

# HAINES CITY WATER CONTROL DISTRICT

## December 13, 2022

### AGENDA

---

- I. Call to Order
- II. Establish Quorum
- III. Approve Minutes of Meeting of November 7, 2022
- IV. Approve Finance Report dated December 13, 2022
- V. General Public Comment (*limited to 5 minutes per person*)
- VI. Old Business
  - a) Engineer Steve Shealey to give update of work on the drainage ditch in the area of the mobile home park
- VII. New Business
  - a) Contract Agreement with Polk County Property Appraiser's Office  
The Polk County Property Appraiser's Office (Polk PA) provides the uniform method of levying special non-ad valorem assessments. The administrative fee for this service is 1% of the amount levied on the TRIM Notice (or the Final tax roll if the TRIM Notice is not used). Any district intending to use the uniform method of levying special non-ad valorem assessments for the 2023 tax roll must enter into a new written agreement. The agreement does not automatically renew from year to year.
  - b) 2023 Data Sharing and Usage Agreement with Polk County Property Appraiser's Office  
The Public Records Exemptions Statute (FS 119.071) indicates that each entity that receives parcel data / reports from the Polk County Property Appraiser is required to sign an agreement pertaining to the release of exempt / confidential data. If the Agreement is not signed and returned, the entity will not receive exempt/confidential records for the 2023 tax roll.
- VIII. Supervisors' Comments
- IX. Attorney's Comments
- X. Secretary's Comments
- XI. Date for Next Meeting – Annual Landowners' Meeting is scheduled for January 17, 2023
- XII. Adjourn Meeting

# HAINES CITY WATER CONTROL DISTRICT

## MINUTES OF MEETING November 7, 2022

---

PRESENT: Vice Chairman Nicholas Gollattscheck, Supervisor Sean McCoy, Supervisor Kenneth Kipp; Attorney Fred Reilly (via Conference Call); District Engineer Steve Shealey; Secretary/Treasurer Linda Robinson

ABSENT: Chairman Russell Yates

---

### Call to Order

Vice Chairman Nicholas Gollattscheck called the meeting to order at 3:30 p.m. and pronounced that a quorum was present.

### Approval of Minutes of the Meeting Held on September 20, 2022

Supervisor Ken Kipp motioned to approve the minutes of the meeting of September 7, 2022. Supervisor McCoy seconded. Motion carried with all yeas.

### Approve Finance Report Dated November 7, 2022

Secretary/Treasurer Robinson reported that the ending bank balance as of October 31, 2022, is \$296,108.66. Secretary/Treasurer Robinson further added that checks have been written but have not yet cleared the bank; thus, the actual available balance in the checking account is \$290,200.41. Supervisor Kenneth Kipp motioned to approve the Finance Report of November 7, 2022. Supervisor McCoy seconded the motion. Motion carried with all yeas.

### General Public Comment (*limited to 5 minutes per person*)

No one from the General Public nor any owners of property within the District were in attendance. There were no public comments made to the Board of Supervisors.

### Old Business

- Adoption of Resolution 2022-18 Authorizing the Drainage Ditch Maintenance Easement with Lauderdale Haines City MHP, LLC.  
Supervisor McCoy motioned to introduce Resolution No. 2022-18, and seconded by Supervisor Ken Kipp. Motion carried with all yeas.

Attorney Reilly read Resolution No. 2022-18 (Title Only):

**A Resolution of the Haines City Water Control District Authorizing  
the Haines City Water Control District to Enter Into a Drainage Ditch**

**Maintenance Easement with Lauderdale-Haines City MHP, LLC;  
Providing for Incorporation of Recitals; Providing for Findings;  
Providing Authority to Ratify, Execute and Deliver the Drainage Ditch  
Maintenance Easement; Providing for General Authority; Providing  
for Recording; and Providing an Effective Date**

Supervisor McCoy made a motion to adopt Resolution No. 2022-18. Supervisor Kipp seconded the motion. Vice Chairman Gollattscheck called for public comments and/or questions. There were none. Motion carried with all yeas.

- Engineer Steve Shealey reported on the status of the canal work that is to be done in the area of the Mobile Home Park. The District now has a permanent access easement to the canal behind the Mobile Home Park which includes the waterway from Lake Joe. Mr. Shealey stated that he has been in contact with Matt Greene of AAA Top Quality Asphalt, and Mr. Greene confirmed that the work should commence within the next 2 to 3 weeks. Mr. Shealey stated that he will monitor the project.

New Business – None.

Supervisors' Comments

Sean McCoy commented that it is great that the District now has the ability to work on the canal behind the Mobile Home Park.

Attorney's Comments

With regards to finding a person to assume the responsibilities of the secretary/treasurer, Attorney Reilly stated that he has a qualified person in mind. However, because she works for the City of Haines City, he needs to get the approval of the City Manager before speaking to her about the job. Attorney Reilly went on to say that in 2022 he has been through a tremendous amount of personal health issues. He is thankful for where he is now and that he is able to spend time with friends and family; and, further, is thankful to the Board of Supervisors for their support of him as well as with their accomplishments this year to achieve the functions of the District.

Secretary's Comments – None.

Set Date for Next Meeting – The next meeting is scheduled for December 13, 2022, at 5:00 p.m. The Annual Landowners' meeting is scheduled for January 17, 2023.

Haines City Water Control District  
Minutes of Meeting  
November 7, 2022  
Page 3 of 3

There being no further business to discuss, the meeting was adjourned at 5:00 p.m.

Attest:

Approved:

\_\_\_\_\_  
Linda Robinson, Secretary

\_\_\_\_\_  
Chairman Russell S. Yates

# HAINES CITY WATER CONTROL DISTRICT

## Finance Report

### Meeting Date – December 13, 2022

---

*Bank Balance as of October 31, 2022* ..... \$296,108.66

*Deposits and Other Credits:*

11/10/2022 Joe Tedder Tax Distribution ..... \$878.98  
11/16/2022 Joe Tedder Tax Distribution ..... \$796.60  
11/21/2022 Joe Tedder Tax Distribution ..... \$2,370.75  
11/25/2022 Joe Tedder Tax Distribution ..... \$10.89  
11/25/2022 Joe Tedder Tax Distribution ..... \$3,505.00

*Withdrawals / Debits:*

Ck. 2092 – Reilly International Law Firm (November) ..... \$2,000.00  
Ck. 2093 – VOIDED..... ----  
Ck. 2094 – Amphibious Aquatics ..... \$3,520.00  
Ck. 2095 – Pennoni Associates ..... \$138.75  
Ck. 2096 – Pennoni Associates ..... \$605.00  
Ck. 2097 – Florida Department of Economic Opportunity (Annual Fee) ..... \$175.00  
Ck. 2098 – Linda Robinson (November)..... 300.00

*Ending Bank Balance as of December 2, 2022*..... \$296,932.13

---

*Deposit Pending:*

12/12/2022 Joe Tedder Tax Distribution ..... \$18,087.57

*Checks written but not cleared as of December 12, 2022:*

Ck. 2091 – DigiSquid LLC (webmaster annual fee)..... \$249.50  
Ck. 2099 – Reilly International Law Firm (December) ..... \$2,000.00

*Available Balance as of December 12, 2022*..... \$312,770.20

# CONTRACT AGREEMENT

This Agreement made and entered into on Tuesday, December 6, 2022 by and between the Haines City Water Control District Water Control, a local unit of special purpose government of the State of Florida hereinafter referred to as the 'Special District', and Marsha M. Faux, Polk County Property Appraiser, a Constitutional Officer of the State of Florida, whose address is 255 North Wilson Ave., Bartow, FL 33830, hereinafter referred to as the 'Property Appraiser'.

1. Section [197.3632](#) Florida Statutes, provides that special assessments of non-ad valorem taxes levied by the Special District may be included in the assessment rolls of the County and collected in conjunction with ad valorem taxes as assessed by the Property Appraiser. Pursuant to that option, the Property Appraiser and the Special District shall enter into an agreement providing for reimbursement to the Property Appraiser of administrative costs, including costs of inception and maintenance, incurred as a result of such inclusion.
2. The parties herein agree that, for the 2023 tax year assessment roll, the Property Appraiser will include on the assessment rolls such special assessments as are certified to her by the Haines City Water Control District for Water Control.
3. The term of this Agreement shall commence on January 1, 2023 or the date signed below, whichever is later, and shall run until December 31, 2023, the date of signature by the parties notwithstanding. This Agreement shall not automatically renew.
4. The Special District shall meet all relevant requirements of Section [197.3632](#) Florida Statutes.
5. The Special District shall furnish the Property Appraiser with up-to-date data concerning its boundaries and proposed assessments, and other information as requested by the Property Appraiser to facilitate in administering the non-ad valorem assessment in question. Specifically, if assessments will be included on the 2023 TRIM Notice, the Special District shall provide **proposed assessments no later than Friday, July 14, 2023**. The Special District's assessments shall, as far as practicable, be uniform (e.g. one uniform assessment for maintenance, etc.) to facilitate the making of the assessments by the mass data techniques utilized by the Property Appraiser.
6. The Special District shall certify to the Property Appraiser the Special District's annual installment and levy **no later than Friday, September 15, 2023**. The Property Appraiser shall, using the information provided by the Special District, place the Special District's non ad-valorem special assessments on properties within the district for inclusion on the 2023 tax roll.
7. The Property Appraiser shall be compensated by the Special District for the administrative costs incurred in carrying out this Agreement at the rate of 1% of the amount levied on the TRIM Notice or if the TRIM Notice is not used, the rate shall be 1% of the amount levied on the 2023 tax roll. For the TRIM Notice, the Property Appraiser will require **payment on or before Friday, September 15, 2023** for processing within the Property Appraiser budget year (October 1st – September 30th).
8. If the actual costs of performing the services under this agreement exceed the compensation provided for in Paragraph 7, the amount of compensation shall be the actual costs of performing the services under this agreement.
9. If tax roll corrections are requested by the Special District, the Property Appraiser shall be compensated by the Special District for the administrative costs incurred at the rate of \$5.00 for each tax roll correction exceeding ten (10) corrections per tax year.

The Special District shall indemnify and hold harmless, to the extent permitted by Florida law and without waiving its right of any applicable sovereign immunity, the Property Appraiser and all respective officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the Property Appraiser and all respective officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the negligent or intentional acts or omissions of the Special District or its employees, agents, servants, partners, principals, or subcontractors arising out of, relating to, or resulting from the performance of the Agreement. The Special District shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the Property Appraiser where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon.

EXECUTED By:

\_\_\_\_\_  
Special District Representative

Russell S. Yates

\_\_\_\_\_  
Print name

Chairman, Board of Supervisors

12/13/2022

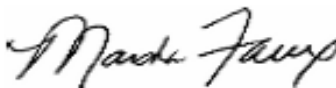
\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Marsha M. Faux, CFA, ASA

Polk County Property Appraiser

By:



\_\_\_\_\_  
Marsha M. Faux, Property Appraiser



Marsha M. Faux, CFA, ASA  
POLK COUNTY PROPERTY APPRAISER

## 2023 Data Sharing and Usage Agreement

### HAINES CITY WATER CONTROL DISTRICT

This Data Sharing and Usage Agreement, hereinafter referred to as “**Agreement**,” establishes the terms and conditions under which the **HAINES CITY WATER CONTROL DISTRICT**, hereinafter referred to as “**agency**,” can acquire and use Polk County Property Appraiser data that is exempt from Public Records disclosure as defined in [FS 119.071](#).

*As of July 1, 2021, the Florida Public Records Exemptions Statute was amended as it relates to the publicly available records maintained by the county property appraiser and tax collector. As a result, exempt (aka confidential) parcels and accounts have been added back to our website and FTP data files. No owner names, mailing addresses, or official records (OR) books and pages of recorded documents related to these parcels/accounts, appear on the Property Appraiser’s website or in FTP data files. In addition, the Polk County Property Appraiser’s mapping site has been modified to accommodate the statutory change. See Senate Bill 781 for additional information.*

**For the purposes of this Agreement, all data is provided. It is the responsibility of the agency to apply all statutory guidelines relative to confidentiality.**

The confidentiality of personal identifying information including: names, mailing address and OR Book and Pages owned by individuals that have received exempt / confidential status, hereinafter referred to as “**confidential data**,” **will be protected as follows:**

1. The **agency** will not release **confidential data** that may reveal identifying information of individuals exempted from Public Records disclosure.
2. The **agency** will not present the **confidential data** in the results of data analysis (including maps) in any manner that would reveal personal identifying information of individuals exempted from Public Records disclosure.
3. The **agency** shall comply with all state laws and regulations governing the confidentiality and exempt status of personal identifying and location information that is the subject of this Agreement.
4. The **agency** shall ensure any employee granted access to **confidential data** is subject to the terms and conditions of this Agreement.
5. The **agency** shall ensure any third party granted access to **confidential data** is subject to the terms and conditions of this Agreement. Acceptance of these terms must be provided in writing to the **agency** by the third party before personal identifying information is released.

The term of this Agreement shall commence on **January 1, 2023** and shall run until **December 31, 2023**, the date of signature by the parties notwithstanding. **This Agreement shall not automatically renew.** A new agreement will be provided annually to ensure all responsible parties are aware of and maintain the terms and conditions of this Data Sharing and Usage Agreement.

In witness of their agreement to the terms above, the parties or their authorized agents hereby affix their signatures.

**POLK COUNTY PROPERTY APPRAISER**

**HAINES CITY WATER CONTROL DISTRICT**

Signature: 

Signature: \_\_\_\_\_

Print: Marsha M. Faux CFA, ASA

Print: Russell S. Yates

Title: Polk County Property Appraiser

Title: Chairman, Board of Supervisors

Date: December 1, 2022

Date: December 13, 2022

Please email the signed agreement to [pataxroll@polk-county.net](mailto:pataxroll@polk-county.net).