

**BOARD OF SUPERVISORS MONTHLY MEETING MINUTES OF THE
SAN CARLOS ESTATES WATER CONTROL DISTRICT AGENDA**

MONDAY March 17, 2025, 6:00 PM.

GULF SHORE CHURCH, 25300 BERNWOOD PKWY, BONITA SPRINGS FL 34135

1. Call Meeting to order. 6:00p.m.

2. Roll Call of the Board of Supervisors: Chair and President, Jim Bradford (Jim); Vice-Chair and Vice President, Jennifer Finazzo (Jennifer) and Supervisor, James Gilchrist (James); Engineer Ron Edenfield, Attorney Richard Pringle, John Cellucci, Manager and Superintendent of Operations, Shanelle Cruz Secretary/Treasurer and guests: 40 (approx.)

3. Pledge of Allegiance and Invocation.

4. Receive Engineer's Report on District Works:

- Applications

Open: 34 Approved: 0 Finalized: 0 Inspections: 6

- Finalized 2025 Water Control Plan and is ready for Publication
- Preparing plans for the canal bank restoration project
- Completed report for FEMA on the damage assessment for the Moriah Weir. FEMA funds are pending.
- Conducted inspections of most of the perimeter canal with Manager over 2 days and completed approximately 75% of the district. Still need to finish North Strike canal. Have issued landowners notice to provide access to that right of way.
- Worked with auditor on forms that were requested.

5. Manager's Report

- Received 30 fobs from the factory this week, with 16 having been issued to various landowners.

- Fobs that landowners claimed did not work were sent back to the factory and all 4 had coffee, soda, or water inside the fob. The fobs do not work when things get inside them and thus, they have to buy new fobs.

- Inspected several preliminary driveways. One owner cut down trees and stacked them in the swales- they were instructed to remove the trees and clean the swale along with not damaging it anymore.

- Working with Engineer on the scope of document with photos, GPS coordinates, and a work plan.

- Attended the Southwest Regional Planning Council in Punta Gorda. The US Economic Development Administration was there. They had an overall approach of a comprehensive economic development plan for basically all of Southwest Florida.

- We were the only Water district from all of SWFL that went, and they asked us a lot of questions.

- The Army Corps of Engineers was also there, and they specifically came up to me at the end and asked for me to send our projects that are highlighted in our upcoming water control plan, as they have a lot of funds are looking for projects.

- We were the only group there asking for something that is a future plan, so they gave us a lot of recognition for that.

6. Chairs Report

- We had put money aside for placing trees and for numerous reasons we haven't moved forward. Perhaps we could get owners that are removing trees from their property and get the contractors that have already been paid for their backhoes to place the trees where we have previously talked about. Maybe the trees can be donated and then we can keep some of the funds in reserves.

- The fence at the front of the subdivision would be nice if we could work on that.

- With the fobs I had to go up to the gate and roll my window previously, but since putting a new battery in it works much better.

7. Treasurer's Report

- Financials are ready and have been sent to the Board

- A title company contacted The District and we were able to collect CIP Phase II balance on a property that was just sold.

- We collected the majority of our gross assessments for the year from landowners.

- Worked with auditors and have given them everything they have requested.

8. Attorney's Report

- Would like to ask the board under amendments to the meeting agenda to please add the hiring of litigation counsel to represent the district in the lawsuit that Mr. Nadig has filed against the district in federal court.

- Attorney received a call from the Lee County Supervisor of Elections and he stated that he had talked to Representative Botana and let him know that the Supervisor of Elections will not be involved in the landowners' election.

9. Amendments to the Meeting Agenda

- Motion by Chairman Bradford to amend agenda and add 11e to hire litigation. James seconded, all in favor, item added to agenda.

10. Public input on Business Agenda Items (3-minute limit)

- Homeowners addressed voting policy.

11. Business Agenda Items (Agenda Items Requiring Action)

a. Meeting Minutes Approval – for Feb. 18, 2025 Board Meeting

Jim motioned, James seconded, all in favor, motion carried.

b. Financial Reports Approval – 02/28/25 Bank Statements and 02/28/25 Financial Reports.

Jim motioned, James seconded, all in favor, motion carried.

c. Approval by the Board on Updated 2025 Water Control Plan.

James motioned, Jennifer seconded, all in favor, motion carried.

Attorney explained that this is the first step in the approval process. The Water Management District will have to review the proposed updated plan and give us comments on that, and then there will be two hearings that will occur later in time before the final adoption hearing occurs.

d. Approval of Landowner's Voting Policy

- Supervisor Gilchrist made comments about aggregating data from the Leepa website. According to his review only approximately 3% of landowners would benefit from aggregating and another 6 individual landowners would benefit if it went the other way. Supervisor Gilchrist doesn't feel it's worth the time and energy for the minimal benefit and he would prefer not to vote on a policy.

- James put a motion to define aggregate as the aggregate of unique ownership, according to Leepa data, as it says in 298.005 as appears by the deed record. Jennifer seconded, all in favor, motion carried.

- Policy will need to be amended to update the revised definition of aggregate.

e. Board Approval of hiring of litigation counsel to represent the District against a lawsuit filed by Mr. Nadig in federal court.

- District is listed as defendant in a lawsuit filed by Mr. Nadig in federal court. It is recommended that the District hire outside counsel to represent the District.

- The current firm Zennick, Lebedeker and Pepin has agreed to represent the District in Mr. Nadig's lawsuit at the rate of \$300/hour.

- Mr. Lebedeker has defended government agencies in federal court and there are 5-6 lawyers all together in the firm, and he is licensed in the federal court system.

Jim put a motion to hire Zennick, Lebedeker and Pepin to represent the District against Mr. Nadig, Jennifer seconded, all in favor, motion carried.

12. Public Input (3-minute limit)

- Homeowner suggested asking the Attorney General for recommendations on voting policy

- Homeowner asked about minutes of special meeting on February 10th.

- Homeowner asked about water control plan being on website

- Homeowner asked about who is paying for the lawsuits.

- Homeowner discussed the term aggregate.

13. Supervisor Comments

- Supervisor Gilchrist addressed public records request.

- Supervisor Gilchrist asked to get on streamline to look into newsletters

- Supervisor Gilchrist addresses that our policy states anything in the swales has to go through the permitting process.

14. Adjournment 6:26pm