

PASEO COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · 9530 MARKETPLACE ROAD · SUITE 206 · FT. MYERS, FLORIDA 33912

WWW.PASEOCDD.ORG

**PASEO
COMMUNITY DEVELOPMENT DISTRICT**

**BOARD OF SUPERVISORS' MEETING
DECEMBER 3, 2014**

**PASEO COMMUNITY
DEVELOPMENT DISTRICT AGENDA
December 3, 2014 at 11:00 a.m.**

www.paseocdd.org

Located at the Paseo Village Center Theatre, 11611 Paseo Grande Boulevard, Fort Myers, FL 33912

District Board of Supervisors	Frank Dengler Lawrence Bagozzi Chad Koces Emmanuel Samson James Heather	Chairman Vice Chairman Assistant Secretary Assistant Secretary Assistant Secretary
District Manager	Molly Syvret	Rizzetta & Company, Inc.
District Counsel	Jan Albanese Carpenter	Latham, Shuker, Eden & Beaudine, LLP
District Engineer	Carl Barraco	Barraco & Associates, Inc.

All Cellular phones and pagers must be turned off while in the meeting room.

The District Agenda is comprised of five different sections:

The meeting will begin promptly at **11:00 a.m.** with the first section which is called **Public Comment**. The Public Comment portion of the agenda is where individuals may comment on matters for which the Board may be taking action or that may otherwise concern the District. Each individual is limited to three **(3) minutes** for such comment. The Board of Supervisors or Staff is not obligated to provide a response until sufficient time for research or action is warranted. **IF THE COMMENT CONCERNS A MAINTENANCE RELATED ITEM, THE ITEM WILL NEED TO BE ADDRESSED BY THE DISTRICT MANAGER OUTSIDE THE CONTEXT OF THIS MEETING.** The second section is called **Business Administration**. The Business Administration section contains items that require the review and approval of the District Board of Supervisors as a normal course of business. The third section is called **Business Items**. The business items section contains items for approval by the District Board of Supervisors that may require discussion, motion and votes on an item-by-item basis. Occasionally, certain items for decision within this section are required by Florida Statute to be held as a Public Hearing. During the Public Hearing portion of the agenda item, each member of the public will be permitted to provide one comment on the issue, prior to the Board of Supervisors' discussion, motion and vote. The fourth section is called **Staff Reports**. This section allows the District Manager, Engineer, and Attorney to update the Board of Supervisors on any pending issues that are being researched for Board action. The final section is called **Supervisor Requests and Comments**. This is the section in which the Supervisors may request Staff to prepare certain items in an effort to meet residential needs. Agendas can be reviewed by contacting the Manager's office at (239) 936-0913 at least seven days in advance of the scheduled meeting. Requests to place items on the agenda must be submitted in writing with an explanation to the District Manager at least fourteen (14) days prior to the date of the meeting.

Public workshops sessions may be advertised and held in an effort to provide informational services. These sessions allow staff or consultants to discuss a policy or business matter in a more informal manner and allow for lengthy presentations prior to scheduling the item for approval. Typically no motions or votes are made during these sessions.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District Office at (239) 936-0913, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770, who can aid you in contacting the District Office.

Any person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that this same 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.

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November 25, 2014

Board of Supervisors
**Paseo Community
Development District**

AGENDA

Dear Board Members:

The special meeting of the Board of Supervisors of the Paseo Community Development District will be held on **Wednesday, December 3, 2014 at 11:00 a.m.**, at the Paseo Village Center Theatre, 11611 Paseo Grande Boulevard, Fort Myers, FL 33912. The following is the agenda for this meeting.

- 1. CALL TO ORDER/ROLL CALL**
- 2. PUBLIC COMMENT**
- 3. BUSINESS ADMINISTRATION**
None
- 4. BUSINESS ITEMS**
 - A. Public Hearing Regarding Gate Access Equipment, Rules,
And Fees Tab 1
 1. Consideration of Resolution 2015-04, Adopting a Gate
Access Policy and Fess Related to the Gate Access
System..... Tab 2
 - B. Discussion Regarding Feral Hogs
- 5. STAFF REPORTS**
 - A. District Counsel
 - B. District Engineer
 - C. District Manager
- 6. SUPERVISOR REQUESTS**
- 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.

Sincerely,

Molly A. Syvret

Molly Syvret
District Manager

Cc: Jan Albanese Carpenter, Latham Shuker, Eden & Beaudine, LLP

Tab 1

PASEO COMMUNITY DEVELOPMENT DISTRICT

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Gate Transponder Distribution Policy

The following policies will be utilized for distribution of gate transponders by the Paseo Community Development District (“Paseo CDD”).

1. Transponders will be issued to the following categories of people:
 - (a) Persons owning real property within the Paseo CDD;
 - (b) Persons renting property within the Paseo CDD;
 - (c) Staff of the Paseo CDD, Village Center, Associations (to include the Paseo Master Association and such sub-associations that directly employ staff), and sales office(s) maintained by the Developer/Builder; and
 - (d) Other persons as authorized by the Paseo CDD District Manager.

Transponders shall not be distributed to vendors, contractors, or other service providers.

2. Transponders for purchasers of new construction homes shall be distributed in the following manner:
 - (a) Developer/Builder will be responsible for remitting payment to the Paseo CDD and/or its designated representative for up to two transponders to be distributed to new construction property owners at a rate not to exceed the Paseo CDD’s cost plus Twenty-Five Dollars and No Cents (\$25.00), per transponder. A voucher for the requisite number of transponders will be issued by the Paseo CDD and/or its designated representative, to be provided to the property owner at the time of closing.
 - (b) At the time of closing, Developer/Builder shall provide the new property owner(s) with the voucher as set forth in Paragraph 2(a), a Transponder Registration Form, and a copy of the New Resident Instructions for the Main Gate System.
 - (c) The property owner(s) shall complete the Transponder Registration Form and return same to the Gatehouse, along with the voucher, at which time the officer on duty at the gatehouse shall affix a transponder(s) to the windshield of the vehicle(s) listed on the Transponder Registration Form.
3. Transponders for purchasers of re-sale homes and persons renting property shall be distributed in the following manner:
 - (a) Purchasers of re-sale homes and/or persons renting property shall obtain a Transponder Registration Form and copy of the New Resident Instructions for the Main Gate System from the Paseo CDD and/or its designated representative and shall remit payment to the Paseo CDD and/or its designated representative for up to two transponders at a rate not to exceed the Paseo CDD’s cost plus Twenty-Five Dollars and No Cents (\$25.00), per transponder. A voucher will be issued by the Paseo CDD and/or its designated representative for the number of transponders purchased.
 - (b) The voucher, along with a completed Transponder Registration Form, shall be delivered to the gatehouse, upon which time, the officer on duty at the gatehouse shall affix a transponder(s) to the windshield of the vehicle(s) listed on the Transponder Registration Form.

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4. Property owners that wish to purchase additional transponders shall complete and/or update a Transponder Registration Form. The rate charged for additional transponders will be double the amount of the new home sale transponder rate.
5. Existing property owners may obtain a replacement transponder to replace a previously issued transponder that no longer works or has otherwise been damaged by turning in the nonfunctioning/damaged transponder to the Paseo CDD and paying a fee at a rate not to exceed the Paseo CDD's cost plus Twenty-Five Dollars and No Cents (\$25.00). If the damaged/nonfunctioning transponder is not turned in, then the new transponder will be considered an additional transponder and will be charged in the amount set forth in Paragraph 4 for an additional transponder.
6. Copies of completed registration forms will be kept on file by the Paseo CDD, and may be used from time to time to validate transponder usage. Resident information contained on the Transponder Registration Form must be kept up to date to insure continued transponder activation. Transponders must remain attached to the windshield in order to function reliability and to prevent use by unauthorized persons or vehicles. Transponders used by individuals and/or vehicles for which they are not registered may be deactivated at the sole and absolute discretion of the Paseo CDD.
7. It shall be in the discretion of the Paseo CDD, from time to time, to revise the forms and processes referenced herein, to develop new forms and/or processes, and/or designate representatives to carry out processes as necessary to implement this policy.

Tab 2

RESOLUTION 2015-04

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE PASEO COMMUNITY DEVELOPMENT DISTRICT ADOPTING A POLICY REGARDING GATE ACCESS AND RULE CHAPTER __ SETTING FORTH A FEE SCHEDULE FOR USE AND REPLACEMENT OF GATE ACCESS EQUIPMENT; PROVIDING THAT ALL PRIOR POLICIES, RULES, AND FEES FOR SUCH USE, IF ANY, SHALL BE SUPERSEDED BY THIS RULE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Paseo Community Development District (“**District**”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, situated in Lee County, Florida; and

WHEREAS, the District owns and operates certain entry gates and facilities within the District (“**Gate Access Equipment**”); and

WHEREAS, pursuant to Chapter 190, Florida Statutes, the District is authorized to adopt rules and policies pursuant to the provisions of Chapter 120, Florida Statutes, prescribing the conduct of the business of the District; and

WHEREAS, Section 190.035, Florida Statutes, authorizes the District to prescribe, fix, establish, and collect rates, fees and other charges for facilities and services furnished by the District; and

WHEREAS, the Board has previously taken action whereby it determined to establish policies regarding use and replacement of gate access equipment and create a new rule chapter setting forth the rate structure for use of that equipment by its residents and staff; and

WHEREAS, the District has complied with the provisions of Chapter 190.035(2), Florida Statutes, and conducted a public hearing to address a proposed rule establishing fees for landowners to use and/or replace gate access equipment; and

WHEREAS, the Board finds that the fees set forth in the proposed gate transponder fee rule attached as **Exhibit A** (“**Rule**”), including the imposition of fees for Gate Access Equipment, is necessary to provide for the orderly operation of the District and to compensate for the expenses associated with the operation and maintenance of the Access Facilities, and is in the best interest of the District; and

WHEREAS, the Board finds that the fee structure set forth in the Rule is just, equitable and uniform for users of the same class having been based upon (i) the services furnished; (ii) the cost of operation and maintenance of such facilities; (iii) furnished; (ii) the cost of operation and maintenance of such facilities; (iii) the amounts of operations and assessments paid annually by

landowners within the District, and (iv) other factors affecting the use of the facilities furnished; and

WHEREAS, the Board finds that it is in the best interest of the District to adopt the policy regarding use and replacement of gate access equipment, attached hereto as **Exhibit B** (“**Policy**”), in order to facilitate the orderly use of the Gate Access Equipment.

Now, therefore, be it resolved by the Board of Supervisors of the Paseo Community Development District as follows:

1. Authority for this Resolution. This Resolution is adopted under Chapter 190, Florida Statutes.

2. Recitals. The above recitals are true and correct and are incorporated into and made a material part of this Resolution.

3. Adoption of Rule and Associated Fees. The Rule, including its fee structure, is just, equitable and uniform for users of the same class, and is based upon: (i) the service furnished, (ii) the cost of operation and maintenance of such facilities, (iii) the amounts of operations and assessments paid annually by landowners within the District, and (iv) other factors affecting the use of the facilities furnished. The Rule, including the fees for use and replacement of Gate Access Facilities, is hereby adopted for the purpose of providing additional revenues for the operation and maintenance of the Gate Access Facilities.

4. Adoption of Policy. The Board hereby adopts the Policy.

5. Prior Policies, Rules and Fees. Any policies, rules or fees established by the District prior to the effective date of this Resolution and pertaining to fees charged for the use of District’s Access Facilities, if any, are hereby superseded by this Resolution and the fees set forth in the Rule.

6. Severability. If any section, paragraph, clause or provision of this Resolution is held to be invalid or ineffective for any reason, the remainder of this Resolution shall continue in full force and effect, as the Board finds and declares that the remainder of this Resolution would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

7. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED in a public session of the Board of Supervisors of the Paseo Community Development District, this 3rd day of December, 2014.

**PASEO COMMUNITY
DEVELOPMENT DISTRICT**

ATTEST:

By: _____

Print: _____
Secretary/Asst. Secretary

Print: _____
Chairman/Vice-Chairman

EXHIBIT A

Paseo Community Development District

Gate Transponder Fee Rule

EXHIBIT B

Paseo Community Development District

Gate Access Policy