

**MINUTES OF MEETING
GATEWAY SERVICES DISTRICT**

The regular meeting of the Board of Supervisors of the Gateway Services District was held Monday, September 11, 1995 at 4:00 P.M. in the District Office, 13240 Commerce Lakes Drive, Fort Myers, Florida.

Present and constituting a quorum were:

Douglas Brown	Chairman
Steven Whitley	Secretary & Vice Chairman
Craig Bloxham	Supervisor
R. Lee Menzies	Supervisor
Steven Shimp	Supervisor

Also present were:

James P. Ward	Assistant Manager
Tony Pires	Woodward, Pires et al
Gene Decker	Field Superintendent
Dave Caldwell	Bay Colony-Gateway, Inc.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Brown called the meeting to order at 4:00 P.M. and stated the record will reflect that all Board members are present with the exception of Mr. Whitley.

SECOND ORDER OF BUSINESS

Approval of the Minutes of the July 28 and August 14, 1995 Meetings

Mr. Ward stated that each Board member had received a copy of the minutes of the July 25 and August 14, 1995 meetings and requested any additions, corrections or deletions.

On MOTION by Mr. Shimp seconded by Mr. Bloxham with all in favor the minutes of the July 25, 1995 meeting was approved.

On MOTION by Mr. Shimp seconded by Mr. Bloxham with all in favor the minutes of the August 14, 1995 meeting was approved.

THIRD ORDER OF BUSINESS

Public Hearing on the Adoption of Amendment III to Chapter V of the Rules of the District

Mr. Ward stated I provided to you a draft of Amendment III which has three objectives. First it repeals most of the provisions contained in the original

September 11, 1995

Chapter V Rules of the Gateway Services District relative to all of the fees and service charges that the District imposes on the park program. Secondly, it terminates the program itself in terms of the District's obligation, pursuant to an Engineering Report that was prepared by Glatting Jackson et. al. It replaces that program with the program that the Board adopted in the past few months, pursuant to the Interlocal Agreement with Lee County and relative to the construction of community wide park facilities which will be done on a year by year basis between the District and the County. They will receive the portion of the service charges or impact fees that are paid by builders and developers in Gateway for park facilities in Lee County. The District will then have the obligation to construct those facilities from those impact fees and maintain them.

The third part of the Amendment deals with the construction of the Commons Pool Facility that we currently have. We have spent approximately \$900,000 relative to the construction of that facility. Most of the money that we have utilized in order to fund that facility has been advanced by WCI Communities and we have collected about \$125,000 in service charges from various fee payers, primarily Westinghouse who are the current fee payers in Gateway. This part of the rule authorizes Mr. Pires and myself to draft an agreement which provides for WCI Communities to donate the funds that it has advanced to the District without any additional obligation to repay WCI Communities for those funds advanced, pursuant to its advances to construct those facilities. It also authorizes the return of all monies that the District has collected from the imposition of the rule itself.

The final part of Amendment III, pulls together the original Chapter V Amendment, the other two amendments we have executed and this third amendment into a new rule which we will make a part of the record. This new rule will have the operating protocol that we utilize for the operation of the Gateway Commons Facility, which includes access fee cards and deposit requirements. That in summary is what Amendment III to Chapter V does and I will glad to answer any questions you may have at this point in time.

Mr. Brown asked do we need to open the public hearing?

Mr. Ward responded yes. If there are no questions from the Board, it would be appropriate to open this up for public hearing. Are there any comments from the public?

Mr. Caldwell asked what will happen to the monies that have already gone into the fund?

September 11, 1995

Mr. Ward responded they will be returned to the fee payer.

Mr. Caldwell stated I just explained to Mr. Pires that what used to be known as Gateway Communities Inc. for the ownership of the development interest that Westinghouse had here, became Bay Colony-Gateway Inc. Is there an effective date on this Amendment?

Mr. Ward responded the effective date is today and we will make that change.

Mr. Menzies stated this takes the action that we agreed to a couple of months ago where we replaced the old rules and turned over the pool to the District.

Mr. Ward stated the pool has already been turned over to the District.

Mr. Menzies asked what about the obligation?

Mr. Ward responded it erases any obligation that we pay Westinghouse for the advances under the old Agreements.

Mr. Shimp asked does it give them any fees that have been paid into that account through land sales?

Mr. Ward responded yes.

Mr. Shimp stated basically, they are taking whatever was paid in that regard in exchange for what they paid out to construct the facility. What is the net wash?

Mr. Ward responded their net is approximately \$757,000 to \$775,000. If there are no other questions, a motion to close your public hearing would be in order.

On MOTION by Mr. Menzies seconded by Mr. Bloxham with all in favor the public hearing was closed.

Mr. Ward stated a motion to adopt Amendment III to Chapter V would also be in order.

On MOTION by Mr. Bloxham seconded by Mr. Shimp with all in favor Amendment III to Chapter V of the Rules of the District were adopted.

Mr. Shimp stated as a result of this Amendment, we are responsible for owning and operating that facility with none of the capital expenses associated with it.

September 11, 1995

Mr. Ward stated the capital is basically behind you. There are a few open items in the capital facilities fund that we have reserved some money for items that Mr. Decker has indicated need to be completed. However, the net wash is still the \$757,000 to \$775,000.

Mr. Shimp asked is there an encumbrance as a result of this of future collected park impact fees?

Mr. Ward responded no. There are no park impact fees. The Amendment eliminates the fee structure and the program totally and replaces it with the program that is outlined in the Interlocal Agreement. This Agreement primarily says that whatever you and the County agree to do on a year by year basis, from the impact fees that are collected by the County within Gateway, you can construct. It is a very simple program.

Mr. Shimp stated it gets us out of the park impact fee business, reverts it to the County and has the mechanism of collecting those impact fees when you come to permit time because that is typically when those fees are paid. We used to have a voucher system. Has anyone thought about re-initiating that?

Mr. Ward responded yes. The County will create what they are going to call a Gateway park subsidiary account in the impact fee program within the County. They will provide to us an analysis on a periodic basis and I have not worked out the details of whether that will be monthly or quarterly. Once they provide that analysis to us, they will actually turn that cash over to us and at that point we will subsequently create a park impact fee subsidiary account.

Mr. Shimp stated I am talking about the system where the Builder used to pay an amount of money to the District for impact fees when they applied for a building permit and received a voucher.

Mr. Ward stated he received that for transportation. He never got that for the park program.

The record will reflect that Mr. Whitley has arrived.

FOURTH ORDER OF BUSINESS

**Consideration of Resolution 95-15
Adopting an Investment Policy for the
District**

Mr. Ward stated at last month's meeting, I was not aware that the statute required the Board to adopt this policy prior to October 1, 1995. There are some more policies that you are also required to adopt which are coming up later in the Fall for internal controls. Because of the fund most governments have had in this past year relative to the investments of their local surplus funds in derivatives, the

September 11, 1995

state adopted a recent law which said that you must adopt an investment policy. This investment policy is a sample policy that the Government Finance Officers Association put together.

This investment policy does three things. First, it exempts out your obligations to utilize this policy for your bond funds. Your bond funds have their own separate investment policy requirements under the indenture. That is a specific set of criteria that has worked out between the District and the Investor of those bonds at the time that the deal was sold. Each one is very specific, however they are different in most instances. This one will deal solely with our operating funds which in this District's instance is with the State Board of Administration who manages our state pool account. The state pool in the past has never utilized derivatives but this particular issue talks primarily about taking delivery of the investments and securities that you are dealing with for your local investments. In reference to Gateway, unless we get into multi-millions dollar investments, we are never going to be to the point of investing in derivatives.

Mr. Whitley asked does the State Board of Administration have a similar policy for themselves under the same state law?

Mr. Ward responded yes. They have had a policy in effect since 1988 which is very similar to this.

Mr. Shimp asked is this the policy that we are asked to adopt?

Mr. Ward responded yes. This is the sample policy and we would tailor it exactly to Gateway's needs.

Mr. Shimp asked are we being asked to adopt it today? This is not an investment policy. It is just a framework and some loose recommendations. This is a great guide but it is not a policy.

Mr. Ward responded unfortunately, the state law requires this investment policy to be executed by October 1st. This policy came out three weeks ago and I have not had the time to actually tailor it to every one of my Districts. I would like you to adopt the policy, give me the authority to implement the policy in the context of this particular sample document and I will provide you with the final document at your next Board meeting. If there are any changes that we want to make to it, we can do that. I need to get something of record before October 1st and we can change it next month if we need to.

Mr. Shimp asked which fund is this in regard to?

Mr. Ward responded the general and enterprise fund account operations. Your enterprise fund has no monies in it because all of the money that comes in

September 11, 1995

gets transferred immediately to the Trustee for principal and interest. In January, February and March, the general fund has the most amount of money in it and you have approximately a half a million dollars in the operating account.

Mr. Shimp asked where are those funds invested at this time?

Mr. Ward responded in a State Board of Administration pool account.

Mr. Shimp stated we should adopt the investment policy for the interim, leave the funds invested as they have been historically within the District and authorize that no new instruments be utilized until we get the policy in place.

Mr. Whitley stated I do not think this Resolution is appropriate as we do not need to mention Orange County, California and we are adopting an investment policy under this state statute.

Mr. Ward stated we will make those changes.

On MOTION by Mr. Shimp seconded by Mr. Whitley with all in favor Resolution 95-15 adopting an investment policy for the District was adopted, leaving the existing guidelines for the investment of funds until the policy is revised.
--

FIFTH ORDER OF BUSINESS

Staff Reports

A. Attorney

There not being any, the next item followed.

B. Engineer

There not being any, the next item followed.

C. Field Manager

Mr. Decker stated as of August 31st, we had a total of 52.7 inches of rain which is almost the total amount of rain that we receive for the year on average. During the months of June, July and August, we received 44.7 inches of rain. Our water management system was full.

Mr. Menzies asked was that measured here in the District?

Mr. Decker responded yes. Our water management system was tested for the first time. According to our Engineer, during these three months the system operated as it should. We had a couple of roads that we had to close off because of water but this was anticipated based on design levels for a five year event. I received calls from a few residents who live on lakes. They were concerned because they have never seen the lakes that high. I assured them that it would be alright and it was.

Mr. Shimp asked did any of the residents have water in their house?

September 11, 1995

Mr. Decker responded none of the residents got water in their house as far as I know. However, some got water in their yards.

Mr. Bloxham stated we had one problem area with the swimming pool and as it was a developer problem, they accepted the responsibility. It will cost them \$13,000 to correct. Pine Crest had some lots that they built to the required elevation and because of the different elevations of water for the village adjoining Pine Crest, it created a condition that was beyond our control as the Contractor. They are in the process of correcting the situation. As far as I know, that is the only problem that I am aware of.

Mr. Decker stated the North end of the golf course was underwater, which was expected. We had a problem in the system three area, however that problem was due to the land not being developed. Mr. Caldwell, Mr. Tilton and myself have discussed that. I am not sure what the outcome is going to be, however we can all be proud of this water management system as it worked as designed.

Mr. Brown asked how is the development in comparison to Pelican Landing and Pelican Marsh?

Mr. Caldwell responded we had recorded the highest rainfall in Gateway due to the intensity of the rainfall that we had on the 23rd through 25th of August. Although there was less rain in the South area, Pelican Landing did not have nearly that amount of rainfall and the system was better able to handle it. If nothing else, a rainfall event like that shows you where your weaknesses are in the system and we were able to deal with those weaknesses. With the flooding, the thing we are most concerned with are the homes. It tested the systems because the pools were overflowing in some cases and we had to go in and take quick action. The system was working to its maximum ability and our system here was really put to the test. The northern ends of the system were the weak point. We have had the Engineers and Mr. Decker's staff go through and analyze everything that they could to determine what was happening at that time frame to see what our weak points were so that we can be ready for the next storm event. We still have two and a half months of hurricane season ahead of us and we are trying to be on top of the situation so we are not in the wrong position water management wise to deal with the next major rainstorm. What was not good news for us, is that no one predicted that rainfall that we had on the 23rd through the 25th and we could not prepare for it. We were not expecting the type of rain and if we had been expecting it, we could have made some minor adjustments ahead of time.

September 11, 1995

Mr. Brown asked would it be expensive for the District to correct the situation?

Mr. Caldwell responded no as this was just routine maintenance. In future budgets, you may see more dollars dedicated to maintenance of the drainage flow ways in the undeveloped areas because that is where you weak point is. If that cannot handle the flow of water from the developed areas, it backs up and that is what was happening in the Mahogany Run North areas. The water could not leave the area quick enough and it backed up and discharged at the maximum rate that it could.

Mr. Shimp stated we could have handled it in a different fashion. We could have been like Quail West and Worthington who pumped water into the low area of Bonita Springs where people were flooded out of their homes. They received a great deal of press.

Mr. Brown asked who owns Quail West?

Mr. Bloxham responded Joe Hardy.

Mr. Menzies asked was the golf course closed for only one day?

Mr. Caldwell responded they closed the North nine for several days. They opened the South nine on Sunday.

Mr. Decker stated during this period, I observed that we lost some of our Grass Carp. We have a fish barrier and before the water actually reached the fish barrier, the system four water was at THE top of the weir and was going around it. There was nothing there to keep the Grass Carp from going over the weir. Down at the bottom, we have a fish barrier but there are two lakes between that one lake. I do not know how many Grass Carp we lost in system five or four.

Mr. Bloxham stated looking out of my office, I saw the Grass Carp schooling, which I have never seen before. There must have been 25 to 50 of them, two feet long schooling together. This was Thursday when we had that heavy rain and I have not seen a Grass Carp out there since. I used to see them on a daily basis.

Mr. Decker stated I am going to determine how many we have lost by waiting until the high grass starts to appear in certain areas. This is the only way for me to know which areas I need to restock and how many Grass Carp we lost. I have several hundred Grass Carp still on the permit from Tallahassee that I can obtain but I may have to ask for a modification if it is not going to be enough. I did budget for a certain number of Grass Carp this budget period but we will probably exceed that.

September 11, 1995

Mr. Whitley asked is there any problem tracing that Grass Carp back to us?

Mr. Decker responded if the Grass Carp made it all the way down the conveyance to the other side of I-75, they would have gotten into that big lake over there. That is a nice place to have them as there is plenty of food in that lake for them.

Mr. Whitley asked is that the only place they can go?

Mr. Decker responded the only other place that they can go would be into Gateway Marsh, however that is not an ideal place as the predators can get them. It is possible that we have may have lost some here and gained there.

Mr. Brown asked is that where alot of our problem is?

Mr. Decker responded no. Our problem is in system 3 which is on the North end of golf course.

Mr. Bloxham asked can you catch them?

Mr. Decker responded no. They do not bite as they are vegetarians.

Mr. Bloxham asked are the Grass Carp expensive?

Mr. Decker responded I paid anywhere from \$3.75 to \$4.25 for each Grass Carp. We go for 12 inches or larger so the predators do not get them.

Mr. Menzies asked what is the solution to the weed therapy that was done at the North end of the golf course?

Mr. Decker responded that is something that the District and Developer are going to have to work with because it is undeveloped. Some day there are going to be lakes that would give us more storage area and that is what we need. It really depends on when the Developer decides to go in and develop that area.

D. Manager

There not being any, the next item followed.

SIXTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Whitley stated at the July 28th meeting we were talking about the new Developer and how nice it would be if we could see an abbreviated organizational chart of what the entities are. Have you guys figured out yet who you are?

Mr. Caldwell responded it was a challenge for us to figure out who we were also.

Mr. Whitley stated we have guarantees out there by different people and we need to know who is guaranteeing us and who is not and which entities are which because it is a much more complicated scheme than it used to be.

September 11, 1995

SEVENTH ORDER OF BUSINESS

Approval of Invoices and Requisitions

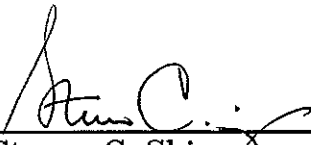
Mr. Decker stated on Requisition No. 293 there is a balance remaining of \$1,296. This is because we have not been invoiced and we anticipate that we will be by the next meeting.

Mr. Shimp asked in reference to this financial statement, the percentage of budget total for administration is 110.3%, is this a concern?

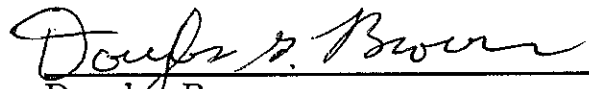
Mr. Ward responded no. The percentages are in relation to the percentage of the year to date budget. This is not your total budget. I do projections periodically throughout the year to see where we are going to be at year end. You are going to be fine by year end.

On MOTION by Mr. Whitley seconded by Mr. Shimp with all in favor the invoices and requisitions were approved.

On MOTION by Mr. Shimp seconded by Mr. Menzies with all in favor the meeting adjourned at 4:45 P.M.



Steven C. Shimp
Assistant Secretary



Douglas Brown
Chairman

Agenda
Gateway Services District

Monday
September 11, 1995
4:00 P.M.

District Offices
13240 Commerce Lakes Dr.
Fort Myers, Florida

1. Roll Call
2. Approval of the Minutes of the July 28, and August 14, 1995 Meetings
3. Public Hearing on the Adoption of Amendment III to Chapter V of the Rules of the District
4. Consideration of Resolution 95-15 Adopting an Investment Policy for the District
5. Staff Reports
 - A. Attorney
 - B. Engineer
 - C. Field Manager
 - D. Manager
6. Supervisor's Requests and Audience Comments
7. Approval of Invoices and Requisitions
8. Adjournment

NEWS-PRESS
Published every morning — Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared _____

Brenda Leighton

who on oath says that he/she is the _____

Legal Coordinator of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the

attached copy of advertisement, being a _____

notice of meeting

in the matter of _____

Gateway Services Dist.

in the _____ Court

was published in said newspaper in the issues of _____

September 4, 1995

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Brenda Leighton

Sworn to and subscribed before me this

5th

day of

September

, 19

95

by

Brenda Leighton

who is personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public

Linda Gale Shelley

Print Name

My Commission Expires:

CLASS-16



**NOTICE OF MEETING
GATEWAY SERVICES
DISTRICT**

The regular meeting of the Board of Supervisors of the Gateway Services District is scheduled for Monday, September 11, 1995 at 4:00 P.M. in the District offices, 13240 Commerce Lakes Drive, Fort Myers, Florida. The meeting is open to the public and will be conducted in accordance with the provisions of Florida Law for Community Development Districts.

There may be occasions when one or more Supervisors will participate by telephone. At the above location there will be present a speaker telephone so that any interested person can attend the meeting at the above location and be fully informed of the discussions taking place either in person or by telephone communication.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting 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 such appeal is based.

Gary L. Moyer,
Manager
Sept 4 No. 33607

NEWS-PRESS
 Published every morning — Daily and Sunday
 Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
 COUNTY OF LEE

Before the undersigned authority, personally appeared _____

Brenda Leighton

who on oath says that he/she is the _____

Legal Coordinator of the News-Press, a

daily newspaper, published at Fort Myers, in Lee County, Florida; that the

attached copy of advertisement, being a _____

notice of public hearing

in the matter of _____

Adoption of Amendment III

in the _____ Court

was published in said newspaper in the issues of _____

August 21, 1995

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Brenda Leighton

Sworn to and subscribed before me this

21st day of _____

August, 19 95 by

Brenda Leighton

who is personally known to me or who has produced

as identification, and who did or did not take an oath.

Notary Public Lydia C. Patterson

Print Name _____

My Commission Expires: _____



LYDIA C. PATTERSON
 MY COMMISSION # CC361370 EXPIRES
 March 19, 1998
 BONDED THRU TROY FAIR INSURANCE, INC.

CLASS-16

**NOTICE OF
 PUBLIC HEARING
 TO CONSIDER THE
 ADOPTION OF
 AMENDMENT III TO
 CHAPTER V OF THE
 RULES FOR THE
 GATEWAY SERVICES
 DISTRICT
 RELATIVE TO THE
 PARK, OPEN SPACE
 AND RECREATION
 SERVICES CHARGES
 RULE**

Pursuant to Section 120.54, Florida Statutes, the Board of Supervisors (the "Board") of the Gateway Services Division (hereinafter, the "District"), a local unit of special purpose government created under the authority of Chapter 190, Florida Statutes, hereby gives notice of its intent to amend Chapter V of the Rules of the District which provides for payment of the cost of the District Park, open space and recreational facilities necessary to adequately serve the impacts and demands of new development in the Gateway Services District. The District is located exclusively within an unincorporated area of Lee County, Florida.

The purpose of the amendment to the Rule is to amend the service charge payment schedule. This amendment to the Rule will be adopted pursuant to the authority of Sections 190.011(5), 190.011(10), 190.012, and 190.035, Florida Statutes.

The Board of Supervisors of the District will adopt the proposed amendment to the Rule during the District's regular meeting to be held at 4:00 P.M. on Monday, September 11, 1995, at 13240 Commerce Lakes Drive, Fort Myers, Florida. The meeting will be open to the public. The amendment to the Rule shall become effective upon approval by the Board of Supervisors of the District. Copies of the Amendment to the Rule and the economic impact statement will be available for inspection and copying prior to the hearing at the office of the District.

Pursuant to Section 120.54(3), Florida Statutes, any substantially affected person may seek an administrative determination of the invalidity of the proposed amendment to the rule on the ground that the proposed revision to the rule is an invalid exercise of delegated legislative authority by filing a written request with the Division of Administrative Hearings in Tallahassee within twenty-one (21) days after the date of this notice.

Gary L. Moyer
 Manager
 Aug 21 No. 32170

AMENDMENT III TO CHAPTER V
OF THE RULES OF THE
GATEWAY SERVICES DISTRICT
PARK, OPEN SPACE AND RECREATION SERVICE CHARGES RULE

1.01 **PURPOSE.** The purpose of this rule is to repeal Chapter V and Amendment I to Chapter V of the Rules of the Gateway Services District cited as "Gateway Services District Parks, Open Space and Recreation Service Charges Rule", and to rename Amendment II to Chapter V of the Rules of the Gateway Services District which established a deposit, along with a deposit process and issuance procedure for access cards to the District's park and recreational facilities for the Commons Pool Facility to Chapter V and incorporating all applicable sections of Chapter V including, but not limited to, definitions, rules of construction, and general provisions into this revised Chapter V.

Specific Authority: Chapter 190.035; 190.012; 120.54, Florida Statutes

Law Implemented: Chapter 190.035, Florida Statutes

History: Amended

1.02 **INTENT, FINDINGS AND PURPOSE.**

(a) The purpose of this Rule Amendment is to repeal the provisions contained in Chapter V of the Gateway Services District Park, Open Space and Recreation Service Charges Rule which provides for the payment of the cost of the District's park, open space and recreational facilities which are now being funded pursuant to the interlocal agreement between the Gateway Services District and Lee County, Florida, which will be constructed, operated and maintained by the District as Community Park Facilities for Gateway. The agreement provides that Lee County agrees to remit to Gateway Services District those Lee County Park Impact Fees collected within the boundaries of Gateway Services District for use by Gateway Services District in making Community Park capital improvements within Gateway all in accordance with the terms and conditions of the agreement and which Gateway Services District agrees to provide ongoing operation and maintenance of said Community Park Facilities.

(b) The District hereby repeals Chapter V of the Rules of the Gateway Services District and Amendment I of the Rules of Gateway Services District and establishes a new Chapter V of the Gateway Services District incorporating the procedure for the issuance of an access card to the Commons Pool Facility and the applicable Rules of Construction, Definitions and General Provisions contained in the original Chapter V of the Rules of the Gateway Services District.

(c) The District hereby authorizes the District Manager and District Attorney to enter into an agreement with Bay Colony-Gateway, Inc., its successors and assigns to donate all funds necessary for the capital construction of the Gateway Commons Pool Facility and Bay Colony-Gateway, Inc., will release the District from any obligations to repay Bay Colony-Gateway, Inc., relative to this funding. In addition, the District hereby authorizes the return of all services charges to the feepayer that have been collected by the District pursuant to this rule.

Specific Authority: Chapter 190.035; 190.012; 120.54, Florida Statutes

Law Implemented: Chapter 190.035, Florida Statutes

History: Amended

1.03 **ATTORNEY'S FEES.** In any action to enforce the provisions of this Rule, the District shall be entitled to recover its costs and attorney's fees, including any fees and costs on appeal.

1.04 **EFFECTIVE DATE.** This Rule shall become effective upon adoption. This Rule has been adopted by the Board of Supervisors at their board meeting held on September 11, 1995.

Specific Authority: Chapter 190.035; 190.012; 120.54, Florida Statutes

Law Implemented: Chapter 190.035, Florida Statutes

History: New

STATEMENT OF PURPOSE

The Gateway Services District proposed adoption of Amendment III to Chapter V of its Rules to repeal Chapter V and Amendment I to Chapter V of the Rules of the Gateway Services District known and cited as "Gateway Services District Parks, Open Space and Recreation Service Charges Rule", and to rename Amendment II to Chapter V of the Rules of the Gateway Services District which established a deposit, along with a deposit process and issuance procedure for access cards to the District's park and recreational facilities for the Commons Pool Facility to Chapter V of the Gateway Services District Rule and incorporating all applicable sections of Chapter V including definitions, rules of construction, and general provisions into this revised Chapter V; and providing for an effective date.

ECONOMIC IMPACT STATEMENT
GATEWAY SERVICES DISTRICT
PROPOSED AMENDMENT III
TO CHAPTER V OF THE
PARK, OPEN SPACE AND RECREATION SERVICE CHARGES RULE

1.0 Introduction

This Economic Impact Statement was prepared pursuant to Chapter 120.54, F.S. to support the rule making action of the Gateway Services District as it sets rates, fees, charges, and operating policies for its Park, Open Space and Recreation Service System.

The sections below track the requirements of Chapter 120.54, F.S. concerning economic impact statements.

2.0 Estimated Costs to the District to Implement the Proposed Rule

2.1 The proposed rule will have little if any cost impact on any federal, state or local agency outside of the District. The cost to the District in terms of paper work and similar processing fees is considered to be an insignificant amount when compared to the overall capital and operating costs of the District's Park, Open Space and Recreation system.

District costs to enact the proposed rule include:

1. Attorney's Fees
2. Consulting Engineering Fees
2. Advertising costs associated with the adoption of the rule
3. Copying costs for any interested persons requesting the rule, economic impact statement or the notices of the adoption of said rule

2.2 Operations and Maintenance

The direct cost of operating and maintaining the District's Park, Open Space and Recreation system vary from year to year and are estimated in the budget which the adoption of this rule and the establishment of rates, fees, and charges is meant to address.

3.0 Economic Costs and Benefits to all Affected Parties

3.1 Factors governing economic impacts through the imposition of rates, fees, and charges.

The rates, fees and charges are a clear form of user fee. Rates, fees and charges are not meant to recover the costs identified under paragraph 2.0 of this economic impact statement. Through the adoption of the rule, the District will be able to provide service to feepayers located within the District which will permit the utilization of said property to its highest and best use. The market place will determine the actual value of the property, but clearly the economic benefit exceeds the costs that are anticipated to be incurred through the adoption of this rule and the establishment of the rates, fees, charges, and operating policies.

3.2 Impacts of Visitors, Citizens of Florida, and Local Residents and Business.

The development of properties within the Gateway Services District will enhance the areas economy. In so doing, visitors, citizens, local residents and business should benefit. The monetary amount of these benefits is difficult to measure but they are real and are believed to be positive.

4.0 Impact on Competition and the Open Market for Employment

4.1 The adoption of this rule and the implementation of the rates, fees and charges will have a positive impact on competition and the open market for employment. The utilization of properties within the District for residential, commercial, and community facility activities will stimulate the local economy creating jobs and income.

5.0 Small Business Impacts

5.1 There is no estimated adverse impact on small business as defined in the Florida Small and Minority Business Assistance Act of 1985.

6.0 Data and Methodology

6.1 The data and methodology used for this impact statement is contained herein.