

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

The **continued** meeting of the Board of Supervisors of the Lake Padgett Estates Independent Special District was held on **Tuesday, April 27, 2017 at 7:02 p.m.** at the Lake Padgett Estates Stables Meeting Room, located at 3614 Stable Ridge Lane, Land O' Lakes, Florida 34639.

Present and constituting a quorum:

Margie Bradley	Board Supervisor, Vice Chairman <i>(joined the meeting in progress)</i>
Pamela Carr	Board Supervisor, Asst. Secretary
Larry Berger	Board Supervisor, Asst. Secretary
Linda Hutchinson	Board Supervisor, Asst. Secretary

Also present were:

Angel Montagna	District Manager, Rizzetta & Company, Inc.
Bill Rizzetta	President, Rizzetta & Company, Inc. <i>(joined the meeting in progress)</i>
Matthew Huber	Regional Manager, Rizzetta & Company, Inc. <i>(joined the meeting in progress)</i>
Tim Hayes	District Counsel
Audience	Present

FIRST ORDER OF BUSINESS **Call to Order**

Chairman Wells called the meeting to order.

SECOND ORDER OF BUSINESS **Roll Call**

Ms. Montagna completed the roll call confirming a quorum for the meeting.

THIRD ORDER OF BUSINESS **Pledge of Allegiance**

Chairman Wells asked all those in attendance to stand and join him in reciting the Pledge of Allegiance.

FOURTH ORDER OF BUSINESS **Public Comments on Agenda Items**

Supervisor Berger made a motion to elect Supervisor Carr to serve as Chairman for the continued meeting in Chairman Wells' absence.

49

On a Motion by Supervisor Berger, seconded by Supervisor Hutchinson, with all in favor, the Board of Supervisors appointed Supervisor Carr to serve as temporary Chairman for the continued meeting for Lake Padgett Estates Independent Special District.

50

51

Mr. Daniel Gramer spoke regarding the maintenance of the lakes.

52

53

FIFTH ORDER OF BUSINESS

Discussion Regarding Lake Maintenance

54

55

Mr. Hayes presented and distributed a summary report regarding the lake maintenance. Attached as (Exhibit "A").

56

57

58

Ms. Montagna distributed a proposal from Lake Masters for Hydrilla treatment with sonar for a total cost of \$76,000.00. A discussion ensued.

59

60

61

Vice Chairman Bradley joined the meeting in progress.

62

On a Motion by Supervisor Hutchinson, seconded by Supervisor Berger, with all in favor, the Board of Supervisors approved District staff administering spot treatment and will talk to Fish and Wildlife regarding the placement of Carp in the lakes (not-to-exceed \$15,000) and authorized District staff to obtain a proposal from Lake Masters for chemical spot treatment for Lake Padgett Estates Independent Special District.

63

64

On a Motion by Supervisor Carr, seconded by Supervisor Hutchinson, with all in favor, the Board of Supervisors appointed Vice Chairman Bradley to take over as temporary Chairman for the continued meeting for Lake Padgett Estates Independent Special District.

65

66

A discussion ensued regarding the letter from Rizzetta regarding the indemnification provisions. Mr. Rizzetta addressed the Board the letter.

67

68

69

Vice Chairman Bradley distributed a Statement of Qualifications from the law firm of Manson Bolves Donaldson and Varn, P.A. Attached as (Exhibit "C").

70

71

72

SIXTH ORDER OF BUSINESS

Adjournment

73

74

75

Vice Chairman Bradley asked for a motion from the Board to adjourn the meeting.

76

On a Motion by Supervisor Berger, seconded by Supervisor Carr, with all in favor, the Board of Supervisors adjourned the continued meeting at 8:39 p.m. for Lake Padgett Estates Independent Special District.

77

78

79

80


Assistant Secretary

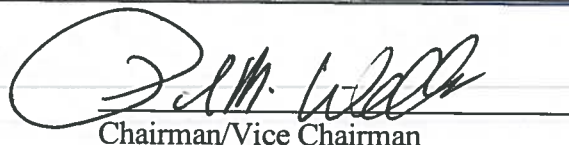

Chairman/Vice Chairman

Exhibit A

Exhibit "A"
to
minutes

LAW OFFICES OF TIMOTHY G. HAYES, P.A.
Attorney at Law

Lakeview Professional Center
21859 State Road 54, Suite 200
Lutz, Florida 33549

TIMOTHY G. HAYES
Telephone (813) 949-6525 & Fax (813) 949-6433
e-mail: tghayes@mindspring.com

Memorandum

To: LPEISD Board of Directors
From: Tim Hayes, District Counsel
Re: Lake Padgett hydrilla control
Date: April 27, 2017

I reviewed the following two emails and had several observations:

1. **March 14, 2017, email from Bill Kurth, Lake Masters Aquatic Weed Control;**
2. **March 20, 2017, email from Geoffrey Lokuta, Florida Fish and Wildlife Conservation Commission**

Mr. Kurth has made the following observations and recommendations:

1. He is recommending against the use of Aquathol K because of extreme cost in product and labor to administer it;
2. He is recommending a total treatment of Lake Padgett with Sonar herbicide at a cost of \$76,000.00.

Mr. Lokuta has made the following observations and recommendations:

1. Lake Saxon and East Lake both look great;
2. East/Saxon/Joyce/Stable all have good concentrations of carp and are in no further need of stocking;
3. Lake Padgett hydrilla is too thick and beyond control by carp but additional carp are required, chemical treatment is also required;
4. Carp barrier between Saxon and Lake Padgett needs to be reinstalled and maintained;
5. At best carp concentrations in Lake Padgett "may" be 2 per acre and they need to be 3-5 per acre after treatment;

6. Two chemical treatment options are recommended: a.) whole lake systematic herbicide treatment, or b.) a series of spot treatments with contact herbicides.

As I understood comments from audience members at last week's meeting who have been involved with prior hydrilla control efforts on Lake Padgett in the past, a whole lake systemic treatment with water levels down may cause extreme damage to fish habitat thus turning the lake into a virtual "desert".

From a cost stand point it might make more sense to do option b., spot treatment with contact herbicides, reinstall carp barrier between Saxon and Lake Padgett and then revisit the carp densities in Lake Padgett with Mr. Lokuta and try to get him to approve a density of 7-10 carp per acre. If that carp density later proves to high then remove the carp barrier and let some carp migrate into Saxon.

Exhibit B

Exhibit B
to
minute

LAKEMASTERS
AQUATIC WEED CONTROL, INC

P.O. BOX 2300 Palm City, Florida 34991
Office: 877-745-5729 // Fax 407-790-4972

WORK ORDER

Date: April 21, 2017

P.O. No.:

Requested by: Mr Montagna

Terms: [e.g. Net 30 Days]

Customer: Lake Padgett
5844 Old Pasco Rd.
Wesley Chapel, Florida 33544

Re: Hydrilla Treatment with Sonar

<u>Item No.</u>	<u>Qty</u>	<u>Description</u>	<u>Unit Price</u>	<u>Amount</u>
		1st. application, 12.1 ppb		
	17 Gallons	Sonar	\$	\$76,000.00
		2nd. application, 28 days later		
	4.1 ppb	5.75 Gallons		
		3rd. application, day 56		
	8 ppb	11,25 Gallons		

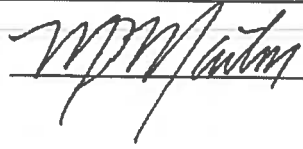
Treatment protocol designed by SePro, results guaranteed by SePro

We also offer grass carp stocking price is determines by size and quantity

Instructions: Please sign below to authorize the above work to be done. Please direct any inquiries to Bill Kurth at 239-707-4899 or Bill.Kurth@LakeMasters.com

Customer: _____

Date: _____

LAKEMASTERS:  _____

Your PO No.: _____

Exhibit C

Exhibit # 2

MBDV | **Manson Bolves
Donaldson Varn**
Attorneys At Law

Integrity. Intelligence. Diligence.

April 27, 2017

By E-mail Only
MargieBradley@msn.com

Margie Bradley, Vice Chairman
Lake Padgett Estates Board of Supervisors
3647 East Lake Drive
Land O'Lakes, FL 34639

Re: Special Counsel to Lake Padgett Independent Special District

Dear Ms. Bradley:

Thank you for giving us this opportunity to present ~~this proposal to represent the Lake Padgett Estates Independent Special District ("District") as special counsel.~~ It is my understanding that as the result of the injuries sustained by ~~Xavier Johnson~~, the District has become exposed to a claim for indemnification from its ~~management company, Rizzetta & Company ("Rizzetta").~~

~~It is our understanding that the District is in need of advice with respect to the rights and responsibilities of the District in connection with the Rizzetta demand and the continuing liabilities of the District with respect to activities occurring within its lakes and parks. In this respect, it is anticipated that in order to provide advice to the District it will be necessary to review the material pleadings in the underlying lawsuit as well as public records dealing with the condition of the communities surrounding East Lake. Once this review is completed, it will be possible to give advice relating to any relevant insurance policies, settlements and releases that are related to that case. It is also our understanding that legal services are required to provide representation of board members at upcoming depositions.~~

~~We are agreeable to extend to the District our rate for legal services provided to other special district, cities and counties which is \$250 per hour for attorney time and \$700 per hour for paralegal/law clerk time. All costs incurred will be passed onto the District for payment with no additional mark up.~~

~~In order to assist you in making this decision, I am enclosing for your consideration a statement of qualifications which reflects the unique ability of our firm to successfully address your legal needs.~~


~~We would be honored to represent the District in connection with this matter.~~

Margie Bradley
Lake Padgett Estates ISD
April 27, 2017
Page 2

If you would like us to proceed on your behalf, please execute this retainer letter in the space provided below and return it to the undersigned. Thank you for your consideration.

Sincerely,

MANSON SOLVES DONALDSON VARN, P.A.


Douglas P. Manson

DPM:dc

Enclosure

On behalf of the Lake Padgett Estates Independent Special District II accept the terms set forth herein.

By: _____

Title: _____

Date: _____

Exhibitic

MBDV | **Manson Bolves
Donaldson Varn**
Attorneys At Law

Integrity. Intelligence. Diligence.

The law firm of Manson Bolves Donaldson and Varn, PA is pleased to present this statement of qualifications to the Lake Padgett Independent Special District.

Local governments and special districts provide direct services to citizens and in doing so have very unique legal issues. These are not merely customer service related, but also deal with interlocal governmental issues, transactions and compliance.

Our firm provides legal services to local governments and special districts throughout the state. This representation includes counties, municipalities, water management districts, a regional water supply authority, community development districts and other independent special districts.

In this capacity we act as special counsel in connection with litigation and regulatory matters for local governments including the City of Tampa, the City of St. Petersburg, Levy County, Marion County, Port Tampa Bay, the City of San Antonio, the Harbor Bay Community Development District and others. We also act as general counsel to the Peace River Manasota Water Supply Authority and numerous independent special districts.

In the context of that representation, we are often called upon to represent our clients in matters related to complex litigation, governance, sunshine law issues, public record issues and insurance. In this capacity we have assisted our clients in defending a variety of claims brought by citizens and property owners.

A significant part of our practice is representing both public and private sector clients confronted with issues involving environmental regulation and water law issues. In this respect, we have been called upon to study issues surrounding the use and development of environmentally sensitive property, lakes, sovereign submerged lands and the permitting of marinas and docks on privately owned submerged lands and other navigable water bodies.

Our lawyers are uniquely qualified to handle these issues. Our partner Laura Donaldson acts as general counsel to numerous special districts and is the former General Counsel for the Southwest Water Management District. She has assisted in the creation and management of several independent special districts.

Our partner Craig Varn, is immediate past General Counsel for the Florida Department of Environmental Protection. In that capacity, he also served as the Director of Water Policy for the State of Florida.

Doug Manson acts as General Counsel to the Peace River Manasota Water Supply Authority, which is a special governmental entity created to supply water to a five-county region. In this capacity, Mr. Manson assists this governmental authority with not only the management of surface water supply lakes and reservoirs, but also with the governance and operation of a significant water processing and distribution system.

Brian Bolves acts as litigation counsel on behalf of both public sector and private sector clients confronted with a variety of claims with an emphasis on environmental, water, and land-use related issues. As an example, he is currently acting as lead counsel on behalf of the City of St. Petersburg in a Clean Water Act lawsuit brought in federal court related to numerous water bodies including Tampa Bay, Clam Bayou, Coffee Pot Bayou, and several navigable lakes within Pinellas County.

Our partner Jake Varn, is the former Secretary of the Florida Department of Transportation and has significant experience with respect to the use of submerged lands and waterways as well as the permitting of docks and marinas within those waterways.

Our firm received an AV Preeminent Rating from Martindale-Hubbell. This is the highest rating given by this prestigious legal directory and it is based upon the votes of Florida lawyers and judges. The firm has been repeatedly recognized by US News and World Report as a top Florida law firm.

It is always our goal to provide effective and efficient legal representation to our clients. As a result, we have enjoyed long-term relationships with our public and private sector clients.