

COMMITTEE CHARTER

FOR THE WATERLEFE COMMUNITY DEVELOPMENT DISTRICT EROSION COMMITTEE

Committee Members:

Roz Warner, CDD representative
Gary Corson, MPOA representative
Dave Edwards, resident
Brian Willis, resident
Dick Hall, resident

I. Authority

The Waterlefe Erosion Committee was formed pursuant to action of the Board of Supervisors of the Waterlefe Community Development District at its regular meeting on April 28, 2009, as authorized under Chapter 190 of the Florida Statutes.

II. Legal Considerations:

As a committee created for purposes of making recommendations to the Board of Supervisors of the District, the Committee is subject to the requirements of the Florida Sunshine Amendment.

In order to maintain in compliance with the Sunshine Laws, it is important that the Committee observe the following:

1. All meetings of the Committee must be publicly noticed and open to the public.
2. The Committee shall keep minutes of its meetings, which shall be sent to the Board of Supervisors on a routine basis to be approved by the Board.
3. Committee members may not communicate with each other about committee business outside of a public meeting. This includes e-mails and telephone conversations. Questions concerning this policy should be directed to District Management.

III. Objectives:

The main objective of the Committee shall be to recommend a cohesive plan for remediation of erosion within the residential areas of the community. The plan should address the types of repairs to be utilized, how the costs of the repairs should be allocated, and the timeframe in which the repairs should be implemented. Consideration should be given to the following matters.

1. Responsibility

(a) Should homeowners be held separately accountable for contributory problems such as downspouts, walkways, and docks?

Homeowners are responsible for repairs to their property due to erosion caused by, but not limited to docks, walkways, steps, rainwater drainage/downspouts and irrigation/landscaping issues.

(b) Should homeowners be permitted to implement repairs on their own, assuming the repair is of a type approved by the CDD? If so, how will compliance with CDD approved remedies be ensured?

The CDD has hired BioMass, a professional erosion specialist that will do an in depth analysis of our waterways. They will advise

- **Which shorelines need to be corrected,**
- **The priority of how corrections would be made**
- **How prioritization would be determined**
- **Which of several corrective alternatives would be used**
- **Determine owner's responsibility where erosion has occurred**
- **Schedule of these ongoing corrections in future years**
- **Maintenance required for suggested corrective measures**

Because of the expense, only a few hundred feet of shoreline can be corrected each year. Should a homeowner desire to implement repairs on their own prior to the CDD's correction, they must

- **Submit an written request to the Property Manager prior to implementing any proper correction. Property Manager will forward to CDD Erosion Committee for evaluation. Form attached.**
- **Use the corrective alternative suggested in the erosion analysis**
- **Assume the full cost of the repair**

(c) If a homeowner implements an approved repair on their own that would have been completed by the CDD at a later time (if it is determined the CDD is responsible and based on the repair priority determined by the CDD), should they be refunded for the cost of the repair?

NO

(d) In the event that it is determined the repair responsibility is that of the homeowner, what happens if a homeowner refuses to pay or to have the repairs made? Should the CDD make the repairs and invoice the homeowner?

Yes. The CDD should make the repairs and bill the homeowner.

However, prior to the repairs being made by the CDD, an analysis of what portion, if any, is the homeowners responsibility will be determined by the Erosion Consultant. A bill will be issued to the homeowners for their portion prior to any correction being done. If not paid, it is possible that home site will not be repaired.

(e) How should the cost of the repairs be allocated – equally to everyone, as special assessments to only those homeowners with waterfront property, or some other arrangement?

Inasmuch as all of the shoreline within Waterline is the responsibility of the CDD, the repair costs should be equally paid by all homeowners unless applicable under Part (d) above.

(f) “Recommendation to Homeowners” guidelines for proper maintenance of the property bordering water banks will be prepared by the Erosion Committee with appropriate input.

This has been completed and sent out via e-mail to all residents. A copy is attached.

2. Form of Repairs

(a) Of the various repair options recommended, what options does the Committee find to be a balance between being effective remedies, yet fitting into the community standards and aesthetics?

The Erosion Committee will analyze the recommendations from the erosion consultants and make a decision which will be effective and fit into our communities’ aesthetics.

(b) How can consistency of the repair standard and look be ensured?

Any repairs done by the CDD will be as recommended by the erosion consultants. Any future repairs done by individual homeowners must comply with these recommendations and receive written prior approval from the CDD Erosion Committee.

(c) What should be done about homeowners who have previously implemented their own repairs without approval from the CDD or MPOA? Should unapproved repairs that are harmful to the environment, interfere with CDD repairs, or are otherwise not consistent with those repairs determined to be acceptable by the CDD be required to be removed at the cost of the homeowner?

The current repairs done without approval from the CDD will be considered grandfathered. However, if these repairs fail and require corrections, the entire cost will be the responsibility of the homeowner.

Additionally, if and when corrective repairs are done by the CDD, if the homeowners' repairs need to be removed before the CDD's repairs can be started, the homeowners will be advised of the costs of removal and will have the option of removing their own implemented repairs or pay the costs of removal by a professional company.

3. Timeline for Repairs

(a) How should the order of repairs be determined?

(i) Priority based on the severity of the erosion (severe, moderate, mild)? If so, we would evaluate each property?

Because of the many variables that need to be considered, a professional erosion expert will be hired to make the evaluation lot by lot.

(ii) Sequenced repair (work from one end of the community to the other)

The erosion expert will determine the priority of repairs needed. Many of the shorelines do not require a corrective measure. The Erosion Committee will also continue with aquatic plantings under Phase 2.

(b) Should contributory causes such as downspouts, walkways, docks be remedied first prior to implementation of other general remedial efforts being undertaken?

Yes. Any contributory causes should be remedied before the expensive corrective measures suggested by the erosion consultants are started. If these causes are not corrected, they would greatly affect the corrective measures being used.

(c) Should all repairs be undertaken in the same year or spread out over a period of several years (if so, how many years) based on a determined priority?

Because of the expense, the repairs will be spread out over a period of many years. The priority and order of repairs will be recommended by the report issued by the erosion consultants.

IV. Reporting Deadlines & Committee Term

The Committee shall be prepared to present its initial report at the June 23, 2009 meeting of the Board of Supervisors. The Committee shall submit a summary report outlining its recommendations and such other pertinent information to the Board of Supervisors for review one week prior to this meeting. The Committee may be requested to consider additional matters and make further recommendations subsequent to this meeting, as the Board deems necessary.

This was extended until November 24, 2009 by the CDD Board.

This Committee shall remain in effect until dissolved by order of the Board.

11-17-09