

# Spring Lake BREEZE

*Florida... the way it should be!*



## Chairman's Message

I was appointed to the Board of Supervisors in September of 2004 to fill a landowner vacancy due to a resignation. Landowners reelected me in 2006 and in 2009, and I have been Chairman of the Board for the last 4 years. During my 7 years on this Board I have witnessed and participated in a number of very positive developments in the areas of finance, personnel, water, drainage, parks, lot mowing, and administration. The Board was able to end the long and tedious litigation with a landowner, start looking at the future, and develop goals and objectives for today and tomorrow. An updated water control plan, developed by our Engineer, is currently being reviewed by South Florida Water Management District, and required improvement projects will be worked on up to and possibly beyond 2021. The District has developed solid relationships and partnerships with Highlands County, the Airport, numerous regulatory agencies and governmental departments; Spring Lake is no longer an island unto itself.



Future Boards and personnel are going to be faced with a number of questions and concerns that will need action. The infrastructure of our District is upwards of 40 years old; close to 70% of the District is still vacant and awaits future development; and it is only a matter of time before a gas station, supermarket, and other small businesses discover our community. The current economic climate is not going to last forever, and when it rebounds, so will development. The District needs to position itself for the years ahead and allow future elected members of the Board of Supervisors to make positive decisions for the community. While some of us currently on the Board and staff may not be here when the bigger changes arrive, it is our current responsibility and obligation to ensure that future leadership is positioned to make the necessary decisions by having appropriate policies and procedures in place.

This is a landowner-controlled District, with three of the five Board members elected by landowner vote; it will remain that way until the District reaches upwards of 50% density, and currently we are less than 30%. As our community continues to grow and develop, reasonable citizens may wish to take measures to provide for additional services and programs. The Florida State Legislature approved the original District Charter in 1971. Since that time a number of changes have evolved with what is known as Chapter 298 of the Florida Statutes. The current revisions to that Charter is a responsible attempt by this current Board to ensure the continued growth and development of Spring Lake in the future.

We are happy to present this issue of The Breeze that contains a number of articles specifically on the Referendum process. A public information meeting is set for Wednesday, October 20, 7:00 p.m. at the Community Center. Four other very committed Supervisors join me on the Board: Marsi Benson; Bill Lawens; Brian Acker; and Jim Foote. We all share a common love and concern for our Spring Lake community, and we try our best to make the right decisions.

## Board Schedules Referendum Public Information Meeting

The Board of Supervisors has scheduled a public information meeting on the upcoming Referendum. The meeting will be held at the Spring Lake Community Center on **Wednesday, October 20, 2010 beginning at 7:00 p.m.** and interested residents may attend the presentation as well as the question and answer period that will follow.

Mr. Terry Lewis, General Counsel to the Florida Association of Special Districts and the Attorney retained by Spring Lake for the Charter revisions, will conduct the meeting. Mr. Lewis has a superb background with 298 Special Districts and was actually one of the architects of the original Florida Statute. His guidance, direction, and oversight of the Charter process were invaluable to our District.

Mr. Lewis will detail the purpose of the Charter revision, the process used, and clarify the various sections of the Charter. This issue of The Breeze discusses a number of questions and concerns that have been raised about the Charter, and residents will have the opportunity to follow up on any of these articles, as well as Mr. Lewis' presentation.

The Spring Lake Referendum is scheduled to take place on Tuesday, November 2, 2010 and all registered voters who reside within the boundary of Spring Lake are allowed to vote. The Florida Constitution stipulates who may vote in this referendum, and it has been determined that landowners who are not registered voters within the boundary cannot vote on the referendum. Village I, which is not in the legal boundary of the District, is excluded from voting. It is important to note that this decision was NOT made by the Board of Supervisors of Spring Lake, but came about as a result of existing Florida State Statutes. The Highlands County Board of Elections Supervisor, Mr. Joe Campbell, communicated with a number of State officials and affirmed this process.

# Overview of Meetings and Discussion

The Charter Revision process actually began during the FY '10 budget process that was held between April and July 2009. Discussion relevant to changes that were needed and securing legal counsel to work with the Florida State Legislature took place during the regular monthly public Board meetings. At the August 12, 2009 Board meeting the budget was presented at a Public Hearing and then officially adopted on September 9, 2009. On October 14, 2009 Chris Lyon, representing the Law Firm of Lewis, Longman, and Walker, made a presentation to the Board of Supervisors and members of the public on the Charter revision process.

Additional public meetings and notifications took place on the following dates:

|                      |   |
|----------------------|---|
| November 11, 2009    | Annual Landowners meeting and monthly Board meeting   |
| December 11          | Legislative Delegation public hearing at the Highlands County Board of County Commissioners Room  |
| January 12, 2010     | Regular monthly Board meeting   |
| February 17          | Second Legislative Delegation public hearing, Tallahassee   |
| February 24          | The Breeze newsletter has front-page article on the Charter   |
| March 1-April 26     | 32-step process in State Legislature from time of filing to approval of the Charter. Bill goes thru Local Affairs Policy Committee, Finance and Tax Council, Economic Development and Community Affairs Council, and to the Florida House for vote. |
| April 22             | Charter approved by a 106-1 vote with both Representatives Grimsley and Troutman in favor. The only negative vote was a Representative from the Tampa area  |
| May                  | Current and revised Charters posted on website  |
| June 4-August 5      | Updates posted on website under Managers Report   |
| April '09-August '10 | Updates posted on main page of website  |

## Public Safety

Exploring ways to improve and enhance public safety were discussed as far back as October of 2004 when the results of a Board Planning Workshop challenged the Supervisors to study this area. Past Board minutes reflect the willingness of the District to donate land to the Lorida Volunteer Fire Department for a sub station in Spring Lake and the land discussed is where the current basketball courts are located.

September 2008 results of a community questionnaire that had responses from close to 1/3 of our residents listed Public Safety, Fire, and EMS as the top priorities for Spring Lake. In the months that have followed that survey numerous meetings and discussions have taken place between the County, the Sheriff, the Airport, and Spring Lake to look at a facility closer to our District.

All taxpayers are currently assessed \$25 per year, by the County, to help support the Lorida Volunteer Fire Department. There is NO assessment for public safety levied by the Improvement District, and all our future efforts to bring protection closer to our residents will ONLY be in cooperation with existing agencies and entities that have direct responsibility for these needed services. As Spring Lake continues to grow our District Board needs to be proactive advocates to ensure our community receives the best possible public safety services as possible.

## View Charters On Web Site

If you would like to inspect either the existing Charter or the proposed revised Charter you can go to the District web site at [www.springlakefl.com](http://www.springlakefl.com). Once you are in the site go to the ABOUT section at the top of the page, go to DOCUMENTS, and then scroll to the bottom of that page.

The original Charter goes back to 1972. On June 25, 2002 the District received a letter from the State Legislature sent by The Honorable Ken Sorenson, Chairman of the Local Government Committee, informing Spring Lake that section 189.429 of the Florida Statutes required the codification of Special District Charters. In accordance with this section, each Special District with more than one special act had to submit to the Legislature by no later than December 1, 2004 a draft-codified charter, which created a single act for reenactment by the Legislature. The District retained the services of legal counsel and the result produced House Bill 1487, which was almost a twin to the original charter, and was enacted by the Legislature and approved by the Governor on June 8, 2005. During this process, while the document was lengthy with confusing language, the Board of Supervisors at that time chose not to make any changes other than provisions for a community center.

The proposed revised Charter that will be part of the referendum has 24 pages, down from the previous 42-page document. It is intended to be a working and planning document that can be easily understood by Board, staff, and residents.

## What Is Our Special District?

The Florida Department of Community Affairs has responsibility for monitoring the more than 1600 Special Districts in the State. They manage various reports and activities that are sent from Spring Lake to Tallahassee. In Highlands County there are two independent Districts; Spring Lake and Sun 'n Lake. The County oversees another 26 dependent Districts; entities that the County has jurisdiction over such as the Hospital District Board, the Soil and Water District, and a number of others. The primary entity responsible for oversight of a District is the local governing body, in the case of Spring Lake, the Board of Supervisors. There are five Supervisors on the Spring Lake Board; the majority (3) are elected by landowners, and 2 in a general election.

Independent Special Districts similar to Spring Lake are quite similar to municipalities and counties. They all have governing Boards with policy-making powers, and they provide essential public services and programs in a certain geographical area. In Spring Lake the tax collections are based on what is known as non ad-valorem assessments and have no relevance to the value of your land or home. The Districts General Fund equally assesses each taxable unit at the same amount. County and school taxes, on the other hand, are based on property values; that is why each persons tax bill is different. Special Districts can be created by: general law; a special act of the Florida Legislature; a local ordinance; or a rule of the Governor and Cabinet.

Each District, whether dependent or independent, has a Charter that was approved by the State Legislature. Each governing Board member is responsible for ensuring that the District complies with all applicable laws and conducts District business as authorized by its Charter.

Spring Lake was originally created in the early 1970's by a circuit court pursuant to Chapter 298 of the Florida Statutes for flood control purposes only. However, a few years later, it was converted to an "improvement" district by a special act of the Legislature. Improvement districts are precursors to Community Development Districts created pursuant to Chapter 190 of the Florida Statutes and were created to provide community infrastructure for urban development. Put simply, an Improvement District such as Spring Lake is empowered to provide pretty much any public service or public infrastructure that a city or county can. The only power they generally don't possess is police power to ticket and arrest people. Hence, an Improvement District such as Spring Lake can provide flood control, build roads, build and operate water and sewer systems, provide recreational facilities, fire rescue service, and security services. Spring Lake has had all these powers since they became an Improvement District.

The current Charter is a very lengthy document that had a minor revision approved by the Legislature and the Governor in June 2005. For the most part, however, the charter remained lengthy with confusing language, and was not a good working or planning document. The new version is a document that Supervisors and residents can both understand and adapt to the workings of the District. Regardless of any powers that are included, all decisions must have a vote of the Board of Supervisors... a Board that is controlled by the landowner majority.



# More Questions Answered

## WHAT HAPPENS IF THE REFERENDUM DOES NOT PASS?

The District would have to continue using the current Charter which does not include mosquito spraying

## WILL THE DISTRICT HAVE ITS OWN POLICE DEPARTMENT?

No. The District will continue to work with the Highlands County Sheriff in an effort to bring public safety closer to our District. This was a major request from our residents when the community questionnaires were distributed in 2008.

## WILL THE DISTRICT BUILD AND OPERATE ITS OWN SCHOOL?

No. By Florida Statute only the School Board can authorize a school and levy a County tax to support schools

## WHY WILL SUPERVISORS GET PAID MORE MONEY?

Members of the Board of Supervisors have received \$100 per month since Spring Lake became a District in 1972. Other than one Supervisor attending a State Special Districts Conference each June, no Supervisor has received reimbursements for travel, food, auto expenses, or supplies used for District purposes. Any increase in the \$100 per month would have to be a supermajority vote.

## WHO WILL CONTROL THE DISTRICT IF THIS REFERENDUM PASSES?

Landowners elect three of the five Board positions; one vote for each parcel or acre that a person owns. The District is currently at less than 30% density and only until the District is over 50% density will the Board majority swing to popular elected positions. This means that there would be NO changes on who controls the District; it is the landowners.

## WHY DO WE NEED BOARD COMMITTEES?

Not everyone has the time to be a Supervisor. Board committees enable the District to take advantage of people in our community who have expertise and talents in various areas and can help the District outside of required monthly Board meetings. All committees of the Board have to publish legal notices of when they are meeting, why, and who will be involved. It is a system that provides more involvement and input from residents and landowners.

## WHY ARE THERE POWERS THAT DON'T SEEM PERTINENT FOR US TODAY?

There is going to be much more development and expansion in Spring Lake in the years ahead; maybe not in the next 10 years, but certainly beyond. The Central Florida Planning Council, who has been working with Highlands County on the future Comprehensive Plan, has identified the Spring Lake/Airport corridor as one of two future sustainable communities. Why not have a document that will meet the needs of our future Board leaders? Why not give landowners the opportunity to grow and expand the District if that is their desire? Again, Landowners control the majority seats on the Board and control the decision making process.

## WHY WASN'T THE PUBLIC NOTIFIED ABOUT THESE CHANGES?

Please refer to the Meetings and Discussion article in this newsletter.

# Referendum Impact On Property Associations

There is no impact on Property Associations continuing to operate as they are. In the initial discussions on the charter the District Board was seeking more authority in those areas where associations are not functioning or have ceased to exist.

There are over a dozen property or homeowners associations in Spring Lake, with only five that are active and enforcing deed restrictions. A number of properties go unattended in the inactive areas and in some cases grass has grown as high as two feet. While this may not be a priority for many of us, if you lived next door or across the street from one of these properties, you would be concerned. The Highlands County Code Enforcement process takes upwards of 90 days to solve one of these situations, and the District Board felt it would be quicker and more efficient if they had the authority to enforce a deed restriction in those inactive areas by cutting the grass, and lien the property owner.

As the charter made its way thru the legislative process this provision needed to be omitted by recommendation of counsel. As it now stands, Spring Lake residents will have to rely on the Highlands County Code Enforcement process if unattended areas become unsightly.

# What Are Others Saying?

"I would like to express my support and applaud the efforts of the Spring Lake Improvement District Board of Supervisors...pro active remedies will keep the values of the property up, and your beautiful community a desirable place to live."

*Jack Richie, Chairman, Highlands County Homeowners Association*

"Will be happy to work with Spring Lake on your proactive approach to future public safety initiatives."

*Susan Benton, Highlands County Sheriff*

"Our office supports the Spring Lake Board of Supervisors in their initiatives that will enhance public safety, especially fire prevention and suppression."

*Tim Eures, Highlands County Emergency Operations Director*

"We support you."

*Richard and Louise Fianzbaum, property owners, 59 parcels*

"One always must wonder WHY, when a small political body develops on very short notice without public input or referendum, some plan that will forever change things. And only in their favor. Curious, isn't it?"

*Kent Calabrese, resident; correspondence sent to State Representative Grimsley*

"This is conspiracy to defraud homeowners....they are again trying a power grab....the proposed change is illegal...this abuse of tax dollars and abuse of the vote for personal gain is reason for removal from public office. Their actions are a criminal act; home-owners should file a class action suit against all involved in this scam."

*Billie Jewett, resident; letters to the editor, News-Sun and Highlands Today*

"We live in a world filled with scandal and corruption, at least that's what some people believe. And some folk's make the same claims right here in Highlands County. In fact, they thrive on making such claims and insinuations. Sometimes there is a hint of truth in what they say, but mostly it's blatantly untrue. The damage, however, is real whether it's true or not, and it's up to all of us to keep the conspiracy seekers at arm's length."

*Highlands Today Editorial; Our opinion Section*

"The allegation that the Board of Supervisors are violating their oaths of office is unfounded and insinuations that the Board members are corrupt are baseless, irresponsible, and insulting. In fact, the Board of Supervisors is acting responsibly and through this legislative initiative is attempting to position our governing body with the necessary authority to meet the challenges of growth in the future."

*Brian Acker, Supervisor, letter to the editor*

# What Happens To Mosquito Control?

As a result of the State Legislature and Governors Office decision, the Referendum is an all or nothing vote. Regardless of some of the very minor changes that are contained elsewhere in the revised Charter, ALL of the suggested revisions will be null and void, including Mosquito Control.

During the FY '11 budget process that was conducted by the Board of Supervisors over the last several months, specific line items for both income and expenses in that category have been eliminated until the vote in November. Residents will not see a mosquito assessment on their October water bills, which is the current method of collection. If the Referendum passes, the charge will again appear on the November water bill.

Spring Lake is the only community in Highlands County that has a formalized mosquito-spraying program: the latest insecticides; vehicles; sprayers; certified personnel to mix the chemicals; and drivers who spray the entire community in the evening hours. The ability to control the spread of such diseases as West Nile virus and targeting larvae before they mature into adult mosquitoes has enabled our community to drastically reduce the problems that face other areas of the County and State. The current assessment for mosquito control ranges from 98 cents to \$1.28 PER MONTH.

# SPRING LAKE IMPROVEMENT DISTRICT

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## Chapter 2010-266, Laws of Florida

### Spring Lake Improvement District Charter By Terry Lewis, Attorney

*Note: The firm of Lewis, Longman & Walker were retained by the Board of Supervisors to manage the Charter process with the State Legislature. Mr. Lewis will be available at a Public Information meeting set for Wednesday, October 20<sup>th</sup>, 7:00 p.m. at the Community Center. All residents are invited to attend.*

"The 2010 Florida Legislature approved a new and modernized legislative charter for the Spring Lake Improvement District during the 2010 regular legislative session. The new district charter is subject to referendum approval by the qualified electors of Spring Lake before taking effect. Each citizen and resident of the district that is a registered voter will have the opportunity to vote in the general election, November 2, 2010 on whether the new charter will take effect. I would like to provide you with a brief summary of the significant changes in the charter before the election."

"First, I want to emphasize that THE NEW CHARTER DOES NOT AUTHORIZE ANY NEW TAXES OR ASSESSMENTS FOR THE DISTRICT BOARD TO LEVY. FURTHER, THE DISTRICT'S BUDGET HAS BEEN APPROVED FOR FISCAL YEAR 2011 AND THE GENERAL FUND WILL NOT BE CHANGED BY THE NEW CHARTER. So, citizens that may have heard otherwise or have concerns regarding new or increased taxes or assessments have no cause for such concern."

"Second, the new charter is primarily a reorganization and update of the original 84 page charter, most of which was at least 40 years old and incorporated laws that dated back to the beginning of the 20<sup>th</sup> century; actually, 1914. Many of these provisions were in conflict with current law and unworkable or confusing at best. The new and much shorter charter (23 pages) incorporates current Chapter 298 and 189 of the Florida Statutes governing the elections, operations, and administration of independent special districts and deletes much of the antiquated law in the old charter. Anyone that wishes to download the new charter may do so at the District web site, [www.springlakefl.com](http://www.springlakefl.com) or [www.myflorida.com](http://www.myflorida.com). You should be able to understand with ease how your district is supposed to operate."

"Third, there are some substantive changes in the new law that citizens should be aware of. Additional powers have been granted to the District Board that are fully described in other articles included in this newsletter and are based on community input and discussion that goes back as far as 2004 and a more recent community questionnaire in 2008."

"To conclude, the new charter is essentially a reorganization and modernization of the old district charter with the addition of powers that will allow the District Board to provide services both now and in the future. Finally, to reiterate, THIS CHARTER DOES NOT AUTHORIZE ANY NEW TAXES OR ASSESSMENTS."



*SLID Board members thank State Representative Denise Grimsley (4th from left) and Senator J.D. Alexander aide Larry Ford (3rd from right) with appreciation certificates for their work with the Spring Lake Charter revisions.*

## What Question Is On The Ballot?

House Bill 1487, recently passed by the Legislature, contains 24 pages of duties, responsibilities, powers, and procedures. The very last part of the revised Charter, page 23, Section 3, states:

Referendum- In conjunction with the general election of November 2010, the Supervisor of Elections of Highlands County shall conduct a referendum on the question of granting the Spring Lake Improvement District certain additional powers. The referendum question shall be posed as follows:

Shall the Spring Lake Improvement District be authorized to provide public safety and security services, fire rescue services with the approval of the county, and mosquito control services; to construct and maintain district transportation facilities and educational facilities with the approval of the county school board; to establish district departments, committees, and boards; and to compensate its supervisors up to \$250 per month with supermajority approval of the board?

Yes  No