

**CLEARWATER CAY  
COMMUNITY DEVELOPMENT DISTRICT**



**MARCH 26, 2020  
BOARD OF SUPERVISORS MEETING  
AGENDA PACKET**



# CLEARWATER CAY COMMUNITY DEVELOPMENT DISTRICT

## PREMIER DISTRICT MANAGEMENT

3820 Colonial Boulevard - Suite 101 ▪ Fort Myers ▪ FL 33966

Phone (239) 690-7100 ▪ Fax (239) 214-6074

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Board of Supervisors  
Clearwater Cay CDD

March 19, 2020

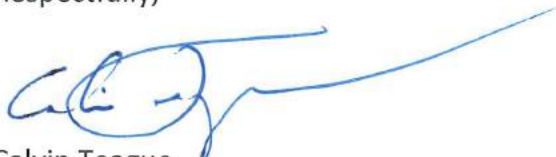
Dear Supervisors:

The regular meeting of the Clearwater Cay Community Development District Board of Supervisors will be held on **March 26, 2020 at 4 PM instead of 5:30 PM** at the Grand Venezia at Baywatch Clubhouse at 2704 Via Murano in Clearwater, FL 33764. The Agenda is included in Section Two and some points of interest are as follows:

- This meeting is scheduled to begin at 4 PM to begin with a tour of the community to identify field issues
- Included and the regular Meeting Minutes for February 27, 2020 and the summary financials
- Updates on the various landscaping maintenance projects and upgrades
- There will be updates on the stormwater improvements including the joint improvements with Bellagio and Building 1 drainage issues
- The FY2021 Draft Budget will be sent under separate cover and distributed at the meeting
- The District Manager will present an amendment to the Management Agreement and a Website Management Agreement

Board members will be receiving Agenda Packets electronically. Additionally, the District Manager will bring copies to distribute to Board members at the meeting. Any supporting documents not enclosed can be provided on request. The **next meeting is scheduled for April 23, 2020 at 5:30 PM**. If there are any questions or requests prior to the meeting, feel free to contact me.

Respectfully,



Calvin Teague  
District Manager

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# Clearwater Cay Community Development District

## Meeting Agenda

March 26, 2020 at 4 PM

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1. Call to Order and Roll Call
  2. Tour Community to Identify Issues
  3. Approval of the Agenda
  4. Audience Comments on Agenda Items
  5. Approval of Meeting Minutes
    - A. Regular Meeting Minutes from February 27, 2020
  6. Old Business
    - A. Stormwater Improvements Update
      - i. Building 1 Drainage Concerns
      - ii. Joint Improvements with Bellagio Update
    - B. Landscape Efforts and Updates
      - i. Mulch Installation
      - ii. Community Sod Replacement
      - iii. Building 3 Circle Enhancements
      - iv. Gazebo Area Landscape
      - v. Pruning and Weeding: Cleanup
      - vi. Building 3 Weed Tree and Cyprus Tree Removal
      - vii. Coconut Palm Installation
      - viii. Small Royal Palm Installation
      - ix. Large Royal Palm Installation
      - x. Queen Palm Removal
      - xi. G166 Planting
    - C. Kayak Storage Program Update
    - D. Garage Ownership Issues
      - i. Garage and Carwash Legal Descriptions
  7. New Business
  8. District Manager
    - A. Website Launch and Email
      - i. Senate Bill 1466 Proposed Changes
      - ii. Website Management Agreement
    - B. Estoppel
    - C. FY2021 Draft Budget Presentation
  9. Financial Reports for February 2020
  10. Attorney
    - A. Debt Assessment Validation Update
  11. Supervisor Requests and/or Comments
-

- 12. Audience Comments
- 13. Adjournment

**Next Regular Meeting: April 23, 2020 at 5:30 PM**



51 board. Chris Dausch, the engineer, reviewed the issues he observed in the current stormwater  
52 system and what is needed to make it function properly. He presented the current site plans for  
53 the system and identified the problems that prevented it from functioning properly. The issues  
54 were related to lack of maintenance. It was agreed, based on the engineer’s review, Grand  
55 Bellagio will get proposals for cleaning and vegetation removal at the structures identified and  
56 share the costs between the two communities. The work will be inspected by the District’s  
57 engineer to verify the maintenance tasks are being done as he specified.

58 **FOURTH ORDER OF BUSINESS** **Approval of Meeting Minutes**

59 **A. Regular Meeting Minutes from January 23, 2020**

60  
61  
62 The Meeting Minutes were presented and approved as presented.

63  
64  
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On MOTION by Supervisor Wilson, seconded by Supervisor Dwyer, 66 with all in favor, the Meeting Minutes from January 23, 2020 were 67 approved as presented.
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68  
69 **FIFTH ORDER OF BUSINESS** **Old Business**

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71  
72 **A. Stormwater Improvements Update**

73  
74 The Engineer updated the Board that the work previously bid was adequately completed  
75 to specifications.

76  
77 **i. Building 1 Drainage Concerns**

78  
79 The drainage issues identified as problems at Building #1 were discussed and the  
80 Board approved a proposal from the Engineer to coordinate the efforts to address  
81 the concerns with lack of proper drainage in this area. The work previously  
82 approved as to survey the area to make certain the area dedicated for stormwater  
83 retention is as designed and there was no encroachment into this area. Soil  
84 samples/corings will be taken to determine if the soils are adequate for proper  
85 percolation. The Engineer will gather these results and identify what options are  
86 available to address these concerns.

87  
88 **B. Landscape Efforts and Updates**

89  
90 Projects are completed and waiting for Supervisor signoff for final payment. Chair Heard  
91 and Supervisor Dwyer will be meeting with the contractor on 2/28 for final inspection.

92  
93 **i. Mulch Installation**

94  
95 Has been completed and waiting for final inspection.

96  
97 **ii. Community Sod Replacement**

98  
99 Has been completed and waiting for final inspection.

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**iii. Building 3 Circle Enhancements**

Has been completed and waiting for final inspection.

**iv. Gazebo Area Landscape**

Has been completed and waiting for final inspection.

**v. Pruning & Weeding Cleanup**

Has been completed and waiting for final inspection.

**SIXTH ORDER OF BUSINESS**

**New Business**

**A. Kayak Storage Program**

The program was initiated and the new sign being installed was presented. In addition, the applications for rental of storage slots was distributed and the program is now initiated. Supervisor Glidden will coordinate it by taking applications and receiving rental payments.

On MOTION by Supervisor Dwyer, seconded by Vice Chair O'Malley, it was approved with four in favor and one dissenting vote, to charge \$75 annually for kayak storage, and to evaluate this in a year.

**B. Garage Ownership Issues**

The Board discussed the garages to determine if the CDD or the HOA should control rentals and receive the rental income. After discussion, it was agreed to obtain a proposal to have legal descriptions drawn for the individual garages and the car wash for the next meeting.

On MOTION by Supervisor Dwyer, seconded by Supervisor Glidden, with all in favor, to obtain a proposal and a legal description drawn for individual garages and a car wash.

**SEVENTH ORDER OF BUSINESS**

**District Manager**

**A. Financial Statements for January 2020**

The financial statements were presented and accepted.

On MOTION by Supervisor Dwyer, seconded by Supervisor Glidden, with all in favor, the financial statements for January 2020 were accepted as presented.

**B. FY2021 Budget Discussion**

151 The Board was asked to identify budgetary needs that they would like to see included in  
152 the FY2021 Budget. The draft budget will be presented at the next meeting.

153  
154 **C. Website Launch and Email**

155  
156 The initial website is complete and it is anticipated to be launched by the next meeting.  
157 Chris Dudak is working on the email setups and all should be good by the next meeting  
158 or at least the April meeting. The District Manager also said he would be presenting an  
159 agreement on what the District would own with the website but that the technology  
160 developed by Premier would remain the proprietary property of Premier. The domain,  
161 information and other similar data is and will remain the property of the CDD.

162  
163 **D. Other Follow-Up Items**

164  
165 The District Manager commented that the Budget is actually two budgets and not one as  
166 reflected on the website as they were adopted at different meetings. The two are a debt  
167 service budget and an operating budget and will be put on the website as two and not just  
168 one. The debt service budget includes the debt assessments as approved at the 9/10  
169 special Board meeting.

170  
171  
172 **EIGHTH ORDER OF BUSINESS** **Attorney**

173  
174 The Attorney, Dan Molloy, commented on the Vue Apartments and their Attorneys have  
175 contacted them regarding an adjustment in the General Operating assessments. The  
176 District Manager also commented that he had a Public Documents Request from them.  
177 Supervisor Wilson said he is almost complete on a suggested adjustment and will have it  
178 prepared for the next meeting.

179  
180 **A. Debt Assessment Validation**

181  
182 A hearing is scheduled for March 2 and the Attorney is prepared for the hearing.

183  
184 **B. Malpractice Charges Against Gray Robinson**

185  
186 The Attorney reported that there is no interest from other firms to pursue this action.

187  
188 **C. Legal Issues Clarifications**

189  
190 The list of questions with the Attorney’s response from last month was redistributed and  
191 briefly discussed.

192  
193  
194 **NINTH ORDER OF BUSINESS** **Supervisor’s Requests and/or**  
195 **Comments**

- 196  
197
  - 198 ■ Supervisor Dwyer commented that he will now be the liaison between the District and the  
199 Landscape maintenance company.



- 200       ▪ Supervisor O'Malley said he is putting together costs for the Board to consider installing a  
201       firepit in the corner of the community as a social opportunity for the residents. He also said  
202       that he isn't supportive of a restructuring of the operating assessments for the Vue  
203       Apartments.
- 204
- 205       ▪ The Chair commented on the kayak program and how nice the racks look.
- 206
- 207       ▪ Supervisor Glidden commented on parking violations and how the HOA didn't appear to  
208       be policing offenders especially in handicapped parking spaces. He also presented a list  
209       of parking rules created by the HOA but he did not feel they were being enforced.
- 210
- 211

212 **TENTH ORDER OF BUSINESS**

**Audience Comments**

- 214       • Bruce Barnes commented that he had submitted his motion to have Gray/Robinson  
215       disgorge their fees awhile ago and it wasn't a request to have the CDD join him now.
- 216
- 217       ▪ Nancy Thibadio thanked the Board for their efforts on behalf of the community, the firepit  
218       and agreed with the Chair's position on a rental fee for rental of the kayak racks.
- 219

221 **ELEVENTH ORDER OF BUSINESS**

**Adjournment**

222  
223 There being no further Orders of Business and,

224  
225 On MOTION by Supervisor Dwyer, seconded by Vice Chair  
226 O'Malley, with all in favor, the meeting was adjourned at 5:48 p.m.

227  
228 **Next Regular Meeting: March 26, 2020 at 4 p.m.**

229  
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231  
232  
233 \_\_\_\_\_  
234 Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair



**I. Summary:**

CS/SB 1466 excludes certain acts or omissions by board members or employees of special districts or community development districts from being considered abuse of public position under Article II, section 8(h)(2) of the Florida Constitution if such acts or omissions are authorized under specific provisions of the Florida Code of Ethics.

CS/SB 1466 alters current required reporting of information on a special district's official website. Specifically, the bill allows a special district to satisfy the required posting of its most recent final, complete audit report on its own website by providing a link to this report maintained on the Auditor General's website. In addition, the bill removes the requirement for online posting of a special district's public facilities report and any of a special district's meeting or workshop materials. Required postings of a special district meeting or workshop, and the agendas of such events, remain.

## WEBSITE MANAGEMENT AGREEMENT

This Website Management Agreement (hereinafter “Agreement”) is entered into this \_\_\_ day of March 2020 by and between **Premier District Management LLC**, a Florida limited liability company (hereinafter, “Manager”) and the **Clearwater Cay Community Development District** (hereinafter, the “District”).

**WHEREAS** the District is required by Florida Statutes, Chapters 189 and 282 to create and maintain a website for posting public information that is assessible to all persons, including persons who are disabled; and

**WHEREAS** Manager has the ability to create such website and manage it so as to be compliant with Florida Statutes, Chapters 189 and 282; and

**WHEREAS** the District needs such website meet ADA guidelines, and Manager can create and manage a new website that will utilize formatting compatible with screen-readers and other assistive technologies;

**WHEREAS** the Parties have entered into a Management Services Agreement (on or about the \_\_\_ day of \_\_\_\_\_, 20\_\_ (hereinafter, “Management Services Agreement”).

### **NOW THEREFORE, IT IS HEREBY UNDERSTOOD AND AGREED:**

1. **Terms:** Manager will create, manage and maintain on behalf of the District a website that will comply with Florida Statutes, Chapters 189 and 282, as set forth unless or until the Management Services Agreement is terminated by either party or by its terms.
2. **Ownership:** The domain name and the contents therein shall remain the property of the District.

The intellectual property and components used for creating the website and content thereon, as well as for uploading, downloading and updating the website shall remain the property of the Manager.

3. **Termination:** This Agreement shall terminate at the same time and under the same conditions as the Management Services Agreement. Upon termination of this Agreement, Manager shall provide the District, or its designee, all domain names, authorizations, usernames, passwords, and documents in a standard business format such as PDF, text documents, and image files. Manager and its contractors use proprietary and/or licensed software to provide the website to the District, and Manager will coordinate with the District as to the transfer of documents without transfer of the proprietary software or website functionality, i.e. the Website and its code, which remain the property of the Manager.

Except for the content belonging to the District, the websites as created by Manager and its contractors belong to Manager, and all such websites (including all copies thereof) are subject to copyright, trademark, patent, and other intellectual property laws of the United States and foreign countries. Manager grants the District an unrestricted license in the website for the duration of the Management Services Agreement. Cancellation or termination of your Agreement by either party or for any reason terminates your license to the website thereafter. You agree to prevent any unauthorized copying of the website. Unless otherwise specifically provided in this Agreement, no right or license under any copyright, trademark, patent, or other intellectual property right or license is granted by this Agreement.

4. **Intellectual Property:** Manager shall retain all right, title, and interest in and to all contractor materials which shall include but not be limited to: (i) all patents, trademarks, service marks, copyrights, and other intellectual property or proprietary rights of Manager used in or otherwise associated with the services and other materials provided to the District; and (ii) all trade secrets, technical specifications and data to the extent they are intellectual property, and inventions which are authored, conceived, devised, developed, reduced to practice, or otherwise performed by Manager or its sub-contractors, which arise out of Manager's performance of the Services, none of which shall be deemed a "work made for hire" under the Copyright Act of 1976 (collectively, "Contractor Materials"). Nothing contained herein shall be construed to restrict, impair, transfer, license, convey, or otherwise alter or deprive Manager of any of its intellectual property and proprietary interests associated therewith. Subject to the foregoing, Manager grants to the District a non-exclusive, non-transferable worldwide perpetual limited right and license to access and use the Website and its materials in connection with the ordinary and intended use by the District, including viewing, downloading and printing the Website Materials for the District's use, and without removing Manager's copyright, trademark or other intellectual property ownership notices so long as this Agreement shall remain in effect.

The websites created by Manager and its contractors are built on and integrated with the hosting platform, and any attempt to migrate or otherwise transfer any such website to another hosting provider is a violation of this Agreement.

5. **District Materials: Publicity and Trademarks:** The District shall own the domain name, all e-mail addresses, and all website documents and e-mail content under all circumstances. In the event of termination of this Agreement for any reason, Manager will take all steps reasonably necessary for the District to transfer, or otherwise allow the District to retain the domain name and e-mail addresses.

The District grants Manager an unrestricted license (i) to use District content for the purpose of including in your website, and (ii) to display screenshots of website in marketing materials.

- 6. **Complete Agreement:** This Agreement shall serve as a supplement to the Management Services Agreement, and together shall represent the full and complete agreement between Manager and the District.
- 7. **Counterparts:** This Agreement may be executed in several counterparts (including by means of facsimile or electronically transmitted signature pages), each of which shall be deemed an original but all of which shall constitute one and the same instrument.
- 8. **Headings:** The headings of the sections, subsections, paragraphs, and subparagraphs hereof are provided merely for convenience of reference only, and shall not be construed as defining or limiting in any way the scope or intent of the provisions of this Agreement.
- 9. **Waiver:** Any waiver by Manager or the District of any breach or threatened breach hereunder shall not constitute a waiver of any provision of this Agreement or of any subsequent breach or threatened breach of the same or different kind.
- 10. **Severability:** Wherever possible, each provision of this Agreement shall be interpreted so as to be effective and valid to the maximum extent possible under applicable law. If any one or more of the provisions contained in this Agreement is for any reason held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement will be construed as if the invalid, illegal or unenforceable provision was never contained herein.

**IN WITNESS WHEREOF**, Manager and the District have executed this Website Management Agreement on the Effective Date.

**PREMIER DISTRICT MANAGEMENT,  
LLC**

**CLEARWATER CAY COMMUNITY  
DEVELOPMENT DISTRICT**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Balance Sheet**  
**Clearwater Cay Community Development District**  
**February 29, 2020**

	<u>GENERAL FUND</u>	<u>SERIES 2006A DEBT SERVICE FUND</u>	<u>SERIES 2006A CAPITAL PROJECTS FUND</u>	<u>TOTAL</u>
<b><u>ASSETS</u></b>				
Checking Account	114,319.72	0.00	0.00	114,319.72
Cash	0.00	0.00	94.66	94.66
Due To/From	(106,560.90)	0.00	0.00	(106,560.90)
Due To/From 001/202/203	0.00	106,560.90	0.00	106,560.90
Money Market Account	210,576.64	0.00	0.00	210,576.64
Interest/Dividend Receivables	0.00	2,431.40	0.00	2,431.40
Investments-Reserve Fund	0.00	384,350.25	0.00	384,350.25
Investments-Revenue Fund	0.00	1,791,020.96	0.00	1,791,020.96
Investments-Construction Fund	0.00	0.00	15,326.04	15,326.04
Investments-Working Capital Fund	0.00	0.00	57,508.65	57,508.65
Prepaid Items	6,242.87	0.00	0.00	6,242.87
<b>TOTAL ASSETS</b>	<b>224,578.33</b>	<b>2,284,363.51</b>	<b>72,929.35</b>	<b>2,581,871.19</b>
<b><u>LIABILITIES AND FUND BALANCES</u></b>				
<b>LIABILITIES</b>				
Accounts Payable	22,406.05	0.00	0.00	22,406.05
Accrued Accounts Payable	52,807.14	0.00	0.00	52,807.14
Due to Bond Holders	0.00	1,439,500.00	0.00	1,439,500.00
<b>TOTAL LIABILITIES</b>	<b>75,213.19</b>	<b>1,439,500.00</b>	<b>0.00</b>	<b>1,514,713.19</b>
<b>FUND BALANCES</b>				
<b>Nonspendable</b>				
Prepaid Items	6,242.87	0.00	0.00	6,242.87
<b>Restricted</b>				
Debt Service	0.00	844,863.51	0.00	844,863.51
<b>Restricted</b>				
Capital Projects	0.00	0.00	72,929.35	72,929.35
<b>Assigned</b>				
<b>Unassigned</b>				
Unassigned	143,122.27	0.00	0.00	143,122.27
<b>TOTAL FUND BALANCES</b>	<b>149,365.14</b>	<b>844,863.51</b>	<b>72,929.35</b>	<b>1,067,158.00</b>
<b>TOTAL LIABILITIES AND FUND BALANCES</b>	<b>224,578.33</b>	<b>2,284,363.51</b>	<b>72,929.35</b>	<b>2,581,871.19</b>

**CLEARWATER CAY**  
**COMMUNITY DEVELOPMENT DISTRICT**

Non-Ad Valorem Special Assessments  
(Pinellas County Tax Collector - Monthly Collection Distributions)  
*Fiscal Year Ending September 30, 2020*

**GROSS ASSESSMENTS LEVIED**

\$ 240,539    \$ 297,291  
44.72%                      55.28%

Distribution	Gross Amount Received	Discounts/ (Penalties)	Collection Cost	Net Amount Received	ALLOCATION (gross amt)	
					General Fund	Debt Fund
October	-	-	-	-	-	-
November	4,312	(186)	(83)	4,043	1,928	2,384
	67,498	(2,700)	(1,296)	63,503	30,185	37,313
December	74,623	(2,985)	(1,433)	70,205	33,371	41,252
	46,585	(1,863)	(894)	43,827	20,833	25,752
	40,414	(1,617)	(32)	38,765	18,073	22,341
	35,923	(1,328)	(692)	33,903	16,065	19,858
January	16,922	(521)	(328)	16,072	7,567	9,354
February	13,408	(292)	(262)	12,854	5,996	7,412
March	-	-	-	-	-	-
April	-	-	-	-	-	-
May	-	-	-	-	-	-
June	-	-	-	-	-	-
July	-	-	-	-	-	-
August	-	-	-	-	-	-
September	-	-	-	-	-	-
<b>TOTAL</b>	<b>299,684.66</b>	<b>(11,491.66)</b>	<b>(5,020.24)</b>	<b>283,172.76</b>	<b>134,018.98</b>	<b>165,665.68</b>
<b>BALANCE REMAINING</b>					<b>\$ 106,520</b>	<b>\$ 131,626</b>

<b>TOTAL ASSESSMENTS</b>	<b>\$ 537,830</b>	<b>PERCENT COLLECTED</b>	<b>55.72%</b>
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<b>CLEARWATER CAY</b>
<b>COMMUNITY DEVELOPMENT DISTRICT</b>

## Cash and Investment Report

February 29, 2020

Account Name		Bank	Yield	Balance
<b>GENERAL FUND</b>				
Checking Account - Operating		Valley Bank	0.00%	120,956.84
Money Market Account		Valley Bank	1.34%	210,576.64
			<b>Subtotal</b>	<b>331,533.48</b>
<b>DEBT SERVICE FUND</b>				
Series 2006A - Construction Fund	4001	US Bank	1.32%	15,326.04
Series 2006A - Reserve Fund	4009	US Bank	1.32%	384,350.25
Series 2006A - Revenue Fund	4000	US Bank	1.32%	1,791,020.96
Series 2006A - Working Capital Fund	4011	US Bank	1.32%	57,508.65
			<b>Subtotal</b>	<b>2,248,205.90</b>
			<b>Total</b>	<b><u>2,579,739.38</u></b>

# Clearwater Cay Community Development District

Page: 1

Check Register from 2/01/2020 to 2/29/2020

Valley Bank 0924 - Checking

<u>Check</u>	<u>Date</u>	<u>Vendor / Description</u>	<u>Check / Payment</u>
0001352	2/07/2020	[DAUSCH] Dausch Group, Inc. ( Engineering Services)	1,785.96
0001353	2/07/2020	[FLORIDA DOR] Florida U.C. Fund ( Reimburse Unemployment Compensation for Claimant)	72.08
0001354	2/07/2020	[MOLLOY] Molloy & James ( General Legal Services)	3,245.00
0001355	2/07/2020	[VGLOBAL] VGlobalTech ( Website Maintenance)	90.00
EFT	2/07/2020	[ADP] ADP ( Payroll Processing Fees)	95.00
0001356	2/18/2020	[PREMIER] Premier District Management ( District Management & Field Services - FEB 2020)	5,268.70
0001357	2/24/2020	[REDTREE] RedTree Landscape Systems ( Repairs - Mainline Break)	1,434.69
0001358	2/26/2020	[FASTSIGNS] FASTSIGNS ( Aluminum Sign with U-Channel - Kayak Rental Storage Racks)	167.12
0001359	2/27/2020	[MOLLOY] Molloy & James ( General Legal Services)	6,380.00
EFT	2/28/2020	[ADP] ADP ( Payroll Processing Fees)	10.00
<b>Total Checks:</b>			<b>18,548.55</b>