Percent of Total Trips
<b>Residential*</b>					
Residential	10,350	210	9.430	97,601	78.26%
Apartments	602	220	5.440	3,275	2.63%
Middlebrook - Affordable Housing	48	230	4.810	231	0.19%
ALF Apartments	275	254	2.020	556	0.45%
<b>Commercial</b>					
Goods and Services	1,078,943	710	0.011	11,868	9.52%
Mini Warehouse (Self Storage)	40,400	151	0.001	59	0.05%
Light Manufacturing	711,000	140	0.005	3,377	2.71%
Hotel	300	310	7.990	2,397	1.92%
Institutional - AM University	2,000	550	1.560	3,120	2.50%
Private K-12 School	900	532	2.480	2,232	1.79%
<b>Totals</b>				<b>124,715</b>	<b>100.00%</b>

\* - Includes townhomes, attached villas, condominiums, duplexes, carriage homes, single family homes and detached villas.

Source: Institute of Traffic Engineers 11<sup>th</sup> Edition



# O&M Budget Benefit Allocation Per Unit at Build Out

**Table 5. O&M Budget Benefit Allocation per Unit at Build Out**

Product Type	Number of Units	Total Benefit Allocation	Unit Net O&M Assessment	Revised Per Unit Gross O&M Assessment with 4% Discount
<b>Residential*</b>				
Residential	10,350	\$7,539,968	\$728.50	\$787.57
Apartments	602	\$126,498	\$210.13	\$227.17
Middlebrook - Affordable Housing	48	\$7,135	\$148.64	\$160.69
ALF Apartments	275	\$21,457	\$78.03	\$84.35
<b>Commercial</b>				
Goods and Services	1,078,943	\$366,749	\$0.34	\$0.37
Mini Warehouse (Self Storage)	40,400	\$4,526	\$0.11	\$0.12
Light Manufacturing	711,000	\$495,718	\$0.70	\$0.75
Hotel	300	\$111,106	\$370.35	\$400.38
Institutional - AM University	2,000	\$77,130	\$38.56	\$41.69
Private K-12 School	900	\$86,215	\$95.79	\$103.56
<b>Totals</b>		<b>\$8,836,500</b>		

\* - Includes townhomes, attached villas, condominiums, duplexes, carriage homes, single family homes and detached villas.

Source: District Manager, Master Developer and Real Estate Econometrics, Inc.



# Reserves Benefit Allocation per Unit at Build Out

**Table 6. Reserves Benefit Allocation per Unit at Build Out**

<b>Product Type</b>	<b>Number of Units</b>	<b>Total Benefit Allocation</b>	<b>Per Unit Net Reserve Assessment</b>	<b>Per Unit Gross Reserve Assessment with 4% Discount</b>
<b>Residential*</b>				
Residential	10,350	\$1,706,551	\$164.88	\$178.25
Apartments	602	\$28,631	\$47.56	\$51.42
Middlebrook - Affordable Housing	48	\$1,615	\$33.64	\$36.37
ALF Apartments	275	\$4,856	\$17.66	\$19.09
<b>Commercial</b>				
Goods and Services	1,078,943	\$83,008	\$0.08	\$0.08
Mini Warehouse (Self Storage)	40,400	\$1,024	\$0.03	\$0.03
Light Manufacturing	711,000	\$112,198	\$0.16	\$0.17
Hotel	300	\$25,147	\$83.82	\$90.62
Institutional - AM University	2,000	\$17,457	\$8.73	\$9.44
Private K-12 School	900	\$19,513	\$21.68	\$23.44
<b>Totals</b>		<b>\$2,000,000</b>		

\* - Includes townhomes, attached villas, condominiums, duplexes, carriage homes, single family homes and detached villas.  
Source: District Manager, Master Developer and Real Estate Econometrics, Inc.



# SWFL Debt Comparison

## Southwest Florida Debt Comparison (High-Low)

Community	Debt Service	
	Low	High
1 Talis Park CDD	\$1,617.00	\$4,461.00
2 Esplanade Golf & Country Club CDD	\$1,072.00	\$3,283.00
3 LT Ranch CDD	\$1,215.00	\$2,987.00
4 Babcock Ranch CSD	\$612.00	\$2,936.00
5 Caymas CDD	\$1,686.00	\$2,918.00
6 Brightwater CDD	\$1,227.00	\$2,875.00
7 Coral Creek CDD	\$851.00	\$2,553.00
8 Windward at Lakewood Ranch CDD	\$954.00	\$2,309.00
9 Wild Blue CDD	\$1,330.00	\$1,995.00
10 Central Park at North Port CDD	\$1,770.00	\$1,991.00
11 Esplanade Lake Club CDD	\$1,031.00	\$1,956.00
12 Ave Maria SCD	\$532.00	\$1,938.00
13 Tuckers Pointe CDD	\$1,200.00	\$1,800.00
14 North Loop CDD	\$1,124.00	\$1,605.00
15 Preserve at Corkscrew CDD	\$487.00	\$791.00

# SWFL O&M Comparison

## Southwest Florida O&M Comparison (High-Low)

Community	O&M	
	Low	High
1 LT Ranch CDD	\$2,006.00	\$3,009.00
2 Preserve at Corkscrew CDD	\$1,578.00	\$2,367.00
3 Brightwater CDD	\$1,129.00	\$1,760.00
4 Esplanade Golf & Country Club CDD	\$1,680.00	--
5 Windward at Lakewood Ranch CDD	\$793.00	\$1,523.00
6 Esplanade Lake Club CDD	\$589.00	\$1,520.00
7 North Loop CDD	\$1,021.00	\$1,459.00
8 Central Park at North Port CDD	\$833.00	\$1,309.00
9 Coral Creek CDD	\$1,200.00	--
10 Tuckers Pointe CDD	\$1,200.00	--
11 Wild Blue CDD	\$1,103.00	--
12 Caymas CDD	\$1,000.00	--
13 Ave Maria SCD *	\$965.82	--
14 Talis Park CDD	\$959.00	--
15 Babcock Ranch CSD	\$589.00	--

\* Considering Proposed O&M and Reserves

# SWFL Total Comparison

## Southwest Florida Total Comparison (High-Low)

	Community		Total	
			Low	High
1	LT Ranch CDD		\$ 3,221.00	\$ 5,996.00
2	Talis Park CDD		\$ 2,576.00	\$ 5,420.00
3	Esplanade Golf & Country Club CDD		\$ 2,752.00	\$ 4,963.00
4	Brightwater CDD		\$ 2,356.00	\$ 4,635.00
5	Caymas CDD		\$ 2,686.00	\$ 3,918.00
6	Windward at Lakewood Ranch CDD		\$ 1,747.00	\$ 3,832.00
7	Coral Creek CDD		\$ 2,051.00	\$ 3,753.00
8	Babcock Ranch CSD		\$ 1,201.00	\$ 3,525.00
9	Esplanade Lake Club CDD		\$ 1,620.00	\$ 3,476.00
10	Central Park at North Port CDD		\$ 2,603.00	\$ 3,300.00
11	Preserve at Corkscrew CDD		\$ 2,065.00	\$ 3,158.00
12	Wild Blue CDD		\$ 2,433.00	\$ 3,098.00
13	North Loop CDD		\$ 2,145.00	\$ 3,064.00
14	Tuckers Pointe CDD		\$ 2,400.00	\$ 3,000.00
15	Ave Maria SCD		\$ 1,497.82	\$ 2,903.82



**O&M Gross Assessment**  
**Increase Spread Across 3 Years**

Current O&M	November 2024	November 2025	November 2026
\$ 481.00	\$ 583.19	\$ 685.38	\$ 787.57

**Reserve Assessment**  
**Increase Spread Across 3 Years**

November 2024	November 2025	November 2026
\$ 73.51	\$ 128.88	\$ 178.25



**AVE MARIA STEWARDSHIP COMMUNITY DISTRICT  
REGULAR BOARD MEETING**

**July 2, 2024**

**6:00 p.m.**

**Grand Hall at Del Webb**

**6008 Del Webb Way**

**Ave Maria, Florida 34142**

**TO JOIN VIA ZOOM: <https://us02web.zoom.us/j/85151231786>**

**MEETING ID: 851 5123 1786 DIAL IN AT: 1-929-436-2866**

**A. Call to Order**

The July 2, 2024 Regular Board Meeting of the Ave Maria Stewardship Community District (the “District”) was called to order at 6:00 p.m. in the Grand Hall at Del Webb located at 6008 Del Webb Way, Ave Maria, FL 34142. The meeting was also available via Zoom information indicated above.

**B. Pledge of Allegiance**

**C. Invocation**

Supervisor Klucik led the meeting in prayer.

**D. Proof of Publication**

Proof of publication was presented indicating that notice of the Regular Board Meeting had been published in the Naples Daily News on June 25, 2024, as legally required.

**E. Establish a Quorum**

A quorum was established with the following:

**Board of Supervisors**

Chairman	Thomas Peek	Present
Vice Chair	Jay Roth	Present
Supervisor	Jeff Sonalia	Present
Supervisor	Tom DiFlorio	Present
Supervisor	Robb Klucik	Present

District Staff in attendance were:

District Manager	Andrew Karmeris	Special District Services, Inc.
District Manager	Allyson Holland	Special District Services, Inc.
General Counsel	Jonathan Johnson (via Zoom)	Kutak Rock, LLP
District Engineer	Ted Tryka	LJA Engineering, Inc.
Owner Representative	David Genson	Barron Collier Companies

Also present were the following:

Jaclyn Canerdy, Nick Casalanguida, David Hurst, Donny Diaz, Russ Weyer, and approximately 150 members of the public.

There were also approximately 100 present via Zoom.

## F. Additions or Deletions to Agenda

There were no additions or deletions to the agenda.

## G. Powerpoint Presentation – Overview of District Items

David Genson gave an overview of the Ave Maria Stewardship Community District (AMSCD), proposed budget, and draft reserve study prior to presenting a PowerPoint presentation to the Board and members of the public. The presentation discussed Special Districts, the creation of the AMSCD, ownership and responsibilities of AMSCD, benefits to residents, and introduction of District Staff. The presentation included the roles and responsibilities of the Board. An explanation of the Operations & Maintenance (O&M) and Debt Assessments including the methodology to determine the assessment amounts (i.e. buildout budget, trip generation, etc.) was provided. Mr. Klucik questioned the buildout budget, specifically the \$25,000 for the website and why it doesn't include any vehicles. Mr. Genson responded that the Board and residents have been asking for more district communication and information be available. He added that the buildout budget website line item estimates the costs of a more comprehensive district website/platform. The presentation included a discussion on reserves and the need to start increasing the amount of reserves for future infrastructure improvements/replacement. Mr. Genson further explained that the reserve study is not finalized, so it is recommended to delay the reserve collection this year, and he confirmed that this will not delay any projects. Debt and O&M assessment comparisons with other local Special Districts were discussed, noting that AMSCD assessments are on the low end of the spectrum. Supervisor Klucik stated that in his opinion, the comparisons aren't relevant as we don't know the other districts' benefits, and he doesn't feel these are equal comparisons. Mr. Genson concluded the presentation with a recommendation to increase the proposed O&M assessments over three years and he noted that the increases do not include a CPI increase. It will be the Board's discretion to include CPI. Mr. Genson also recommended to delay the reserve collection until the reserve study is completed. Supervisor Klucik questioned the maps in the presentation slides, asking if the district-owned roadway will extend to the future University property. Mr. Genson stated that yes, the roadway will be extended to the future University property and added that the map will be corrected. Mr. Genson confirmed that the methodology and buildout budget included this portion of the roadway that was not shown on the map. A copy of the presentation is included herein with the meeting minutes.

## H. Comments from the Public for District Items on the Agenda

A **motion** was made by Mr. Klucik, seconded by Mr. DiFlorio and passed unanimously to move public comments after Item L.4, to be heard prior to voting.

## I. Approval of Minutes

### 1. June 4, 2024 Regular Board Meeting Minutes

The minutes of the June 4, 2024 Regular Board Meeting were presented for consideration.

A **motion** was made by Mr. DiFlorio, seconded by Mr. Roth and passed unanimously approving the minutes of the June 4, 2024 Regular Board Meeting.

### 2. June 19, 2024 Reconvened Regular Board Meeting Minutes

The minutes of the June 19, 2024 Reconvened Regular Board Meeting were presented for consideration.

Mr. Klucik requested the Powerpoint Presentation that was presented in Item F be added to the minutes and detail be added to Item K. A **motion** was made by Mr. Klucik, seconded by Mr. DiFlorio and passed unanimously to delay approving the minutes of the June 19, 2024 Reconvened Regular Board Meeting.



## J. Consent Agenda

### 1. Consider Approval of Anthem Parkway Phase 5 & Earth Tech Change Order No. 3

### 2. Consider approval of Peninsula Engineering Work Authorization No. 2

Mr. Klucik asked how these items are funded. Mr. Genson responded that this project is funded through 2023 bonds. A **motion** was made by Mr. Roth, seconded by Mr. DiFlorio and passed unanimously approving the consent agenda, as presented.

## K. Old Business

### 1. AMSCD Projects Update

Mr. Karmeris reviewed the list briefly and mentioned that one item is on the agenda today for consideration of Board approval. Mr. Tryka explained that the signs and lighting at Oil Well Road is ahead of schedule. Mr. Klucik asked that the Reserve Study be added to the project list with a completion date of December 2024.

## L. New Business

### 1. Preliminary Presentation of Developer Contribution & Deficit Funding Agreement FY 2025

Mr. Johnathan Johnson presented this item for review only. He added that it would be brought to the board for consideration at the September meeting with the Final Budget. There were no questions.

### 2. Preliminary Presentation of Revised O&M Methodology

Russ Weyer with Real Estate Econometrics presented this item. He explained that the changes to the O&M Methodology report since it was presented at the June 19, 2024 meeting includes removing the section of the report that discussed establishment of a reserve account and that the description of acreage was clarified. Mr. Klucik asked if the methodology depended on the maps that were included in the opening presentation. Staff explained that the methodology is not dependent on maps and that the maps will be updated as discussed earlier. The methodology and the buildout budget include the correct District boundaries.

### 3. Presentation of Draft Reserve Study

Nancy Daniel with Reserve Consultants was on Zoom to present the draft reserve study. The Board unanimously agreed that the reserve study presentation shall be postponed until the study is in a final format. Mr. Klucik asked why the Board didn't receive a copy of the reserve study at the time staff received it. Mr. Klucik stated that the District Manager owes the Board an apology. Mr. Karmeris apologized for not providing the draft reserve study to the Board sooner. Mr. Klucik asked what the rules are for determining the need for reserves. Mr. Johnson stated that there are no statutes that require reserves, just that they are fairly and reasonably proportioned.

Mr. Klucik asked how do we move forward? Staff explained that we will work with the Board and determine what needs to be changed/modified in the reserve study. The final reserve study will be presented to the Board at the December 2024 Board meeting. Mr. Klucik expressed concern about delaying reserve collections because bonds fund future projects. He asked how we would pay for District projects. Staff will provide a master list of assets and how they are funded. Mr. Klucik wants to know which projects will be funded by bonds that should have been paid for using reserve funds. He requested this information be included in the meeting minutes.

### 4. Consider Resolution No. 2024-05 – Adopting a Fiscal Year 2024/2025 Proposed Budget

Mr. Karmeris reviewed the major increases in the Administration line items. Mr. Klucik asked if the shortfall is funded by developer contribution and staff responded yes. Mr. Klucik asked why there was an increase in Administration and Mr. Karmeris explained the staff changes. Mr. Karmeris reviewed the significant increases in the Maintenance Budget. Mr. Klucik asked if we can change the description of the Asset Manager line item so it doesn't look like this item is a person; staff responded yes. Mr. Klucik asked what capital assets were purchased last FY for \$102,692; Mr. Karmeris will investigate this and email the information to Mr. Klucik. Mr. Genson confirmed that Ave Maria Development will contribute to the deficit fund as presented, but the CPI could change and ultimately that will be the Board's decision.

Item H (moved): Public comments (to be heard before vote of Item L.4).

- Victor Acquista: Budget numbers need to be more transparent. Create an executive summary. Asked who the treasurer is. Mr. Klucik followed up by asking who the treasurer is for the District? Mr. Karmeris stated that he believed Todd Wodraska and himself were appointed by the Board as treasurer and assistant treasurer with the most recent election of officers resolution. Mr. Acquista then said he believes it is disingenuous to say this reserve study is a draft and hopes for more transparency in the future. He added that the builders and developers have used and abused the roads longer than any resident and should pay their share into the reserves.
- Steve Kovach: Asked if the increase was for \$300 over 3 years for a total of \$900 annually.
- Gregory Colker: Apologized to Mr. Genson for comments at the last meeting. He was very concerned about not funding the reserves this year. Requested clarification that the reserve study includes all District assets.
- John Lanham: Asked if an executive summary can be provided to explain the confusing budget. Wants the Board to find a way to simplify the reserve study. Stated that there are mistakes in the reserve study. Doesn't agree with kicking the can down the road with respect to the reserve study and asked the Board if they'd consider \$300 per assessment for reserves this year.
- Cal Brainard: Asked what a "unit" is. He said he keeps hearing 11,000 units and wants to know what that means. Mr. Klucik stated that every home that can be bought is a unit. Mr. Brainard then stated that mulch washes away every year and staff replaces it. Asked if we can use rock so it doesn't wash away.
- Diane Alfonso: Stated AMSCD needs to get with homebuilders to disclose fees/assessments during the sale of the home. Informed the public that the next Civic Association meeting is on July 16, 2024 at 7 p.m. in the Master Association office. The fee to join the Civic Association is \$10 per person.
- Theresa Wall: Ms. Wall said she loves living here and that the community is behind on building reserves. She then said that the developer did not know what the reserve expense would be but knew it would happen. She added that the developer should contribute.

Board remarks following public comment: Mr. Klucik stated that the district is going to increase the budget over three years and the developer will fund the shortfall. The increase is approximately \$102/year, not \$300 as questioned during public comments. Mr. Kluck stated that a better understanding of ownership and maintenance of lakes and drainage throughout Ave Maria is needed. He asked if we have been using O&M where we should have been using reserves. Mr. Klucik reiterated that the June 19, 2024 meeting minutes need to include a copy of the powerpoint presentation. The minutes from tonight's meeting shall also include the presentation. Mr. Klucik stated that he'd like to see a reserve committee be created. He would like to see Mr. Sonalia and other members, possibly Mr. Acquista and Mr. Colker. He'd also like a budget committee created. Johnathon Johnson confirmed that committees can have more than one Board member if desired. Mr. Klucik would like staff to create an executive summary for the budget. Mr. DiFlorio stated that he feels like the assessment increase will be hurting fixed income households.

A **motion** was made by Mr. Sonalia to approve Resolution No. 2024-05 – Adopting a Fiscal Year 2024/2025 Proposed Budget, seconded by Mr. DiFlorio and passed unanimously approving Resolution No. 2024-05 – Adopting a Fiscal Year 2024/2025 Proposed Budget. The public hearing to approve the final budget will be held on September 10, 2024 at 9:00 a.m., which is in accordance with the statutory deadline. Mr. Karmeris stated that all budget information can be found on the District’s website. Mr. Genson noted that the final budget can be reduced at the public hearing approving the final budget, but it cannot be increased. The Board agreed that there are to be no CPI increases or additional reserves this next FY. Mr. Genson noted that we didn’t cut the budget with the proposed revisions, they rearranged who’s paying for it. Mr. Roth suggested we have a budget workshop in the future, prior to presenting the budget. Mr. Roth also reiterated that reserves not be added until the reserve study is complete.

**5. Consider Resolution No. 2024-06 – Adopting a Fiscal Year 2024/2025 Proposed Budget for the Master Irrigation Utility System**

Mr. Karmeris presented this item as Jason Vogel was unable to attend the meeting due to a family emergency. Mr. Karmeris discussed the increases in the budget (labor/benefits, meter purchases, bulk rate charge, etc.). A **motion** was made to approve Resolution No. 2024-06 – Adopting a Fiscal Year 2024/2025 Proposed Budget for the Master Irrigation Utility System by Mr. Roth, seconded by Mr. DiFlorio and passed unanimously approving Resolution No. 2024-06 – Adopting a Fiscal Year 2024/2025 Proposed Budget for the Master Irrigation Utility System. The public hearing to approve the final budget for the master irrigation utility system will be held on September 10, 2024 at 9:00 a.m.

**6. Consider Approval of Disaster Clean-Up Funding Agreement**

Mr. Johnson presented this item. Mr. Roth asked if this agreement will cause issues with the HOAs and Mr. Johnson confirmed it would not. A **motion** was made to approve the Disaster Clean-Up Funding Agreement by Mr. Roth, seconded by Mr. DiFlorio and passed unanimously approving the Disaster Clean-Up Funding Agreement.

**7. Presentation of District Engineer’s Recommendation for Construction Procurement (Oil Well Berm)**

Mr. Tryka presented this item. A **motion** was made by Mr. Roth, seconded by Mr. DiFlorio and passed unanimously approving Construction Procurement for the Oil Well Berm, as presented.

**8. Consider Approval of Construction Funding Agreement with Ave Maria Development (Oil Well Berm)**

Mr. Tryka presented this item. A **motion** was made by Mr. Roth, seconded by Mr. DiFlorio and passed unanimously approving the Construction Funding Agreement with Ave Maria Development for the Oil Well Berm, as presented. For the record, the Board agreed to approve this item prior to item L.7. as funding is required prior to approving the construction procurement and construction of the berm.

**9. Consider Resolution No. 2024-09 – Authorizing District Construction (Oil Well Berm)**

Mr. Tryka presented this item. A **motion** was made by Mr. Roth, seconded by Mr. DiFlorio and passed unanimously approving Resolution No. 2024-09 – Authorizing District Construction of the Oil Well Berm, as presented.

**M. Administrative Matters**

**1. Legal Report**

Mr. Johnson had nothing further to report.

**2. Engineer Report**

Mr. Tryka had nothing further to report.

### **3. Manager's Report**

#### **a. Financials**

Mr. Karmeris reviewed the financials and explained that some items are over budget, but the total budget is under with approximately three months remaining this FY. We anticipate being slightly over for the year and the overages will be paid by the developer. Mr. DiFlorio asked why perfectly good plants are removed and new plants are installed throughout the community. Mr. Diaz stated that these plants are annuals, and they only last one season. Annuals are replanted at appropriate times of the year, depending on the plants/flowers.

#### **N. Final Public Comments**

- Michael Colosi stated that he is proposing a petition to seek judicial review on the District's unconstitutional powers and amendment voting procedures or sever its powers. He is free to answer questions after the meeting if necessary.
- Kevin Schang stated that the gate at the back end of the National is locked. Mr. Genson confirmed that this roadway was not funded by bonds, it is private and owned by Lennar so it's acceptable for that gate to be locked.

#### **O. Board Members Comments**

Mr. Klucik requested to establish Reserve and Budget Committees. Mr. Peek suggested placing this on the agenda for the next meeting for discussion and asked staff to provide recommendations.

Mr. Klucik added that he thought the input from the public was very helpful.

#### **P. Adjourn**

There being no further business to come before the Board, the reconvened Regular Board Meeting was adjourned at 9:08 p.m. by Chairman Peek. There were no objections.

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**Secretary/Assistant Secretary**

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**Chair/Vice-Chairman**

# AVE MARIA STEWARDSHIP COMMUNITY DISTRICT

JULY 2024

Project Name	Date appeared on List	Start Date	End Date	Est. Cost	% Complete	Responsible Party	Comments
Anthem Parkway Phase 5A (Starts at North park to Avalon)	06/07/2022	2 <sup>nd</sup> Quarter 2023	01/13/2025	Est. \$10,264,854	70%	Andrew Karmeris (District)	Project underway – Ave Maria Blvd is near completion. Temporary Overhead Utilities has been installed.
Anthem Parkway Phase 5B (Will include roundabout at Pope John Paul)	06/07/2022	4 <sup>th</sup> Quarter 2024	1 <sup>st</sup> Quarter 2026	Est. \$8,394,852	0%	Andrew Karmeris (District)	Currently in design and permitting
Massa Way Irrigation Extension	05/07/2024	05/02/2024	01/15/2025	Est, \$734,741	80%	Andrew Karmeris (District)	Utilities are 2 weeks from being completed and contractor will be commencing construction for site restoration in approximately 2 weeks.
Arthrex Commerce Park	05/07/2024	02/01/2024	01/15/2025	\$2,402,283	65%	Andrew Karmeris (District)	Lakes are currently being excavated, received landscape bid.
Oil Well Berm Landscaping	05/07/2024	05/01/2024	10/01/2024	\$359,475.80	0%	Andrew Karmeris (District)	Bids Received and being presented to the

# AVE MARIA STEWARDSHIP COMMUNITY DISTRICT

							Board at July Board Meeting.
Apron at Owens roundabout & animal clinic handicap parking spot	06/06/2023	Fall 2023	Late-Fall 2024	Est. Const. \$98,500	Design-100% Begin Const. Phase	Ted Tryka (District)	Bids sent to pre-qualified contractors. Present bid results at August Board Meeting
Asset Management	11/01/2022	10/1/23	09/30/24	\$75,000	FY24 – 85%	Sal DeAngelo (District)	Mapping of roadways, sidewalks, curbs, light poles are complete. Budgeting for Fiscal Year 2024 to include site visits, mapping of additional assets such as signs, fixtures, etc.
Sign at Oil Well Road/ Lighting Project	10/03/2023	01/17/2024	11/12/2024	\$544,758	56%	Ted Tryka (District)	Began light installation in early June. Project complete End July/Early August.

# Ave Maria

A BIG KIND OF SMALL TOWN



# ☀️ ISD – Independent Special District ☀️



“Local unit of special purpose government”



Provides a mechanism to finance, construct and maintain high quality improvements and amenities



Separate from, and NOT an arm of, the County or City

**Ave Maria**  
Stewardship Community District



# AMSCD – Ave Maria Stewardship Community District



Established in accordance with the Uniform Special District Accountability Act (Ch.189, F.S.) by special act of the Florida Legislature (Ch. 2004-461, Laws of Florida)



# Projected Buildout Budget

DISTRICT O&M BUDGET WORKSHEET	2024 BUILDOUT BUDGET
<b>OPERATIONS &amp; MAINTENANCE EXPENDITURES</b>	
<b>ELECTRIC</b>	\$ 300,000
ELECTRIC - STREETLIGHTS AND LANDSCAPING	\$ 300,000
<b>ROADS</b>	\$ 1,200,000
ROADS - GENERAL MAINTENANCE	\$ -
ROADS - STREET SWEEPING	\$ 100,000
ROADS - STRIPING & TRAFFIC MARKINGS	\$ 350,000
ROADS - STREET LIGHT MAINTENANCE	\$ 300,000
ROADS - SIDEWALK/CURB REPAIRS	\$ 200,000
ROADS - SIGNAGE REPAIR	\$ 250,000
<b>LANDSCAPE</b>	\$ 3,250,000
LANDSCAPE - MAINTENANCE CONTRACTS	\$ 1,800,000
LANDSCAPE - TREE TRIMMING	\$ 300,000
LANDSCAPE - PLANT REPLACEMENT	\$ 400,000
LANDSCAPE - MULCH & MISCELLANEOUS	\$ 350,000
LANDSCAPE - STORM CLEANUP	\$ 400,000
<b>LAKES</b>	\$ 300,000
LAKES - MAINTENANCE & LITTORALS	\$ 200,000
LAKES - AERATORS	\$ 25,000
LAKES - AQUATIC REPLACEMENTS	\$ 75,000
<b>DRAINAGE</b>	\$ 100,000
DRAINAGE - STORM DRAIN CLEANING	\$ 100,000
<b>ENVIRONMENTAL</b>	\$ 490,000
ENVIRONMENTAL - PRESERVES MAINTENANCE	\$ 450,000
ENVIRONMENTAL - MOSQUITO CONTROL	\$ -
ENVIRONMENTAL - PEST/RODENT CONTROL	\$ 40,000

# Projected Buildout Budget

<b>UTILITIES</b>	\$	<b>585,000</b>
UTILITIES - IRRIGATION WATER	\$	225,000
UTILITIES - IRRIGATION REPAIR	\$	350,000
UTILITIES - ENTRY FEATURE WATER	\$	10,000
<b>MAINTENANCE</b>	\$	<b>1,285,000</b>
MAINTENANCE - ENTRY FOUNTAIN	\$	175,000
MAINTENANCE - EQUIPMENT REPAIR	\$	20,000
MAINTENANCE - MISC. REPAIRS	\$	15,000
MAINTENANCE - SMALL TOOLS	\$	20,000
MAINTENANCE - VEHICLE LEASE/FUEL REPAIRS	\$	60,000
MAINTENANCE - OPERATIONS TEAM (8 PPL)	\$	995,000
<b>ADMIN</b>	\$	<b>1,251,500</b>
ADMIN - MANAGEMENT TEAM (5 PPL)	\$	815,000
ADMIN - PAYROLL	\$	63,000
ADMIN - MAINTENANCE TECHNICIANS	\$	-
ADMIN - OFFICE LEASE	\$	30,000
ADMIN - OFFICE UTILITIES	\$	27,500
ADMIN - ADMINISTRATIVE SUPPLIES	\$	10,000
ADMIN - INSURANCE	\$	250,000
ADMIN - TAXES & LICENSES	\$	1,000
ADMIN - VEHICLE LEASE/FUEL/REPAIRS	\$	-
ADMIN - ASSESSMENT ROLL	\$	30,000
ADMIN - WEBSITE	\$	25,000
<b>CONTINGENCY</b>	\$	<b>75,000</b>
	\$	<b>8,836,500</b>



## O&M Gross Assessment

### Increase Spread Across 3 Years

Current O&M	November 2024	November 2025	November 2026
\$ 481.00	\$ 583.19	\$ 685.38	\$ 787.57

Does not include potential changes to the Consumer Price Index (CPI)

# Reserves

- The intent of the Reserve Study is to assure that a comprehensive fiscally responsible funding plan is in place so that the District's assets within the Ave Maria Community will be perpetually maintained at a high level.
- The Reserve Study is still being reviewed and has not been finalized. Staff is recommending that the District Board delay collecting reserves this upcoming fiscal year to allow the District Board to review the information and receive input from residents and District staff.

# Reserves

- Once finalized, the future capital expenditures identified in the Reserve Study will be paid through a combination of a reasonable reserve amount collected in the annual operations & maintenance assessments from Ave Maria residential and commercial users, and proceeds from future District bond issuances.
- The future District bond issuances will not affect or be repaid by the current homeowners.

# SWFL Debt Comparison

## Southwest Florida Debt Comparison (High-Low)

Community	Debt Service	
	Low	High
1 Talis Park CDD	\$1,617.00	\$4,461.00
2 Esplanade Golf & Country Club CDD	\$1,072.00	\$3,283.00
3 LT Ranch CDD	\$1,215.00	\$2,987.00
4 Babcock Ranch CSD	\$612.00	\$2,936.00
5 Caymas CDD	\$1,686.00	\$2,918.00
6 Brightwater CDD	\$1,227.00	\$2,875.00
7 Coral Creek CDD	\$851.00	\$2,553.00
8 Windward at Lakewood Ranch CDD	\$954.00	\$2,309.00
9 Wild Blue CDD	\$1,330.00	\$1,995.00
10 Central Park at North Port CDD	\$1,770.00	\$1,991.00
11 Esplanade Lake Club CDD	\$1,031.00	\$1,956.00
12 Ave Maria SCD	\$532.00	\$1,938.00
13 Tuckers Pointe CDD	\$1,200.00	\$1,800.00
14 North Loop CDD	\$1,124.00	\$1,605.00
15 Preserve at Corkscrew CDD	\$487.00	\$791.00

# SWFL O&M Comparison

## Southwest Florida O&M Comparison (High-Low)

Community	O&M	
	Low	High
1 LT Ranch CDD	\$2,006.00	\$3,009.00
2 Preserve at Corkscrew CDD	\$1,578.00	\$2,367.00
3 Brightwater CDD	\$1,129.00	\$1,760.00
4 Esplanade Golf & Country Club CDD	\$1,680.00	--
5 Windward at Lakewood Ranch CDD	\$793.00	\$1,523.00
6 Esplanade Lake Club CDD	\$589.00	\$1,520.00
7 North Loop CDD	\$1,021.00	\$1,459.00
8 Central Park at North Port CDD	\$833.00	\$1,309.00
9 Coral Creek CDD	\$1,200.00	--
10 Tuckers Pointe CDD	\$1,200.00	--
11 Wild Blue CDD	\$1,103.00	--
12 Caymas CDD	\$1,000.00	--
13 Ave Maria SCD *	\$965.82	--
14 Talis Park CDD	\$959.00	--
15 Babcock Ranch CSD	\$589.00	--

\* Considering Proposed O&M and Reserves



# SWFL Total Comparison

## Southwest Florida Total Comparison (High-Low)

	Community		Total	
			Low	High
1	LT Ranch CDD		\$ 3,221.00	\$ 5,996.00
2	Talis Park CDD		\$ 2,576.00	\$ 5,420.00
3	Esplanade Golf & Country Club CDD		\$ 2,752.00	\$ 4,963.00
4	Brightwater CDD		\$ 2,356.00	\$ 4,635.00
5	Caymas CDD		\$ 2,686.00	\$ 3,918.00
6	Windward at Lakewood Ranch CDD		\$ 1,747.00	\$ 3,832.00
7	Coral Creek CDD		\$ 2,051.00	\$ 3,753.00
8	Babcock Ranch CSD		\$ 1,201.00	\$ 3,525.00
9	Esplanade Lake Club CDD		\$ 1,620.00	\$ 3,476.00
10	Central Park at North Port CDD		\$ 2,603.00	\$ 3,300.00
11	Preserve at Corkscrew CDD		\$ 2,065.00	\$ 3,158.00
12	Wild Blue CDD		\$ 2,433.00	\$ 3,098.00
13	North Loop CDD		\$ 2,145.00	\$ 3,064.00
14	Tuckers Pointe CDD		\$ 2,400.00	\$ 3,000.00
15	Ave Maria SCD		\$ 1,497.82	\$ 2,903.82

# What Can an ISD Do?

## **Allowed by Ch. 2004-461, Laws of Florida**

- Construct and maintain public infrastructure
- Levy and collect non-ad valorem assessments for operations and maintenance & bond debt service
- Contract for services
- Borrow money & issue bonds
- Adopt rules
- Maintain an office
- Charge fees
- Levy, collect & enforce special assessments

## **An ISD can construct/acquire the following:**

- Stormwater management infrastructure
- Water and wastewater infrastructure
- Roadways and street lighting
- Hardscaping, landscaping, irrigation
- Conservation areas, mitigation areas, and wildlife habitats
- Any project set forth in a development order or interlocal agreement

# What Can an ISD Not Do?

## Not Allowed by Ch. 2004-461

- Issue building permits
- Regulate land use/zoning
- Issue development orders
- Enforce code compliance
- Architectural review
- Provide Police/EMS/Fire Services
- An ISD cannot take any action which is inconsistent with the comprehensive plans, ordinances and regulations of the County
- An ISD does not have the power to adopt its own comprehensive plan, building code or land development code – it is not a zoning authority
- All the ISD's powers must comply with all applicable County laws, rules, regulations, and policies governing planning and permitting of the development

# ISD Transparency

- Disclosed in Sales Contracts
- Mandatory Public Website:  
<https://avemariastewardshipcd.org/>
- Subject to Sunshine Laws & Public Records Laws
- All Meetings & Public Hearings Must Be Advertised & Posted
  - Advertised in Newspaper per statutory requirements and Annual Schedule is posted on website
- Public Procurement Laws Govern
- Recordable Notice of Establishment
- Recordable Disclosure of Public Finance
- Recordable Notice of Special Assessments
- Annual Audit Required
- Minutes are kept of each meeting

# AMSCD Board

## **How are ISDs Governed?**

- Governed by a 5-member Board of Supervisors. Election is in accordance with Ch. 2004-461. Currently:
  - 3 Elected by Landowners at Landowner Meeting
  - 2 Elected by Qualified Electors on General Election Ballot (Residents registered to vote in Collier County)
- Elections every 2 years (4-year terms) in November

## **Board Member Roles:**

- Receive input from constituents
- Sets public policies implemented by AMSCD staff
- Makes material business decisions for AMSCD
- Action taken by AMSCD shall be by majority vote of the Board, but the Chairman has certain authorization in making day-to-day decisions (in conjunction with AMSCD staff) in between Board meetings

## **Board Meeting Agendas and Protocol**

### **District Business:**

- Most policy is adopted by Resolution (versus by an “Ordinance” like the City or County)
- Some items require public hearings- i.e. rules, rates, assessments, etc.

### **Public Notice of Meetings- at least 7 days prior to meeting**

- Newspaper advertisement
- Agenda package is distributed by email to distribution list
- Agenda package is placed on AMSCD website

### **Meetings are open to the public**

### **Members of the public are able to provide comments on agenda items**

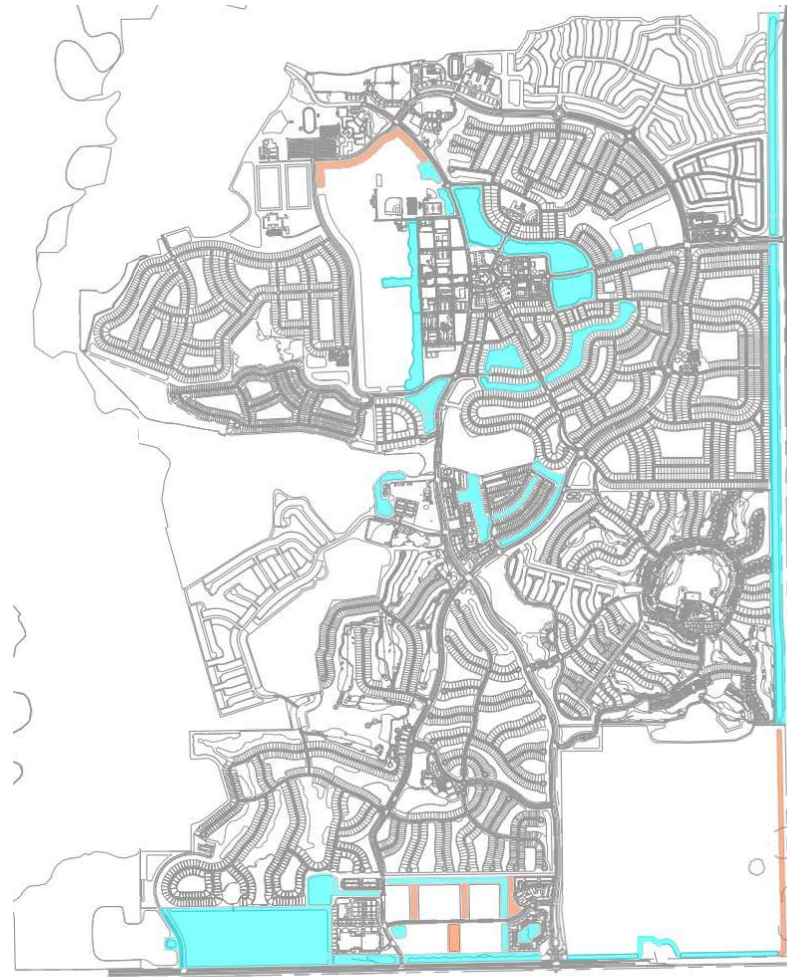
- During “Audience Comments” portion of agenda only
- 3-minute limit
- Not a Q&A session



# Your Day-to-Day Administrative Team

District Manager	District Counsel	District Engineer
<p>Administrator of AMSCD</p> <p>Oversees AMSCD’s operations</p> <p>Prepares budget and administers accounting and finance functions</p>	<p>Legal counsel to AMSCD</p> <p>Ensures that AMSCD conducts its business in accordance with Florida law</p>	<p>Engineer of AMSCD</p> <p>Provides support services regarding planning, design, permitting, construction, and operation and maintenance of the AMSCD’s infrastructure</p>
<p><b>Allyson Holland, P.E.</b> Special District Services, Inc.</p>	<p><b>Alyssa Willson, Esq.</b> Kutak Rock LLP</p>	<p><b>Edward Tryka, P.E.</b> LJA Engineering</p>



**AMSCD  
Ownership /  
Facilities Map:  
Lakes**

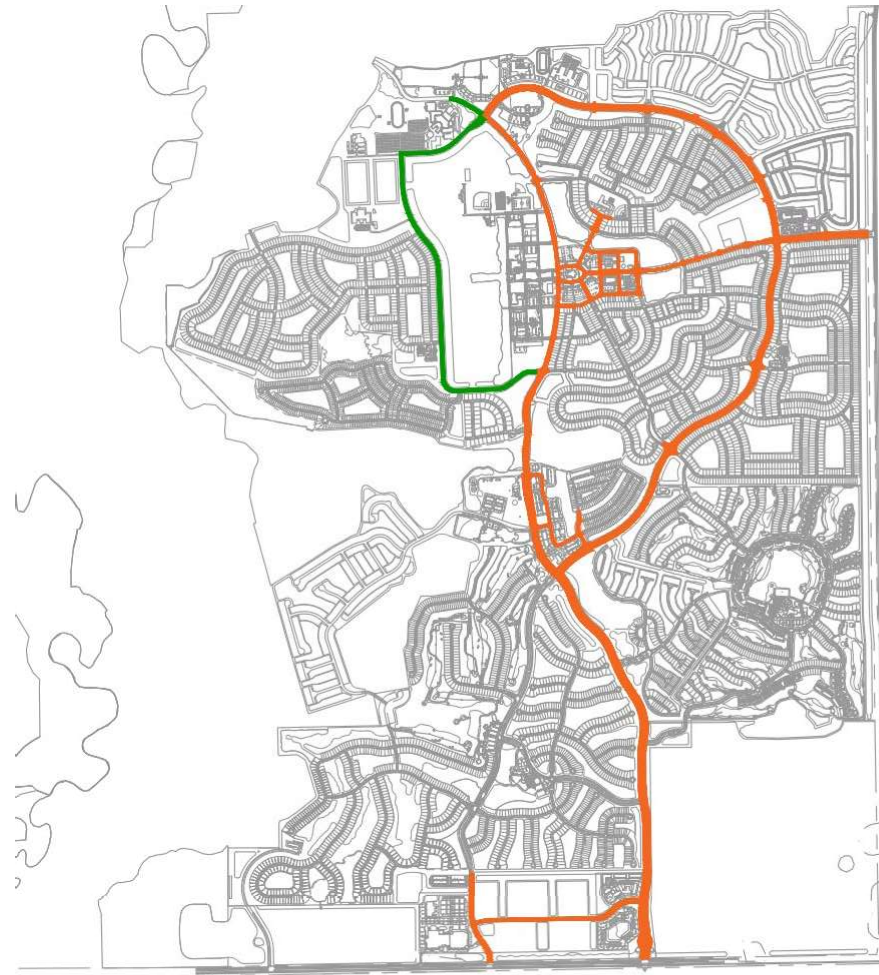




LEGEND		
DESCRIPTION	IDENTIFICATION	AREA (ACRES)
PREVIOUS LAKES		438.91
ADDITIONAL LAKES		35.63
TOTAL LAKES		474.54

**AMSCD OWNERSHIP - LAKES**



**AMSCD  
Ownership /  
Facilities Map:  
Roadways**



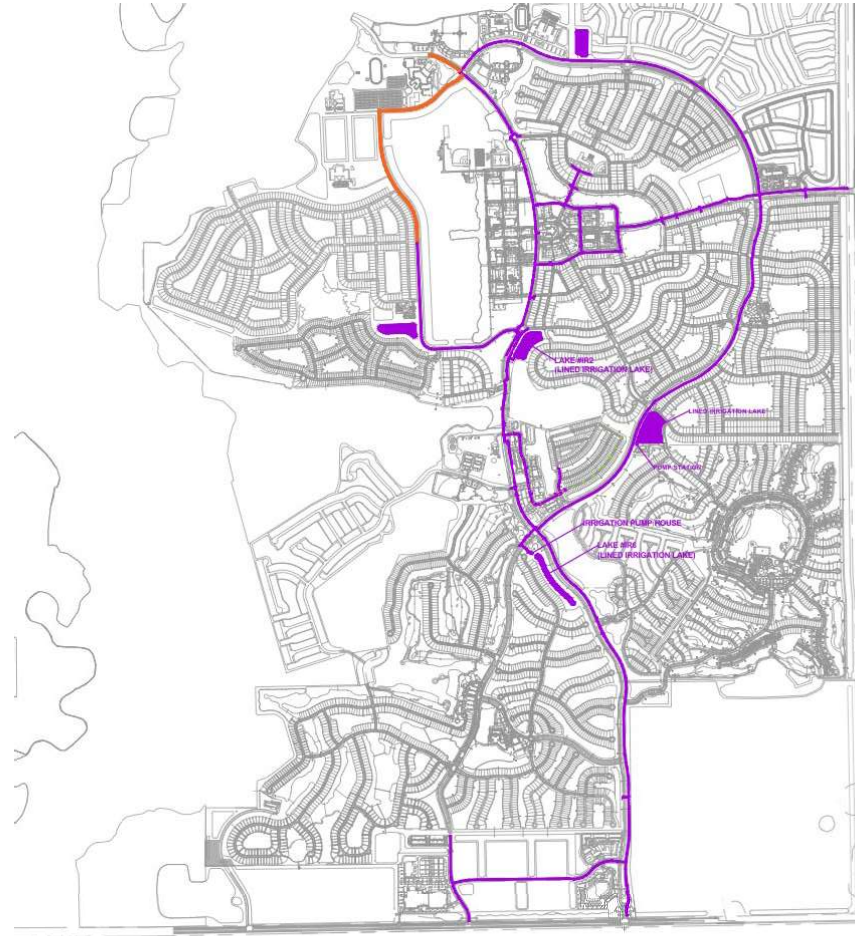
LEGEND		2-LANE UNDIVIDED	2-LANE DIVIDED	4-LANE DIVIDED	TOTAL LANES
DESCRIPTION	IDENTIFICATION	MILES	MILES	MILES	MILES
PREVIOUS ROADS		3.25	2.88	4.96	16.05
ADDITIONAL ROADS		2.05	0	0	2.05
TOTAL ROADS		5.30	2.88	4.96	18.10



**AMSCD OWNERSHIP - ROADWAYS**





**AMSCD  
Ownership /  
Facilities Map:  
Irrigation**

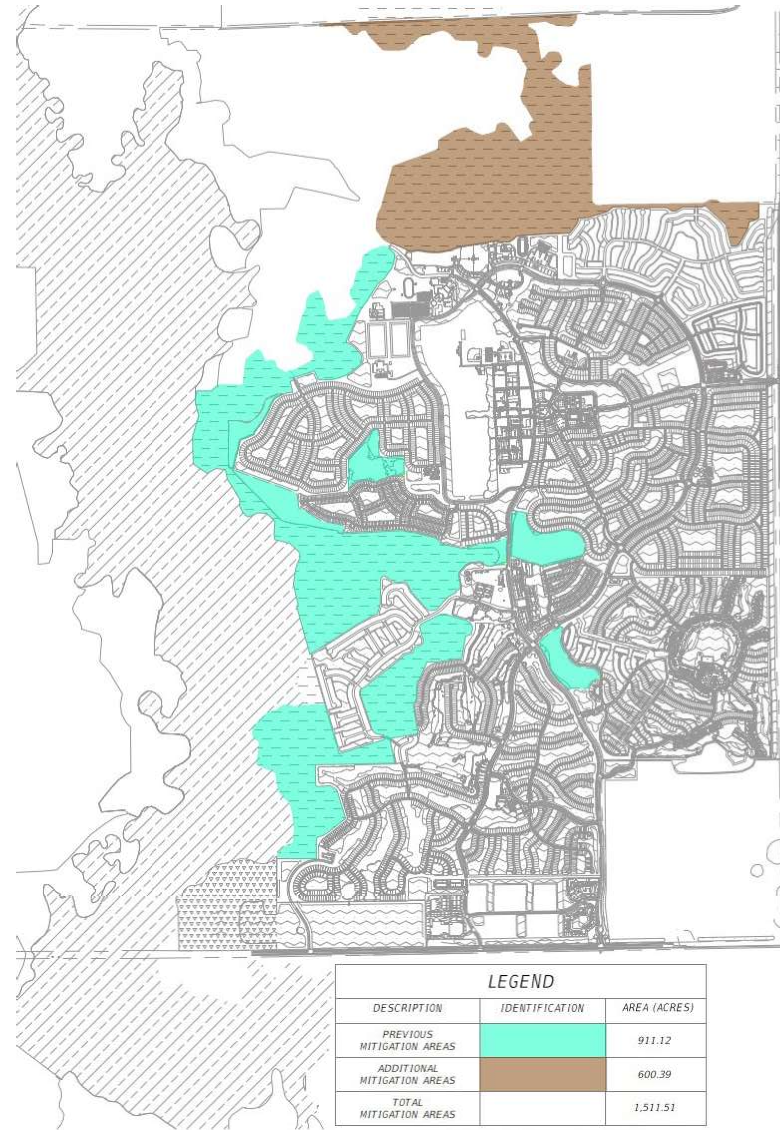


LEGEND		
DESCRIPTION	IDENTIFICATION	LINEAR FEET
PREVIOUS IRRIGATION		67,795
ADDITIONAL IRRIGATION		5,967
TOTAL IRRIGATION		73,762



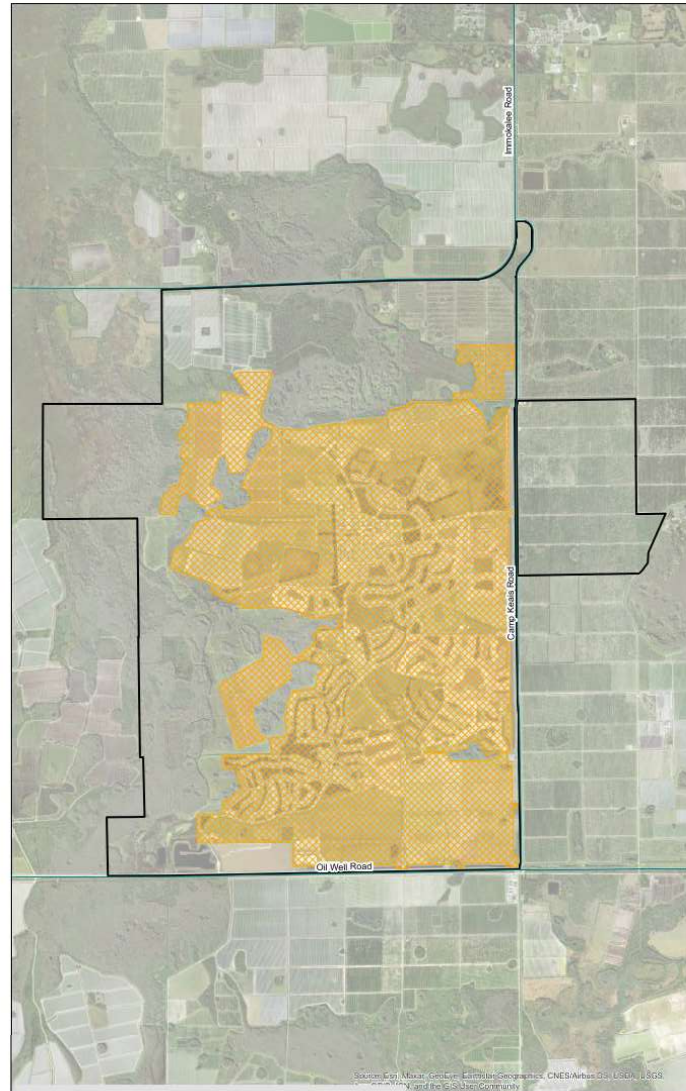
**AMSCD OWNERSHIP - IRRIGATION**

**AMSCD Ownership  
/ Facilities Map:  
Preserve and Water  
Retention Areas**



**AMSCD OWNERSHIP  
PRESERVE AND WATER RETENTION AREAS**

# Current Stewardship Receiving Area (SRA) and ISD Limits

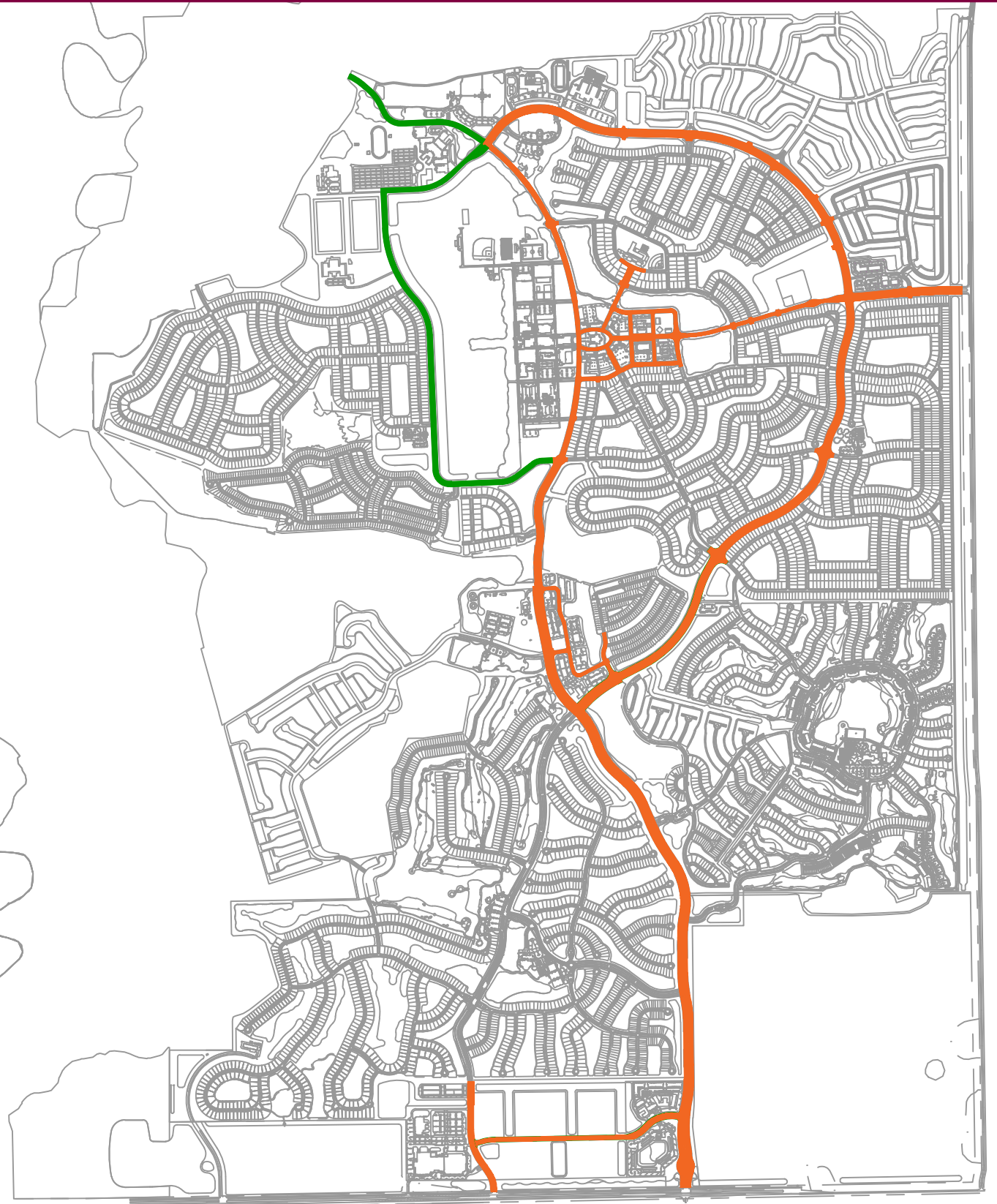




Legend	
	Current_SRA 5,928 Acres
	Current_ISD 11,806 Acres

Exhibit to Show Current SRA and ISD Limits

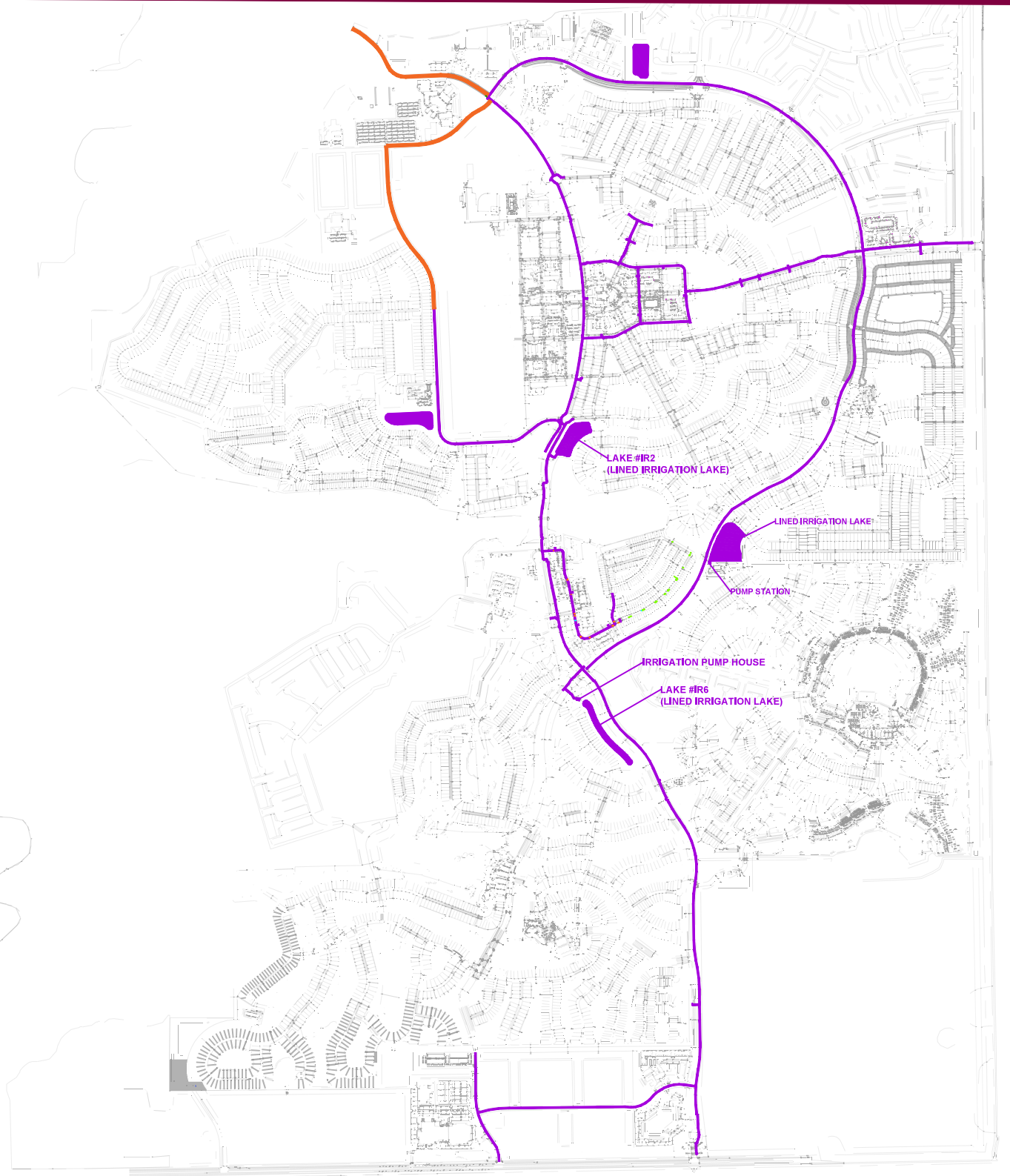




LEGEND		
DESCRIPTION	IDENTIFICATION	AREA (ACRES)
PREVIOUS LAKES		403.12
ADDITIONAL LAKES		35.63
TOTAL LAKES		438.75



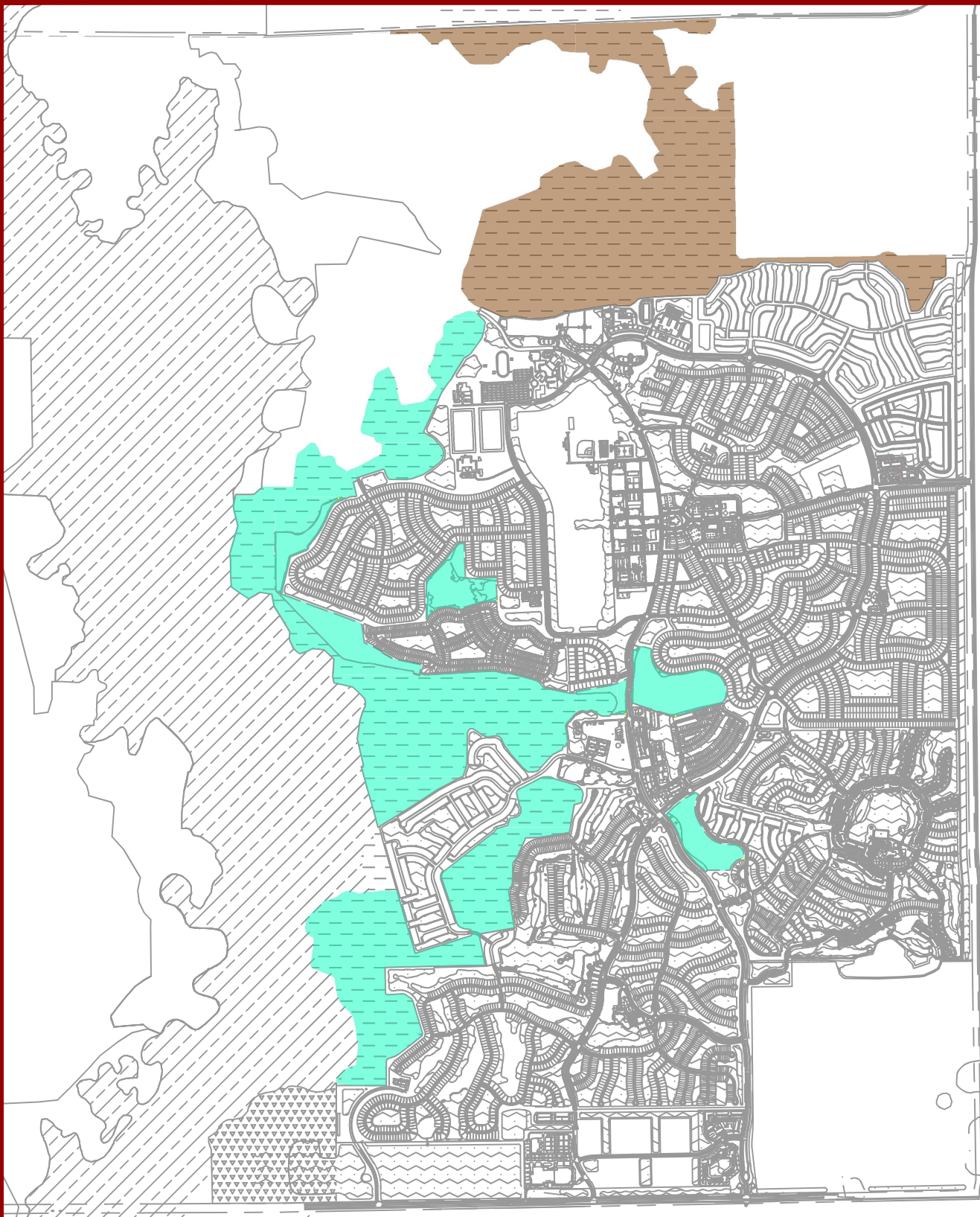
<i>LEGEND</i>		<i>2-LANE UNDIVIDED</i>	<i>2-LANE DIVIDED</i>	<i>4-LANE DIVIDED</i>	<i>TOTAL ROADS</i>	<i>TOTAL LANES</i>
<i>DESCRIPTION</i>	<i>IDENTIFICATION</i>	<i>MILES</i>	<i>MILES</i>	<i>MILES</i>	<i>MILES</i>	<i>MILES</i>
<i>PREVIOUS ROADS</i>		3.68	2.88	4.96	11.52	16.48
<i>ADDITIONAL ROADS</i>		2.01	0	0	2.01	2.01
<i>TOTAL ROADS</i>		5.69	2.88	4.96	13.53	18.49







LEGEND		
DESCRIPTION	IDENTIFICATION	LINEAR FEET
PREVIOUS IRRIGATION		67,795
ADDITIONAL IRRIGATION		8,027
TOTAL IRRIGATION		75,822





LEGEND		
DESCRIPTION	IDENTIFICATION	AREA (ACRES)
PREVIOUS MITIGATION AREAS		911.12
ADDITIONAL MITIGATION AREAS		600.39
TOTAL MITIGATION AREAS		1,511.51

# Change Order No. 1

Date of Issuance: July 29, 2024      Effective Date: July 29, 2024

Project: Anthem Parkway Phase 5A	Owner: Ave Maria Stewardship Community District	Owner's Contract No.:
Contract: Dry Utility-Conduit installation		Date of Contract: April 22, 2024
Contractor: American Infrastructure Services		Engineer's Project No.: P-AMD-037

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description:

- Revision to contract as per final design by LCEC, Lumen, and Comcast.
- Additional items required as discovered during permitting and construction.

Add: \$281,078.00

**Attachments (list documents supporting change):** AIS breakdown dated 7/25/24

<b>CHANGE IN CONTRACT PRICE:</b>	<b>CHANGE IN CONTRACT TIMES:</b>
Original Contract Price:  \$527,002.00  [Increase] [Decrease] from previously approved Change Orders No. <u>NA</u> to No. <u>N/A</u>  \$ -0-	Original Contract Times:  Calendar days Substantial completion (days or date): 365 Ready for final payment (days or date): 60  <del>[Increase]</del> <del>[Decrease]</del> from previously approved Change Orders No. <u>NA</u> to No. <u>NA</u> :  Substantial completion (days): NA Ready for final payment (days): NA
Contract Price prior to this Change Order:  \$527,002.00	Contract Times prior to this Change Order: Substantial completion (days or date): 365 Ready for final payment (days or date): 60
Increase of this Change Order:  \$281,078.00	<del>[Increase]</del> <del>[Decrease]</del> of this Change Order: Substantial completion (days or date): No change Ready for final payment (days or date): No change
Contract Price incorporating this Change Order:  \$808,080.00	Contract Times with all approved Change Orders: Substantial completion (days or date): 365 Ready for final payment (days or date): 60

<p><b>RECOMMENDED:</b> By: <u>[Signature]</u> Engineer (Authorized Signature) Date: <u>07/29/2024</u></p>	<p><b>ACCEPTED:</b> By: _____ Owner (Authorized Signature) Date: _____</p>	<p><b>ACCEPTED:</b> By: _____ Contractor (Authorized Signature) Date: _____</p>
Approved by Funding Agency (if applicable): _____		Date: _____





11341 Lindbergh Blvd  
Fort Myers,

PROJECT NUMBER : AMAPP5DU  
COUNTY : Ave Maria  
LOCATION : Athem Parkway Phase 5 Dry Utilit  
BID DATE : July 25, 2024

BID ITEM	QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1	1,040.00	LF F&I 2" Conduit Road Crossings	\$8.80	\$9,152.00
2	8,920.00	LF F&I 6" Conduit Road Crossings	\$10.80	\$96,336.00
3	2,050.00	LF F&I One 2" HDPE for Data	\$7.80	\$15,990.00
4	3,500.00	LF Install One 2" HDPE Comcast	\$4.80	\$16,800.00
5	3,500.00	LF F&I One 4" HDPE Conduit	\$12.80	\$44,800.00
6	2.00	EA Recharge Wells Electric Service/Controlls	\$42,600.00	\$85,200.00
7	1.00	EA Relocate Light Pole	\$5,800.00	\$5,800.00
8	1.00	LS Additional Bond	\$7,000.00	\$7,000.00
			<b>Phase 1</b>	<b>\$281,078.00</b>

<b>BID TOTAL</b>	<b>\$281,078.00</b>
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NOTES :

- 1.) All Material, equipm ent and labor is included
- 2.) Layout and Stz aking by Others
- 3.) Price is good for 60 days unless reconfirmed in writing
- 4.) Addendum 1 is Acknowledged in this proposal

Doug McIntyre

07/25/2024

Date: July 29, 2024  
To: Allyson Holland, District Manager  
Copy: Edward F. Tryka III, PE, District Engineer  
From: Peninsula Engineering  
Project: Anthem Parkway Phase 5A  
Subject: American Infrastructure Services, Change Order No. 1 Justification

American Infrastructure Services, Inc. ("AIS") issued Change Order No. 1 on July 25<sup>th</sup>, 2024 for the project Anthem Parkway Phase 5A. This memo serves as an explanation and justification for the requested change order items:

- Public Utility Infrastructure: To facilitate the timely commencement of construction, the project was bid (and contract executed) prior to completion of final infrastructure designs by LCEC, Lumen, and Comcast for required public utilities. Those designs have since been substantially completed\*, and this change order is to install the respective facilities.
  - \*Note: an update to the LCEC design is expected, based on finalization of the pump sizes for both the irrigation pump station (IPS #4) and the irrigation recharge wells. It is unknown at this time if the design revisions will necessitate a future change order.
- Owner Data Communications: This change order includes required infrastructure to serve data communications for the proposed irrigation recharge wells, the design for which was completed subsequent to the originally executed contract.
- Road Crossings: Based on the completion of design for the aforementioned items, the design for required road crossings was completed. These road crossings also include required crossings for irrigation lines, and owner conduit.
- Recharge Well Electric Control Panels: This change order includes the materials, installation, and electrical work associated with the electric control panels serving the two recharge wells being finalized with this project (IW-19 and IW-20).
- Light Pole Relocation: After coordination between the lighting design sub-consultant (Trebilcock Consulting Solutions, P.A.), LCEC, and AMSCD, it was determined that a proposed light pole located adjacent to the existing portion of Anthem Parkway would be included on the District circuit as a private light pole. There is an existing private light pole that is proposed to be removed with this project, therefore AIS has included with their scope to remove this light pole, modify this double head fixture to a single head, extend electrical services to this new light pole location, and install the light pole.

A summary of the Original Contract Price and Change Orders to date is provided below:

Original Contract Price:	\$527,002.00
Increase (Decrease) from Previously Approved Change Orders:	\$0.00
Contract Price Prior to this Change Order:	\$527,002.00
Increase (Decrease) of this Change Order:	\$281,078.00
Contract Price Incorporating this Change Order:	\$808,080

# Change Order No. 1

Date of Issuance: July 10, 2024

Effective Date: July 10, 2024

Project: Anthem Parkway Phase  
5A

Owner: Ave Maria Stewardship  
Community District

Owner's Contract No.:

Contract: Landscaping & Irrigation

Date of Contract: 4/16/2024

Contractor: O'Donnell Landscapes, Inc.

Engineer's Project No.: P-AMD-037

## The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Add for larger clocks for later expansions: \$5,000.00

Add for added Pine Trees: \$59,100.00

**Attachments (list documents supporting change):** O'Donnell Landscapes CO dated 6/27/24 & 7/9/24

### CHANGE IN CONTRACT PRICE:

### CHANGE IN CONTRACT TIMES:

Original Contract Price:

\$868,655.85

[Increase] [Decrease] from previously  
approved Change Orders No. NA to No. NA

\$ -0-

Contract Price prior to this Change Order:

\$868,655.85

Add of this Change Order:

\$64,100.00

Contract Price incorporating this Change Order:

\$932,755.85

Original Contract Times:

Substantial completion (days or date): 365

Ready for final payment (days or date): 425

~~[Increase]~~ ~~[Decrease]~~ from previously approved Change Orders  
No. NA to No. NA:

Substantial completion (days): NA

Ready for final payment (days): NA

Contract Times prior to this Change Order:

Substantial completion (days or date): 365

Ready for final payment (days or date): 425

~~[Increase]~~ ~~[Decrease]~~ of this Change Order:

Substantial completion (days or date): No change

Ready for final payment (days or date): No change

Contract Times with all approved Change Orders:

Substantial completion (days or date): 365

Ready for final payment (days or date): 425

RECOMMENDED:

By: 

Engineer (Authorized Signature)

Date: 07/25/2024

Approved by Funding Agency (if applicable):

ACCEPTED:

By: \_\_\_\_\_

Owner (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_

Contractor (Authorized Signature)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**O'DONNELL LANDSCAPES, INC.**

4291 Williams Road, Estero, FL 33928 239-992-8842 Fax# 239-992-2188

www.ODonnellLandscapes.com

***Change Order Request***

**PROJECT: Anthem Parkway Phase 5A**

Allison Gramer  
 AGramer@pen-eng.com  
 Steve Sammons  
 SSammons@pen-eng.com  
 Daniel Hartley DHartley@pen-eng.com

**DATE: 06/27/24**

Description	Specification	Qty	Unit P	S.Total
<b>CHANGE ORDER REQUEST</b>				
<b>Per Peninsula Engineering Enhanced Landscape Plans dated January 2024</b>				
S. FL Slash Pine Densa	8' Ht <b>#25</b> Stagger in groups	50	350	\$ 17,500.00
S. FL Slash Pine Densa	10' Ht Stagger in groups	50	400	\$ 20,000.00
S. FL Slash Pine Densa	12' ht <b>FG</b> Stagger in groups	36	600	\$ 21,600.00
Mulch Area?				
Are these trees in irrigated areas?				
<b>Pending pricing for Ag-Tronix Irrigation Controllers (Soon)</b>				
	<b>Lump Sum Total</b>			<b>\$ 59,100.00</b>

**O'DONNELL LANDSCAPES, INC.**

4291 Williams Road, Estero, FL 33928 239-992-8842 Fax# 239-992-2188

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***Change Order Request***

**PROJECT: Anthem Parkway Phase 5A**

**Ave Maria Stewardship Community District**

**Jaclyn Canerdy 239-403-6728**

**E:Jcanerdy@barroncollier.com**

**Ted Tryka 239-597-3111**

**E: tryka@abbinc.com**

**DATE: 07/09/24**

Description	Specification	Qty	Unit P	S.Total
<b>CHANGE ORDER REQUEST</b>				
<b>Larger clock for later expansion of Anthem Parkway Serving Ph 5A and Ph 5B</b>				
	Lump Sum	1	2500	\$ 2,500.00
<b>Larger clock for later expansion of Ave Maria Blvd</b>				
	Lump Sum	1	2500	\$ 2,500.00
	<b>Lump Sum Total</b>			<b>\$ 5,000.00</b>

Date: July 29, 2024  
To: Allyson Holland, District Manager  
Copy: Edward F. Tryka III, PE, District Engineer  
From: Peninsula Engineering  
Project: Anthem Parkway Phase 5A  
Subject: O'Donnell Landscapes, Inc. Change Order No. 1 Justification

O'Donnell Landscapes, Inc. issued Change Order No. 1 on June 27<sup>th</sup>, 2024 and July 9<sup>th</sup>, 2024 for the project Anthem Parkway Phase 5A. This memo serves as an explanation and justification for the requested change order items:

- Irrigation Clocks (\$5,000): after coordination with District staff, it was determined to use irrigation clocks that are capable of supporting future roadway expansions.
- Pine Trees (\$59,100): after the original bid was awarded, it was discovered that the approved Landscape Plans mistakenly omitted the tabulation of pine trees in the material summary, which was utilized for bidding. The change order reflects the costs for the tree material and installation.

A summary of the Original Contract Price and Change Orders to date is provided below:

Original Contract Price:	\$868,655.85
Increase (Decrease) from Previously Approved Change Orders:	\$0.00
Contract Price Prior to this Change Order:	\$868,655.85
Increase (Decrease) of this Change Order:	\$64,100.00
Contract Price Incorporating this Change Order:	\$932,755.85

# AVE MARIA STEWARDSHIP COMMUNITY DISTRICT

August 2024

Project Name	Date appeared on List	Start Date	End Date	Est. Cost	% Complete	Responsible Party	Comments
Anthem Parkway Phase 5A (Starts at North Park to Avalon)	06/07/2022	2 <sup>nd</sup> Quarter 2023	01/13/2025	Est. \$10,264,854	70%	Allyson Holland (District)	<p>Project underway – Ave Maria Blvd is near completion. Temporary Overhead Utilities have been installed. Existing overhead utilities in conflict with road construction will be removed soon, enabling continuation of construction on Anthem Parkway.</p> <p>Design and permitting for IPS #4, Irrigation Lake, and Master AMUC Lift Station in progress. New construction contracts, or change orders to existing construction contracts, will be</p>



# AVE MARIA STEWARDSHIP COMMUNITY DISTRICT

							required for these and related facilities.
Anthem Parkway Phase 5B (Will include roundabout at Pope John Paul)	06/07/2022	4th Quarter 2024	1 <sup>st</sup> Quarter 2026	Est. \$8,394,852	0%	Allyson Holland (District)	Currently in design and permitting. Coordination of the access configurations to adjacent existing and future development areas is in progress.
Massa Way Irrigation Extension	05/07/2024	05/02/2024	01/15/2025	Est, \$734,741	80%	Allyson Holland (District)	Utilities have been completed. Waiting on tie-ins and pressure tests. Coordinating w/ finish/site contractor to complete scope.
Arthrex Commerce Park	05/07/2024	02/01/2024	01/15/2025	\$2,402,283	65%	Allyson Holland (District)	Lake excavation is complete. Filling of berm is ongoing. Roadwork commenced. Received landscape bid. Landscape on hold until berm is complete.
Oil Well Berm Landscaping	05/07/2024	05/01/2024	10/01/2024	\$359,475.80	0%	Allyson Holland (District)	Contract awarded to O'Donnell Landscaping. Anticipate NTP in August.

# AVE MARIA STEWARDSHIP COMMUNITY DISTRICT

Apron at Owens roundabout & animal clinic handicap parking spot	06/06/2023	Fall 2023	Winter 2024	\$97,949	Commence construction – Fall 2024	Ted Tryka (District)	Present bids and recommendation at August Board Meeting.
Asset Management	11/01/2022	10/1/23	09/30/24	\$75,000	FY24 – 90%	Allyson Holland/ Donny Diaz (District)	Mapping of roadways, sidewalks, curbs, light poles are complete. FY 24-25 includes site visits, mapping of additional assets such as signs, fixtures, etc. ETM tentatively to present update at Oct 2024 meeting.
Sign at Oil Well Road/ Lighting Project	10/03/2023	01/17/2024	11/12/2024	\$544,758	68%	Ted Tryka (District)	Light installation 90% complete. Project completion: end of August.
Reserve Study	08/06/24	11/2023	12/2024	\$11,000	75%	Allyson Holland (District)	Received draft reserve study late May 2024. Staff is reviewing and will provide any comments for consideration.

**To:** Board of Supervisors  
**Via:** Allyson Holland, P.E., District Manager  
**From:** Todd Wodraska, President, Special District Services, Inc.  
**Date:** July 30, 2024

**Board Meeting Date:** August 6, 2024

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**SUBJECT**

Amended and Restated Contract between AMSCD and Special District Services, Inc. to provide Management and Operations staff and services to the AMSCD.

**STAFF RECOMMENDATION**

Board of Supervisors to approved the Amended and Restated Contract between AMSCD and Special District Services, Inc. to provide Management and Operations staff and services to the AMSCD.

**GENERAL INFORMATION**

The AMSCD and SDS entered into an Amended and Restated Agreement in 2023 to reflect the hiring of an operations team led by Sal D’Angelo as the Director of Operations, an Operations Manager, Donny Diaz and a team of up to three Operations Technicians to maintain the works of the AMSCD. The agreement also called for an increase in the administrative fee SDS charges for general management.

With Sal D’Angelo announcing his departure effective August 2, 2024, the staff moved forward with a plan that would call for SDS to hire a full-time, on-site District Manager in Allyson Holland who started June 3, 2024. Donny Diaz remains as the Operations Manager and there is currently a full compliment of Operations team members.

This new Amended and Restated Agreement includes increases for the full time District Manager’s salary and benefits to \$280,000, reduces the administrative fee SDS charges from \$108,000 to \$70,000. This agreement also reduces the Salaries and benefits for the Operations team from \$600,000 to \$440,000 (proposed budget amount is \$462,000) to reflect the elimination of the Director of Operations position.

**DISTRIC LEGAL COUNSEL REVIEW**

Update: 7/30/24 Still under review

**FUNDING REVIEW**

Funding is within the budgeted amounts in the FY24/25 Proposed Budget that was approved by the Board in July 2024.

Attachments



## AMENDED AND RESTATED AGREEMENT DISTRICT MANAGEMENT & OPERATIONS SERVICES

This Amended and Restated Agreement For District Management and Operations is made and entered this \_\_\_\_ day of \_\_\_\_\_, 2024 between Ave Maria Stewardship Community District (hereinafter referred to as **District**) located in Collier County, Florida (hereinafter referred to as the **County**) and Special District Services, Inc. (hereinafter referred to as **SDS** or “**District Manager**”).

**WHEREAS**, the primary objective of this Agreement is for **SDS** to provide management, operations and consulting services to the **District** acting as the appointed **District Manager** and agent of the District as mandated by Chapter 2004-461, *Laws of Florida*; and

**WHEREAS**, **District** proposes to continue to engage **SDS** to perform the tasks identified herein; and,

**WHEREAS**, **District** has previously engaged and hereby continues to engage **SDS**, as **District Manager** to perform the services management tasks identified in the Agreement for Management Services Between District and SDS dated April 1, 2008 (the “April 1, 2008 Agreement”); and

**WHEREAS**, **District** and **SDS** desire to make certain amendments and modifications to the terms and provisions of the April 1, 2008 Agreement to update, modify and restate the services to be rendered by **SDS** to **District** and the compensation to be paid by **District** to **SDS** for such services rendered under this Agreement; and

**WHEREAS**, **District** and **SDS** desire to make certain amendments and modifications to the terms and provisions of the July 11, 2023 “Amended and Restated Agreement for Services Management” Agreement to update, modify and restate the services to be rendered by **SDS** to **District** and the compensation to be paid by **District** to **SDS** for such services rendered under this Agreement; and

**WHEREAS**, **SDS** is capable of providing the necessary services.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, it is agreed as follows:

### SECTION I — RECITALS

The recitals set forth hereinabove are true and correct and incorporated herein by reference.

## **SECTION II — PRIOR AGREEMENT**

Upon execution of this Agreement, the July 11, 2023 Agreement is deemed amended and restated in its entirety as of the execution hereof and is replaced, in full, by the terms and provisions of this Amended and Restated Agreement for Services Management.

## **SECTION III — MANAGEMENT SERVICES**

### ***A. SCOPE OF SERVICES — MANAGEMENT***

SDS shall provide District Manager Services as set forth in “Exhibit A” to this Agreement. Any material changes in or additions to the scope of services described in “Exhibit A” shall be promptly reflected in a written supplement or amendment to this Agreement. Services provided by SDS which are not specifically referenced in the scope of services set forth in “Exhibit A” of this Agreement shall be completed as agreed in writing in advance between the **District** and **SDS**. Upon request of **District**, **SDS** or an affiliate of **SDS**, may agree to additional services to be provided by **SDS** or an affiliate of **SDS**, by a separate agreement between the **District** and **SDS** or its respective affiliate.

### ***B. SCOPE OF SERVICES - OPERATIONS SERVICES***

SDS shall provide Operations Services as set forth in “Exhibit B” to this Agreement. Any material changes in or additions to the scope of services described in “Exhibit B” shall be promptly reflected in a written supplement or amendment to this Agreement. Services provided by SDS which are not specifically referenced in the scope of services set forth in “Exhibit B” of this Agreement shall be completed as agreed in writing in advance between the **District** and **SDS**. Upon request of **District**, **SDS** or an affiliate of **SDS**, may agree to additional services to be provided by **SDS** or an affiliate of **SDS**, by a separate agreement between the **District** and **SDS** or its respective affiliate.

## **SECTION IV — COMPENSATION**

### ***A. MANAGEMENT SERVICES***

For the services provided under this Agreement, **SDS**'s professional fees shall be paid as provided in “Exhibit C” to this Agreement and **District** shall pay expenses and fees for other services not set forth in “Exhibit A” as provided below.

#### **1. Reimbursable Expenses**

In addition to fees for services, **SDS** will be reimbursed for necessary, reasonable, and documented out-of-pocket expenses incurred, including travel, meals, lodging, mail, and other ordinary cost and any actual extraordinary cost for graphics, printing, data processing and computer time which are incurred by **SDS** only an authorized by the **District**'s approved budget. Documentation of such expenses will be provided to the **District** upon request.

## 2. Other Services

Any services which are not included in the scope of services set forth in “Exhibit A” of this Agreement will be subject to separate, mutually acceptable fee structures.

### ***B. OPERATIONS SERVICES***

**Task 1.** SDS shall interview prospective candidates for the Operations Services Staff and shall hire, train and retain the Operations Team comprised of an Operations Manager and up to three Operations Technicians. Upon any such employment by SDS, District shall pay SDS for such services in accordance with the attached “Exhibit D”.

In addition to compensation for its services as **Operations Team** of the **District** as set forth in “Exhibit D”, SDS shall be reimbursed for **out-of-pocket expenses** incurred in the performance of the services defined herein (i.e. photocopies, postage, , mileage, etc.). SDS will submit monthly invoices to **District** for work performed under the terms of this Agreement. Payment shall become due and payable within fifteen (15) days of receipt. Compensation for additional services shall be in accordance with the terms mutually agreed to by the parties.

NOTE: There will likely be other costs associated with the management of the **District** such as the Engineer's reports, financial advisory fees, legal fees and legal advertising, etc. These functions will be performed by third parties and are not a part of this agreement.

## **SECTION V — DOCUMENTS**

All documents, maps, drawings, data and worksheets prepared by SDS under this Agreement shall be the property of the **District**, upon payment in full of all fees and costs.

## **SECTION VI-INSURANCE**

SDS shall maintain insurance coverage with policy limits not less than as stated in “Exhibit E”.

Except with respect to Professional Liability and Workers’ Compensation insurance policies, the **District** and its officers, supervisors, staff, and employees will be listed as additional insured on each insurance policy described above. None of the policies above may be canceled during the term of this Agreement (or otherwise cause the **District** to not be named as an additional insured where applicable) without thirty (30) days written notice to the **District**. SDS will furnish the **District** with Certificate of Insurance evidencing compliance with this section upon request. Insurance should be from a reputable insurance carrier, licensed to conduct business in the State of Florida.

If SDS fails to secure or maintain the required insurance, the **District** has the right (without any obligation to do so) to secure such required insurance, in which event SDS shall pay the cost for that required insurance and shall furnish, upon demand, all information that may be required in connection with the **District’s** obtaining the required insurance.

## **SECTION VII - TERM OF AGREEMENT**

This Agreement shall be continuous beginning with the date the Agreement is signed. Termination of the Agreement shall be available to each party with written notice to be given by either party at least sixty (60) days in advance of the intent to cancel. If termination is by the **District** and not for cause, **District** will pay **SDS** through the end of the sixty (60) day termination notice period, plus an additional thirty (30) days, se, in addition to any other fees or costs due hereunder.

If termination is by the **District** and for cause, this Agreement will terminate immediately without advance written notice. "For cause" termination shall be defined, for purposes of this Agreement, as the breach of any material term of this Agreement.

## **SECTION VIII —AMENDMENTS/ASSIGNMENTS**

This Agreement represents the entire understanding between the parties.

This Agreement is non-transferable and non-assignable without the express written consent of both parties.

This Agreement may be amended only by a written addendum, addenda or amendment agreed to by both parties.

This Agreement may be executed in counterparts, all of which together shall constitute one Agreement,

This Agreement shall be governed by and construed in accordance with the Laws of the State of Florida.

## **SECTION IX- INDEMNIFICATION**

**SDS** will defend, indemnify, hold harmless the **District** and its supervisors, officers, staff and employees from and against any and all liability, claims, actions, suits, demands, assessments or judgments asserted and any and all losses, liabilities, damages, costs, court costs, and expenses, including attorneys' fees, that the **District** may hereafter incur, become responsible for, or be caused to pay out, provided, however, this indemnification provision is specifically limited to those matters arising out of or relating to **SDS's** willful and intentional failure to perform under this Agreement or at law, or grossly negligent, reckless, and/or intentionally wrongful acts or omissions of **SDS**. **SDS's** payment obligations under this provision are limited to **SDS's** apportionment of liability. The indemnification provided for herein shall not be deemed exclusive of any other rights to which the **District** may be entitled and shall continue after **SDS** has ceased to be engaged under this Agreement. Additionally, in accordance with Resolution 2004-05, enacted by the **District**, **SDS** as the legally appointed District Manager, general manager and agent of the **District**, shall be entitled to the benefits, support and protections of, and shall be subject to the terms and provisions of, Resolution 2004-05 of the Ave Maria Stewardship Community District upon execution of this Agreement by all parties and upon vote of approval of this Agreement by a



majority of the Board of Supervisors of the **District**. However, this Section shall be deemed to be in addition to, and not in replacement of, **SDS**' rights, privileges and immunities under Florida Statutes §768.28, and including subparagraph (9)(a) thereof, as an agent of the **District**.

#### **SECTION X – COMPLIANCE WITH GOVERNMENTAL REGULATIONS**

In performing its obligations under this Agreement, **SDS** shall keep, observe, and perform all requirements of applicable local, State, and Federal laws, rules, regulations, and ordinances. If **SDS** fails to notify the **District** in writing within five (5) days of the receipt of any notice, order, required to comply notice, or a report of a violation or an alleged violation, made by a local, State, or Federal governmental body or agency or subdivision thereof with respect to the services being rendered under this Agreement or any action of **SDS** or any of its agents, servants, employees, or materialmen, or with respect to terms, wages, hours, conditions of employment, safety appliances, or any other requirement applicable to provision of services, or fails to comply with any requirement of such agency within five (5) days after receipt of any such notice, order, request to comply notice, or report of a violation of an alleged violation, the **District** may terminate this Agreement, such termination to be effective upon the giving of notice of termination.

#### **SECTION XI – COMPLIANCE WITH PUBLIC RECORDS LAWS**

**SDS** understands and agrees that all documents of any kind provided to the **District** in connection with this Agreement may be public records, and, accordingly, **SDS** agrees to comply with all applicable provisions of Florida law in handling such records, including but not limited to Section 119.0701, Florida Statutes. **SDS** acknowledges that the designated public records custodian for the **District** is Todd Wodraska ("Public Records Custodian"). Among other requirements and to the extent applicable by law, the **SDS** shall 1) keep and maintain public records required by the **District** to perform the service; 2) upon request by the Public Records Custodian, provide the **District** with the requested public records or allow the records to be inspected or copied within a reasonable time period at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes; 3) ensure that public records which are exempt or confidential, and exempt from public records disclosure requirements, are not disclosed except as authorized by law for the duration of the contract term and following the contract term if the **SDS** does not transfer the records to the Public Records Custodian of the **District**; and 4) upon completion of the contract, transfer to the **District**, at no cost, all public records in **SDS**' s possession or, alternatively, keep, maintain and meet all applicable requirements for retaining public records pursuant to Florida laws. When such public records are transferred by the **SDS**, the **SDS** shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the **District** in a format that is compatible with Microsoft Word or Adobe PDF formats.

**IF SDS HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO CONTRACTOR' S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (561) 630-4922, TWODRASKA@SDSINC.ORG, AND 2501 BURNS ROAD, SUITE A, PALM BEACH GARDENS, FLORIDA 33410.**

**SECTION XII- LIMITS OF LIABILITY**

Nothing contained herein, or otherwise arising out of **SDS'** performance of its duties under this Agreement, shall be deemed as a waiver of immunity or limits of liability of the **District** or of **SDS**, when acting as an agent of the **District**, beyond any statutory limited waiver of immunity or limits of liability contained in section 768.28, Florida Statutes, or other applicable statute, and nothing in this Agreement shall inure to the benefit of any third party for the purpose of allowing any claim which would otherwise be barred under the Doctrine of Sovereign Immunity as codified by Florida Statutes and Florida appellate court decisions or otherwise by operation of law.

**SECTION XIII - SEVERABILITY**

In the event that any provision of this Agreement shall be determined to be unenforceable or invalid by a court of competent jurisdiction, such unenforceability or invalidity of the particular provision shall not affect the enforceability or validity of the remaining provisions of the Agreement, which shall remain in full force and effect.

**SECTION XIV- MISCELLANEOUS**

If either party to this Agreement shall institute any suit or legal action to enforce any of the terms or conditions of this Agreement, the substantially prevailing party shall be entitled to recover all costs incurred, including but not limited to reasonable attorney's fees, paralegal fees and expert witness fees and cost for all matters related to such litigation, and any appeal thereto. Venue for any action arising out of this Agreement shall lie in Collier County, Florida.

The **District** acknowledges and agrees that **SDS** is an officer, to wit: the legally appointed District Manager and general manager of the **District** and is not an attorney and may not render legal advice or opinions, or a financial advisor registered with the Securities and Exchange Commission and the Municipal Securities Rulemaking Board and is not engaged to give advice with respect to the issuance of bonds or municipal financial products.

Time is of the essence as to this Agreement.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed the day and year first above written.

**AVE MARIA STEWARDSHIP  
COMMUNITY DISTRICT**

**SPECIAL DISTRICT SERVICES,  
INC.**

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

Todd Wodraska, President

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Date

“Exhibit A”

**SCOPE OF SERVICES**  
**General Management Services**

**SDS** will serve as the legally mandated and appointed District Manager and agent of the District as defined and as set forth in Chapter 2004-461, Laws of Florida, as may be amended from time to time, and **SDS** shall continue to be an agent of the **District** as contemplated by Florida Statutes §768.28(9)(a) and as general manager to the **District** and an officer of the **District** and will provide those services necessary for the management and operation of the **District** including, but not limited to, preparation of agendas, legal advertisements, minutes of meetings; preparation and maintenance of mandated **District** website (in accordance with section 189.069, Florida Statutes), including ADA compliance monitoring, communications and coordination with other governmental agencies and **District** professionals, general supervision; and day to day management of the operations of the **District** in accordance with the provisions of Chapters 119 and 189, Florida Statutes, and the **District’s** Special Act: Chapter 2004-461, Laws of Florida.

**SDS** will assist the **District** in the selection of professionals and vendors or, if directed by the **District**, **SDS**, as an officer and general manager of the **District** will retain such professionals for the **District** in accordance with terms mutually agreed to by the parties.

**SDS**, as general manager of the **District**, will provide general consulting services to **District** on a continuing basis. Consulting services include, but are not limited to, budgeting, public bidding and competitive negotiation requirements for public works projects, policies and procedures, staffing and personnel requirements, and such other special district services that will need to be addressed in the immediate and long term future.

**Accounting & Finance Services**

**SDS** will maintain the **District** books, accounts, records, purchasing procedures and financial reporting procedures, governmental accounting and chart of account requirements, process all accounts payable/receivable and prepare financial reports in accordance with District policies and rules and Florida law.

**SDS** shall define and implement an integrated management reporting system which will allow the **District** to represent fairly and with full disclosure the financial position of the **District**. Furthermore, **SDS** will adhere to the Prompt Payment Act as it pertains to processing invoices of the vendors and contractors providing services to the **District**. Monthly financial statements will be provided in addition to a year-end audited financial statement to be prepared by a certified public accounting firm selected by the **District**. These services will be coordinated with the **District’s** auditors to assure a smooth and efficient audit of the **District’s** books.

**SDS** shall prepare and submit to the **District’s** Board of Supervisors a proposed annual budget and administer the adopted budget of the **District** in accordance with the Laws of the **District** and Florida Statutes.

**SDS** will prepare the annual assessment roll for the submittal to the **County** following adoption by the **District**. **SDS** will be responsible for any billing to developers for “off-roll” assessments.

**Issuance of Debt (Bonds) Related Services**

**SDS** will assist the **District** in the structuring or restructuring of bond issue(s) as necessary and agreed to by the **District**. Services include, but are not limited to, assistance in the preparation of the Schedule of Events, the financing plan, the Official Statement and other financing documents. A representative of **SDS** will be available to testify as an expert witness at any bond validation or other legal proceeding.

“Exhibit B”

**SCOPE OF SERVICES**  
**Operations Services**

- A. *Field Operations Management.*** SDS shall provide the **District** with field operations management services for the **District’s** Improvements. SDS shall be responsible for, and authorized to perform on behalf of the **District**, general oversight and management of the Improvements, which shall include:
- i.** Coordination and oversight of maintenance services for the Improvements (“Maintenance Services”), including landscape maintenance services;
  - ii.** Coordination with vendors to ensure all Maintenance Services for the Improvements are in compliance with contract specifications;
  - iii.** Interface with vendors regarding deficiencies in service or need for additional services, billings/payments, and approval of certain invoices;
  - iv.** Obtaining proposals for Maintenance Services as requested by the **District** and providing them to the District Manager;
  - v.** Causing routine repair work or normal maintenance to be made to the District Property as may be required for the operation of the District Property, or as required under applicable government permits. Routine Maintenance and Repairs shall not include repairs to the District Improvements that significantly affect the structural integrity of the District Improvements.
  - vi.** Roadway maintenance and repair, including but not limited to pavement, curb and gutter, sidewalk, signage and markings within platted roadway tracts and common areas.
  - vii.** Primary irrigation facilities maintenance and repair, including but not limited to, irrigation mains, gate valves, air release valves, services, other appurtenances with platted tracts and common areas. This does not include irrigation facilities downstream of the irrigation meters on residential lots.
  - viii.** Primary drainage facilities maintenance and repair, including but not limited to, drainage lines, throat inlets, catch basins, junction boxes, headwalls, end walls, and control structures within platted drainage easements. This does not include any secondary drainage facilities located at the rear of residential lots.
  - ix.** Landscaping maintenance and repair, including but not limited to, moving, trimming, and pruning of vegetation within platted roadway tracts and common areas.
  - x.** Lake maintenance and repair, including but not limited to, aquatic weed control, littoral plantings, rip rap, fountains and lake slopes within platted lake maintenance easements.
  - xi.** Inspection of roadway streetlights within platted roadway tracts to include, but not limited to, inspections of entire assembly parts, and ensure assembly equipment is in proper working condition.

- B. License.** This Agreement grants to **SDS** the right to enter and use the **District Property** for the purposes and uses described in this Agreement, and **SDS** hereby agrees to comply with all applicable laws, rules, and regulations while performing its obligations under this Agreement.
- C. Inspection.** **SDS** shall conduct periodic inspections of all District Property. In the event **SDS** discovers any irregularities of, or needs of repair to, the District Property, **SDS** shall promptly correct, or cause to be corrected, any such irregularities or repairs.
- D. Notification of Emergency Repairs.** **SDS** shall immediately notify the District Engineer and Ave Maria Development concerning the need for emergency repairs of which **SDS** is aware when such repairs are necessary for the preservation and safety of persons and/or property.
- E. Care of the Property.** **SDS** shall use commercially reasonable efforts to protect the District Property from damage by **SDS**, its employees or contractors. **SDS** agrees to promptly repair any damage to the District Property resulting from **SDS's** activities and work and to notify the **District** of the occurrence of such damage caused by **SDS's** activities within forty-eight (48) hours.

“Exhibit C”

**COMPENSATION  
Management Services**

<b>Ave Maria Stewardship Community District</b>	<b>Annual Fee</b>
Salaries and Benefits	\$280,000
Administrative Management/Finance	\$70,000
Assessment Roll	\$25,000
Website & Emails	\$2,500
<b>Additional Services</b>	<b>Cost of Issuance of Debt (per series)</b>
District Management	\$20,000

*Note: The fees outlined above may be increase or otherwise amended annually as reflected in the adopted Budget for the District. New fees will become effective on October 1 of the applicable budget year.*

“Exhibit D”

**COMPENSATION  
Operations Services**

Ave Marie Stewardship Community District	Annual Fee
Salaries*	\$275,000
Benefits, Equipment, Overhead	\$165,000
Total	\$440,000

\*Salaries contemplate four full-time **SDS** employees dedicated to the **District** full-time:

1. Operations Manager
2. Operations Technician
3. Operations Technician
4. Operations Technician

*Note: The fees outlined above may be increase or otherwise amended annually as reflected in the adopted Budget for the District. New fees will become effective on October 1 of the applicable budget year.*



“Exhibit E”

**INSURANCE**

- A. The District shall provide and maintain Public Official Liability and General Liability insurance policies, each in an amount not less than One Million Dollars (\$1,000,000.00) throughout the term of this Agreement.
- B. SDS shall provide and maintain the following levels of insurance coverage at all times throughout the term of this Agreement:
  - 1. Workers’ Compensation Insurance in accordance with the laws of the State of Florida.
  - 2. Professional Liability Insurance with limit of no less than One Million Dollars (\$1,000,000.00) per each occurrence.
  - 3. Comprehensive Automobile Liability Insurance for all vehicles used by the SDS’ staff, whether owned or hired, with a combined single limit of One Million Dollars (\$1,000,000.00).
  - 4. Occurrence basis comprehensive general liability insurance (including a broad form contractual coverage) with minimum limits of \$2,000,000.00 respectively, protecting SDS and District from claims for bodily injury (including death) and property damage which may arise from or in connection with the performance of the SDS services under this Agreement, from or out of any act or omission of SDS, its officers, directors, agents, and employees.
- C. Except with respect to Professional Liability and Workers’ Compensation insurance policies, the District and its officers, supervisors, staff, and employees will be listed as additional insureds on each insurance policy described above. None of the policies above may be canceled during the term of this Agreement (or otherwise cause the District to not be named as an additional insured where applicable) without thirty (30) days written notice to the District. SDS will furnish the District with a Certificate of Insurance evidencing compliance with this section upon request. Insurance should be from a reputable insurance carrier, licensed to conduct business in the State of Florida.
- D. If SDS fails to secure or maintain the required insurance, the District has the right (without any obligation to do so) to secure such required insurance, in which event SDS shall pay the cost for that required insurance and shall furnish, upon demand, all information that may be required in connection with the District’s obtaining the required insurance.

**To:** Board of Supervisors  
**Via:** Allyson Holland, P.E., District Manager  
**From:** Todd Wodraska, President, Special District Services, Inc.  
**Date:** July 30, 2024

**Board Meeting Date:** August 6, 2024

---

**SUBJECT**

AMSCD purchasing Ford F150 from SDS for District Manager

**STAFF RECOMMENDATION**

Board of Supervisors to approve the purchase of the Ford F150 truck in the amount of \$39,560, and auto insurance, by the AMSCD.

**GENERAL INFORMATION**

When Sal D’Angelo took on the position of Director of Operations, part of his compensation package included use of a Ford F150 truck for commuting and AMSCD business, as well as occasional consultations with other SDS clients therefore SDS purchased the truck.

With Sal D’Angelo leaving the position this same truck was offered as to Allyson Holland in her role as District Manager. It is recommended that the truck owned and insured by the AMSCD since it will be solely used for AMSCD business. The truck is in excellent condition and just recently serviced.

**DISTRIC LEGAL COUNSEL REVIEW**

Update: 7/30/24 Still under review

**FUNDING REVIEW**

Funding for this item as an un-budgeted expense will be paid of Ave Maria Development, who has consented to this purchase.

Attachments

Options    Next Steps

# 1 Your Options

[Instant Cash Offer](#)   
 [Trade-in](#)   
 [Private Party](#)   
 [Donate Your Car](#)

Save this car

**Private Party Range**  
**\$37,761 - \$41,358**  
 Private Party Value  
**\$39,560**



Important info & definitions

Value valid as of **07/30/2024**

### Factors That Impact Value

Check that yours are correct below.

Mileage: 22,000    ZIP Code: 34142

Condition  
 Excellent

Edit Options

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Verified buyers get a clean title every time. Verified sellers get secure payment.

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Advertisement

Trade in Your Old Vehicle for a New **2024 Ford F-150 Truck**

And pay just **\$0 or \$0** per month

[Build & Price](#)

Calculation based on:

2024 F-150 Truck MSRP	\$36,570
Your Estimated Trade-In Value	\$ 39,560
Down Payment	\$ 0
Loan Term	60 months
Interest Rate	1.5 %
<b>Your Potential Net Cost:</b>	<b>\$0</b>
<b>Your Potential Monthly Payment:</b>	<b>\$0</b>

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Date: 7/13/2023  
 Salesperson: BRYAN RODRIGUEZ  
 Manager: 786-454-6065

**FOR INTERNAL USE ONLY**

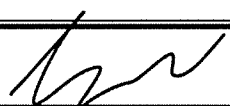
**BUSINESS NAME** SPECIAL DISTRICT SERVICES, INC. Home Phone : \_\_\_\_\_  
**CONTACT** \_\_\_\_\_  
 Address : 2501 A BURNS RD  
PALM BEACH, FL 33410 Work Phone : \_\_\_\_\_  
PALM BEACH  
 E-Mail : twodraska@sdsinc.org Cell Phone : (561) 630-4922

**VEHICLE**  
 Stock # : PKD14016 New / Used : **New** VIN : 1FTEW1CP3PKD14016 Mileage: 23  
 Vehicle : 2023 Ford F-150 Color : OXFORD WHITE  
 Type : XL 4x2 SuperCrew Cab 5.5 ft. box 14 W1C

Loan Payments		Estimated		
Cash Down	10,000	15,000	20,000	
36 Months / 8.99 *	1392	1232	1072	
48 Months / 8.99 *	1089	964	839	
60 Months / 8.99 *	909	804	700	

\* A.P.R. Subject to equity and credit requirements.

Market Value Selling Price	49,665.00
Taxable Fees (Estimated)	305.50
Tax	3,023.23
Non Tax Fees	604.60
Balance	53,598.33

Customer Approval:  Management Approval: \_\_\_\_\_

By signing this authorization form, you certify that the above personal information is correct and accurate, and authorize the release of credit and employment information. By signing above, I provide to the dealership and its affiliates consent to communicate with me about my vehicle or any future vehicles using electronic, verbal and written communications including but not limited to eMail, text messaging, SMS, phone calls and direct mail. Terms and Conditions subject to credit approval. For Information Only. This is not an offer or contract for sale.

\*These charges represent costs and profit to the dealer for items such as inspecting, cleaning, and adjusting vehicles, and preparing documents related to the sale.


  
 22000

**RESOLUTION 2024-10**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT RE-SETTING THE LOCATION OF THE LANDOWNERS' MEETING AND ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Ave Maria Stewardship Community District ("District") is a local unit of special-purpose government created and existing pursuant to Chapter 2004-461, *Laws of Florida*, being situated entirely within Collier County, Florida; and

**WHEREAS**, previously at a duly noticed public meeting, the District's Board of Supervisors ("Board") adopted Resolution 2024-07, setting the date, time and location for the landowners' meeting and election for November 12, 2024, at 6:00 p.m. at Ave Maria Master Association (Office/Fitness Center), 5080 Annunciation Circle, Unit 101, Ave Maria, Florida 34142; and

**WHEREAS**, the District desires to reschedule the landowner's meeting to be held at Grand Hall at Del Webb, 6008 Del Webb Way, Ave Maria, Florida 34142 at the same date and time, and requests the District Manager to cause the notice of the landowners' meeting and election with the new location to be published consistent with the requirements of Chapter 2004-461, *Laws of Florida*; and

**WHEREAS**, the Board now desires to reset the location of the landowners' meeting and election.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT:**

**SECTION 1.** The location of the landowners' meeting and election is hereby reset to November 12, 2024, at 6:00 p.m. at Grand Hall at Del Webb, 6008 Del Webb Way, Ave Maria, Florida 34142.

**SECTION 2.** The Board authorizes the District Manager to take all actions necessary to reset the landowners' meeting and election including but not limited to publishing the notice of same in the manner prescribed by Florida law.

**SECTION 3.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

**SECTION 4.** This Resolution shall take effect upon its passage and adoption by the Board.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of August, 2024.

ATTEST:

**AVE MARIA STEWARDSHIP COMMUNITY  
DISTRICT**

\_\_\_\_\_  
Secretary / Assistant Secretary

\_\_\_\_\_  
Chairperson / Vice Chairperson

**RESOLUTION 2024-11**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT REGARDING THE AWARD OF A CONSTRUCTION CONTRACT AND EXECUTION OF APPLICABLE COST SHARES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Ave Maria Stewardship Community District (the “District”), is a local unit of special-purpose government established pursuant to Chapter 2004-461, Laws of Florida to plan, construct, install, acquire, finance, manage and operate public improvements and community facilities for lands within the District; and

**WHEREAS**, the District has solicited bids from prequalified contractors interested in providing construction services related to the Owens Roundabout project (the “Project”); and

**WHEREAS**, the District has received and evaluated bids from two (2) prequalified contractors interested in providing services (the “Bids”); and

**WHEREAS**, Earth Tech Enterprises, Inc., (“Earth Tech”) and Quality Enterprises, Inc., (“Quality Enterprises”) submitted responsive bids for the services (the “Contractor”); and

**WHEREAS**, in accordance with District Rules of Procedure Rules 3.4 and 3.5, the Board shall accept the lowest responsive bid submitted by a responsive and responsible prequalified contractor; and

**WHEREAS**, the District Engineer has reviewed the Bids and advised Earth Tech provided the lowest responsive bid submitted by a responsive and responsible prequalified contractor; and

**WHEREAS**, in the best interest of the District, the Board desires to award a contract to Earth Tech.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT:**

**SECTION 1.** All of the representations, findings and determinations contained within the recitals stated above are recognized as true and accurate and are expressly incorporated into this Resolution.

**SECTION 2.** The bid submitted by the Earth Tech is the bid which best serves the interests of the District.

**SECTION 3.** The Earth Tech shall be awarded a contract for its construction services for the Project.

**SECTION 4.** The Chairman, or in the Chairman’s absence the Vice-Chairman, and District Staff are hereby authorized to give notice of this award to all bidders to the extent required by law and to proceed with the execution of a contract with the selected bidder. Furthermore, in the event necessary, the Chairman, or in the Chairman’s absence the Vice-Chairman, and District Staff are hereby authorized to execute necessary governmental applications or permitting items pertaining to the Project upon approval of District Engineer and District Counsel.

**SECTION 5.** If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 6.** This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of August, 2024.

ATTEST:

**BOARD OF SUPERVISORS OF THE  
AVE MARIA STEWARDSHIP  
COMMUNITY DISTRICT**

\_\_\_\_\_  
Secretary / Assistant Secretary

\_\_\_\_\_  
Thomas Peek, Chairman





**EMPLOYEE-OWNED.  
CLIENT FOCUSED.**

Engineering Firm Number: **31200**  
Surveying Firm license: **LB8569**

**Collier County:**  
7400 Trail Boulevard, Suite 200  
Naples, FL 34108  
P: **239.597.3111**  
F: **239.566.2203**

MEMORANDUM

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**Date:** August 6, 2024  
**Project:** Owens RAB Improvements & Merrit Lane Fire Station Signage  
Pope John Paul II Blvd. Handicap Parking Space  
**Subject:** Bid Results and Recommendation of Award of Contract  
**From:** Edward F. Tryka III, PE, District Engineer  
**To:** Andrew Karmeris, District Manager  
Allyson Holland, PE, District Manager

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All prequalified contractors in the civil engineering category were contacted with an invitation to bid on June 19, 2024. Bids for the project were due on July 26, 2024.

The results of the bids are as follows:

Earth Tech Enterprises, Inc.	\$97,949.00
Quality Enterprises, Inc.	\$197,391.35

All the bids were checked for mathematical errors, and none were found.

Based upon our review of the bids received for the above-listed project it is our recommendation to the Board that it finds Earth Tech Enterprises, Inc. the lowest responsive bid submitted by a responsive bidder for the project. In accordance with District Rule of Procedure 3.5, the lowest responsive bid submitted by a responsive and responsible bidder in response to an Invitation to Bid shall be accepted.

We are not aware of any outstanding issues or problems with Earth Tech Enterprises, Inc. that would prevent us from recommending their selection as the lowest responsive bid submitted by a responsive and responsible bidder.

LJA Engineering Inc. looks forward to working successfully with the selected bidder on this project.

**RESOLUTION 2024-12**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT AMENDING RESOLUTION 2024-05 TO REVISE THE LOCATION OF THE PUBLIC HEARING TO CONSIDER THE FISCAL YEAR 2024/2025 FINAL BUDGET AND ASSESSMENTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, The Ave Maria Stewardship Community District (“District”) is a local unit of special-purpose government created and existing pursuant to the Chapter 2004-461, Laws of Florida, as amended (the “Act”) for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure improvements; and

**WHEREAS**, on July 2, 2024, at a duly noticed public meeting, the District’s Board of Supervisors (“Board”) adopted Resolution 2024-05, approving the proposed budget for Fiscal Year 2024/2025 (the “Proposed Budget”) and setting a public hearing on the Proposed Budget for September 10, 2024 at 9:00 a.m., at 5080 Annunciation Circle, Unit 101, Ave Maria, Florida 34142; and

**WHEREAS**, to accommodate an increased amount of public attendance, the Board desires to reschedule the public hearing location to September 10, 2024 at 9:00 a.m., at the O’Bryan Performance Hall, 5250 Clancy Avenue, Ave Maria, Florida 34142.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE AVE MARIA STEWARDSHIP COMMUNITY DISTRICT:**

**SECTION 1. APPROVAL OF PUBLIC HEARING LOCATION CHANGE.** Resolution 2024-05 is hereby amended to reflect that the location of the public hearing as declared in Resolution 2024-05 is reset to September 10, 2024 at 9:00 a.m., at O’Bryan Performance Hall, 5250 Clancy Avenue, Ave Maria, Florida 34142.

**SECTION 2. RESOLUTION 2024-05 OTHERWISE REMAINS IN FULL FORCE AND EFFECT.** Except as otherwise provided herein, all of the provisions of Resolution 2024-05 continue in full force and effect.

**SECTION 3. SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect upon its passage and adoption by the Board.

**PASSED AND ADOPTED** this 6<sup>th</sup> day of August, 2024.

**ATTEST:**

**AVE MARIA STEWARDSHIP COMMUNITY DISTRICT**

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Secretary / Assistant Secretary

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Chairperson, Board of Supervisors

MEMORANDUM

TO: BOARD OF SUPERVISORS  
AVE MARIA STEWARDSHIP COMMUNITY DISTRICT (“DISTRICT”)

FROM: ALYSSA WILLSON

DATE: AUGUST 6, 2024

RE: SUNSHINE LAW AND APPLICABILITY TO COMMITTEES

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I would like to provide a short overview of Florida’s public meeting requirements, particularly as it is applied to committee use. Please contact me at your convenience with any questions.

Florida’s Government in the Sunshine Law

Generally speaking, Florida’s Sunshine Law applies to all formal or informal gatherings of two or more Board Supervisors to discuss matters that **may foreseeably come before the Board for official action**. Section 286.011, Florida Statutes, contains three requirements for such meetings: (1) the meetings must be open to the public; (2) the meetings must be noticed; and (3) minutes of the meetings must be taken. The Sunshine Law is intended to protect the public from “closed door” politics, and Courts broadly construe the law to ensure it meets this remedial and protective purpose.<sup>1</sup>

Committees and advisory groups may be subject to the Sunshine Law, depending on the scope of the committee’s activity. Courts and Florida’s Attorney General have opined that it extends to meetings of committees or advisory groups that have been delegated some decision-making authority (e.g., tasked with responsibility to make recommendations on some Board-related business), whether delegation is by the board or by a single board member.<sup>2</sup> A limited exemption to the applicability of the Sunshine Law requirement has been recognized for committees established for the limited purpose of fact-finding activities.

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<sup>1</sup> See, e.g., *Wood v. Marston*, 442 So.2d 934, 938 (Fla. 1983).

<sup>2</sup> *Wood v. Marston*, 442 So.2d 934 (Fla. 1983). See also Att’y General Opinion 75-41.

The “dispositive question” is whether the committee has been delegated “decision-making authority,” as opposed to mere “information-gathering or fact-finding authority.”<sup>3</sup> Even if the District board ultimately makes the final decision on a committee recommendation, if there is not a finite number of options or choices to consider, it is likely there is a component of decision-making that undertaken by the committee in determining the options considered and presented to the board. “In determining whether a committee is subject to the Sunshine Law, the actual function of the committee must be scrutinized to determine whether it is exercising part of the decision making function by sorting through options and making recommendations to the governmental body.”<sup>4</sup>

Therefore, it is recommended that unless the scope of fact-finding is extremely limited and the committee is able to operate within the fact-finding exemption any committees appointed by the board operate in accordance with the Sunshine Law. Below are recommended requirements and best practices:

- Appoint a finite number of members to the committee;
- Publish notice of time/place/location of committee meetings and ensure open to the public;
- Appoint an individual to take minutes of the meeting and provide to the District Manager;
- Submit minutes to the board for acceptance into the District record at the next Board meeting; and
- Follow all applicable District Rules of Procedure.

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<sup>3</sup> *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755, 762 (Fla. 2010). See also *Accord Florida Citizens Alliance, Inc. v. School Board of Collier County*, 328 So. 3d 22 (Fla. 2d DCA 2021).

<sup>4</sup> Inf. Op. to Randolph, June 10, 2010.

**Ave Maria Stewardship Community District**  
**Budget vs. Actual**  
**October 2023 through June 2024**

	<u>Oct 23 - Jun 24</u>	<u>23/24 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
<b>Expenditures</b>				
01-1130 · Payroll Tax Expense	413.10	734.00	-320.90	56.28%
01-1131 · Supervisor Fees	5,400.00	9,600.00	-4,200.00	56.25%
01-1310 · Engineering	76,805.25	85,000.00	-8,194.75	90.36%
01-1311 · Management Fees	81,000.00	108,000.00	-27,000.00	75.0%
01-1313 · Website Management	2,250.00	2,500.00	-250.00	90.0%
01-1315 · Legal Fees	88,204.48	80,000.00	8,204.48	110.26%
01-1320 · Audit Fees	2,500.00	20,300.00	-17,800.00	12.32%
01-1330 · Arbitrage Rebate Fee	2,600.00	3,900.00	-1,300.00	66.67%
01-1441 · Travel & Lodging	16,934.27	5,000.00	11,934.27	338.69%
01-1450 · Insurance	107,697.00	45,000.00	62,697.00	239.33%
01-1480 · Legal Advertisements	5,082.40	8,000.00	-2,917.60	63.53%
01-1512 · Miscellaneous	12,221.22	6,000.00	6,221.22	203.69%
01-1513 · Postage and Delivery	1,053.15	2,000.00	-946.85	52.66%
01-1514 · Office Supplies	2,574.90	3,500.00	-925.10	73.57%
01-1540 · Dues, License & Subscriptions	175.00	500.00	-325.00	35.0%
01-1541 · Misc Filing, Notices, etc.	0.00	500.00	-500.00	0.0%
01-1733 · Trustee Fees	24,437.38	35,000.00	-10,562.62	69.82%
01-1734 · Continuing Disclosure Fee	10,000.00	12,000.00	-2,000.00	83.33%
01-1735 · Assessment Roll	0.00	20,000.00	-20,000.00	0.0%
01-1801 · Landscaping - Miscellaneous	84,499.91	31,500.00	52,999.91	268.25%
01-1808 · Irrigation Repair	247,135.47	110,000.00	137,135.47	224.67%
01-1813 · Storm Cleanup - Electric	0.00	26,250.00	-26,250.00	0.0%
01-1814 · Storm Cleanup	0.00	60,000.00	-60,000.00	0.0%
01-1815 · Miscellaneous Maintenance	16,912.71	50,000.00	-33,087.29	33.83%
01-1816 · Electric-Streetlights,Landscape	86,730.20	89,250.00	-2,519.80	97.18%
01-1817 · Maintenance Street Sweeping	1,500.00	1,050.00	450.00	142.86%
01-1818 · Striping & Traffic Markings	28,262.17	150,000.00	-121,737.83	18.84%
01-1819 · Street Light Maintenance	89,848.58	120,000.00	-30,151.42	74.87%
01-1820 · Maint Sidewalk/Curb Repairs	182,631.01	157,500.00	25,131.01	115.96%
01-1830 · Maintenance Contracts	530,925.03	715,000.00	-184,074.97	74.26%

**Ave Maria Stewardship Community District**  
**Budget vs. Actual**  
**October 2023 through June 2024**

	<u>Oct 23 - Jun 24</u>	<u>23/24 Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
01-1831 · Tree Trimming	0.00	153,300.00	-153,300.00	0.0%
01-1832 · Storm Cleanup - Landscaping	0.00	26,250.00	-26,250.00	0.0%
01-1833 · Plant Replacement	234,623.71	100,000.00	134,623.71	234.62%
01-1834 · Mulch	194,135.20	147,000.00	47,135.20	132.07%
01-1838 · Water Management & Drain	4,500.00	4,200.00	300.00	107.14%
01-1839 · Entry Feature/Near Well Water	5,928.19	4,725.00	1,203.19	125.46%
01-1841 · Maintenance Irrigation Water	96,666.42	89,250.00	7,416.42	108.31%
01-1842 · Maint Fountain/Repair	63,474.14	50,000.00	13,474.14	126.95%
01-1843 · Maintenance Rodent Control	22,540.00	8,400.00	14,140.00	268.33%
01-1844 · Maint Equipment Repair	0.00	8,400.00	-8,400.00	0.0%
01-1845 · Maint Signage Repair	0.00	15,750.00	-15,750.00	0.0%
01-1846 · Maint Storm Drain Cleaning	0.00	52,500.00	-52,500.00	0.0%
01-1847 · Mnt Drainage/Lke Mnt/Littorals	54,487.00	78,750.00	-24,263.00	69.19%
01-1848 · Maintenance Aerators	0.00	2,100.00	-2,100.00	0.0%
01-1850 · Maint-Preserve Maintenance	94,800.50	63,000.00	31,800.50	150.48%
01-1853 · Maintenance Small Tools	5,385.44	3,675.00	1,710.44	146.54%
01-1854 · Maint Miscellaneous Repairs	146.55	30,000.00	-29,853.45	0.49%
01-1855 · Maint Vehicle Lease/Fuel/Repair	2,182.70	21,000.00	-18,817.30	10.39%
01-1856 · Maint Mosquito Control	690,579.00	525,000.00	165,579.00	131.54%
01-1858 · Maint Temp EMS/Fire Facility	9,643.00	9,650.00	-7.00	99.93%
01-1859 · Maint-Administrative Supplies	700.00	0.00	700.00	100.0%
01-1863 · Maint Base Management Fee	15,556.47	23,000.00	-7,443.53	67.64%
01-1864 · Maintenance Admin Payroll	2,851.64	0.00	2,851.64	100.0%
01-1867 · Asset Manager	53,545.51	75,000.00	-21,454.49	71.39%
01-1869 · Field Operations	425,066.80	600,000.00	-174,933.20	70.84%
01-1871 · Verizon - Internet	1,041.88	0.00	1,041.88	100.0%
01-1872 · Pressure Washing	78,246.13	50,000.00	28,246.13	156.49%
01-1890 · Maint-Reserve Fund	0.00	27,500.00	-27,500.00	0.0%
01-1891 · Maint Contingency	5,175.00	15,000.00	-9,825.00	34.5%
01-1901 · Permit Review/Inspection Fees	3,295.26	0.00	3,295.26	100.0%
<b>Total Expenditures</b>	<b>3,772,363.77</b>	<b>4,141,534.00</b>	<b>-369,170.23</b>	<b>91.09%</b>