

September 2011

Lake St. Charles Newsletter



6801 Colonial Lake Drive
Riverview, Florida 33578

(Clubhouse) 813-671-8339 (CDD Office) 813-741-9768
Lakestcharles.org

From the Chair:

This month the Board of Supervisors will have decided to stay with our existing Off-Duty Deputy Sheriff's program or seek other alternatives to protect our community from potential crimes. The Board has not met as of this writing. I have called for, and noticed a special meeting on August 23rd at 6:30 pm till 7:30 pm to decide this issue. By way of background, I would like to explain the chronology that has led us to this crossroad. In August of 2010, the Board asked our legal counsel, "Is Lake St. Charles Community Development District authorized under applicable Florida law to enter into the employment of Off-Duty Deputy Sheriff's Indemnification Agreement, and what effect, if any, would it have on the CDD's sovereign immunity?" The Board received a reply from legal council Lewis, Longman & Walker on August 30th, 2010. The following is a summary of that report.



- * Enjoy your Labor Day!
- * Check out your new website at Lakestcharles.org
- * Back to School! Watch for school buses

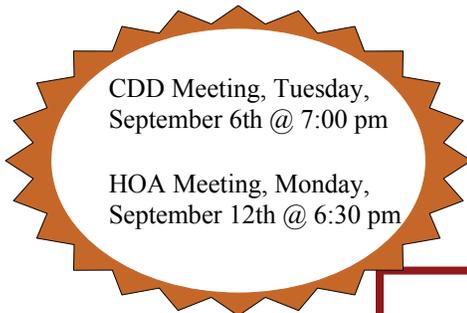
1. Article VII of the Florida Constitution provides "that no country, municipality or Special District shall become a joint owner with any corporation, association, partnership or person." This in effect results in the creation of a political subdivision debt for the benefit of a private enterprise, the Off Duty Program. The agreement could be construed as a governmental agency agreeing to indemnify a third party from losses it might suffer over the term of the agreement.
2. The clause in the indemnification agreement that the Sheriff's department is not willing to omit reads as follows: "Now, therefore, in consideration of the premises and the mutual covenants herein contained, said Indemnitor (CDD) agrees that it will, at all times, hereafter, defend, indemnify and hold harmless the individual Off-Duty Sheriff's and said indemnities', their heirs, successors in interest or insurers from any and all claims, demands, actions, judgment or lawsuit, including enforcement of this Agreement, as the result of the Off-Duty employment of Deputy Sheriff's, as aforesaid, while performing services for Indemnitor, whether such claim, demand, action, judgment or

lawsuit is groundless or not." This clause has always concerned the District, hence, the above question was asked of our legal council. Once you get through all the legal jargon, you'll see that the Sheriff's department is asking the Supervisors on behalf of the community that we sign on as the backer of the Off-Duty Sheriff's actions no matter what.

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CDD Meeting, Tuesday,
September 6th @ 7:00 pm

HOA Meeting, Monday,
September 12th @ 6:30 pm

CDD Board of Supervisors

Dave Candia, Chairman	chair@lakestcharles.org	506-1008
Dave Nelson, Vice Chair	vicechair@lakestcharles.org	293-7979
Lorelei Bowden-Jacobs	treasurer@lakestcharles.org	363-0375
Ginny Gianakos, Supervisor	supervisor1@lakestcharles.org	293-4728
Christine Robbins, Supervisor	supervisor2@lakestcharles.org	672-0932

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- 3. This critical issue has every Supervisor concerned and wanting to remove the above clause. The unanimous vote of the Board supported this position in their vote to remove the clause and that I should do so and sign the agreement. I did so and the Sheriff's Department found the action unacceptable and gave the Board until August 15th to restore the language or the Off-Duty program will be terminated.
- 4. The Board has complied with some of the clause in question by covering the program members with Workers Compensation as well as including them under a general liability policy for the Off-Duty Sheriffs.
- 5. FYI, there is a greater exposure of risk that has not been mentioned up to this point and that is Lake St. Charles enjoys the protection of Sovereign Immunity. Sovereign immunity limits the District's liability to \$200,000 for a claim by one person, or \$300,000 when totaled with all other claims. The Boards primary concern is sovereign immunity would be waived by signing the Agreement; thus potentially exposing all of the homeowners to a special assessment to pay the damages, if awarded, in excess of the \$300,000 cap. This will not happen since the Sheriff's Department rejected any attempt to delete the previously mentioned clause from the agreement.

In conclusion, the Board agrees with legal council that entering into any agreements that contain indemnification provisions could leave the community with serious consequences. Additionally, such action may be in violation of the Florida constitution's Full Faith and Credit provision. Signing such an agreement may be waiving our sovereign immunity.

UPDATE: The Board will be meeting to consider alternatives that will best address our security needs and allow us to enjoy our continued decline in crime incidents.

Respectfully,
Dave Candia CDO, Chair, Board of Supervisors

Book the clubhouse early for your Holiday parties! To reserve your date, you must bring your deposit into the clubhouse office

From the Clubhouse

Thank you to our Pool Monitors!

We want to thank our seasonal pool monitors for a job well done. They've sat through the hot, steamy weather making sure that we all stay safe and were able to continue to enjoy ourselves at our pool! Over this past summer they have found countless keys, toys, articles of

clothing and other personal items and have brought them to the clubhouse office. If you're missing items, you may want to come by and see what's here.

Remember, at the last CDD meeting the Board passed a motion to close the pool at 11:00 pm. You are able to enter the pool at 5:00 am and your card **will now deactivate at 11:00 pm. If you are in the**

pool area after 11:00 pm you will be considered trespassing!

If you purchased guest passes over the summer, now is the time to return them and redeem for your deposit.

Toni-Marie Davis, Clubhouse Manager

Property Manager's Report

It's September already and before you know it will be Christmas. This year is flying by. In a few short years the Community Bond will be paid off and our community will have been in existence for about 20 years. That fulfillment of debt will mark a significant moment in the life of our community. The destiny of the community will rest solely in the district's hands. To that end, the board and staff have begun to focus more efforts toward short and long term planning and stewardship of the community. Many subcommittees have been formed that will present recommendations, which upon adoption, will implement positive posturing for both the short and long term. Some of the immediate issues underway are security, energy conservation and disaster planning and looking long term with strategic planning. Along with our planning efforts, many supplemental funding opportunities are also being sought with the most significant being grants. We have begun the planning of our future.

I write this with excitement being involved as property manager, a Landscape Architect, a resident and the designer of this community at its inception. I am confident that our efforts will guide us towards continued resourcefulness and steady improvements. The road to our future is being planned now and I appeal to anyone who has an interest in the future of this community to attend an upcoming board meeting and let us know of your area of interest or experience. There is much to be done and I invite all of you to participate. Together we can continue to guide our community to its fullest potential and make it the dynamic, vibrant, sought after place to call home.

Mark Cooper
Property Manager

Volunteer Patrol Group

Your Mobile Neighborhood Watch Patrol is coming up on its second anniversary, and we believe that our resident volunteer "eyes and ears" have played a significant part in our communities crime prevention activities. Because of the support of the CDD and HOA Boards, the off duty deputies and the Sheriff's department, we have been able to tailor our efforts based on our changing environment. We pride ourselves on having a safe community for our

families and want to keep it that way. What we need as we enter our third year are more volunteers from our communities so we can expand our patrols and crime prevention activities. Remember you schedule your own days and times with no required hours. You can patrol on foot, bike, your car, or our golf cart. Our training program takes less than an hour, and your only have to purchase your uniform (Cap and T Shirt).

You can patrol alone or with a partner, and patrols can be any time of day, evening or night. Come join us! Please contact me for more information (813-741-0413), or at jsimon@outdrs.net. We thank you for your continuing support.
BE SAFE OUT THERE

Jim Simon
Mobile Neighborhood
Watch Patrol



Remember, unauthorized vehicles left in the clubhouse parking lot will be towed! If

you need a **parking pass**, come to the clubhouse during normal office hours with proof of insurance and get your pass.

These are the Community subcommittees that have been formed recently and are asking all residents who have an interest for their involvement and participation:

- Security Committee
- Treasurers' Review Committee
- Strategic Planning Committee
- Website Committee

Contact any CDD Board Member to become involved.

