

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, November 28, 2018 at 2:00 p.m. in the Starlite Ballroom, 384 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Charles Case	Chairman
Leonard Vento	Vice Chairman
Shirley Bzdweka	Assistant Secretary
Peggy Gregory	Assistant Secretary
Roy LaRue	Assistant Secretary

Also present were:

George Flint	District Manager
Michael Eckert	District Counsel
Jan Carpenter	Special Counsel
Kathy Leo	District Engineer
Alan Scheerer	Field Engineer
Clayton Smith	Asst. Field Engineer
Kathy Fox	Clarke Environmental
Residents	

*The following is a summary of the discussions and actions taken at the November 28, 2018 Poinciana West Community Development District's Board of Supervisors Meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Case called the meeting to order and called the roll. A quorum was established.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited by Members of the Board and staff.

**THIRD ORDER OF BUSINESS**

**Public Comment Period on Agenda Items**

Mr. Case asked for public comments on agenda items only and asked the public to keep comments to three minutes.

A resident, Thadius, mentioned he attended past meetings and noted there will be a learning curve for the new Members of the Board. The resident asked the Board to reconsider merging the Poinciana and Poinciana West Districts together.

#### **FOURTH ORDER OF BUSINESS**

#### **Organizational Matters**

##### **A. Administration of Oaths of Office to the Newly Elected Board Members**

Mr. Flint welcomed the new Board Members to the Board and administered the Oath of Office to Mr. LaRue and Ms. Gregory. Mr. Flint briefly explained the packet handed out to new members regarding documents they must file and/or return to him. Mr. Eckert explained the Sunshine Law and Public Records Law to the newly appointed Board Members and asked for any questions from the Board.

##### **B. Election of Officers**

##### **C. Consideration of Resolution 2019-01 Electing Officers**

Mr. Flint noted the Chairman and Vice Chairman need to be Board Members, and the other officers can be Board Members or not. Mr. Flint noted that currently Mr. Case is Chairman, Mr. Vento is Vice Chairman, and the other three Board Members previously were Assistant Secretaries. Mr. Flint stated he was Secretary, the District accountant Ariel Lovera was Treasurer, Jason Showe was an Assistant Secretary, and Teresa Viscarra was an Assistant Treasurer. The Board agreed to keep the current officers. Mr. Case congratulated and welcomed Ms. Gregory and Mr. LaRue to the Board and noted the other Board Members looked forward to working with them.

Mr. Case noted that Mr. Brown served the Board for three years and thanked him for his time and effort working for the Board and stated he appreciated his performance on the Board. Mr. Case stated that Mr. Gecewicz did a lot to help out in the short period of time he was on the Board. Mr. Case noted that George Flint has done a superb job since replacing the previous individual who did not live up to the standard the Board wanted. Mr. Case stated he never had an occasion he could not get in contact with Mr. Flint, and pointed out to the new Board Members that he is always there for them. Mr. Case pointed out Mike Eckert has done a very good job for the Board in the negotiation process at the Board's direction. Mr. Case noted Mr. Eckert is also always able to be reached for any questions or input on any situation. Mr. Case thanked Kathy Leo for her work with the Board as well.

On MOTION by Mr. Vento, seconded by Ms. Bzdweka, with all in favor, Charles Case was elected to serve on the Board of Supervisors as Chairman, was approved.

On MOTION by Ms. Bzdweka, seconded by Ms. Case, with all in favor, Leonard Vento was elected to serve on the Board of Supervisors as Vice Chairman, was approved.

On MOTION by Ms. Bzdweka, seconded by Mr. LaRue, with all in favor, Shirley Bzdweka, Peggy Gregory, Roy LaRue, and Jason Showe were elected to serve as Assistant Secretaries, George Flint elected to serve as Secretary, Ariel Lovera elected to serve as Treasurer, and Teresa Viscarra elected to serve as Assistant Treasurer, was approved.

On MOTION by Ms. Bzdweka, seconded by Mr. LaRue, with all in favor, Resolution 2019-01 Electing Officers was approved.

#### **FIFTH ORDER OF BUSINESS**

#### **Approval of Minutes of the August 15, 2018 Board of Supervisors Meeting and Approval of the Minutes of the September 5, 2018 Joint Meeting**

Mr. Case asked for amendments, changes, corrections, or deletions to the August 15, 2018 Board of Supervisor meeting minutes. The Board had no changes or corrections to the minutes.

On MOTION by Ms. Bzdweka, seconded by Mr. Vento, with all in favor, the Minutes of the August 15, 2018 Board of Supervisors Meeting were approved, as presented.

Mr. Case asked for amendments, changes, corrections, or deletions to the September 5, 2018 Joint meeting minutes. The Board had no changes or corrections to the minutes.

On MOTION by Ms. Bzdweka, seconded by Ms. Gregory, with all in favor, the Minutes of the September 5, 2018 Joint Meeting were approved, as presented.

**SIXTH ORDER OF BUSINESS****Consideration of Agreement with Berger, Toombs, Elam, Gaines & Frank to Provide Auditing Services for Fiscal Year 2018**

Mr. Flint noted that as a governmental entity, the CDD is required to have an annual independent audit and Berger, Toombs, Elam, Gaines & Frank was selected through a process prescribed by statutes. Mr. Flint stated the agreement is a not to exceed amount of \$3,415.

On MOTION by Mr. Vento, seconded by Ms. Bzdweka, with all in favor, the Agreement from Berger, Toombs, Elam, Gaines & Frank to Provide Auditing Services for the Fiscal Year 2018, was approved.

**SEVENTH ORDER OF BUSINESS****Consideration of Resolution 2019-02 Amending the Fiscal Year 2018 Budget**

Mr. Flint noted if the actual expenses exceed the budget, the budget must be amended within 60 days of the end of the fiscal year. Mr. Flint summarized the changes to the Fiscal Year 2018 budget.

Ms. Gregory asked to see the true definition of every line item for the new Board Members to fully understand what exactly was being paid for and why. Mr. Flint noted that he would gladly sit down with the new Board Members and answer any detailed questions they had on the budget. Mr. Flint pointed out that the adopted budget has a narrative of every line item, and noted the adopted budget was on the District's website [www.poincianawestcdd.org](http://www.poincianawestcdd.org).

Mr. Vento and Mr. Flint discussed the carry forward surplus under revenue. Mr. LaRue and Mr. Flint discussed advertising costs. Mr. Flint discussed fees that should not be reoccurring in the Fiscal Year 2019 budget with the Board. Mr. Flint explained the Trustee fee and field services line items to the Board.

On MOTION by Ms. Bzdweka, seconded by Mr. Vento, with all in favor, the Resolution 2019-02 Amending the Fiscal Year 2018 Budget, was approved.

**EIGHTH ORDER OF BUSINESS****Ratification of Limited Engagement of Latham, Shuker, Eden & Beaudine, LLP Regarding the Real Estate Amenity Transaction**

Mr. Flint noted that Hopping, Green & Sams was not able to represent the CDD on the actual sales transaction due to a conflict, and the Board directed him to bring back proposals for special counsel to deal with the real estate transaction. Mr. Flint stated the Chairman was authorized to enter into an agreement with Latham, Shuker, Eden & Beaudine and this ratifies the agreement that has already been executed.

On MOTION by Ms. Bzdweka, seconded by Ms. Gregory, with all in favor, the Limited Engagement of Latham, Shuker, Eden & Beaudine, LLP Regarding the Real Estate Amenity Transaction, was ratified.

**NINTH ORDER OF BUSINESS****Discussion of Amenity Transaction****A. Presentation of Termination Letter of Asset Sale and Purchase Agreement**

Ms. Carpenter presented the termination letter of Asset Sale and Purchase Agreement. Ms. Carpenter reminded the Board that the AV Homes attorney sent a letter stating that the 14<sup>th</sup> amendment would terminate on November 15, 2018 and that they were seeking to terminate the contract. She noted that this terminates the contract in its entirety, there are no obligations left under that agreement.

**B. Presentation of Termination Letter of Bond Financing Team Funding Agreement**

Ms. Carpenter presented the termination letter of Bond Financing Team Funding agreement. She noted they were terminating that agreement other than their obligation to provide funding as required. Ms. Carpenter stated under the termination provision, it says that they are going to provide the funds along with the termination to pay anything remaining.

Mr. LaRue and Ms. Carpenter discussed expenses that occurred during the process and clarified the intent of payment.

**C. Consideration of Resolution 2019-03 Directing Termination of Bond Validation Case**

Mr. Eckert explained resolution 2019-03 to the Board and asked for any questions. Mr. Vento asked if there were any financial ramifications for termination this, Mr. Eckert noted he

believed there were. For example, if the Board wanted to issue bonds again they are going to have to redo everything, however there is no dismissal fee.

Discussion ensued regarding the option of termination vs. not terminating between Mr. Eckert, Mr. Flint, and Ms. Bzdweka.

On MOTION by Ms. Bzdweka, seconded by Mr. LaRue, with all in favor, the Resolution 2019-03 Directing Termination of Bond Validation Case, was approved.

**D. Consideration of Resolution 2019-04 Terminating Amenity Debt Special Assessment Liens**

Mr. Eckert explained resolution 2019-04 to the Board and noted as soon as the Board adopted the resolution the assessments will be terminated.

On MOTION by Ms. Bzdweka, seconded by Mr. LaRue, with all in favor, the Resolution 2019-04 Terminating Amenity Debt Special Assessment Liens, was approved.

**E. Consideration of Termination of Interlocal Agreement Related to Amenity Transaction**

Mr. Eckert summarized the Interlocal Agreement Termination in the Board's agenda packet. Mr. Eckert noted that the Poinciana CDD Board deferred this item to a future meeting. He stated the Board could authorize the execution to terminate or defer it to a later date.

The Board discussed having a joint meeting to address this issue with the Poinciana Board but decided they should not hold off for a joint meeting and instead approve the termination.

On MOTION by Ms. Bzdweka, seconded by Mr. Vento, with all in favor, the Termination of Interlocal Agreement Related to Amenity Transaction, was approved.

**F. Consideration of Termination of Agreement for Amenity Bond Financing Services with MBS Capital Markets, LLC**

Mr. Eckert summarized the termination for the Board, there were no questions.

On MOTION by Mr. Vento, seconded by Ms. Bzdweka, with all in favor, the Termination of Agreement for Amenity Bond Financing Services with MBS Capital Markets, LLC, was approved.

**TENTH ORDER OF BUSINESS****Staff Reports****A. Attorney**

Mr. Eckert discussed fees in the future for terminations of agreements. Mr. Eckert noted he was not aware of any fees for serving the terminations of contracts. Mr. Eckert discussed some issues brought up during the Poinciana CDD meeting with the Board.

**B. Engineer**

Ms. Leo welcomed the new Board Members and handed out the ownership map of the District ponds. Ms. Leo noted she had a request from Mr. Brown to take a look at the dry ponds. She asked the Board for any questions. Ms. Leo discussed the midge issued with the Board and noted that Poinciana West did not have as many issues as Poinciana with midges. Mr. Flint stated there was a complaint in the complaint log about midges, but they are not to the extent that Poinciana has them.

**C. District Manager****i. Approval of the Check Register**

Mr. Flint presented the check register for October 1<sup>st</sup> through November 30<sup>th</sup>, totaling \$110,601.31, and the detailed summary was located behind it. He then asked for any questions on the check register. Mr. Flint explained the \$14,000 to the Polk County Property Appraiser charge for the Board to use the tax bill as the collection method, is required. Mr. Flint explained the costs for raising two manhole covers up.

On MOTION by Ms. Bzdweka, seconded by Mr. LaRue, with all in favor, the Check Register for October 1<sup>st</sup> through November 30<sup>th</sup> was approved.

**ii. Balance Sheet and Income Statement**

Mr. Flint presented the unaudited financial statements for the first month of Fiscal Year 2019. He noted there is no revenue, because they have not started receiving the assessment revenue yet. Mr. Flint stated they do have a significant fund balance carried forward that will carry them through November and December until the revenue starts coming in.

On MOTION by Ms. Bzdweka, seconded by Mr. Vento, with all in favor, the Balance Sheet and Income Statement was approved.

**D. Field Manager**

**i. Field Manager's Report**

Mr. Smith present the Field Manager's Report. He explained in further detail the man hole covers that were lifted and showed the Board pictures of the completed project. He pointed out that Clarke's contract has begun, and they are starting Hydrilla treatments. Mr. Smith showed the Board pictures of the ponds and noted that in one pond half of the Hydrilla is already gone. Mr. Smith and Mr. Flint went into a detailed discussion about what hydrilla is and how they are working to get it out of the ponds.

Ms. Leo noted the pond water is at the point where they could put in fish. Mr. Flint stated the water had been too warm, but after the cold front they should be ready to go in.

**ii. Customer Complaint Log**

Mr. Flint presented the customer complaint log.

**ELEVENTH ORDER OF BUSINESS**

**Supervisor's Request**

Ms. Bzdweka stated that there are street lights completely out and gave Mr. Flint the street name to put in a request to get that issue taken care of.

Mr. Vento requested their meeting to come before the other CDD meeting because our meetings are much briefer. He recommended the meetings start before 11:00 a.m. Discussion ensued regarding meetings in the future. *Board consensus to move the meeting start time to 9:30 a.m. on the same dates.*

**TWELTH ORDER OF BUSINESS**

**General Audience Comments**

There being none, the next item followed.

**THIRTEENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.



**FOURTEENTH ORDER OF BUSINESS**

**Next Meeting Date – January 16, 2019 at 9:30 a.m.**

The Board decided to cancel the December meeting, the next meeting will be held on January 16, 2019 at 9:30 a.m.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned at 3:14 p.m.

On MOTION by Ms. Bzdweka, seconded by and Mr. Vento, with all in favor, the meeting was adjourned

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman