

LAKE ASBURY MUNICIPAL SERVICE BENEFIT DISTRICT (LAMSBD)

By Carl Kocher, Vision Committee Chairman, February 2009

www.lakeasbury.us

The Vision Committee

Purpose: To insure that the lakes are more attractive and functional in 10 years than they are today

Objective: To develop a **proactive** improvement plan for the lakes in order to bring the lakes and dams to the highest possible level of quality in an economically feasible manner.

Responsibility & Liability: “common law holds that storage of water is a hazardous activity.”

In general; a dam owner is required to use “reasonable care” in the operation of a dam. If a dam fails, the dam owner loses a valuable asset, faces reconstruction costs, **reduced property values** and possible liability for downstream damages. Association of State Dam Safety Officials, www.damsafety.org

In the past, the U S Corp of Army Engineers stated one possible catastrophic event was the failure of South Lake Asbury dam which applied pressure on Lake Asbury dam causing it to fail. Using ASDSO case study data the replacement cost of South Lake Asbury Dam and Lake Asbury dam is approximately \$4,040,000. **The cost per lake lot owner today is approximately \$9,161.**

The dams were built in the late 1960’s. Neither the FL DEP nor the St. John’s River Water Management District existed in the 60’s. We have been advised by the St. John’s River Water Management District that even with 10% damage to a dam, they could require us to bring the damaged dam up to current standards. **This means, the dam(s) will have to be rebuilt new.** For example, the Lake Hampton Dam, Nassau County, FL failed Oct 2008 due to the lack of maintenance. The residents were warned repeatedly by Nassau County. The lake is about 40% size of Lake Asbury dam; the lake lot residents cannot afford the potential \$1,000,000 to bring the Lake Hampton dam up to current standards.

Conner, Hubbard & Co (CPA) is on record while presenting the Districts Annual Audits for 2006 and 2007 that current revenue base is not supporting expenses. The 2008 audit will read the same. Clay County has no funds to loan LAMSBD. Our current annual assessment of \$100 is pledged 100% to pay off the dredging loan and the assessment appears to be short of funds in 2009 of about \$1,195. The loan is \$43,907 annually for another eight (8).

Before the loan, LAMSBD was able to fund some basic maintenance. Since the loan LAMSBD **cannot complete minimal maintenance** or have the ability to stock the lakes with carp or conduct a vigorous hydrilla control program. LAMSBD did receive some relief last year from donations of some \$22,000.

The Vision Committee met 12-2-08, at 6:30 pm, at the Community Center and completed the initial reserve study. A second phase is now in process. Next meeting is 4-7-09 at 6:30 pm.

LAMSBD Board approved the resolution last year by unanimous vote. It states LAMSBD can raise the current \$100 annual assessment to \$1,000 but only with a super majority vote of the LAMSBD Board. Note: The \$100 has been in effect since 1986. The Board has again in 2008 reapproved the resolution by unanimous vote. **On 1-13-09, the Board of Clay County Commissioners with Commissioner Ronnie Robinson’s help unanimously approved our resolution. On 1-21-09, the Clay Delegation, chaired by Senator Evelyn Lynn and with the aid of Rep. Bill Proctor, voted unanimously on our behalf.**

There is an ad valorem of one mil tax, which, of course, is based on property values.

We are in dire need of engineering studies, quarterly dam inspections, leak alarms, erosion control, monthly water testing, carp, bass, emergency dam repair, a new maintenance program, a dredging schedule for all 3 lakes, plus major capital improvements for all dams: that include new valves, controls, valve tubes, French drains, bulkheads, plus an emergency flood control spillway for South Lake Asbury.

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LAMSBD has a fiduciary responsibility to the District residents and the key to avoiding a major dam repair subject to the new SJRWMD standards is a new high quality PREVENTATIVE MAINTENANCE PROGRAM. Every effort will be made; “in an economically feasible manner.”

Any annual assessment would first be preceded by three (3) hearings allowing District resident input.

From the Secretary:

Clay Today provided Legal Notice December 24, 2008 for the 2009-January 2010 meeting’s dates for LAMSBD and the Vision Committee. Both meet at 282 Branscomb Road (LA Community Center) starting at 6:30 PM. The scheduled meetings for both organizations are:

LAMSBD 2009 (All meetings the first Monday of the month except Sept. & Nov.):

Jan 5	Feb 2	Mar 2	Apr 6	May 4	Jun 1	Jul 6	Aug 3	Sep 14	Oct 5	Nov 9	Dec 7
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LAMSBD 2010:

Jan 4

Vision Committee 2009:

Jan 6	Apr 7	Aug 4	Dec 14
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