

Naples, Florida, February 21, 1978

LET IT BE KNOWN, that the Pelican Bay Improvement District Board met in special session at 4:30 p.m. in Building "F" of the Collier County Courthouse Complex with four members present.

PRESIDENT: Salvatore Scuderi
TREASURER: Viola Barclay
SECRETARY: Douglas Brown

Harmon Turner

ABSENT: Robert Diefenthaler

ALSO PRESENT: Carol Russell, Recording Secretary; Tracy Bolesky, Attorney for the Board; Messrs. Werner Buntmeyer, Byron Koste, Charles Penn, Gary Moyer, Gary Armstrong, and Grover Ericksen (General Manager), of Coral-Ridge-Collier Properties; George Varnadoe, Attorney of Smith, Young & Blue; ~~Dan Brundage~~ of Stanley Hole and Associates; and Coleman Knott of Post, Buckley, Schuh & Jernigan.

February 21, 1978

AGENDA - PELICAN BAY SPECIAL MEETING

1. Call to order
2. Roll Call
3. Engineer's Report
4. Election
5. Old Business
6. New Business

A G E N D A
PELICAN BAY IMPROVEMENT DISTRICT
SPECIAL MEETING
FEBRUARY 21, 1978

A: BOND REFERENDUM ITEMS

- (1) Resolution for holding a Bond Referendum
- (2) Affidavit of Residency
- (3) Resolution to approve Construction
- (4) Notice of Election

B: UPDATE CLARIFICATION OF DISTRICT POWERS

- (1) Declaratory Judgment
- (2) Amendment to Bill

C: WATER MANAGEMENT

- (1) Increase Bond Issue amount
- (2) Execute Resolution for Benefit Tax Record Certificate
- (3) Prepare Resolution to Adopt Technical Changes
- (4) Approvals

D: MISCELLANEOUS

- (1) Post, Buckley request for 1978 Budget

CALL TO ORDER

The meeting was called to order. President Scuderi noted that all members of the Board were present, except Robert Diefenthaler.

ENGINEER'S REPORT

Mr. Buntmeyer reported that the Water and Sewer Report was not completed and that the developers had been a party to the delay.

POST, BUCKLEY REQUEST FOR 1978 BUDGET

Coleman Knott of Post, Buckley, Schuh & Jernigan presented the Board a letter from Fred Biery, Regional Manager of PBS, estimating the engineering charges for the year 1978. This is for the Board's review, he said, and will be discussed at the next regular meeting. (See copy appended).

BOND REFERENDUM ITEMS

Attorney Bolesky presented the Board with several resolutions re the bond referendum to be adopted.

RESOLUTION TO APPROVE CONSTRUCTION

Motion was made by Mr. Turner, seconded by Mr. Brown, that a resolution be adopted providing for the construction, acquisition, and establishment of a water and sewer system for Pelican Bay Improvement District, Collier County, Florida, providing for the Issuance of Bonds to Finance the Same, and a Bond Referendum on the Approval of Said Bonds. Motion carried unanimously 4-0.

Motion was made by Mr. Turner, seconded by Mr. Brown, that the President and Secretary be authorized to execute said resolution on behalf of the Board. Motion carried unanimously 4-0.

RESOLUTION FOR HOLDING A BOND REFERENDUM

Motion was made by Mr. Turner, seconded by Mrs. Barclay, that a resolution be adopted ordering and Providing for the Holding of a Bond Referendum in the Pelican Bay Improvement District, Collier County, Florida, on the Question of the Issuance of Not Exceeding \$27,800,000.00 Water and Sewer Revenue and General Obligation Bonds of Said District and the President and Secretary be authorized to execute said resolution on behalf of the Board. Motion carried unanimously 4-0.

NOTICE OF ELECTION

Motion was made by Mr. Turner, seconded by Mr. Brown, that a resolution be adopted for the Notice of Bond Referendum on April 10, 1978, on the Issuance of Not Exceeding \$27,800,000.00 Bonds for Combined Water and Sewer System of Pelican Bay Improvement District

and that the President and Secretary be authorized to execute said resolution on behalf of the Board. Motion carried unanimously 4-0.

AFFIDAVIT OF RESIDENCE

Attorney Bolesky explained that an Affidavit of Residence had been prepared (copy appended). This was presented to the Board for their approval.

Motion was made by Mr. Turner, seconded by Mr. Brown, that the Affidavit of Residence be approved as submitted by the attorney. Motion carried unanimously 4-0.

AFFIDAVIT OF RESIDENCE

State of Florida

Collier County

I, _____, do solemnly swear that I am a registered voter of Precinct 13 in Collier County, Florida, and that I reside within the boundaries of the Pelican Bay Improvement District; which is commonly described as that property situated South of Vanderbilt Beach Road, West of U.S. Highway 41 (Tamiami Trail), North of Seagate Drive and East of the Gulf of Mexico; and which is more particularly described as follows:

All that fractional part of Section 32 lying South of Vanderbilt Beach Road, and all of Section 33, lying South of Vanderbilt Beach Road and West of State Road 45 (U.S. 41); all in Township 48 South, Range 25 East; and also all of Section 4, lying West of State Road 45 (U.S. 41); all fractional parts of Government lots 1 and 2, Section 5; all fractional part of Section 8; and all of Section 9, lying West of State Road 45 (U.S. 41), excepting therefrom the South 70 feet of the Southeast one-quarter and the South 70 feet of the East 158.25 feet of the South 70 feet of the Southeast one-quarter; all in

WATER MANAGEMENT

PREPARE RESOLUTION TO ADOPT TECHNICAL CHANGES

Motion was made by Mr. Turner, seconded by Mrs. Barclay, that a resolution be adopted Approving and Adopting Modifications to the Water Management Plan for Pelican Bay Improvement District and that the President and Secretary be authorized to execute said resolution on behalf of the Board. Motion carried unanimously 4-0.

AMENDED RESOLUTION

At the suggestion of Bond Counsel, Attorney Bolesky stated that a resolution had been prepared amending the resolution approving the Water Management Plan adopted at the meeting of February 8, 1978. The amended resolution does not change, but merely clarifies the original resolution, said Attorney Bolesky.

Mr. Turner made the motion, seconded by Mrs. Barclay that the amended resolution be adopted approving the Water Management Plan and Levying the Total Tax in Pelican Bay Improvement District to Pay the Cost of the Plan of Water Management and that the President and Secretary be authorized to execute said resolution on behalf of the Board. Motion carried unanimously 4-0.

WATER MANAGEMENT BOND RESOLUTION

Attorney Bolesky stated that a meeting had been held in New York with Bond Counsel and that he had received a rough draft of the Water Management Special Assessment Bond. Attorney Bolesky reported that there were blanks and that he had several questions that needed to be answered. Mr. Buntmeyer stated that a meeting of the staff was to be held in a week to discuss this, after which a meeting would be held with the Bond Counsel in order for him to explain the details and answer questions. Then, the resolution will be brought before the Board for their approval, he said.

INCREASE BOND ISSUE AMOUNT

Mr. Buntmeyer explained that the remaining charges by the engineers would be included in the Water Management Bond Resolution just mentioned by Attorney Bolesky.

PERMITS FOR WATER MANAGEMENT

Dan Brundage of Stanley Hole & Associates reported that portions of the Water Management facilities lie within the jurisdiction of the Department of Environmental Regulations and the Corps of Engineers and it will be necessary for District Engineers to obtain permits from the DER and Corps of Engineers before construction can take place. Authorization to do this is needed from the Board, he said.

Mr. Turner made the motion, seconded by Mr. Brown and carried unanimously, that the District Engineers be authorized to proceed with the preparation of necessary applications for permits for DER and the Corps of Engineers.

Attorney Varnadoe explained that the attorneys are proposing to file a declaratory judgment action which will ask the court to declare that the Pelican Bay Improvement District has authority under the present Act to proceed with its off-site well field and the proposed water plan for Pelican Bay. An answer should be received within 40 to 60 days of filing this action reported Attorney Varnadoe as the State Attorney has agreed to waive the Service of Process.

Attorney Varnadoe also reported that steps are being taken to amend the Bill in the Legislature.

Mr. Turner moved, seconded by Mr. Brown and carried unanimously 4-0, that Counsel for the District proceed with the declaratory judgment action to ascertain the powers of the District outside of the actual boundaries of the District.

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Since there was no more business to come before the Board, Mr. Turner moved, seconded by Mr. Brown and carried unanimously to adjourn the meeting. Time 5:15 P.M.

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PELICAN BAY IMPROVEMENT DISTRICT BOARD

Salvatore Scuderi, President