

MINUTES OF MEETING
POINCIANA WEST
COMMUNITY DEVELOPMENT DISTRICT

The Regular meeting of the Board of Supervisors of the Poinciana West Community Development District was held on Wednesday, March 17, 2021 at 9:30 a.m. at the Starlite Ballroom, 384 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Roy LaRue
Mayra Skeet
Maneck Master
Joseph Clark

Vice Chairman
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present were:

Tricia Adams
Scott Clark *by Zoom*
Kathy Leo
Clayton Smith
Cherrief Jackson
Tim Gardner

GMS
District Counsel
District Engineer
Assistant Field Manager
Clarke
Clarke

The following is a summary of the discussions and actions taken at the March 17, 2021 Poinciana West Community Development District's Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order and called the roll. A quorum was established. Ms. Adams noted that they were holding a hybrid meeting noting they had an in person physical quorum and they also had Zoom attendees.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Administration of Oaths of Office to Newly Elected Board Members

Ms. Adams reported that a general election was held in November and two of the Board members who had previously served on the Board have started a new four year term, Joseph Clark and Maneck Master. New Board member, Mayra Skeete, was welcomed to the Board. Mayra took her Oath of Office prior to the meeting and was sworn in and is fully able to participate in the meeting. Ms. Adams then administered the Oath to Supervisors Mr. Clark and Dr. Master.

B. Election of Officers

Ms. Adams continued by stating the Board will appoint a slate of officers to hold seats within the Board including a Chairman, Vice Chairman, Assistant Secretaries, Secretary, and Treasurer. The current slate of officers are Peggy Gregory serving as Chairperson, Roy LaRue serving as Vice Chairperson, George Flint serving as Secretary, Maneck Master and Joseph Clark serving as Assistant Secretaries. They would need to make room for the newest Board member as an officer.

Ms. Adams asked that the GMS employees be appointed with George Flint as Secretary, Tricia Adams as Assistant Secretary, Jill Burns and Katie Costa as Treasurer and Assistant Treasurer. The Board has options on how they would like to consider officers and this Board chose to consider the Chairperson and Vice Chairperson and then take the slate of officers.

On MOTION by Mr. LaRue, seconded by Mr. Clark, with all in favor, Appointment of Peggy Gregory As Chairperson, was approved.

On MOTION by Dr. Master, seconded by Ms. Skeete, with all in favor, Appointment of Roy LaRue as Vice Chairperson, was approved.

C. Consideration of Resolution 2021-01 Electing Officers

The remaining officers were appointed as George Flint as Secretary, Maneck Master, Joseph Clark, Mayra Skeete, and Tricia Adams as Assistant Secretaries, Jill Burns as Treasurer, and Katie Costa as Assistant Treasurer.

On MOTION by Mr. LaRue, seconded by Mr. Clark, with all in favor, Resolution 2021-01 Electing Officers, was approved.

FOURTH ORDER OF BUSINESS

Public Comment Period on Agenda Items

Ms. Adams gave the public an opportunity to comment on items that were presented on the agenda and asked for the public to keep their comments to three minutes. There being no public comments, the next item followed.

FIFTH ORDER OF BUSINESS

Approval of the Meeting Minutes

- A. January 15, 2020 Joint Meeting**
- B. May 20, 2020 Board of Supervisors Meeting**
- C. May 20, 2020 Audit Committee Meeting**
- D. July 22, 2020 Board of Supervisors Meeting**
- E. July 22, 2020 Audit Committee Meeting**

Ms. Adams asked the Board if they would like to approve the minutes as a slate of approvals due to them having a number of meetings to approve the minutes after corrections. The meeting dates were a joint meeting on January 20, 2020, May 20, 2020 Board of Supervisor’s Meeting, May 20, 2020 Audit Committee Meeting, July 22, 2020 Board of Supervisor’s Meeting, and the July 22, 2020 Audit Committee Meeting.

Ms. Adams stated for the record that all of these minutes have been presented to Board members for comment. The July meeting minutes were circulated in August and they did not receive any comments or corrections at that time.

On MOTION by Mr. LaRue, seconded by Ms. Skeete, with all in favor, the January 15, 2020 Joint Meeting, May 20, 2020 BOS Meeting, May 20, 2020 Audit Committee Meeting, July 22, 2020 BOS Meeting, and July 22, 2020 Meeting Minutes, were approved.

SIXTH ORDER OF BUSINESS

Ratification of Agreements

- A. First Amendment to Landscape Maintenance Agreement with Floralawn**

Ms. Adams stated that this amendment extends the term of service with the contractor and it was prepared by District Counsel which includes a provision for the E-Verify system that will be included in any new contracts moving forward. This was executed by the Chairperson and reviewed by District Counsel. The Board had previously met and approved the budget including the compensation for Floralawn. In terms of protection for the District having an agreement in place is something that the Board would want to have in place.

On MOTION by Mr. LaRue, seconded by Ms. Skeete, with all in favor, the First Amendment to Landscape Maintenance Agreement with Floralawn, was Ratified.

B. Fiscal Year 2020 Auditing Services Agreement with Berger, Toombs, Elam, Gaines & Frank

Ms. Adams stated that this was approved in order to get the audit for 2020 started. Ratification is now needed. Fiscal Year 2020 ended on September 30th. The Board selected the firm Berger Toombs to engage in auditing services. This is a statutory requirement and there is a deadline for the audit.

On MOTION by Dr. Master, seconded by Mr. Clark, with all in favor, the Fiscal Year 2020 Auditing Services Agreement with Berger, Toombs, Elam, Gaines & Frank, was ratified.

C. Non-Ad Valorem Assessment Administration Agreement with Polk County Property Appraiser

Ms. Adams stated that this is an agreement that is presented to the Board of Supervisors annually and it is an agreement with the Polk County property appraiser. It allows the District to put their debt service fees and operations and maintenance fees for the CDD in the non-ad valorem section of the property tax bill. The property appraisers can charge a fee for the assessment roll and that is typically a percentage of what's collect. In the adopted budget it shows the breakdown of how much is being collected as a gross collection and how much is payable to Polk County Property Appraiser as part of this agreement. The collection fee is also noted in the agreement.

On MOTION by Mr. Clark, seconded by Dr. Master, with all in favor, the Non-Ad Valorem Assessment Administration Agreement with Polk County Property Appraiser, was ratified.

D. Data Sharing and Usage Agreement with Polk County Property Appraiser

Ms. Adams noted that the Board has previously seen this agreement and reported that the State of Florida has made certain public sector employees exempt from disclosure of their public records. This agreement binds the District to participate in those exemptions.

On MOTION by Mr. LaRue, seconded by Dr. Master, with all in favor, the Data Sharing and Usage Agreement with Polk County Property Appraiser, was ratified.

E. E-Verify System Memorandum of Understanding

Ms. Adams noted that the State of Florida passed a law stating that Florida governments must comply with the E-Verify system created by the Department of Homeland Security regarding

immigration and employment status. The new law went into effect January 1, 2021. The District must be enrolled in E-Verify and have their contractors moving forward be enrolled in the E-Verify system as well. Mr. Clark added that entering into new contracts and renewing or amending existing contracts will have special language that will have those working with the District required to comply with the E-Verify system. It does give the District the right to cancel contracts if there is a noncompliance component shielding the District from liability of those vendors not in compliance.

On MOTION by Mr. LaRue, seconded by Mr. Clark, with all in favor, the E-Verify System Memorandum of Understanding, was ratified.

SEVENTH ORDER OF BUSINESS

Consideration of Amendment to Aquatic Maintenance Agreement with Clarke

Ms. Adams presented the proposed agreement amendment from Clarke to the Board. Early in the 2020 budget process, staff presented the proposed service agreements for Clarke in terms of scope and compensation. A representative from Clarke was present at the meeting and discussed the justification for the proposed increase as an increase in price for weed kill. There has not been an increase to the cost since 2011 and the adjustment is to keep up with an increase in costs. The annual increase is \$855.

Ms. Adams added that any approval of the increase for Fiscal Year 2021 would be subject to District Counsel Scott Clark preparing the agreement including any additional language that would be brought back to the Board at a future time. This is approving the concept and the actual form of the agreement would be presented at a future meeting. The new agreement would be effective October 1, 2020 and had been discussed as part of the budgeting process and the CDD was budgeted for the increased amount for the current fiscal year. Ms. Adams will also research back to the Districts past records for previous aquatic maintenance services and costs over the past five or six years.

On MOTION by Mr. LaRue, seconded by Ms. Skeete, with all in favor, Approving the Amendment to Aquatic Maintenance with Clarke and Delegating Authority to Chairman to Execute, was approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Clark had nothing further to present to the Board and answered a question about in person versus Zoom meetings. There have been no changes that he has heard of and for the time being and they can expect to be meeting with the required three in the room quorum with either a fully public meeting or a hybrid like they are conducting now.

B. Engineer

Ms. Leo, District Engineer, gave a report. Ms. Adams offered information regarding the upcoming community informational workshop. It is being duly noticed so the Poinciana Community Development District Board of Supervisors will have an opportunity to meet and discuss the items. There will be no Board actions taken because it is a virtual meeting, but they will have the opportunity to discuss matters as there is keen interest from a community perspective. It is not a District matter other than the coordination of the roadways and tunnel construction. For the Board's information, in addition to Polk County Roads and Drainage, Central Florida Expressway has also been invited and confirmed their attendance regarding their proposed construction plans. Any resident or member of the public can log into the webinar using the information provided. The meeting will be held March 30th at 10:00 a.m.

C. District Manager**i. Approval of Check Registers**

Ms. Adams presented the check register to the Board from July 16, 2020 to March 9, 2021. These are checks from the general fund and payroll in the amount of \$1,157,919.37. The detailed check run is included in the agenda package.

On MOTION by Mr. LaRue, seconded by Ms. Skeete, with all in favor, the Check Register totaling \$1,157,919.37, was approved.

ii. Balance Sheet and Income Statement

Ms. Adams stated that this does not require any Board action but historically, this District has made a motion to accept the unaudited financials for the current fiscal year through February 28, 2021. It is notable to state that the District is running under budget in terms of spending. The prorated amount for the general and field expenses is at about \$138,000 and the actual spending is \$98,000.

On MOTION by Mr. Clark, seconded by Mr. LaRue, with all in favor, the Balance Sheet and Income Statement, was accepted.

iii. Presentation of Arbitrage Rebate Calculation Report

Ms. Adams noted that the IRS, for government issued bonds, requires proof that they are not earning more interest than they are paying. The report shows there is no arbitrage issue and the bonds are in compliance with IRS regulations for these tax-exempt bonds. Every 5 years the IRS requires an arbitrage calculation report, however, it is the same cost to do it once a year. This report is presented annually.

On MOTION by Dr. Master, seconded by Mr. Clark, with all in favor, the Arbitrage Rebate Calculation Report, was approved.

D. Field Manager

i. Field Manager's Report

Mr. Smith presented the Field Manager's Report, and the report can be found in the agenda package. In progress items include dry pond mowing, drain clearing, hydrilla treatments, and midge treatment changes. The Clarke representative went into great detail on the treatment changes for midge management and how they are going to move forward. They are looking at the best long-term approach and what products they are moving forward with. They are adapting to each individual pond and how the plants are responding. There are additional costs, but they are excited by the results. They also talked in length about midge management and there is also a schedule for management at the end of the field manager's report. A proposed new midge management agreement will be brought back to the Board for consideration at a future meeting.

ii. Customer Complaint Log

Mr. Smith presented the Customer Complaint Log that can be found in the agenda package. The complaints are logged from June 2020 to March 2021.

NINTH ORDER OF BUSINESS

Supervisor's Requests

Supervisor Clark initiated discussion to get Supervisor's positions on the merger of the PCDD and the PWCDD Districts. Overall, three Board members expressed concern regarding the proposed merger due to a lack of benefit compared to the potential cost to merge. Additional

liability to maintain the tunnels and older ponds were cited as an additional concern. There was discussion that the current set up of having two separate Districts is effective.

There being no other Supervisor’s requests, the next item followed.

TENTH ORDER OF BUSINESS

General Audience Comments

Resident (Sally Mae) was not sure where the CDD responsibility starts and the HOA responsibility starts, but she is concerned about the levels of the water in the lakes and ponds and the vegetation growing into her property. Staff will follow up with the resident.

There being no other audience comments, the next item followed.

ELEVENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

TWELTH ORDER OF BUSINESS

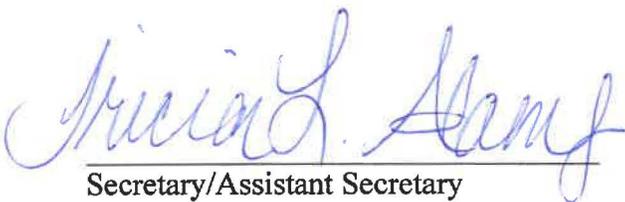
Next Meeting Date – May 19, 2021

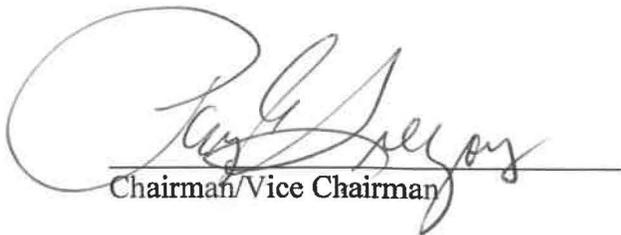
The next meeting date is scheduled for May 19, 2021 where the Board will be reviewing the draft budget for Fiscal Year 2022.

THIRTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. LaRue, seconded by Mr. Clark, with all in favor, the meeting was adjourned.


Secretary/Assistant Secretary


Chairman/Vice Chairman