



Rizzetta & Company

Catalina at Winkler Preserve Community Development District

Board of Supervisors' Meeting November 9, 2021

District Office:
9530 Marketplace Road, Suite 206
Fort Myers, Florida 33912
(239) 936-0913

www.catalinacdd.org

CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT

Rizzetta & Company, Inc., 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912

Board of Supervisors

Keith Sherman	Chairman
John Kirkbride	Vice Chairman
Butch Johnston	Assistant Secretary
Dick Bonito	Assistant Secretary
Mark Tucker	Assistant Secretary

District Manager

Belinda Blandon Rizzetta & Company, Inc.

District Counsel

Lauren Gentry Hopping Green & Sams, P.A.

District Engineer

Carl Barraco Barraco and Associates, Inc.

All cellular phones must be placed on mute while in the meeting room.

The Audience Comment portion of the agenda is where individuals may make comments on matters that concern the District. Individuals are limited to a total of three (3) minutes to make comments during this time.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at (239) 936-0913. 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), who can aid you in contacting the District Office.

A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the 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 the appeal is to be based.

CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT

District Office · Ft. Myers, Florida · (239) 936-0913

Mailing Address · 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614

www.catalinacdd.org

November 2, 2021

Board of Supervisors
**Catalina at Winkler Preserve
Community Development District**

AGENDA

Dear Board Members:

The regular meeting of the Board of Supervisors of Catalina at Winkler Preserve Community Development District will be held on **Tuesday, November 09, 2021 at 2:30 p.m.** at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, FL 33912. The following is the agenda for this meeting:

- 1. CALL TO ORDER/ROLL CALL**
- 2. PUBLIC COMMENT**
- 3. BUSINESS ADMINISTRATION**
 - A. Consideration of the Minutes of the Audit Committee Meeting held on August 10, 2021 Tab 1
 - B. Consideration of the Minutes of the Board of Supervisors' Meeting held on August 10, 2021 Tab 2
 - C. Consideration of the Operation and Maintenance Expenditures for the Months of July, August, and September 2021..... Tab 3
- 4. BUSINESS ITEMS**
 - A. Review of KE Law Group Memo Regarding Stormwater System Needs Analysis..... Tab 4
 1. Consideration of Barraco & Associates Proposal for Stormwater Needs Analysis..... Tab 5
 - B. Review and Consideration of Easement Variance Policy..... Tab 6
 1. Review and Consideration of Easement Variance Request Form Tab 7
 2. Review and Consideration of Engineer's Variance Request Review Report..... Tab 8
 3. Consideration of Resolution 2022-01, Setting Hearing on Easement Encroachment Policy..... Tab 9
 - C. Consideration of Assignment of Rizzetta Technology Services, LLC Contract..... Tab 10
- 5. STAFF REPORTS**
 - A. District Counsel
 1. Consideration of Proposed 2022 Rates Tab 11
 - B. District Engineer
 - C. District Manager Tab 12
- 6. SUPERVISOR REQUESTS AND COMMENTS**
- 7. ADJOURNMENT**

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call us at (239) 936-0913.

Very truly yours,
Belinda Blandon
Belinda Blandon
District Manager

Cc: Lauren Gentry, KE Law Group

Tab 1

42 **THIRD ORDER OF BUSINESS**

Adjournment

43

On a Motion by Mr. Tucker, seconded by Mr. Bonito, with all in favor, the Audit Committee adjourned the Audit Committee meeting at 2:43 p.m., for the Audit Committee of the Catalina at Winkler Preserve Community Development District.

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DRAFT

Tab 2

MINUTES OF MEETING

CATALINA AT WINKLER PRESERVE
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of Catalina at Winkler Preserve Community Development District was held on **Tuesday, August 10, 2021 at 2:43 p.m.** at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912.

Present and constituting a quorum:

Keith Sherman	Board Supervisor, Chairman
John Kirkbride	Board Supervisor, Vice Chairman (via speaker phone)
Dick Bonito	Board Supervisor, Assistant Secretary
Butch Johnston	Board Supervisor, Assistant Secretary (via speaker phone)
Mark Tucker	Board Supervisor, Assistant Secretary

Also present were:

Belinda Blandon	District Manager, Rizzetta & Company, Inc.
Lauren Gentry	District Counsel, KE Law Group
Wes Kayne	District Engineer, Barraco & Associates, Inc.
Neil Mathes	Barraco & Associates, Inc.

FIRST ORDER OF BUSINESS **Call to Order**

Ms. Blandon called the meeting to order and conducted roll call.

SECOND ORDER OF BUSINESS **Public Comment**

Ms. Blandon stated for the record that no members of the public were present.

THIRD ORDER OF BUSINESS **Consideration of the Minutes of the
Audit Committee Meeting held on
May 11, 2021**

Ms. Blandon presented the minutes of the Board of Supervisors' Meeting held on May 11, 2021 and asked if there were any questions, comments, or changes to the minutes as presented. There were none.

On a Motion by Mr. Kirkbride, seconded by Mr. Tucker, with all in favor, the Board Approved the Minutes of the Audit Committee Meeting held on May 11, 2021, for the Catalina at Winkler Preserve Community Development District.

48 **FOURTH ORDER OF BUSINESS**

**Consideration of the Minutes of the
Board of Supervisors' Meeting held
on May 11, 2021**

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52 Ms. Blandon presented the minutes of the Board of Supervisors' Meeting held on
53 May 11, 2021 and asked if there were any questions, comments, or changes to the
54 minutes as presented. There were none.
55

56 On a Motion by Mr. Johnston, seconded by Mr. Sherman, with all in favor, the Board
57 Approved the Minutes of the Board of Supervisors' Meeting held on May 11, 2021, for
58 the Catalina at Winkler Preserve Community Development District.

59
60 **FIFTH ORDER OF BUSINESS**

**Consideration of the Operations and
Maintenance Expenditures for the
Months of April, May, and June 2021**

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64 Ms. Blandon presented the operations and maintenance expenditures for the
65 period of April 1-30, 2021 which totaled \$9,087.55, the period of May 1-31, 2021 which
66 totaled \$9,259.63, and the period of June 1-30, 2021 which totaled \$9,309.67. She
67 responded to questions from the Board.
68

69 On a Motion by Mr. Tucker, seconded by Mr. Bonito, with all in favor, the Board
70 Approved the Operations and Maintenance Expenditures for the Month of April 2021
71 which totaled \$9,087.55, the Month of May 2021 which totaled \$9,259.63, and the Month
72 of June 2021 which totaled \$9,309.67, for the Catalina at Winkler Preserve Community
73 Development District.

74
75 **SIXTH ORDER OF BUSINESS**

**Ratification of Engagement of KE
Law Group**

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77
78 Ms. Gentry provided a detailed overview of the engagement of KE Law Group
79 and responded to questions from the Board. Mr. Sherman provided input as well.
80

81 On a Motion by Mr. Johnston, seconded by Mr. Tucker, with all in favor, the Board
82 Ratified the Engagement of KE Law Group as District Counsel, for the Catalina at
83 Winkler Preserve Community Development District.

84
85 **SEVENTH ORDER OF BUSINESS**

**Consideration of KE Law Group Fee
Agreement**

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88 Ms. Gentry provided a detailed overview of the KE Law Group and responded to
89 questions from the Board.
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93 On a Motion by Mr. Bonito, seconded by Mr. Tucker, with all in favor, the Board

94 Approved the KE Law Group Fee Agreement, for the Catalina at Winkler Preserve
95 Community Development District.

96
97 **EIGHTH ORDER OF BUSINESS** **Consideration of Third Addendum to**
98 **Contract for Professional District**
99 **Services**

100
101 Ms. Bandon provided an overview of the addendum and advised that the
102 increase was previously included in the approved proposed budget. She asked if there
103 were any questions. There were none.
104

On a Motion by Mr. Johnston, seconded by Mr. Kirkbride, with all in favor, the Board Approved the Third Addendum to the Contract for Professional District Services, for the Catalina at Winkler Preserve Community Development District.

105
106 **NINTH ORDER OF BUSINESS** **Consideration of Earth Balance**
107 **Contract Renewal**

108
109 Ms. Bandon provided an overview of the proposal received from Earth Balance for
110 plantings; she advised of the options available per the proposal.
111

On a Motion by Mr. Bonito, seconded by Mr. Tucker, with all in favor, the Board Approved the Earth Balance Contract Renewal, with Semi Annual Events, Subject to Staff Recommendations, and Further Approved One Gallon Cord Grass Plantings, for the Catalina at Winkler Preserve Community Development District.

112
113 Discussion ensued regarding installation of boundary signage as well as written
114 summaries to be provided by Earth Balance. Mr. Sherman advised that he will order and
115 install the boundary signage advising not to spray the area.

116
117 **TENTH ORDER OF BUSINESS** **Consideration of Audit Committee**
118 **Recommendation**

119
120 Ms. Bandon advised that the Audit Committee recommended that Board of
121 Supervisors enter into a contract with Berger, Toombs, Elam, Gaines & Frank for audit
122 services.

123
124 On a Motion by Mr. Kirkbride, seconded by Mr. Sherman, with all in favor, the Board
125 Accepted the Recommendations of the Audit Committee, to rank Berger, Toombs, Elam,
126 Gaines & Frank as the Top Respondent and Enter into a Contract with Berger, Toombs,
127 Elam, Gaines & Frank for Audit Services, for the Catalina at Winkler Preserve
128 Community Development District.

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131 **ELEVENTH ORDER OF BUSINESS** **Public Hearing Regarding the Final**
132 **Budget for Fiscal Year 2021/2022**
133

134 Ms. Blandon provided an overview of the hearing process and asked for a motion to
135 open the public hearing.
136

On a Motion by Mr. Sherman, seconded by Mr. Johnston, with all in favor, the Board Opened the Public Hearing Regarding the Final Budget for Fiscal Year 2021/2022, for the Catalina at Winkler Preserve Community Development District.

137 **TWELFTH ORDER OF BUSINESS** **Presentation of the Proposed Final**
138 **Budget for Fiscal Year 2021/2022**
139
140

141 Ms. Blandon provided an overview of the proposed final budget advising that there
142 have been no increases in the general fund budget since approval of the proposed budget.
143 She advised that the final budget as proposed reflects a total assessment decrease of
144 13.16 percent.
145

146 Discussion ensued regarding the lake banks and damage by homeowner pool
147 overflows. The Board directed the District Engineer to conduct an inspection of the
148 overflows and make a note of which homeowners need to conduct repairs.
149

150 Ms. Blandon stated for the record that no members of the public were present.
151

152 **THIRTEENTH ORDER OF BUSINESS** **Consideration of Resolution 2021-03,**
153 **Adopting a Final Budget for Fiscal**
154 **Year 2021/2022**
155

156 Ms. Blandon provided an overview of the Resolution and asked if there were any
157 questions. Discussion ensued regarding landscape replacements.
158

On a Motion by Mr. Sherman, seconded by Mr. Johnston, with all in favor, the Board Adopted Resolution 2021-03, Annual Appropriations and Adopting the Final Budget for Fiscal Year 2021/2022, for the Catalina at Winkler Preserve Community Development District.

159 **FOURTEENTH ORDER OF BUSINESS** **Consideration of Resolution 2021-04,**
160 **Making a Determination of Benefit and**
161 **Imposing Special Assessments for**
162 **Fiscal Year 2021/2022**
163
164

165 Ms. Blandon provided an overview of the Resolution and asked if there were any
166 questions. There were none.
167

On a Motion by Mr. Kirkbride, seconded by Mr. Johnston, with all in favor, the Board Adopted Resolution 2021-04, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2021/2022, for the Catalina at Winkler Preserve Community Development District.

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Ms. Bandon advised there was no further business to be conducted during the public hearing and asked for a motion to close the public hearing.

On a Motion by Mr. Sherman, seconded by Mr. Bonito, with all in favor, the Board Closed the Public Hearing Regarding the Final Budget for Fiscal Year 2021/2022, for the Catalina at Winkler Preserve Community Development District.

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FIFTEENTH ORDER OF BUSINESS

**Consideration of Resolution 2021-11,
Adopting a Meeting Schedule for
Fiscal Year 2021/2022**

Ms. Bandon provided an overview of the resolution and asked if there were any questions. There were none.

On a Motion by Mr. Tucker, seconded by Mr. Sherman, with all in favor, the Board Adopted Resolution 2021-11, Fiscal Year 2021/2022 Meeting Schedule, for the Catalina at Winkler Preserve Community Development District.

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It was noted that the May meeting should be on the 10th, not on the 9th.

On a Motion by Mr. Tucker, seconded by Mr. Bonito, with all in favor, the Board Adopted Resolution 2021-11, Fiscal Year 2021/2022 Meeting Schedule, Subject to the Change Noted on the Record, for the Catalina at Winkler Preserve Community Development District.

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SIXTEENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Ms. Gentry advised that she had no report.
- B. District Engineer
Mr. Kayne advised that the NPDES report is due at the end of October and he has been working on completing the report.
- C. District Manager

196 Ms. Blandon announced that the next regular meeting of the Board of
197 Supervisors is scheduled for Tuesday, November 9, 2021 at 2:30 pm.
198

199 Ms. Blandon reviewed an easement encroachment. Discussion ensued.
200 Ms. Gentry advised that she will send a letter to residents who have
201 encroached on an access easement. Discussion ensued regarding the
202 need for silt fencing for homeowner project that could impact the
203 stormwater drainage. Ms. Gentry advised that she will provide to Mr.
204 Tucker the necessary language for ARC packages; she further advised
205 that she will provide an encroachment policy and sample easement
206 encroachment agreements at the next meeting.
207

208 Discussion ensued regarding a cost share agreement related to irrigation
209 that would benefit the District's plantings. Ms. Gentry advised that she will
210 provide a cost share agreement.
211

On a Motion by Mr. Johnston, seconded by Mr. Sherman, with all in favor, the Board Approved a Cost Share Agreement with the Homeowner's Association Related to Irrigation, for the Catalina at Winkler Preserve Community Development District.

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213 **SEVENTEENTH ORDER OF BUSINESS** **Supervisor Requests and Comments**
214

215 Ms. Blandon opened the floor to Supervisor requests and comments. There were
216 none.
217

218 **EIGHTEENTH ORDER OF BUSINESS** **Adjournment**
219

220 Ms. Blandon stated there are no other agenda items to come before the Board and
221 asked for a motion to adjourn the meeting.
222

On a Motion by Mr. Tucker, seconded by Mr. Bonito, with all in favor, the Board adjourned the meeting at 3:44 p.m. for the Catalina at Winkler Preserve Community Development District.

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226 _____
Secretary/Assistant Secretary

Chairman/Vice Chairman

Tab 3

CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT

District Office · Ft. Myers, Florida · (239) 936-0913
Mailing Address - 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614
www.catalinacdd.org

Operation and Maintenance Expenditures July 2021 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from July 1, 2021 through July 31, 2021. This does not include expenditures previously approved by the Board.

The total items being presented: **\$5,171.39**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Catalina at Winkler Preserve Community Development District

Paid Operation & Maintenance Expenditures

July 1, 2021 Through July 31, 2021

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Barraco and Associates, Inc.	1437	22467	Engineering Services 07/21	\$ 592.50
Catalina at Winkler Homeowner's Association, Inc.	1434	Jul-21	Reimb HOA for Electric Service Aerator System 07/21	\$ 140.00
Florida Power and Light Company	1435	09846-68343 06/21	17043 Tremont St #Aerator 06/21	\$ 86.01
Florida Power and Light Company	1435	11246-08348 06/21	17213 Wrigley Cir #Aerator 06/21	\$ 63.10
Rizzetta & Company, Inc.	1436	INV0000059376	District Management Fees 07/21	\$ 3,854.78
Solitude Lake Management, LLC	1438	PI-A00630458	Lake & Pond Management Services 07/21	<u>\$ 435.00</u>
Report Total				<u>\$ 5,171.39</u>

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Operation and Maintenance Expenditures August 2021 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from August 1, 2021 through August 31, 2021. This does not include expenditures previously approved by the Board.

The total items being presented: **\$7,709.10**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Catalina at Winkler Preserve Community Development District

Paid Operation & Maintenance Expenditures

August 1, 2021 Through August 31, 2021

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Barraco and Associates, Inc.	001452	22666	Engineering Services 08/21	\$ 1,304.00
Catalina at Winkler Homeowner's Association, Inc.	001442	August 2021	Reimb HOA for Electric Service Aerator System 08/21	\$ 140.00
Florida Power and Light Company	001444	09846-68343 07/21	17043 Tremont St #Aerator 07/21	\$ 96.96
Florida Power and Light Company	001444	11246-08348 07/21	17213 Wrigley Cir #Aerator 07/21	\$ 72.46
Floyd Johnston	001448	BJ081021	Board of Supervisors Meeting 08/10/21	\$ 200.00
Hopping Green & Sams	001447	124305	Legal Services 07/21	\$ 125.38
John E. Kirkbride	001449	JK081021	Board of Supervisors Meeting 08/10/21	\$ 200.00
Keith Sherman	001450	KS081021	Board of Supervisors Meeting 08/10/21	\$ 200.00
Mark P Tucker	001451	MT081021	Board of Supervisors Meeting 08/10/21	\$ 200.00
Richard Bonito	001446	RB081021	Board of Supervisors Meeting 08/10/21	\$ 200.00
Rizzetta & Company, Inc.	001440	INV0000060309	District Management Fees 08/21	\$ 3,854.78
Rizzetta Technology Services, LLC	001441	INV0000007791	Website & Email Hosting Services 08/21	\$ 175.00
Solitude Lake Management, LLC	001453	PI-A00649604	Lake & Pond Monthly- Fountain Maint 8/01/21-10/31/21	\$ 129.00

Catalina at Winkler Preserve Community Development District

Paid Operation & Maintenance Expenditures

August 1, 2021 Through August 31, 2021

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Solitude Lake Management, LLC	001453	PI-A00649605	Aerator Maintenance 08/01/21-10/31/21	\$ 264.00
Solitude Lake Management, LLC	001453	PI-A00652214	Lake & Pond Management Services 08/21	\$ 435.00
The Breeze Corporation	001439	121027 07/21/21- 07/28/21	Legal Advertising 07/21	<u>\$ 112.52</u>
Report Total				<u>\$ 7,709.10</u>

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Operation and Maintenance Expenditures September 2021 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from September 1, 2021 through September 30, 2021. This does not include expenditures previously approved by the Board.

The total items being presented: **\$17,662.84**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Catalina at Winkler Preserve Community Development District

Paid Operation & Maintenance Expenditures

September 1, 2021 Through September 30, 2021

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Catalina at Winkler Homeowner's Association, Inc.	001454	September 2021	Aerator Service of Pool Electric 09/21	\$ 140.00
EarthBalance Corporation	001462	42257	Littoral Planting 08/21	\$ 4,475.00
Egis Insurance Advisors, LLC	001455	13968	FL Insurance Package 10/01/2021-10/01/2022	\$ 5,238.00
Florida Power and Light Company	001456	09846-68343 08/21	17043 Tremont St #Aerator 08/21	\$ 93.03
Florida Power and Light Company	001456	11246-08348 08/21	17213 Wrigley Cir #Aerator 08/21	\$ 70.56
Hopping Green & Sams	001457	124785	Legal Services 07/21	\$ 365.50
KE Law Group, PLLC	001460	136	Legal Service 08/21	\$ 2,708.47
KE Law Group, PLLC	001460	49	Legal Service 07/21	\$ 107.50
Rizzetta & Company, Inc.	001458	INV0000061109	District Management Fees 09/21	\$ 3,854.78
Rizzetta Technology Services, LLC	001459	INV0000007883	Website & Email Hosting Services 09/21	\$ 175.00
Solitude Lake Management, LLC	001461	001PI- A00670105	Lake & Pond Management Services 09/21	<u>\$ 435.00</u>
Report Total				<u>\$ 17,662.84</u>

Tab 4



MEMORANDUM

To: District Manager
District Engineer

From: District Counsel

Date: October 12, 2021

Subject: Stormwater Management Needs Analysis
(Chapter 2021-194, Laws of Florida/HB53)

We are writing with an update regarding the new law requiring special districts that either own or operate stormwater management systems, stormwater management programs or wastewater services to create a 20-year needs analysis of such system(s).

The Office of Economic and Demographic Research (“OEDR”) recently promulgated additional details and an excel template for reporting the stormwater needs analyses (attached hereto for reference). Similar documents for the wastewater needs analyses will be available soon at which time we will again supplement this memorandum.

A brief summary of the new law and its requirements were set forth in our previous memorandum, attached to this memorandum for your reference in **Exhibit A**. Please feel free to contact us with any questions.

When is the deadline?

For both wastewater and stormwater, the first analysis must be submitted by **June 30, 2022** and updated every five (5) years thereafter. The needs analysis, along with the methodology and any supporting data necessary to interpret the results, must be submitted to the county in which the largest portion of the service area or stormwater system is located.

What steps should the District take?

- District engineers should review the stormwater needs analysis excel workbook and submit a work authorization for approval by the District’s Board prior to commencing work. We recommend presenting the work authorization to the Board as soon as is practical, but no later than the first quarter of 2022.
- District managers should review the stormwater needs analysis excel workbook and start entering information that is readily available. The district manager may be able to complete the “background information” section and provide data on stormwater O&M expenditures, among other assistance.
- Once the work authorization is approved, the district manager should work with the district engineer to complete the remainder of the stormwater needs analyses with the final version submitted to the District no later than May 15, 2022.



- In some cases, districts may require outside consulting or evaluation to complete the needs analyses. Since the necessity of this additional step may not be immediately apparent, we recommend that district managers begin coordinating with their engineers as soon as possible.

Stormwater Needs Analysis Resources from OEDR

- OEDR website <http://edr.state.fl.us/Content/natural-resources/stormwaterwastewater.cfm>
- Excel Workbook (stormwater needs analysis reporting template)
http://edr.state.fl.us/Content/natural-resources/Stormwater_Needs_Analysis.xlsx
(last updated October 8, 2021)
- PDF Version for (essentially the same as the Excel workbook)
http://edr.state.fl.us/Content/natural-resources/Stormwater_Needs_Analysis.pdf
(last updated October 8, 2021)

Wastewater Needs Analysis Resources from OEDR

- Forthcoming.

Exhibit A



MEMORANDUM

To: District Manager, District Engineer
From: District Counsel
Date: September 7, 2021
Subject: Wastewater Services and Stormwater Management Needs Analysis
(Chapter 2021-194, Laws of Florida/HB53)

We are writing to inform you of a new law requiring special districts that either own or operate stormwater management systems, stormwater management programs or wastewater services to create a 20-year needs analysis of such system(s). The requirements relating to wastewater services are found in Section 4 of Chapter 2021-194, Laws of Florida, creating Section 403.9301, Florida Statutes, and the requirements relating to stormwater management programs and systems are found in Section 5 of Chapter 2021-194, Laws of Florida, creating Section 403.9302, Florida Statutes (attached hereto for reference).

A brief summary of the new law and its requirements is set forth below. Please feel free to contact us with any questions.

What is required?

The Office of Economic and Demographic Research (“OEDR”) is expected to promulgate additional details about the requirements of the needs analyses. However, certain general requirements are set forth in the new law.

For wastewater services, the needs analysis must include:

- a) A detailed description of the facilities used to provide wastewater services.
- b) The number of current and projected connections and residents served calculated in 5-year increments.
- c) The current and projected service area for wastewater services.
- d) The current and projected cost of providing wastewater services calculated in 5-year increments.
- e) The estimated remaining useful life of each facility or its major components.
- f) The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components.
- g) The local government’s plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap.

For stormwater management programs and stormwater management systems, the needs analysis must include:

- a) A detailed description of the stormwater management program or stormwater management system and its facilities and projects.
- b) The number of current and projected residents served calculated in 5-year increments.



- c) The current and projected service area for the stormwater management program or stormwater management system.
- d) The current and projected cost of providing services calculated in 5-year increments.
- e) The estimated remaining useful life of each facility or its major components.
- f) The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components.
- g) The local government's plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap.

When is the deadline?

For both wastewater and stormwater, the first analysis must be created by **June 30, 2022**, and the analysis must be updated every five (5) years thereafter. The needs analysis, along with the methodology and any supporting data necessary to interpret the results, must be submitted to the county in which the largest portion of the service area or stormwater system is located.

What steps should districts take?

District engineers and district managers should begin by evaluating what information is already available to the district, and what new information may need to be gathered. Each district should approve a work authorization for their district engineer to create the needs analysis report and should consider proposals for any outside consulting or evaluation that may be necessary, though in most cases we expect this will not be required. In order to provide ample time for completion of the necessary needs analysis reports, we recommend presenting these items for board consideration no later than the first quarter of 2022, or as soon thereafter as is practical. OEDR is anticipated to provide further guidelines for the reporting requirements, none of which we expect to be particularly burdensome, and which will likely include information readily available to districts' engineering and/or environmental professionals. Once we receive further guidance, we will supplement this informational memorandum.

CHAPTER 2021-194

Committee Substitute for Committee Substitute for Committee Substitute for House Bill No. 53

An act relating to public works; amending s. 255.0991, F.S.; revising a prohibition relating to any solicitation for construction services paid for with state appropriated funds; amending s. 255.0992, F.S.; revising the definition of the term “public works project”; prohibiting the state or any political subdivision that contracts for a public works project from taking specified action against certain persons that are engaged in a public works project or have submitted a bid for such a project; providing applicability; amending s. 403.928, F.S.; requiring the Office of Economic and Demographic Research to include an analysis of certain expenditures in its annual assessment; creating s. 403.9301, F.S.; providing definitions; requiring counties, municipalities, and special districts that provide wastewater services to develop a needs analysis that includes certain information by a specified date; requiring municipalities and special districts to submit such analyses to a certain county; requiring the county to file a compiled document with the coordinator of the Office of Economic and Demographic Research by a specified date; requiring the office to evaluate the document and include an analysis in its annual assessment; providing applicability; creating s. 403.9302, F.S.; providing definitions; requiring counties, municipalities, and special districts that provide stormwater management to develop a needs analysis that includes certain information by a specified date; requiring municipalities and special districts to submit such analyses to a certain county; requiring the county to file a compiled document with the Secretary of Environmental Protection and the coordinator of the Office of Economic and Demographic Research by a specified date; requiring the office to evaluate the document and include an analysis in its annual assessment; providing applicability; providing a determination and declaration of important state interest; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 255.0991, Florida Statutes, is amended to read:

255.0991 Contracts for construction services; prohibited local government preferences.—

(2) For any a competitive solicitation for construction services paid for with any in which 50 percent or more of the cost will be paid from state-appropriated funds which have been appropriated at the time of the competitive solicitation, a state college, county, municipality, school district, or other political subdivision of the state may not use a local ordinance or regulation to prevent a certified, licensed, or registered contractor,

subcontractor, or material supplier or carrier, from participating in the bidding process that provides a preference based upon:

- (a) ~~The contractor's~~ Maintaining an office or place of business within a particular local jurisdiction;
- (b) ~~The contractor's~~ Hiring employees or subcontractors from within a particular local jurisdiction; or
- (c) ~~The contractor's~~ Prior payment of local taxes, assessments, or duties within a particular local jurisdiction.

Section 2. Paragraph (b) of subsection (1) and subsections (2) and (3) of section 255.0992, Florida Statutes, are amended to read:

255.0992 Public works projects; prohibited governmental actions.—

(1) As used in this section, the term:

(b) “Public works project” means an activity exceeding \$1 million in value that is of which 50 percent or more of the cost will be paid for with any from state-appropriated funds that were appropriated at the time of the competitive solicitation and which consists of the construction, maintenance, repair, renovation, remodeling, or improvement of a building, road, street, sewer, storm drain, water system, site development, irrigation system, reclamation project, gas or electrical distribution system, gas or electrical substation, or other facility, project, or portion thereof that is owned in whole or in part by any political subdivision.

(2)(a) Except as required by federal or state law, the state or any political subdivision that contracts for a public works project may not take the following actions:

(a) Prevent a certified, licensed, or registered contractor, subcontractor, or material supplier or carrier, from participating in the bidding process based on the geographic location of the company headquarters or offices of the contractor, subcontractor, or material supplier or carrier submitting a bid on a public works project or the residences of employees of such contractor, subcontractor, or material supplier or carrier.

(b) Require that a contractor, subcontractor, or material supplier or carrier engaged in a public works such project:

1. Pay employees a predetermined amount of wages or prescribe any wage rate;
2. Provide employees a specified type, amount, or rate of employee benefits;
3. Control, limit, or expand staffing; or

4. Recruit, train, or hire employees from a designated, restricted, or single source.

~~(c)(b) The state or any political subdivision that contracts for a public works project may not~~ Prohibit any contractor, subcontractor, or material supplier or carrier able to perform such work that who is qualified, licensed, or certified as required by state or local law to perform such work from receiving information about public works opportunities or from submitting a bid on the public works project. This paragraph does not apply to vendors listed under ss. 287.133 and 287.134.

(3) This section does not apply to the following:

(a) Contracts executed under chapter 337.

(b) A use authorized by s. 212.055(1) which is approved by a majority vote of the electorate of the county or by a charter amendment approved by a majority vote of the electorate of the county.

Section 3. Paragraph (e) is added to subsection (1) of section 403.928, Florida Statutes, to read:

403.928 Assessment of water resources and conservation lands.—The Office of Economic and Demographic Research shall conduct an annual assessment of Florida’s water resources and conservation lands.

(1) WATER RESOURCES.—The assessment must include all of the following:

(e) Beginning with the assessment due January 1, 2022, an analysis of the expenditures necessary to repair, replace, and expand water-related infrastructure. As part of this analysis, the office shall periodically survey public and private utilities.

Section 4. Section 403.9301, Florida Statutes, is created to read:

403.9301 Wastewater services projections.—

(1) The Legislature intends for each county, municipality, or special district providing wastewater services to create a 20-year needs analysis.

(2) As used in this section, the term:

(a) “Domestic wastewater” has the same meaning as provided in s. 367.021.

(b) “Facility” means any equipment, structure, or other property, including sewerage systems and treatment works, used to provide wastewater services.

(c) “Treatment works” has the same meaning as provided in s. 403.031(11).

(d) “Wastewater services” means service to a sewerage system, as defined in s. 403.031(9), or service to domestic wastewater treatment works.

(3) By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing wastewater services shall develop a needs analysis for its jurisdiction over the subsequent 20 years. In projecting such needs, each local government shall include the following:

(a) A detailed description of the facilities used to provide wastewater services.

(b) The number of current and projected connections and residents served calculated in 5-year increments.

(c) The current and projected service area for wastewater services.

(d) The current and projected cost of providing wastewater services calculated in 5-year increments.

(e) The estimated remaining useful life of each facility or its major components.

(f) The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components.

(g) The local government’s plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap.

(4) Upon completing the requirements of subsection (3), each municipality or special district shall submit its needs analysis, as well as the methodology and any supporting data necessary to interpret the results, to the county within which the largest portion of its service area is located. Each county shall compile all analyses submitted to it under this subsection into a single document and include its own analysis in the document. The county shall file the compiled document with the coordinator of the Office of Economic and Demographic Research no later than July 31, 2022, and every 5 years thereafter.

(5) The Office of Economic and Demographic Research shall evaluate the compiled documents from the counties for the purpose of developing a statewide analysis for inclusion in the assessment due January 1, 2023, pursuant to s. 403.928.

(6) This section applies to a rural area of opportunity as defined in s. 288.0656 unless the requirements of this section would create an undue economic hardship for the county, municipality, or special district in the rural area of opportunity.

Section 5. Section 403.9302, Florida Statutes, is created to read:

403.9302 Stormwater management projections.—

(1) The Legislature intends for each county, municipality, or special district providing a stormwater management program or stormwater management system to create a 20-year needs analysis.

(2) As used in this section, the term:

(a) “Facility” means any equipment, structure, or other property, including conveyance systems, used or useful in connection with providing a stormwater management program or stormwater management system.

(b) “Stormwater management program” has the same meaning as provided in s. 403.031(15).

(c) “Stormwater management system” has the same meaning as provided in s. 403.031(16).

(3) By June 30, 2022, and every 5 years thereafter, each county, municipality, or special district providing a stormwater management program or stormwater management system shall develop a needs analysis for its jurisdiction over the subsequent 20 years. In projecting such needs, each local government shall include the following:

(a) A detailed description of the stormwater management program or stormwater management system and its facilities and projects.

(b) The number of current and projected residents served calculated in 5-year increments.

(c) The current and projected service area for the stormwater management program or stormwater management system.

(d) The current and projected cost of providing services calculated in 5-year increments.

(e) The estimated remaining useful life of each facility or its major components.

(f) The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components.

(g) The local government’s plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap.

(4) Upon completing the requirements of subsection (3), each municipality or special district shall submit its needs analysis, as well as the

methodology and any supporting data necessary to interpret the results, to the county within which the largest portion of its stormwater management program or stormwater management system is located. Each county shall compile all analyses submitted to it under this subsection into a single document and include its own analysis in the document. The county shall file the compiled document with the Secretary of Environmental Protection and the coordinator of the Office of Economic and Demographic Research no later than July 31, 2022, and every 5 years thereafter.

(5) The Office of Economic and Demographic Research shall evaluate the compiled documents from the counties for the purpose of developing a statewide analysis for inclusion in the assessment due January 1, 2023, pursuant to s. 403.928.

(6) This section applies to a rural area of opportunity as defined in s. 288.0656 unless the requirements of this section would create an undue economic hardship for the county, municipality, or special district in the rural area of opportunity.

Section 6. The Legislature determines and declares that this act fulfills an important state interest.

Section 7. This act shall take effect July 1, 2021.

Approved by the Governor June 29, 2021.

Filed in Office Secretary of State June 29, 2021.

TEMPLATE FOR LOCAL GOVERNMENTS AND SPECIAL DISTRICTS FOR PERFORMING A STORMWATER NEEDS ANALYSIS PURSUANT TO SECTION 5 OF SECTION 403.9302, FLORIDA STATUTES

INTRODUCTION

As part of the 2021 regular session, the Legislature recognized the need for a long-term planning process for stormwater and wastewater. Section 403.9302, Florida Statutes, requires a 20-year needs analysis from the local governments providing stormwater services. Because this planning document is forward-looking, it will necessarily include a large number of assumptions about future actions. These assumptions should be based on any available information coupled with best professional judgment of the individuals completing the document. Completing this template by June 30, 2022, will fulfill the statutory requirements for the first round of 20-year needs analyses for stormwater. The template was generated by EDR in cooperation with local governments, Special Districts, the Florida Department of Environmental Protection (DEP), the Water Management Districts, the Florida Stormwater Association, private consultants, and others. Use of this tool will help ensure that information is compiled consistently for the Office of Economic & Demographic Research's (EDR) report to the Legislature.

For the purposes of this document, a stormwater management program and a stormwater management system are as defined in statute (s. 403.031(15) and (16), F.S., respectively; language provided here: <https://www.flsenate.gov/Laws/Statutes/2021/403.031>). Plainly speaking, the "program" is the institutional framework whereby stormwater management activities (MS4 NPDES permit activities, and other regulatory activities, construction, operation and maintenance, etc.) are carried out by the public authority. The "system" comprises the physical infrastructure that is owned and/or operated by the local government or special district that specifically is intended to control, convey or store stormwater runoff for treatment and flood protection purposes.

For the purposes of this document, the following guiding principles have been adopted:

- Stormwater systems or facilities owned and operated by any of the following are excluded from reporting requirements for local governments and special districts:
 - o Private entities or citizens
 - o Federal government
 - o State government, including the Florida Department of Transportation (FDOT)
 - o Water Management Districts
 - o School districts
 - o State universities or Florida colleges
- Local government expenditures associated with routine operation and maintenance are fully funded prior to commencing new projects and initiatives.
- Local government submissions will include the activities of dependent special districts. Only independent special districts report separately. For a list of all special districts in the state and their type (*i.e.*, dependent or independent), please see the Department of Economic Opportunity's Official List of Special Districts at the following link: <http://specialdistrictreports.floridajobs.org/webreports/alphalist.aspx>.
- With respect to federal and state statutes and rulemaking, current law and current administration prevails throughout the 20-year period. In other words, the state's present legal framework (*i.e.*, the status quo) continues throughout the period.

GENERAL INSTRUCTIONS FOR USING THE TEMPLATE

Instructions for submitting the template are still under development. Additional information regarding submission and answers to frequently asked questions will be posted on EDR's website, along with other useful materials, here: <http://edr.state.fl.us/Content/natural-resources/stormwaterwastewater.cfm>

The statutory language forms the titles for each part. This template asks that you group your recent and projected expenditures in prescribed categories. A detailed list of the categories is provided in part 5.0.

The same project should not appear on multiple tables in the jurisdiction's response unless the project's expenditures are allocated between those tables. All expenditures should be reported in \$1,000s (e.g., five hundred thousand dollars should be reported as \$500).

For any jurisdiction that is contracting with another jurisdiction where both could be reporting the same expenditure, please contact EDR for additional guidance. In situations where a reporting jurisdiction contracts with a non-reporting jurisdiction, (i.e., FDOT, the water management districts, the state or federal government), the reporting jurisdiction should include the expenditures.

When reporting cost information, please only include the expenditures that have flowed, are flowing, or will likely flow through your jurisdiction's budget. While necessary to comply with the statute, the concept of "future expenditures" should be viewed as an expression of identified needs.

These projections are necessarily speculative and do not represent a firm commitment to future budget actions by the jurisdiction.

This Excel workbook contains three worksheets for data entry. (Along the bottom of the screen, the three tabs are highlighted green.) Empty cells with visible borders are unlocked for data entry. In the first tab, titled "Background through Part 4," the information requested is either text, a dropdown list (e.g., Yes or No), or a checkbox. The next tab, "Part 5 through Part 8," contains tables for expenditure or revenue data as well as some follow-up questions that may have checkboxes, lists, or space for text.

In Part 5 and Part 6, the expenditure tables have space for up to 5 projects. More projects can be listed in the "Additional Projects" tab. This tab contains a table with space for up to 200 additional projects. In order for these additional projects and expenditures to be correctly classified and included in the final totals, each project must be assigned a Project Type and Funding Source Type from the dropdown lists in columns B and C.

Links to Template Parts:

[Background Information](#)

[Part 1](#)

[Part 2](#)

[Part 3](#)

[Part 4](#)

[Part 5](#)

[Part 6](#)

[Part 7](#)

[Part 8](#)

[Additional Projects - This table contains additional rows for projects that do not fit into the main tables in Parts 5 and 6](#)

Background Information

Please provide your contact and location information, then proceed to the template on the next sheet.

Name of Local Government:

Name of stormwater utility, if applicable:

Contact Person

Name:

Position/Title:

Email Address:

Phone Number:

Indicate the Water Management District(s) in which your service area is located.

- Northwest Florida Water Management District (NFWFMD)
- Suwannee River Water Management District (SRWMD)
- St. Johns River Water Management District (SJRWMD)
- Southwest Florida Water Management District (SWFWMD)
- South Florida Water Management District (SFWMD)

Indicate the type of local government:

- Municipality
- County
- Independent Special District

Part 1.0 Detailed description of the stormwater management program (Section 403.9302(3)(a), F.S.)

The stormwater management program, as defined in the Introduction, includes those activities associated with the management, operation and maintenance, and control of stormwater and stormwater management systems, including activities required by state and federal law. The detailed program description is divided into multiple subparts consisting of narrative and data fields.

Part 1.1 Narrative Description:

Please provide a brief description of the current institutional strategy for managing stormwater in your jurisdiction. Please include any mission statement, divisions or departments dedicated solely or partly to managing stormwater, dedicated funding sources, and other information that best describes your approach to stormwater:

On a scale of 1 to 5, with 5 being the highest, please indicate the importance of each of the following goals for your program:

0	1	2	3	4	5	
<input type="checkbox"/>	Drainage & flood abatement (such as flooding events associated with rainfall and hurricanes)					
<input type="checkbox"/>	Water quality improvement (TMDL Process/BMAPs/other)					
<input type="checkbox"/>	Reduce vulnerability to adverse impacts from flooding related to increases in frequency and duration of rainfall events, storm surge and sea level rise					
						Other:
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						
<input type="checkbox"/>						

Part 1.2 Current Stormwater Program Activities:

Please provide answers to the following questions regarding your stormwater management program.

- Does your jurisdiction have an NPDES Municipal Separate Storm Sewer System (MS4) Permit?
If yes, is your jurisdiction regulated under Phase I or Phase II of the NPDES Program:
- Does your jurisdiction have a dedicated stormwater utility?
If no, do you have another funding mechanism?
If yes, please describe your funding mechanism.
- Does your jurisdiction have a Stormwater Master Plan or Plans?
If Yes:
How many years does the plan(s) cover?
Are there any unique features or limitations that are necessary to understand what the plan does or does not address?

Please provide a link to the most recently adopted version of the document (if it is published online):
- Does your jurisdiction have an asset management (AM) system for stormwater infrastructure?
If Yes, does it include 100% of your facilities?
If your AM includes less than 100% of your facilities, approximately what percent of your facilities are included?

- Does your stormwater management program implement the following (answer Yes/No):

A construction sediment and erosion control program for new construction (plans review and/or inspection)?	
An illicit discharge inspection and elimination program?	
A public education program?	
A program to involve the public regarding stormwater issues?	
A "housekeeping" program for managing stormwater associated with vehicle maintenance yards, chemical storage, fertilizer management, etc. ?	
A stormwater ordinance compliance program (<i>i.e.</i> , for low phosphorus fertilizer)?	
Water quality or stream gage monitoring?	
A geospatial data or other mapping system to locate stormwater infrastructure (GIS, etc.)?	
A system for managing stormwater complaints?	
Other specific activities?	

Notes or Comments on any of the above:

Part 1.3 Current Stormwater Program Operation and Maintenance Activities

Please provide answers to the following questions regarding the operation and maintenance activities undertaken by your stormwater management program.

- Does your jurisdiction typically assume maintenance responsibility for stormwater systems associated with new private development (*i.e.*, systems that are dedicated to public ownership and/or operation upon completion)?

Notes or Comments on the above:

- Does your stormwater operation and maintenance program implement any of the following (answer Yes/No)

Routine mowing of turf associated with stormwater ponds, swales, canal/lake banks, etc. ?	
Debris and trash removal from pond skimmers, inlet grates, ditches, etc. ?	
Invasive plant management associated with stormwater infrastructure?	
Ditch cleaning?	
Sediment removal from the stormwater system (vacator trucks, other)?	
Muck removal (dredging legacy pollutants from water bodies, canal, etc.)?	
Street sweeping?	
Pump and mechanical maintenance for trash pumps, flood pumps, alum injection, etc. ?	
Non-structural programs like public outreach and education?	
Other specific routine activities?	

Part 2. Detailed description of the stormwater management system and its facilities and projects (continued Section 403.9302(3)(a), F.S.)

A stormwater management system, as defined in the Introduction, includes the entire set of site design features and structural infrastructure for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater. It may include drainage improvements and measures to prevent streambank channel erosion and habitat degradation. This section asks for a summary description of your stormwater management system. It is not necessary to provide geospatial asset data or a detailed inventory. For some, it may be possible to gather the required data from your Asset Management (AM) system. For others, data may be gathered from sources such as an MS4 permit application, aerial photos, past or ongoing budget investments, water quality projects, or any other system of data storage/management that is employed by the jurisdiction.

Please provide answers to the following questions regarding your stormwater system inventory. Enter zero (0) if your system does not include the component.

	Number	Unit of Measurement
Estimated feet or miles of buried culvert:		
Estimated feet or miles of open ditches/conveyances (lined and unlined) that are maintained by the stormwater program:		
Estimated number of storage or treatment basins (<i>i.e.</i> , wet or dry ponds):		
Estimated number of gross pollutant separators including engineered sediment traps such as baffle boxes, hydrodynamic separators, <i>etc.</i> :		
Number of chemical treatment systems (<i>e.g.</i> , alum or polymer injection):		
Number of stormwater pump stations:		
Number of dynamic water level control structures (<i>e.g.</i> , operable gates and weirs that control canal water levels):		
Number of stormwater treatment wetland systems:		
Other:		

Notes or Comments on any of the above:

Which of the following green infrastructure best management practices do you use to manage water flow and/or improve water quality (answer Yes/No):

Best Management Practice	Current	Planned
Tree boxes		
Rain gardens		
Green roofs		
Pervious pavement/pavers		
Littoral zone plantings		
Living shorelines		
Other Best Management Practices:		

Please indicate which resources or documents you used when answering these questions (check all that apply).

- Asset management system
- GIS program
- MS4 permit application
- Aerial photos
- Past or ongoing budget investments
- Water quality projects

Other(s):

Part 3. The number of current and projected residents served calculated in 5-year increments (Section 403.9302(3)(b), F.S.)

Counties and municipalities: Instead of requiring separate population projections, EDR will calculate the appropriate population estimates for each municipality or the unincorporated area of the county. If your service area is less than or more than your local government’s population, please describe in the first text box provided below for part 4.0.

Independent Special Districts:

If an independent special district’s boundaries are completely aligned with a county or a municipality, identify that jurisdiction here:

Any independent special district whose boundaries do not coincide with a county or municipality must submit a GIS shapefile with the current and projected service area. EDR will calculate the appropriate population estimates based on that map. Submission of this shapefile also serves to complete Part 4.0 of this template.

Part 4.0 The current and projected service area for the stormwater management program or stormwater management system (Section 403.9302(3)(c), F.S.)

Rather than providing detailed legal descriptions or maps, this part of the template is exception-based. In this regard, if the stormwater service area is less than or extends beyond the geographic limits of your jurisdiction, please explain.

Similarly, if your service area is expected to change within the 20-year horizon, please describe the changes (*e.g.*, the expiration of an interlocal agreement, introduction of an independent special district, *etc.*).

[Proceed to Part 5](#)

Part 5.0 The current and projected cost of providing services calculated in 5-year increments (Section 403.9302(3)(d), F.S.)

Given the volume of services, jurisdictions should use the template’s service groupings rather than reporting the current and projected cost of each individual service. Therefore, for the purposes of this document, “services” means:

1. Routine operation and maintenance (inclusive of the items listed in Part 1.3 of this document, ongoing administration, and non-structural programs)
2. Expansion (that is, improvement) of a stormwater management system.

Expansion means new work, new projects, retrofitting, and significant upgrades. Within the template, there are four categories of expansion projects

1. Flood protection, addressed in parts 5.2 and 5.3... this includes capital projects intended for flood protection/flood abatement
2. Water quality, addressed in part 5.2 and 5.3... this includes stormwater projects related to water quality improvement, such as BMAPs; projects to benefit natural systems through restoration or enhancement; and stormwater initiatives that are part of aquifer recharge projects
3. Resiliency, addressed in part 5.4... this includes all major stormwater initiatives that are developed specifically to address the effects of climate change, such as sea level rise and increased flood events
4. End of useful life replacement projects, addressed in part 6.0... this includes major expenses associated with the replacement of aging infrastructure

While numbers 3 and 4 have components that would otherwise fit into the first two categories, they are separately treated given their overall importance to the Legislature and other policymakers.

Expansion projects are further characterized as currently having either a committed funding source or no identified funding source. Examples of a committed funding source include the capacity to absorb the project’s capital cost within current budget levels or forecasted revenue growth; financing that is underway or anticipated (bond or loan); known state or federal funding (appropriation or grant); special assessment; or dedicated cash reserves for future expenditure.

All answers should be based on local fiscal years (LFY, beginning October 1 and running through September 30). Please use nominal dollars for each year, but include any expected cost increases for inflation or population growth. Please check the EDR website for optional growth rate schedules that may be helpful.

If you have more than 5 projects in a particular category, please use the "Additional Projects" tab. There, you can use dropdown lists to choose the project category and whether there is a committed funding source, then enter the project name and expenditure amounts.

Part 5.1 Routine Operation and Maintenance

Please complete the table below, indicating the cost of operation and maintenance activities for the current year and subsequent five-year increments throughout the 20-year horizon. Your response to this part should exclude future initiatives associated with resiliency or major expenses associated with the replacement of aging infrastructure; these activities are addressed in subparts 5.4 and 6.0. However, do include non-structural programs like public outreach and education in this category.

If specific cost data is not yet available for the current year, the most recent (2020-21) O&M value can be input into the optional growth rate schedules (available on EDR’s website as an Excel workbook). The most recent O&M value can be grown using the provided options for inflation, population growth, or some other metric of your choosing. If the growth in your projected total O&M costs is more than 15% over any five-year increment, please provide a brief explanation of the major drivers.

Routine Operation and Maintenance

Expenditures (in \$thousands)

	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Operation and Maintenance Costs					
Brief description of growth greater than 15% over any 5-year period:					

Part 5.2 Future Expansion (Committed Funding Source)

Please list expansion projects and their associated costs for the current year and subsequent five-year increments throughout the 20-year planning horizon. In this section, include stormwater system expansion projects or portions of projects with a committed funding source. If you include a portion of a project that is not fully funded, the project's remaining cost must be included in part 5.3, Expansion Projects with No Identified Funding Source.

Though many, if not most, stormwater projects benefit both flood protection and water quality, please use your best judgment to either allocate costs or simply select the primary purpose from the two categories below.

5.2.1 Flood Protection (Committed Funding Source): Provide a list of all scheduled new work, retrofitting and upgrades related to flood protection/flood abatement. Include infrastructure such as storage basins, piping and other conveyances, land purchases for stormwater projects, etc. Also include major hardware purchases such as vactor/jet trucks.

5.2.2 Water Quality Projects (Committed Funding Source): Please provide a list of scheduled water quality projects in your jurisdiction, such as treatment basins, alum injection systems, green infrastructure, water quality retrofits, etc., that have a direct stormwater component. The projected expenditures should reflect only those costs.

- If you are party to an adopted BMAP, please include the capital projects associated with stormwater in this table. Include BMAP project number, cost to your jurisdiction, and year(s) that capital improvement costs are to be incurred. For reference, DEP publishes a complete list of adopted BMAP projects as an appendix in their Annual STAR Report.

Expansion Projects with a Committed Funding Source

5.2.1 Flood Protection

Expenditures (in \$thousands)

Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

5.2.2 Water Quality

Expenditures (in \$thousands)

Project Name (or, if applicable, BMAP Project Number or ProjID)	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

Part 5.3 Future Expansion with No Identified Funding Source

Please provide a list of known expansion projects or anticipated need(s) without formal funding commitments(s), formal pledges, or obligations. If you included a portion of a project that was partially covered by a committed source in part 5.2 above, list the projects and their remaining costs below.

5.3.1 Future Flood Protection with No Identified Funding Source: Please provide a list of future flood protection/flood abatement projects, associated land purchases, or major hardware purchases that are needed in your jurisdiction over the next 20 years. Future needs may be based on Master Plans, Comprehensive Plan Elements, Water Control Plans, areas of frequent flooding, hydrologic and hydraulic modeling, public safety, increased frequency of maintenance, desired level of service, flooding complaints, etc.

5.3.2 Future Water Quality Projects with no Identified Funding Source: Please provide a list of future stormwater projects needed in your jurisdiction over the next 20 years that are primarily related to water quality issues. Future needs may be based on proximity to impaired waters or waters with total maximum daily loads (TMDLs), BMAPs, state adopted Restoration Plans, Alternative Restoration Plans, or other local water quality needs.

- If you are party to an adopted BMAP, please list capital projects associated with stormwater. Include BMAP project number, cost to your jurisdiction, and year(s) that capital improvement costs are to be incurred.
- List other future water quality projects, including those in support of local water quality goals as well as those identified in proposed (but not yet adopted) BMAPs.

Expansion Projects with No Identified Funding Source

5.3.1 Flood Protection

Expenditures (in \$thousands)

Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

5.3.2 Water Quality

Expenditures (in \$thousands)

Project Name (or, if applicable, BMAP Project Number or ProjID)	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

Please indicate which resources or documents you used to complete table 5.3 (check all that apply).

<input type="checkbox"/>	Stormwater Master Plan
<input type="checkbox"/>	Basin Studies or Engineering Reports
<input type="checkbox"/>	Adopted BMAP
<input type="checkbox"/>	Adopted Total Maximum Daily Load
<input type="checkbox"/>	Regional or Basin-specific Water Quality Improvement Plan or Restoration Plan
	Specify: <input type="text"/>
<input type="checkbox"/>	Other(s): <input type="text"/>

Part 5.4 Stormwater projects that are part of resiliency initiatives related to climate change

Please list any stormwater infrastructure relocation or modification projects and new capital investments specifically needed due to sea level rise, increased flood events, or other adverse effects of climate change. When aggregating, include O&M costs for these future resiliency projects and investments in this table (not in part 5.1). If your jurisdiction participates in a Local Mitigation Strategy (LMS), also include the expenditures associated with your stormwater management system in this category (for example, costs identified on an LMS project list).

Resiliency Projects with a Committed Funding Source		Expenditures (in \$thousands)			
Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

Resiliency Projects with No Identified Funding Source		Expenditures (in \$thousands)			
Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

- Has a vulnerability assessment been completed for your jurisdiction’s storm water system?
- If no, how many facilities have been assessed?
- Does your jurisdiction have a long-range resiliency plan of 20 years or more?
- If yes, please provide a link if available:
- If no, is a planning effort currently underway?

Part 6.0 The estimated remaining useful life of each facility or its major components (Section 403.9302(3)(e), F.S.)

Rather than reporting the exact number of useful years remaining for individual components, this section is constructed to focus on infrastructure components that are targeted for replacement and will be major expenses within the 20-year time horizon. Major replacements include culverts and pipe networks, control structures, pump stations, physical/biological filter media, etc. Further, the costs of retrofitting when used in lieu of replacement (such as slip lining) should be included in this part. Finally, for the purposes of this document, it is assumed that open storage and conveyance systems are maintained (as opposed to replaced) and have an unlimited service life.

In order to distinguish between routine maintenance projects and the replacement projects to be included in this part, only major expenses are included here. A major expense is defined as any single replacement project greater than 5% of the jurisdiction's total O&M expenditures over the most recent five-year period (such as a project in late 2021 costing more than 5% of the O&M expenditures for fiscal years 2016-2017 to 2020-2021).

If you have more than 5 projects in a particular category, please use the "Additional Projects" tab. There, you can use dropdown lists to choose the project category and whether there is a committed funding source, then enter the project name and expenditure amounts.

End of Useful Life Replacement Projects with a Committed Funding Source

Expenditures (in \$thousands)

Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

End of Useful Life Replacement Projects with No Identified Funding Source

Expenditures (in \$thousands)

Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

Part 7.0 The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components. (Section 403.9302(3)(f), F.S.)

This part of the template also addresses a portion of s. 403.9302(3)(g), F.S., by including historical expenditures. Many local governments refer to these as “actual” expenditures.

Consistent with expenditure projections, the jurisdiction’s actual expenditures are categorized into routine O&M, expansion, resiliency projects, and replacement of aging infrastructure. Additionally, the table includes space for reserve accounts. EDR’s interpretation of subparagraph 403.9302(3)(f), F.S., is that “capital account” refers to any reserve account developed specifically to cover future expenditures.

Note that for this table:

- Expenditures for local fiscal year 2020-21 can be estimated based on the most current information if final data is not yet available.
- Current Year Revenues include tax and fee collections budgeted for that fiscal year as well as unexpended balances from the prior year (balance forward or carry-over) unless they are earmarked for the rainy day or a dedicated reserve as explained in the following bullets.
- Bond proceeds should reflect only the amount expended in the given year.
- A reserve is a dedicated account to accumulate funds for a specific future expenditure.
- An all-purpose rainy day fund is a type of working capital fund typically used to address costs associated with emergencies or unplanned events.

The sum of the values reported in the "Funding Sources for Actual Expenditures" columns should equal the total "Actual Expenditures" amount. The cells in the "Funding Sources for Actual Expenditures" section will be highlighted red if their sum does not equal the "Actual Expenditures" total.

If you do not have a formal reserve dedicated to your stormwater system, please enter zero for the final two reserve columns.

Routine O&M

	Total	Funding Sources for Actual Expenditures					
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund	Contributions to Reserve Account	Balance of Reserve Account
2016-17							
2017-18							
2018-19							
2019-20							
2020-21							

Expansion

	Total	Funding Sources for Actual Expenditures					
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund	Contributions to Reserve Account	Balance of Reserve Account
2016-17							
2017-18							
2018-19							
2019-20							
2020-21							

Resiliency

	Total	Funding Sources for Actual Expenditures					
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund	Contributions to Reserve Account	Balance of Reserve Account
2016-17							
2017-18							
2018-19							
2019-20							
2020-21							

Replacement of Aging Infrastructure

	Total	Funding Sources for Actual Expenditures					
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund	Contributions to Reserve Account	Balance of Reserve Account
2016-17							
2017-18							
2018-19							
2019-20							
2020-21							

Part 8.0 The local government’s plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap (Section 403.9302(3)(g), F.S.)

In this template, the historical data deemed necessary to comply with s. 403.9302(3)(g), F.S., was included in part 7.0. This part is forward looking and includes a funding gap calculation. The first two tables will be auto-filled from the data you reported in prior tables. To do this, EDR will rely on this template’s working definition of projects with committed funding sources, *i.e.*, EDR assumes that all committed projects have committed revenues. Those projects with no identified funding source are considered to be unfunded. EDR has automated the calculation of projected funding gaps based on these assumptions.

Committed Funding Source	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Maintenance	0	0	0	0
Expansion	0	0	0	0
Resiliency	0	0	0	0
Replacement/Aging Infrastructure	0	0	0	0
Total Committed Revenues (=Total Committed Projects)	0	0	0	0

No Identified Funding Source	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Maintenance	0	0	0	0
Expansion	0	0	0	0
Resiliency	0	0	0	0
Replacement/Aging Infrastructure	0	0	0	0
Projected Funding Gap (=Total Non-Committed Needs)	0	0	0	0

For any specific strategies that will close or lessen a projected funding gap, please list them in the table below. For each strategy, also include the expected new revenue within the five-year increments.

Strategies for New Funding Sources	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Total	0	0	0	0
Remaining Unfunded Needs	0	0	0	0

Project & Type Information			Expenditures (in \$thousands)				
Project Type (Choose from dropdown list)	Funding Source Type (Choose from dropdown list)	Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

Project & Type Information			Expenditures				
Project Type	Funding Source Type		LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Expansion Projects, Flood Protection	Committed Funding Source	Aggregated Total	0	0	0	0	0
Expansion Projects, Water Quality	Committed Funding Source	Aggregated Total	0	0	0	0	0
Resiliency Projects	Committed Funding Source	Aggregated Total	0	0	0	0	0
End of Useful Life Replacement Projects	Committed Funding Source	Aggregated Total	0	0	0	0	0
Expansion Projects, Flood Protection	No Identified Funding Source	Aggregated Total	0	0	0	0	0
Expansion Projects, Water Quality	No Identified Funding Source	Aggregated Total	0	0	0	0	0
Resiliency Projects	No Identified Funding Source	Aggregated Total	0	0	0	0	0
End of Useful Life Replacement Projects	No Identified Funding Source	Aggregated Total	0	0	0	0	0
Total of Projects without Project Type and/or Funding Source Type			0	0	0	0	0

Tab 5

WORK ORDER FOR CONSULTANT SERVICES

PROJECT NAME: Catalina at Winkler Preserve CDD DATE: October 27, 2021
PROJECT NO.: 22271 CLIENT REP.: Belinda Blandon
WORK ORDER NO.: 4 PROJECT MGR.: Wes Kayne, P.E.

- CP - COST PLUS - Time & Materials based on hourly rate schedule in effect at time service is rendered.**
- CPM - COST PLUS - Maximum fee not to be exceeded without prior authorization.
- LS - LUMP SUM – The Task described below shall be performed for a fixed fee.

TASK DESCRIPTION:

Task 4.1 Stormwater Needs Analysis Assistance **\$3,500.00**
Assist in the preparation of a Stormwater Needs Analysis pursuant to Section 5 of Section 403.9302, Florida Statutes. The Stormwater Needs Analysis will be prepared in conjunction with the District Manager and District Counsel utilizing the template provided by the Office of Economic and Demographic Research.

Total Work Order No. 4: \$3,500.00

AUTHORIZATION:

The work referenced above will be initiated when a signed copy of this Work Order is returned by Client. I hereby authorize the performance of the above services and agree to pay the charges resulting there from as identified in the "FEE-TYPE" above. Work authorized under this agreement is subject to the terms and conditions of the original contract.

Client: J Keith Sherman, Chairman

Date

Tab 6

**CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT
("DISTRICT")**

Policy for Improvements within District Easements

Effective: _____

1. If a resident desires to install improvements within a District Easement, the resident must:
 - a. Submit a written variance request to the District Manager or his or her designee. The request must be made by the owner of the property prior to installing the improvement and must contain, at a minimum, the following information:
 - i. The contact information of the person making the variance request;
 - ii. The lot number or street address of the lot on which the improvement is to be installed;
 - iii. A description of the improvement(s) to be installed;
 - iv. A diagram/survey sketch showing the proposed location of the improvement(s); and
 - v. The requested commencement date of the installation of said improvement(s).
 - b. Pay an application fee of \$____ to offset the District's cost of processing the variance request.
2. The District Engineer shall review the variance request to determine if the proposed improvement(s) would have a negative impact on any District improvements, including the stormwater management system. Such review may include, in the District Engineer's discretion, conducting an in-person site inspection. The District Engineer shall recommend one of the following actions:
 - a. Approve the variance request, with or without conditions; or
 - b. Deny the variance request.
3. If the District Engineer recommends approving the request, unless other considerations necessitate denying the request, District staff shall coordinate execution of a variance agreement in substantially the form attached hereto as **Attachment A**, with such revisions as may be deemed necessary and approved by District Counsel, in consultation with District staff. Upon execution of the agreement, District staff shall record the agreement in the Official Records of Lee County. At the conclusion of the installation of any approved improvements, the District Engineer shall conduct a post-installation review to certify that the improvements do not exceed the scope of the approval.
4. If the District Engineer recommends denying the request, District staff shall notify the applicant that the variance request was denied and that the proposed improvements may not be installed within the District Easement(s).
5. There shall be no requirement to bring the variance request before the Board of Supervisors for approval, unless extraordinary circumstances warrant Board consideration.
6. The District's approval of a variance request constitutes approval from the District only. The resident is responsible for obtaining any other necessary approvals, permits and authorizations, including but not limited to approvals from an HOA, Lee County, and any other entities having an interest in the property, as applicable.
7. If improvements are constructed within a District Easement without prior approval, including improvements that exceed the scope of any prior approval, the District reserves the right to require the resident to remove, relocate, or modify the improvement(s) at the resident's sole expense. If the resident is unresponsive to the District's requests, the District may remove said improvement(s) on its own and charge the resident the cost of said removal. The District also reserves the right to take any appropriate legal action to enforce its rights under this policy or to collect any costs due.
8. If improvements are constructed with approval within a District Easement but at some point in the future, said improvements threaten the health, safety or welfare of residents or District improvements,

the District will make every reasonable effort to contact the landowner to work to resolve the issues but may, in its reasonable discretion, modify or remove the landowner's improvements immediately to protect said interests.

Attachment A

After recording, please return to:
Catalina at Winkler Preserve Community Development District
c/o District Manager, Rizzetta & Company, Inc.,
9530 Marketplace Road, Suite 206,
Fort Myers, Florida 33912

**VARIANCE AGREEMENT FOR INSTALLATION OF IMPROVEMENTS
WITHIN DISTRICT EASEMENT**

This *Variance Agreement for Installation of Improvements within District Easement* (“**Agreement**”) is entered into as of this ____ day of _____, 20__, by and among the Catalina at Winkler Preserve Community Development District (“**District**”), a local unit of limited special purpose government created pursuant to Chapter 190, *Florida Statutes*, and the following owner(s) of the Property as defined herein (jointly, “**Owner**”):

Name of Owner 1: _____

Name of Owner 2 (if applicable): _____

WITNESSETH:

WHEREAS, Owner is the owner of the real property at the address below (“**Property**”):

WHEREAS, Owner desires to erect certain improvements described as _____, and more specifically depicted at **Exhibit A** (“**Improvements**”), located within a District easement (“**Easement**”) on the Property (the location of the Improvements within the Easement being the “**License Area**”); and

WHEREAS, due to the District’s legal interests in the Easement, among other reasons, Owner requires the District’s consent before constructing improvements within the Easement; and

WHEREAS, the District has agreed to consent to the installation of the Improvements within the License Area, subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is understood and agreed as follows:

1. **Recitals.** The recitals set forth above are acknowledged as true and correct and are incorporated herein by reference.

2. **License for Improvements Installation & Maintenance; Limitation.** Subject to the terms of this Agreement, the District hereby grants Owner the right, privilege, and permission to install and maintain removable Improvements on the License Area.

3. **Owner Responsibilities.** The Owner has the following responsibilities:

- a. The Owner shall be fully responsible for the installation and maintenance of the Improvements.
- b. The Owner shall be responsible for ensuring that the installation and maintenance of the Improvements are conducted in compliance with all applicable laws (including but not limited to building codes, set back requirements, etc.).
- c. The District, by entering into this Agreement, does not represent that the District has authority to provide all necessary approvals for the installation of the Improvements. Instead, the Owner shall be responsible for obtaining any and all applicable permits and approvals relating to the work (including but not limited to any approvals of any applicable homeowner's association as well as any other necessary legal interests and approvals).
- d. The Owner shall ensure that the installation and maintenance of the Improvements does not damage any property of District or any third party's property, and, in the event of any such damage, the Owner shall immediately repair the damage or compensate the District for such repairs, at the District's option.
- e. Owner's exercise of rights hereunder shall not interfere with District's rights under the Easement. For example, if the Improvements include a fence, such fence shall be installed within the Easement a few inches higher than ground level, so as not to impede the flow of water, or shall otherwise be constructed so as not to impede the flow of water. Further, the Improvements shall be installed in such a manner as to not interfere with or damage any culvert pipe that may be located within the Easement, or any utilities within a utility easement. It shall be Owner's responsibility to locate and identify any such stormwater improvements and/or utilities. Further, the Owner shall pay a licensed and insured professional contractor to mark any existing improvements and/or utilities prior to installation of the Improvements.
- f. Upon completion of the installation, the Improvements will be owned by the Owner. Owner shall be responsible for the maintenance and repair of any such Improvements and agrees to maintain the Improvements in good condition.
- g. Additionally, the Owner shall keep the License Area free from any materialmen's or mechanic's liens and claims or notices in respect to such liens and claims, which arise by reason of the Owner's exercise of rights under this Agreement, and the Owner shall immediately discharge any such claim or lien.

4. **Removal and/or Replacement of Improvements.** The permission granted herein is given to Owner as an accommodation and is revocable at any time. Owner acknowledges the legal interest of the District in the Easement(s) described above and agrees never to deny such interest or to interfere in any way with District's use. Owner will exercise the privilege granted herein at Owner's own risk, and agrees that Owner will never claim any damages against District for any injuries or damages suffered on account of the exercise of such privilege, regardless of the fault or negligence of the District. Owner further

acknowledges that, without notice, the District may remove all, or any portion or portions, of the Improvements installed upon the License Area at Owner's expense, and that the District is not obligated to return or re-install the Improvements to their original location and is not responsible for any damage to the Improvements, or their supporting structure as a result of the removal.

5. **Indemnification.** Owner agrees to indemnify, defend and hold harmless the District as well as any officers, supervisors, staff, agents and representatives, and successors and assigns, of the foregoing, against all liability for damages and expenses resulting from, arising out of, or in any way connected with, this Agreement or the exercise of the privileges granted hereunder.

6. **Covenants Run with the Land.** This Agreement, and all rights and obligations contained herein, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns, including, but without limitation, all subsequent owners of any portions of the property described herein and all persons claiming under them. Whenever the word "Owner" is used herein, it shall be deemed to mean the current owner of the Property and its successors and assigns.

7. **Sovereign Immunity.** Nothing in this Agreement shall be deemed as a waiver of immunity or limits of liability of the District beyond any statutory limited waiver of immunity or limits of liability which may have been adopted by the Florida Legislature in Section 768.28, *Florida Statutes*, or other 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 or by operation of law.

8. **Default.** A default by either party under this Agreement – including but not limited to Owner's failure to meet its obligations under Section 3 above – shall entitle the other to all remedies available at law or in equity, which may include, but not be limited to, the right of damages and/or specific performance.

9. **Attorney's Fees & Costs.** The prevailing party in any litigation to enforce the terms of this Agreement shall be entitled to reasonable attorney's fees and costs.

10. **Counterparts.** This Agreement may be executed in counterparts. Any party hereto may join into this Agreement by executing any one counterpart. All counterparts when taken together shall constitute one agreement.

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Exhibit A

[Attach approved diagram showing the location of the improvement]

Tab 7

**CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT
Easement Variance Request**

Name of Owner: _____

Address: _____

Telephone: _____ Email: _____

Description of proposed improvement (please also attach a detailed survey sketch showing the proposed location of the improvement): _____

Proposed installation commencement date: _____

Acknowledgements (please initial by each):

_____ I acknowledge that I must pay a \$__ application fee. If I do not, my application may be denied without further consideration.

_____ I acknowledge that any approval is only for the improvement(s) as specified in this request, and that upon completion of the installation, the District Engineer must certify that the improvements do not exceed the scope of any approval. If my plans change, I must file a new variance request.

_____ I acknowledge that approval of this variance request is approval from the Catalina at Winkler Preserve Community Development District only, and that I am responsible for obtaining any other necessary approvals, including but not limited to approvals from any HOA, County, or any other entity having an interest in the property, as applicable.

_____ I acknowledge that if this variance request is approved, I will be required to execute a Variance Agreement, which will be recorded in the official records of Lee County, Florida. No improvements may be installed until the Variance Agreement is executed and recorded.

_____ I acknowledge that this variance request must be made by the legal owner of the property. I certify that I am the legal owner of the property.

Owner's Signature

Print Name

Date

Please submit this completed form to the District Manager by email at bblandon@rizzetta.com, or by mail at c/o Rizzetta & Company, Inc., 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912.

PRIVACY NOTICE: Under Florida's Public Records Law, Chapter 119, Florida Statutes, the information you submit on this form may become part of a public record. This means that, if a citizen makes a public records request, we may be required to disclose the information you submit to us. Under certain circumstances, we may only be required to disclose part of the information submitted to us. If you believe that your records may qualify for an exemption under Chapter 119, *Florida Statutes*, please notify the District Manager.

Tab 8

**CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT
Variance Request Review Report**

Applicant: _____

Request date: _____

Part 1: To be Completed by the District Engineer

Was an in-person inspection necessary?

Yes; date completed: _____ No

Recommendation:

Approve

Approve with conditions (list here): _____

Deny (provide reason(s) here): _____

Signature of District Engineer

Date

Part 2: To be Completed by the District

Based on a review of the Variance Request and the recommendation of the District Engineer, the District:

Approves the Variance Request

Approves the Variance Request with the conditions listed above

Denies the Variance Request (provide reason(s) here): _____

Signature of District Manager

Date

Part 3: To be Completed by the District Engineer (Post-Installation Review)

The improvements as installed are compliant non-compliant with the District's approval.

Signature of District Engineer

Date

Note to Staff

Please attach the Easement Variance Request, along with any attachments, to this form and retain in the District records.

Tab 9

RESOLUTION 2022-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT SETTING A HEARING ON RATES AND POLICIES GOVERNING THE INSTALLATION OF IMPROVEMENTS WITHIN DISTRICT EASEMENTS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Catalina at Winkler Preserve Community Development District (the “**District**”) is a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes (the “**Act**”), for the purpose of owning, operating, maintaining, and providing certain infrastructure improvements, including a stormwater management system and drainage improvements; and

WHEREAS, by virtue of certain plats and other legal instruments, the District holds certain easement rights and additional easements may in the future be dedicated to the District (together, “**District Easements**”); and

WHEREAS, construction of unauthorized improvements within District Easements may interfere with the proper operation and maintenance of the District’s stormwater management system and other maintenance obligations; and

WHEREAS, the Board of Supervisors of the District (“**Board**”) is authorized by the Act to adopt rules, orders, rates, fees and charges pursuant to Chapter 120, *Florida Statutes*.

WHEREAS, the Board finds that it is in the best interests of the District and necessary for the efficient operation of the District to set a public hearing to consider an application fee for the installation of improvements within District Easements, attached hereto as **Exhibit A** and incorporated herein by this reference (“**Easement Variance Fee**”).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CATALINA AT WINKLER PRESERVE COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The above stated recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. The Board intends to adopt an Easement Variance Fee in connection with the adoption of its *Policy for Improvements within District Easements*, attached hereto as **Exhibit A**. The District will hold a public hearing on such Easement Variance Fee at a meeting of the Board to be held on **February 8, 2022 at 2:30 p.m.**, at the offices of **Rizzetta & Company, Inc., 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912.**

SECTION 3. The District Secretary is directed to publish notice of the hearing in accordance with Section 120.54, *Florida Statutes*.

SECTION 4. If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 5. This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 9th day of November, 2021.

ATTEST:

**Catalina at Winkler Preserve
Community Development District**

Secretary / Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: Policy for Improvements within District Easements

Exhibit A

Tab 10

**CONSENT TO ASSIGNMENT OF THE
CONTRACT FOR PROFESSIONAL TECHNOLOGY SERVICES BY
AND BETWEEN CATALINA AT WINKLER PRESERVE COMMUNITY
DEVELOPMENT DISTRICT AND RIZZETTA TECHNOLOGY SERVICES, LLC. TO
RIZZETTA & COMPANY**

THIS ASSIGNMENT AND AMENDMENT (“Assignment”) is made and entered into this 9th day of November, 2021 by and between, Rizzetta Technology Services, 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614 (“Assignor”); and Rizzetta & Company, a Florida Corporation, whose mailing address is 3434 Colwell Ave, Suite 200, Tampa FL 33614 (“Assignee”); and Catalina at Winkler Preserve Community Development District, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, located in the City of Cape Coral, Lee County, Florida, whose address is 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912 (the “District”).

RECITALS

WHEREAS, Assignor and the District previously entered into that certain Contract for Professional Technology Services, dated August 13, 2019, (the “Agreement”); and

WHEREAS, on January 1, 2022, Assignee will consolidate multiple legal entities with common and exclusive ownership under the single organization (Assignee) and Assignor is one such entity resulting in Assignor being assimilated into Assignee, and such assignment requires written approval from the District to be effective; and

WHEREAS, Assignor and the District hereby recognize and agree that the Assignor’s rights and obligations under the Agreement could be assigned to a third party pursuant to Section XIV of the Agreement; and

WHEREAS, Assignor desires to assign all of its rights and obligations under the Agreement, as amended by this instrument, to Assignee, Assignee desires to accept such assignment, and the District desires to express that it agrees with and has no objection to such assignment; and

NOW THEREFORE, based upon good and valuable consideration and the mutual covenants of the parties, the receipt of which and sufficiency of which are hereby acknowledged, the District, Assignee, and Assignor agree as follows:

- 1. INCORPORATION OF RECITALS.** The Recitals stated above are true and correct and are incorporated herein as a material part of this Assignment.
- 2. DISTRICT CONSENT TO ASSIGNMENT OF THE AGREEMENT.** The District consents to Assignor’s assignment of the Agreement to Assignee.



3. ASSIGNEE'S ACCEPTANCE OF LIABILITY. Assignee agrees to assume any and all debts, obligations and liabilities of Assignor present and future, arising out of or related to the Agreement.

4. NOTICES. Upon this Assignment, notices pursuant to the Agreement shall be in writing and shall be delivered to the Assignee as follows:

A. If to the District: Catalina at Winkler Preserve
Community Development District
9530 Marketplace Road, Suite 206
Fort Myers, Florida 33912
Attn: District Manager

With a copy to: KE Law Group
P.O. Box 6386
Tallahassee, Florida 32314
Attn: District Counsel

B. If to Assignee: Rizzetta & Company, Inc.
3434 Colwell Ave, Suite 200
Tampa, Florida 33614
Attn: CDD Legal

5. COUNTERPARTS. This Assignment may be executed in any number of counterparts, each of which when executed and delivered shall be an original; however, all such counterparts together shall constitute but one and the same instrument. Signature and acknowledgment pages, if any, may be detached from the counterparts and attached to a single copy of this document to physically form one document.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]



IN WITNESS WHEREOF, the parties have executed this Assignment effective as of the date set forth above.

Catalina at Winkler Preserve Community Development District

By: _____
Print Name: _____
Its: Chairman or Vice Chairman

Assignor: Rizzetta Technology Services, LLC.

By: William J. Rizzetta
Print Name: William J. Rizzetta
Its: President

Assignee: Rizzetta & Company, Inc.

By: William J. Rizzetta
Print Name: William J. Rizzetta
Its: President



Rizzetta & Company

Tab 11



November 1, 2021

Board of Supervisors
Catalina at Winkler Preserve Community Development District
c/o Rizzetta & Company, Inc.
9530 Marketplace Road, Suite 206,
Fort Myers, Florida 33912

Re: KE Law Group 2022 Rates

Dear Board Members:

We are pleased to have the opportunity to provide legal services for the Catalina at Winkler Preserve Community Development District, and we would like to take this opportunity to address our hourly rates for the calendar year beginning January 1, 2022. According to our records, the hourly rates for the provision of legal services have not increased since 2015. The Fee Agreement between my firm and the District maintained that pricing as a courtesy for the remainder of calendar year 2021, and contemplates a \$5 annual adjustment to the hourly rates with greater increases made upon client consent. This letter sets forth our proposal for an adjustment in legal fees charged to the District commencing January 1, 2022. The increases are based upon our costs of doing business, increases in the experience and expertise of our attorneys, and market trends.

With respect to fees for our services going forward, Lauren Gentry's hourly rate is proposed to increase from \$215 to \$250, or approximately \$6 year over year. The hourly rate of Jennifer Kilinski, the partner most likely provide services to the District, is proposed to adjust from \$275 to \$320. These rates remain within the ranges approved in the Fee Agreement. Paralegals and part-time contract attorneys will increase the standard \$5 per hour to \$170 and \$230, respectively. Any other firm representatives working for the District pursuant to Board direction would be billed at existing 2022 client rates.

As we have in the past, we will endeavor to keep our fees as low as possible to you, while maintaining our professional and ethical obligations to provide service. Lauren Gentry is anticipated to remain the primary attorney serving the District, and we do not expect these rates to negatively affect the District's budget.

We welcome the opportunity to discuss this proposal with you further. If you have any questions, please feel free to call.

Accepted:

Chair, Board of Supervisors

Date: _____

Very truly yours,

KE LAW GROUP, PLLC

Jennifer Kilinski

Jennifer L. Kilinski

Tab 12



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UPCOMING DATES TO REMEMBER

- **Next Meeting:** February 8, 2022
- **FY 2020-2021 Audit Completion Deadline:** June 30, 2022
- **Next Election (Seats 3 & 4):** November 8, 2022

**District
Manager's
Report**

November 1

2021

<u>FINANCIAL SUMMARY</u>	<u>9/30/2021</u>
General Fund Cash & Investment Balance:	\$283,428
Reserve Fund Cash & Investment Balance:	\$109,801
Debt Service Fund & Custody Reserve Investment Balance:	\$128,377
Total Cash and Investment Balances:	\$521,606
General Fund Expense Variance: \$55,154	Under Budget

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Rizzetta & Company

Earth Balance Service/Agreement – During the last meeting the Board directed the DM to investigate changing from the existing quarterly events to semi-annual. The DM discussed this with Erik Sandsmark and pricing was reviewed with the Chairman. After reviewing the pricing difference, it was agreed to continue with the quarterly events.

Earth Balance Maintenance Visit – Earth Balance will be onsite the week of November 1st to conduct maintenance.