

STONE & GERKEN, P.A.
ATTORNEYS AT LAW
4850 N. Highway 19A
Mount Dora, Florida 32757
(352) 357-0330
Fax (352) 357-2474
Lakeside Office Fax (352) 357-5445

LEWIS W. STONE
SCOTT A. GERKEN

KATRINA THOMAS STONE
KEVIN M. STONE

MEMORANDUM

TO: Janet Tutt, District Manager
Village Center Development District

FROM: Lewis W. Stone
Board Attorney

DATE: June 16, 2016

You have inquired as to the following legal question:

Question presented:

May the Village Center Community Development District ("VCCDD") properly give payment to the Amenity Authority Committee ("AAC") for services to the members of the AAC?

The VCCDD is a Community Development District ("CDD") which is created and exists under the authorizations and restrictions of Florida Statutes Chapter 190.

The AAC is a committee of the VCCDD with rights and obligations established by the Interlocal Governmental Agreement to Create an Amenity Authority as a Committee of Village Center Community Development District, dated April 18, 2008.

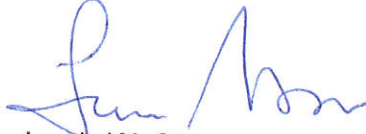
Certainly the Agreement does not provide for compensation to the members of the AAC by the VCCDD. It would be necessary to amend the Agreement to allow compensation if compensation is otherwise lawful. However, it is not necessary to consider the requirements of amending the Agreement, because the VCCDD does not have legal authority to compensate non-employee members of a committee of The District.

While the VCCDD is a unit of local government, it is fundamentally different than a city or county. A Florida city has broad home rule powers which allows broad discretion to take action in the interest of the city so long as it does not violate statutory or constitutional prohibitions. A county may elect to become a chartered county with enhanced powers which, like a city, must not be otherwise inconsistent with statutory or constitutional law. However, a CDD may only act with the specific authority granted it by Statute. A careful reading of Florida Statute 190 does not provide any basis to pay non-employee committee members of the District. Certainly to make the members of the AAC employees would be a fundamental undermining of the intent of the Agreement and the independence of the AAC.

Conclusion:

Since the AAC is a Committee of the VCCDD, there is no statutory authority for compensation to the Committee members of the AAC for services to the AAC. Therefore, such compensation would be unlawful.

Regards,



Lewis W. Stone