

**MINUTES OF MEETING  
WENTWORTH ESTATES  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Wentworth Estates Community Development District's Board of Supervisors was held on Thursday, May 11, 2017, at 9:00 a.m., at the Treviso Bay Sales Trailer, 9014 Tamiami Trail East, Naples, Florida 34113.

**Present and constituting a quorum were:**

Russell Smith	Chairman
Joe Newcomb	Assistant Secretary
Paul Zotter	Assistant Secretary
James Oliver	Assistant Secretary

**Board members absent:**

David Negip	Vice Chairman
Dalton Drake	Assistant Secretary

**Also present were:**

James Ward	District Manager
Charles Thomson	District Attorney
Josh Weinberg (via telephone)	Auditor, Keefe McCullough

**1. Call to Order & Roll Call**

Mr. Ward called the meeting to order at 9:00 AM, and roll call determined that all members of the Board were present with the exception of Supervisor Negip.

**2. Consideration of Resolution 2017-1 Appointing a Qualified Elector to Fill the Vacancy in Seat 4 on the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes**

Mr. Ward said this resolution appointed a qualified elector fill the vacancy in Seat 4. He said last year they had had an election for the two seats and Mr. Zotter filled one and no one qualified for the election in November. The statute provided a qualified elector was a citizen of the United States, resident of the State of Florida, resident of Treviso Bay and registered to vote in Collier County. He asked the Board to nominate such an individual

and by motion adopt the resolution, fill in the name, and Mr. Ward was prepared to swear in such person.

**Motion was made by Mr. Newcomb and seconded by Mr. Zotter to elect Jim Oliver to fill the vacancy in Seat 4, and with all in favor the motion was approved.**

### **3. Administration of the Oath of Office for the Newly Appointed Qualified Elector Pursuant to Resolution 2017-1 to Seat 4**

Mr. Ward noted for the record that Mr. Oliver was present. Mr. Ward stated he was a notary of the State of Florida and authorized to administer the Oath of Office, and he did so. He asked Mr. Oliver to sign the Oath.

Mr. Ward advised Mr. Oliver he would provide via email a copy of Form 1 Statement of Financial Interest, which must be filed within 30 days with the Supervisor of Elections in Collier County. He advised Mr. Oliver of the penalties for not filing in time. Mr. Oliver asked how he was to file it, and the response was to mail it or bring it to the Supervisor of Elections office in Collier County. Mr. Ward also pointed out there was a copy of the Sunshine Laws and the Code of Ethics for Public Office, both of which were provided in written form. He explained the Sunshine Laws in detail with the Board and noted that essentially no two members of the Board may communicate with each other outside of an open noticed public meeting, nor may you use your staff or another any other person to communicate with the Board on any matter which may foreseeable appear before the Board. He pointed out that emails from residents become part of the public record and must be kept. He also gave other examples of what might be considered public record. He said at the current time there were firms that made public records requests and they must be responded to. He said he generally gets those requests, but if a Board member should get one, forward it to him. He said the email addresses of the Board members were posted on the website. Mr. Smith suggested that we can set up an email account specifically for Wentworth Estates. Mr. Ward said no matter what email address they get the public records request in, it would be considered notice. Mr. Ward said this will rarely happen, and the request must be in writing.

### **4. Consideration of Minutes: August 11, 2016**

Mr. Ward asked if there were any additions, corrections or deletions to the minutes.

Mr. Zotter asked how the public was notified of the meetings. Mr. Ward responded that the statute required the District to publish notice once a year in a newspaper of general circulation in the County where the District resided. In addition, as of this year the statute required the entire agenda be published on the website seven days in advance of the meeting. He added that the public hearings were also published in a newspaper. Mr. Oliver asked if this was minimal communication and did not mean additional communication could not occur. Mr. Ward concurred.

**Motion was made by Mr. Newcomb and seconded by Mr. Smith to accept the Meeting Minutes of August 11, 2016, and with all in favor the motion was approved.**

**5. Consideration of Acceptance of the Audited Financial Statements for the fiscal year ended September 30, 2016.**

Mr. Ward stated the District had required the Board to have its books and records audited at the end of each fiscal year. He said Josh Weinberg would answer any questions they might have.

- i. Josh Weinberg, partner in charge of the audit, from the firm of Keefe Mc Cullough, was available for questions via telephone.
- ii. Mr. Weinberg briefly explained the audit and called for questions.

Mr. Oliver inquired about who kept the account, and Mr. Ward responded that his office maintained the records.

Mr. Zotter referred to Page 2 which read "We have requested certain representations from management that are included in the management representation letter dated December 14, 2016." He asked if the letter was in the package. Mr. Ward responded that is a letter that I provide to the auditor that represents certain matters as your Manager to the Auditor, and the letter was provided to the auditor, and it was not included as part of the audited financials. Mr. Ward added he could send a copy to him, if desired, but it was a standard letter he sent for all audits.

Mr. Zotter referred to Page 1 which read "...not for the purpose of expressing an opinion on the effectiveness of the entities internal

control; accordingly, we express no such opinion." He asked if someone could explain what that meant as he was confused that they were not giving an opinion.

Mr. Weinberg said basically from the information received from Mr. Ward, everything was in compliance, and they did not find any material differences that had to be reported. Mr. Zotter then moved to Page 5, Capital Assets and Debt Administration, and asked about the \$45 million which consisted of land, infrastructure, and improvements. Mr. Ward responded it was the infrastructure that was constructed by the District from the proceeds of its bond.

Mr. Zotter asked if the bridge was the responsibility of Wentworth Estates. Mr. Ward responded the District was the owner of the bridge, and it was maintained by the Master HOA. Mr. Zotter asked if the source of funds for any repairs was through the Board of Wentworth Estates. Mr. Ward responded it was through the Master HOA. Mr. Ward added that the CDD pays for the insurance for the bridge, which was a significant amount of money.

Mr. Zotter asked if this budget was paying the debt from the original infrastructure, and response was affirmative. Mr. Ward said the insurance policy covered damage to the bridge, but if the bridge needed capital replacement, then the CDD would replace it. The Master HOA covered the day-to-day maintenance. Mr. Zotter asked if the insurance covered liability also, and the response was affirmative.

Mr. Zotter asked when Lennar turned over a property to the homeowner and it was sold and not part of Treviso Bay and that home needed repair, how could the trucks come over the bridge. Mr. Ward responded the District could not preclude any kind of traffic crossing that bridge by law. What the community does once you cross the bride would be determined by the residents, since the roads inside the community are private, but crossing the bridge would be permissible to anyone.

Mr. Oliver asked if there had been any discussion of using Southwest Boulevard for any major vehicles after the turnover. Mr.

Ward stated he had not personally had any discussions with anybody as to what would happen during or after the turnover.

Mr. Smith member added that there was a zoning provision that prevented it.

Mr. Zotter referred to Page 23 under Risk Management which said "Coverage may not extend to all situations. Settled claims from these risks have not exceeded commercial insurance coverage over the past three years." He asked if there were examples of actual claims. Mr. Ward said there were no claims, but an example of one might be if someone ran into the bridge and decided to sue the District.

**Motion was made by Mr. Newcomb and seconded by Mr. Smith to accept the Audited Financial Statements for the Fiscal Year ended September 30, 2016, and with all in favor the motion was approved.**

**6. Consideration of Resolution 2017-2 Approving the Proposed Fiscal Year 2018 Budget and setting the Public Hearing on Thursday, August 10, 2017, at 9:00 AM at the Treviso Bay Sales Trailer, 9014 Tamiami Trail East, Naples, Florida 34113.**

i. Board comment and consideration.

Mr. Ward stated the approval of the budget did not bind the Board to any of the costs or programs contained in the budget, and it allowed them to move through the process so that by the time they get to the August 10<sup>th</sup> hearing, they would adopt the budget and set in place the assessment rates.

Mr. Ward directed the Board to Page 5 of the Budget and the 2006 Bond issue, which showed the assessments that were levied on all properties in the District. He said what was paid each year had remained relatively constant. He noted that there were some partial prepayments, but presently residents may only prepay the whole amount.

It was asked what the difference was between off roll and on roll. Mr. Ward responded that off roll meant properties that may be owned by Lennar and billed directly for off roll assessments. He said most of the properties in 2018 would be on roll. Mr. Oliver was asked why there was difference in cost between the two. Mr. Ward answered if an individual was on roll, he could take a 4% discount, if paid in November, and the fees we pay to the Property Appraiser and Tax Collector charge 3% to put it on the tax bill, if paid in November. A discussion ensued on this topic.

Mr. Smith asked what the interest rate was on the Bond, and Mr. Ward responded 5.625%, and at some point once 98% of the property was sold, they would go through a refunding analysis to see what it would take to refund the bonds at a lower interest rate.

It was asked why that was the case. Mr. Ward stated that the bond market that they work in, because of the downturn in the market a few years ago, there was too much concentration in one ownership. When that disperses, then there will be the opportunity to refinance. Before that, the bond issuers and insurers will not take the risk.

Mr. Oliver asked what the percentage of sold homes was, but Mr. Ward did not know, he was waiting on the new rolls to come out. Mr. Zotter said he thought they were close. It was pointed out that the current bonds would be paid for in 19 years. Mr. Ward added that the CDD stayed in place in perpetuity because of the assets it owned.

Mr. Ward directed the Board to Pages 1 and 2 of the Budget and said that the numbers were exactly the same as the prior year. He said the payment for insurance was due each year in October, and there was never enough cash to pay for it, so he budgeted a negative Carry Forward. He said that would put some cash in the bank so by October of the following year, there would be enough to pay the insurance bill in October.

Mr. Oliver asked who the insurance carrier was, and Mr. Ward responded he was not sure. He stated the reason he could not pay the bill in October was a cash flow issue. The CDD did not receive any money until December, which made it difficult to pay this in October. He said they needed to build up the cash in order to make the insurance payment on October 1, and if they budget for it now, he would be able to pay it on time next year.

Mr. Oliver suggested they adjust the policy dates to solve the problem. However, Mr. Ward said the insurance policy corresponded to their fiscal year of October 1 through September 30. Mr. Ward stated that for October of this year, the agent knew that he wouldn't be paid until December, but he had committed that by October of next year, they would have the cash to pay on October 1.

A discussion ensued concerning the likelihood that a claim be made that would not be covered because the payment had not been made. Mr. Oliver pointed out that this would not happen unless they had received notice of cancellation. Mr. Ward stated that he thought the agent was paying it and then getting reimbursed by him. He was floating them for a couple months.

Mr. Oliver suggested they ask for a 15 month policy to solve the problem, and Mr. Ward said he would ask about that.

Mr. Oliver asked when the Budget was looked at again, would the number of homes be amended at the August 10<sup>th</sup> meeting. Mr. Ward responded the way he wrote the resolution, he would not finish the rolls until the end of September. He said he adjusted that figure based on final ownership. He said the rolls were never perfect until well after September.

Mr. Ward stated if there were no other questions, a motion would be in order.

**Motion was made by Mr. Newcomb and seconded by Mr. Oliver to adopt Resolution 2017-2 as described above, and with all in favor the motion was approved.**

Mr. Oliver asked what the assets of the CDD were. Mr. Ward said he would send him those records.

Mr. Zotter suggested moving the public hearing to a better location like the Clubhouse and all agreed this would be done. Mr. Smith indicated that the Manager asked if should move this meeting to the clubhouse, and I indicated that we should have this meeting here, and we can discuss moving the meeting at this meeting.

Their was a discussion of the location of the meeting, and the board discussed moving the location of the meeting, and the board decided to move the meeting to the Clubhouse.

Mr. Ward asked for a motion to reconsider Resolution 2017-2.

**Motion was made by Mr. Smith and seconded by Mr. Newcomb to reconsider Resolution 2017-2, and with all in favor the motion was approved.**

Mr. Ward asked for a motion to adopt Resolution 2017-2, changing the meeting location to Treviso Bay Golf and Country Club, 9800 Treviso Bay Boulevard, Naples, Florida 34113.

**Motion was made by Mr. Smith and seconded by Mr. Newcomb to adopt the reconsidered Resolution 2017-2 changing the meeting location to Treviso Bay Golf and Country Club, and with all in favor the motion was approved.**

## **7. Consideration of Resolution 2017-3 Amending the FY 2017 Budget**

- i. Board comment and consideration.

Mr. Ward directed the Board to Page 1 of the document where he had amended the on roll and off roll numbers that corresponded to what the actual lot ownership was. He said he did not normally do this, but there was great disparity between these rolls and the rolls he received from the County. For audit purposes, he decided to do the amendment.



A resident asked if the fiscal year could be changed to run with the calendar year to accommodate residents who return in October/November. Mr. Ward said the fiscal year was set by state law.

**Motion was made by Mr. Newcomb and seconded by Mr. Smith to adopt Resolution 2017-3 as described above, and with all in favor the motion was approved.**

**8. Consideration of Setting Thursday August 10, 2017 at 9:00 AM at the Treviso Bay Golf and Country Club, 9800 Treviso Bay Boulevard, Naples, Florida 34112, as the Date, Time and Location for the Landowner's Election**

- i. Board comment and consideration.

Mr. Ward Stated that Seat 5, Mr. Smith's seat, was the final landowner's election seat within the District. It was a four year term. Mr. Ward said there was a 90 day requirement for advertising a landowner's election, so this would need to be set. He added the landowners who appeared at the meeting would be able to vote for an individual who met the requirements of being a citizen of the United States, a resident of the state of Florida, but he did not have to be residing within the District.

Mr. Ward called for further discussion. Hearing none, he called for a motion.

**Motion was made by Mr. Newcomb and seconded by Mr. Oliver to set August 10, 2017, at 9:00 AM at the Treviso Bay Golf and Country Club for the landowner's election, and with all in favor the motion was approved.**

**7. Staff Reports**

- i) District Attorney – No report.
- ii) District Engineer – No report.
- iii) District Manager

- a. Report on the Number of Registered Voters.  
Mr. Ward reported there were 515 registered voters.
- b. Financial Statements as of March 31, 2017.

## **8. Audience Comments and Supervisor's Requests**

Mr. Zotter asked if there were reserves for future assets. Mr. Ward said the two assets one is a storm water system. He said these would not require repairs for 30-40 years. He added they did not do reserves for those assets. The second asset, is the bridge, and there are no reserves either for the bridge Mr. Zotter said he wished to educate himself on exactly what was involved with the storm water reserves. A discussion of this topic ensued. It was suggested this information could best be gotten from the District Engineer.

It was asked if the CDD was responsible for the water area surrounding the peninsula, and the answer was probably the CDD. However, it was pointed out the CDD enters into agreements with the Master HOA to do maintenance on the lakes. He said the CDD did not provide maintenance at all. Mr. Ward stated there was an agreement which contemplated that the HOA would maintain management for the district and maintain the bridge. He said the only issue not contemplated under the agreement was if the bridge had to be rebuilt. A question was brought up concerning maintaining the golf course and its lakes, and it was stated the golf association paid for maintaining all of it.

Discussion of the Exhibit that would show the assets of the CDD ensued. Mr. Ward stated it would be a good idea to get started on this.

Mr. Zotter asked if the CDD could have any influence on changing the left and right turn lanes into the development. The response was they had no influence at all. Mr. Ward said the HOA could request changes to road lanes or the individual homeowner could do so. A traffic light possibility was brought up, but it was said the count needed to get a traffic light was not even close. The road was owned by the County or the state, and they were reluctant to put in traffic signals because they have found that they seem to create traffic issues that cause accidents. It was commented that this information should be shared with the residents at the upcoming meeting.

**9. Adjournment**

**Motion was made by Mr. Oliver and seconded by Mr. Smith to adjourn the meeting, and with all in favor the motion was approved.**

The meeting was adjourned at 10:30 AM.

  
\_\_\_\_\_  
James P. Ward, Secretary

  
\_\_\_\_\_  
Joseph Newcomb, Chairman

**OATH OF OFFICE**  
(Art. II, § 5(b), Fla. Const.)

Recipm. title  
w/ correct  
title

STATE OF FLORIDA

County of Collier

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

SUPERVISOR WENTWORTH ESTATES CDD SEAT 3  
(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

Paul W Zotto  
Signature

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_.

Signature of Officer Administering Oath or of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_

**ACCEPTANCE**

I accept the office listed in the above Oath of Office.

Mailing Address:  Home  Office

9239 Veneto Pl  
Street or Post Office Box

Naples, FL 34113  
City, State, Zip Code

Paul W Zotto  
Print Name  
Paul W Zotto  
Signature

**EXECUTIVE DEPARTMENT**  
STATE OF FLORIDA



*In the Name and by the Authority of the*

**STATE OF FLORIDA**

*I, Rick Scott, Governor of Florida, by virtue of the authority vested in me by the Constitution and Laws of this State, do hereby commission*

***Paul W Zotter***

*who was duly elected on the Eighth day of November, A.D., 2016, to be*

***Board of Supervisors,  
Wentworth Estates Community Development District,  
Collier County, Seat Three***

*for a term beginning on the Twenty-Second day of November, A.D., 2016, until the Sixteenth day of November, A.D., 2020, according to the Constitution and Laws of the State and in the Name of the People of the State of Florida to have, hold and exercise the said office, and all the powers and responsibilities appertaining thereto, and to receive the privileges and emoluments thereof in accordance with the law.*



*In Testimony Whereof, I do hereunto set my hand and cause to be affixed the Great Seal of the State, at Tallahassee, the Capital, this the Fifth day of December, A.D., 2016, and of the Independence of the United States the Two Hundred and Forty-First year.*

**ATTEST:**

***Ken Detmold***  
Secretary of State

***Rick Scott***  
Governor of Florida

**OATH OR AFFIRMATION OF OFFICE**

I, James M. Oliver, a citizen of the State of Florida and of the United States of America, and being an officer of the **Wentworth Estates Community Development District** and a recipient of public funds as such officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida, and will faithfully, honestly and impartially discharge the duties devolving upon me as a member of the Board of Supervisors of the **Wentworth Estates Community Development District**, Collier County, Florida.

James M. Oliver  
Signature  
Printed Name: James M. Oliver

STATE OF FLORIDA  
COUNTY OF COLLIER

Sworn to (or affirmed) before me this 11 day of MAY, 2017, by JAMES OLIVER, whose signature appears hereinabove, who is personally known to me or who produced \_\_\_\_\_ as identification.

James P. Ward  
NOTARY PUBLIC  
STATE OF FLORIDA

Print Name: JAMES P. WARD

My Commission Expires: \_\_\_\_\_

