

**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, **May 18, 2022** at 9:00 a.m. via Zoom Communication Media Technology and in the Starlite Ballroom, 384 Village Drive, Poinciana, Florida.

Present and constituting a quorum were:

Peggy Gregory *via Zoom*
Roy LaRue
Dr. Maneck Master
Joseph Clark
Mayra Skeete *via Zoom*

Chair
Vice Chairman
Assistant Secretary
Assistant Secretary
Assistant Secretary

Also present were:

Tricia Adams
Scott Clark *via Zoom*
Kathy Leo
Clayton Smith
Residents (*Present & via Zoom*)

District Manager
District Counsel
District Engineer
Field Manager

The following is a summary of the discussions and actions taken at the May 18, 2022 Poinciana West Community Development District's Board of Supervisors Meeting.

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order at 9:02 a.m. and called the roll. All Supervisors were present.

SECOND ORDER OF BUSINESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Public Comment Period on Agenda Items

There were no public comments.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the March 16, 2022 Meeting

Any Board corrections to the minutes were included in the draft minutes, which were presented in the agenda package.

On MOTION by Ms. Gregory seconded by Ms. Skeete with all in favor the Minutes of the March 16, 2022 Meeting as presented were approved.

FIFTH ORDER OF BUSINESS

Discussion of Property Conveyance Checklist/Procedures

Ms. Adams recalled that the District was contacted by Taylor Morrison (TM) regarding the property conveyance of stormwater to the District. The Board discussed procedures and tasks to be assigned to staff, as well as requirements and documentation that the Board would like to see to ensure the smooth transition of property. Comments from the Board regarding potential fees at last month's meeting, were incorporated in the revised draft of the Procedures for Acquisition and Acceptance of Common Area Property from Developers, which was included in the agenda package and circulated to TM for review and input. According to TM's attorney, Mr. Jere Earlywine, Mr. Scott Clark stated that TM now wanted to convey 50 parcels to the District, from the original three parcels and for the Board to consider an Acquisition Agreement at this meeting. TM agreed with most of the procedures, with the exception of the deposit of \$5,000 per parcel, which would amount to \$250,000 for what they were proposing. Mr. Scott Clark recommended that the Board review the parcels and discuss at the next meeting.

Mr. LaRue questioned the engineering costs for the 50 parcels, as the costs for the three parcels discussed at the last meeting, was \$15,000. Mr. Scott Clark suggested developing a cost estimate. Ms. Gregory agreed, but preferred that the attorneys negotiate the fees, as this would be the last turnover of parcels to Poinciana West CDD. Dr. Master questioned the priorities. Ms. Adams explained that the District Engineer would perform a thorough review of all the parcels and related documentation such as permits. Dr. Master questioned how three parcels turned into 50. Ms. Leo stated that the three parcels were ponds and the 50 parcels were conservation areas;

however, some parcels may or may not need to belong to the District. Ms. Leo suggested providing a not-to-exceed amount for engineering services based on a time and material basis. Ms. Gregory did not want to do anything until Mr. Scott Clark provided the go ahead. Ms. Gregory asked for separate costs for attorney and engineering, broken out by parcel ID numbers. Mr. LaRue wanted a project definition. Dr. Master requested clarification on the October 1st date for acceptance of the parcels in the agreement so there were no misconceptions. Mr. Scott Clark believed that the intent was October 1st of a specific year, not October 1st of this year to match the budget cycle, which he would incorporate into the final agreement.

After further discussion, there was Board consensus to defer this matter until District Counsel provided the agreement for Board consideration.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2022-01 Approving the Proposed Fiscal Year 2023 Budget and Setting a Public Hearing

Ms. Adams stated that all Districts were required by statute to approve a proposed budget by June 15th and transmit it to the county and post the budget in accordance with Florida Statutes. Resolution 2022-01 approved the proposed budget for Fiscal Year 2023, starting on October 1, 2022 and running through September 30, 2023 and sets the public hearing for June 20, 2022 at 9:00 a.m. at this location.

Mr. LaRue questioned the increase in *Engineering*. Ms. Adams explained that it was based on the annual engineer's inspection and other historical expenses. Mr. LaRue requested the insertion of a column to the left of the budgeted amount for the actual amount for 2020 and 2021. Mr. Smith expected spending \$15,000 for engineering next year due to all of the conveyance work for reviewing and coordinating with the developer. Dr. Master and Mr. LaRue preferred separate line items for the engineering and attorney work for the property conveyance for tracking purposes. Ms. Gregory suggested using \$5,000 as a starting point. Ms. Leo cautioned against reducing the \$15,000 for engineering as there was a learning curve to maintain the wetland and conservation. After further discussion, there was Board consensus to leave Engineering at \$15,000.

Ms. Gregory worked with the auditor to negotiate *Trustee Fees* from \$7,050 to \$4,256. US Bank was charging a percentage fee for two different bonds and incidentals, which US Bank

removed. She asked District Counsel to send a demand letter to US Bank to recoup monies paid for these items.

Ms. Gregory explained why *Management Fees* decreased from \$46,350 to \$40,000. GMS charged \$46,350 but it was to be reduced because Poinciana West had six meetings. Dr. Master and Ms. Gregory were happy with GMS but felt that the District should be paying half of \$46,000 for six meetings, not \$40,000, as there was minimal work since the community was not new. Ms. Adams explained that the District management fees were not only for meeting attendance and there were non-meeting items such as the accounting and administrative items. There was no further flexibility in the reduced management fee. Mr. Scott Clark noted that other management companies were increasing their fees and recommended that the Board budget at the current contract amount. After a lengthy discussion, there was Board consensus to accept the reduction and leave Management Fees at \$40,000.

Mr. LaRue questioned a 60% increase in *Website Maintenance* since the website was already set up. Ms. Adams explained that there were labor cost increases for IT and website maintenance staff and for retention of quality employees who ensured that the website was updated properly. Overall, expenses were down. Mr. LaRue wanted to look at each item individually versus overall and proposed a 10% increase versus 60% and 33% increases as the amount of work did not increase. There was Board consensus for Ms. Adams to include 10% increases for Information Technology and Website Maintenance in the next version of the budget.

Dr. Master proposed decreasing *Postage* from \$1,250 to \$1,000 as \$824 was projected to be spent and decreasing *Printing and Binding* from \$1,000 to \$800. Mr. LaRue preferred to receive a hard copy agenda package to mark and highlight. After further discussion, there was Board consensus to decrease Postage from \$1,250 to \$1,000 and Printing and Binding from \$1,000 to \$800.

The Board questioned whether they could go out to market the District's public officials and liability insurance. Ms. Adams explained that three insurance providers provide government insurance; two were responsive, the current insurance provider and the competitor. Ms. Gregory voiced concern about the 12% increase for *Insurance* and asked if the District was required to carry \$1 million insurance on the Treasurer, which was a GMS employee and if the District should be named as an insurer on a blanket GMS policy for their employees. Mr. Scott Clark

explained that GMS had its own policy covering their acts and omissions and there should be a certificate naming the District as an additional insured, which he requested a copy of. The District should separately have its own liability coverage. Ms. Gregory requested a copy of the \$6,778 invoice from the insurance carrier. After further discussion, there was Board consensus to leave Insurance at \$6,025.

Ms. Gregory questioned the nine different accounts that US Bank managed for the District that were part of *Trustee Fees*. Ms. Gregory wanted to look at the bank fees charged by Truist Bank in regards to \$2,400 for *Other Current Charges*. Ms. Adams explained that Truist Bank was approved by the Board as the District's depository and processed the ACH payments for the Board Members rather than processing checks. She would verify the bank charges.

Dr. Master questioned if Aquatic Midge Maintenance would decrease due to the Gambusia treatment. Mr. Smith expected it to increase as the cost of products increase. Dr. Master asked if the midge treatment was expected to increase if they had the same number of properties. Mr. Smith stated that it would increase due to normal increases and the level of service was where it needed to be. Ms. Adams explained that the budget for *Landscape Aquatic Maintenance* and *Aquatic Midge Maintenance* were based on anticipated increases at the current service level, plus an additional amount for additional maintenance. There was a different Service Agreement for midge control because one of the products that they relied on was no longer available. The Board requested the following changes to the Budget:

- Include 10% increases for *Information Technology* and *Website Maintenance*.
- Decrease *Telephone* from \$100 to \$50.
- Decrease *Postage* from \$1,250 to \$1,000.
- Decrease *Printing and Binding* from \$1,000 to \$800.
- Decrease *Insurance* from \$6,778 to \$6,025.
- Decrease *Office Supplies* from \$300 to \$200.

On MOTION by Mr. LaRue seconded by Mr. Joseph Clark with all in favor 2022-01 Approving the Proposed Fiscal Year 2023 Budget and Setting a Public Hearing for July 22, 2022, at 9:00 a.m. at this location was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Attorney Fees for Fiscal Year 2023

Ms. Adams presented a letter from District Counsel requesting an adjustment in their hourly rate for Fiscal Year 2023 to \$310 per hour. Mr. Scott Clark clarified that the increase was a 3% increase versus other Districts that increased by 8% to \$325.

On MOTION by Ms. Gregory seconded by Dr. Master with all in favor the rate increase in attorney’s fees to \$310 an hour was approved.

Mr. Scott Clark thanked Board for approving the rate increase and their confidence in him.

EIGHTH ORDER OF BUSINESS

Review and Acceptance of Draft Stormwater System Analysis Report

Ms. Adams presented a draft Stormwater System Analysis Report, which was included in the agenda package. Regarding a new State of Florida law requiring Special Districts to report on stormwater and wastewater needs, at the last meeting, the Board authorized the Chair to prepare the spreadsheet report. The District does not have any wastewater assets, so in this case, it has to do with the District’s stormwater assets. The Chair worked many hours to complete this report, which was due to the county by June 30th. The county would then forward it to the State.

On MOTION by Mr. LaRue seconded by Mr. Joseph Clark with all in favor the draft Stormwater Needs Analysis Report was approved.

Mr. LaRue thanked Ms. Gregory for her hard work.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Scott Clark was working on the property transfer agreement.

B. Engineer

Mr. Joe Clark recalled that at the last meeting, Ms. Leo was directed to provide her contract. Ms. Adams sent it to the Chair at her request and would circulate it to the entire Board. Ms. Gregory forwarded it to Mr. Scott Clark and they were discussing it. It went out for bid and there was a First Amendment. She would like to draft a Second Amendment effective October 1st.

C. District Manager

i. Approval of Check Register

Ms. Adams presented the Check Register for March 8, 2022 through May 10, 2022 totaling \$93,756.82. It included the General Fund, ACH electronic payments. Behind the check register, Board members can review detailed invoices and a Check Run summary.

Mr. LaRue asked whether a bill from Mr. Clark in the amount of \$1,230 for the transfer of tracts, was going to be charged to Taylor Morrison. Ms. Adams stated that there was no agreement in place. This was work completed by District Counsel in preparation of Board meetings to review the checklist procedures. Mr. LaRue asked if there could be a provision in the agreement to retroactively cover their activities. Mr. Scott Clark agreed he would add the provision. Ms. Gregory clarified that Mr. Scott Clark changed the general ledger to bill under general matters to ensure that everything was kept separate.

On MOTION by Mr. LaRue seconded by Dr. Master with all in favor the Check Register as stated above was approved.

ii. Balance Sheet and Income Statement

Ms. Adams presented the Unaudited Financial Statement through April 30, 2022. No Board action was required. The District was in a good cash position as the Unassigned Balance under the General Fund was \$764,243. The Board did an excellent job of controlling expenses.

iii. Presentation of Number of Registered Voters – 2,564

Ms. Adams reported according to the Polk County Supervisor of Elections, as of April 15th, there were 2,564 registered voters within the boundaries of the District. No action was required by the Board. This information was more significant in the beginning years of the District because when the District reached 250 registered voters and six years of being

established, its seats would transition to the General Election. The District was required to report the number of registered voters every year, as there was no provision in the Statute to stop the reporting, even when all of the seats were in the General Election process.

iv. Notice of Qualifying Period: Noon, June 13, 2022 to Noon, June 17, 2022

Ms. Adams announced that the qualifying period for the General Election Poinciana West CDD Board Seats was Noon on June 13, 2022 to Noon on June 17, 2022.

D. Field Manager

i. Field Manager's Report

Mr. Smith presented the Field Manager's Report, which was included in the agenda package. The alligator warning signs were installed and staff waited 30 days to see if there were any complaints or concerns. There were two requests to move them, which were moved and since then, there were no further concerns or complaints.

Ms. Gregory noticed a bill in the Check Register to move three signs at the request of residents in the amount of \$160 and questioned who designated the placement of the signs and why the District was charged \$160 to move them without Board approval. The process of doing things when residents called and the Board finding out afterwards, did not sit well with the Board. Mr. Smith understood Ms. Gregory's concerns and would remove the \$160 charge since he felt those were reasonable requests as the residents did not want them behind their homes. They would no longer come out to do any work until it was brought to the Board. Ms. Gregory questioned the status of the fish. Mr. Smith reported that on Monday, fish were stocked in the 26 acres of ponds requested by the Board, including Pond 6. The bleeder pipe was cleared on a dry pond, Pond P-2 by the landscaper at Mr. Smith's request. There were bleeder pipes on all of the dry ponds and was the main way that the water flowed out. The Monthly Treatment and Pond Reports were provided to the Board. Most of the ponds were clean, but there were some algae blooms in places and pond levels were slightly low. There was mainly edge grasses and filamentous algae in the ponds.

ii. Customer Complaint Log

Mr. Smith presented the Customer Complaint Log. There was some construction debris in the pond, which the builder assisted with the removal of. The Florida Fish & Wildlife Conservation Commission (FWC) was contacted regarding alligators.

TENTH ORDER OF BUSINESS

Supervisor's Requests

There being none, the next item followed.

ELEVENTH ORDER OF BUSINESS

General Audience Comments

There being none, the next item followed.

TWELFTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

THIRTEENTH ORDER OF BUSINESS

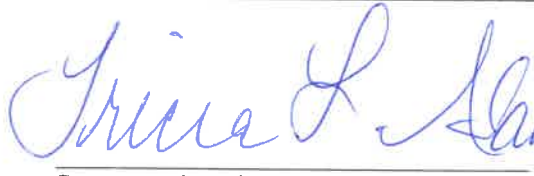
Next Meeting Date – July 20, 2022

Ms. Adams stated the next meeting was on July 20, 2022 at 9:00 a.m.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Joseph Clark seconded by Dr. Master with all in favor the meeting was adjourned.


Secretary / Assistant Secretary


Chairman / Vice Chairman