

**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 15, 2023** 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 <i>(via Zoom)</i>	Chair
Roy LaRue <i>(via Zoom)</i>	Vice Chairman
Dr. Maneck Master	Assistant Secretary
Joseph Clark	Assistant Secretary
Mayra Skeete	Assistant Secretary

Also present were:

Tricia Adams	District Manager
Jeremy LeBrun	GMS
Scott Clark <i>(via Zoom)</i>	District Counsel
Kathy Leo	District Engineer
Clayton Smith <i>(via Zoom)</i>	Field Manager
Cherrief Jackson	Clark Midge Control
Residents <i>(Present &amp; via Zoom)</i>	

*The following is a summary of the discussions and actions taken at the March 15, 2023 Poinciana West Community Development District's Board of Supervisors Meeting.*

**FIRST ORDER OF BUSINESS**

**Roll Call**

Ms. Adams called the meeting to order at 9:00 a.m. and called the roll. Dr. Master, Mr. Joseph Clark, and Ms. Skeete were present in person, constituting a quorum. Ms. Gregory and Mr. LaRue were present via Zoom.

**SECOND ORDER OF BUSINESS**

**Pledge of Allegiance**

The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS**

**Public Comment Period on Agenda Items**

Cherrief Jackson stated that she was there to take any questions or concerns, but she didn't have anything to report. She further explained that she was present in case anyone had anything to share with Clarke that she could take back to the operations team.

George Mullar (812 Jasmine Creek Road) commented on the amount of cash that they have accumulated. He further explained that it looked like they had quite a bit of cash on hand that they had accumulated. He noted that it seemed to be an excess amount of cash that could be reduced. He also commented on a dispute with the HOA over who was going to pay for repairs. There was a big discussion about the HOA being notified about this situation and they didn't respond. He stated that he felt like the CDD and the HOA should be working together because both were working for the people of the community.

**FOURTH ORDER OF BUSINESS**

**Organizational Matters**

**A. Administration of Oath to Newly Elected Board Members**

Ms. Adams stated that they had an election in November; as a result of that election, Peggy Gregory and Roy LaRue were appointed to four-year terms on the Poinciana West Community Development District Board of Supervisors. Their term started again back in November, and they will be on until November 2026 for this term. She also stated that because they were elected in November, they needed to administer the oath of office. The oath of office has been administered to both Board members by a Florida notary duly qualified to administer the oath.

**B. Election of Officers**

Ms. Adams stated that they were at the time where they needed to reconsider their officers for Poinciana West CDD. Currently they had Peggy Gregory as Chairman, Roy LaRue as Vice Chairman, and the remaining Board members serve as Assistant Secretaries. There are also some staff members with their District management team who serve as officers. George Flint serves as Secretary, Jill Burns serves as Treasurer, Tricia Adams serves as Assistant Secretary, and Katie Costa serves as Assistant Treasurer for the purposes of processing District records and attesting the Chairman's signature. Ms. Adams recommended that they keep the staff members in the same officer positions. She gave the options for Board members to consider the

officers as a slate or the Board could reorganize and consider separate positions one at a time. After Board discussion, the Board decided to keep the same slate of officers.

On MOTION by Dr. Master seconded by Ms. Skeete with all in favor the Election of Officers to Remain the Same as the Previous Slate of Officers was approved.

**FIFTH ORDER OF BUSINESS**

**Approval of Minutes of the September 21, 2022 Meeting**

Ms. Adams presented the minutes of the September 21, 2022 Board of Supervisors meeting. She noted that what they had included in the agenda package had already been reviewed. She asked for any additional comments or corrections. Hearing none,

On MOTION by Ms. Gregory seconded by Mr. LaRue with all in favor the Minutes of the September 21, 2022 Meeting were approved.

**SIXTH ORDER OF BUSINESS**

**Ratification of Fiscal Year 2022 Audit Engagement Letter**

Ms. Adams stated that this item was on page 16 of the agenda package and was an audit engagement letter for Fiscal Year 2022 from Berger, Toombs, Elam, Gaines & Frank. She noted that on page 20 of the engagement letter it showed the amount of \$3,425. Ms. Adams explained the background on their Audit Agreement stating that the Board ultimately approved an Audit Agreement with Berger, Toombs, Elam, Gaines & Frank for five years and it was for Fiscal Year 2020 through Fiscal Year 2024. Ms. Adams reviewed that agreement, and the terms of this engagement letter were consistent with the terms proposed for the Fiscal Year 2022 audit. She stated that this was provided to the Chairman for signature because the audit was a time-sensitive matter. The audit is due to be filed with the state by June 30<sup>th</sup> of each year. The annual independent audit is required for every Community Development District in the State of Florida. She noted that later in the agenda, they would be reviewing their audit.

On MOTION by Mr. Joseph Clark seconded by Ms. Skeete with all in favor the Fiscal Year 2022 Audit Engagement Letter was ratified.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Investment of Surplus Funds**

Ms. Adams stated that she provided a cover memorandum. She explained that this was included in the agenda packet back in November and it had been updated for March. The interest rate for savings has been changing. It started to change in the fall and has changed even more since the first of the year. She stated that even since November, there were some changes with opportunities that she wanted to address with the Board.

Ms. Adams stated that on page 29 of the agenda package was Resolution 2007-13. She explained that this was a resolution adopting investment guidelines for the Poinciana West Community Development District. The pertinent points are the investment guidelines that are consistent with Florida Statutes, Chapter 218. Poinciana West adopted four different options. The Board can invest surplus funds in the local government surplus trust fund, which is basically an investment pool for Florida governments. The Board can invest in money market accounts with the highest credit rating. The Board can invest in CD's or savings accounts with qualified public depositories. She explained that their funding was guaranteed because they have all their monies safely in a public depository. She noted that sometimes the question would come up related to FDIC insurance, but that would not be pertinent. Their qualified public depository guarantees these funds per Chapter 280.02, Florida Statutes. Finally, the other option that the Board members could consider is the U. S. Treasury.

Ms. Adams explained that Dr. Master has a background in investing and the U. S. Treasury funds were something that he was recommending for Poinciana West Community Development District to consider. She added that Dr. Master worked with staff to lay out a potential plan. That plan is outlined on the memorandum, which is on page 27 of the agenda package. Back in November, their money market account was only earning about 1%, but that changed, and the money market accounts were earning a little bit more. She stated that 1% was not the highest yield and Dr. Master felt that they could do better with the surplus funds. Ms. Adams stated that Dr. Master recommended the Treasury Bills and Treasury Notes. She further explained that they would buy \$100,000 in six-months security, \$100,000 in a one-year security, and \$100,000 in a two-year security. Then, 90-days later six-months security for \$100,000. Finally, they would invest at the same time the remaining \$100,000 in a one-year security. She noted that the investment rates, the yield rates, and the interest rates were more favorable than what they would get with a money market account typically. She stated that because of the

change in dynamics with the interest rates, they also wanted to put forward some additional information.

Ms. Adams reviewed the information on the State Board of Administration. She explained that this was the local government surplus trust fund, which they discussed earlier where it's an investment pool for Florida Governments. She stated that the SBA account was also an option. One advantage to the SBA account is that their investment is accessible and liquid. She noted that for several years, the interest rate on the SBA account was not much better than what they were getting with money market accounts, but that has really changed recently. It is a conservative investment fund and the yield at the end of January 2023 was 4.55% interest rate. She further stated that because of the savings changing, she wanted to include this in the mix for Board consideration and Board discussion. She also noted that she would like Dr. Master to provide his input because this was something that he really spent time talking through with staff.

Dr. Master reviewed the starting point, which was when they were looking at what they were getting versus what the reality in the marketplace was. He explained that they looked at the amount of funds and it looked like they would add somewhere around \$20,000 to \$25,000 a year to their budget, which would be great because it would pay for expenses that wouldn't result in higher fees to the residents. He stated that after talking to the folks at GMS, it looked like the safest and easiest thing to do would have been the treasury ladder, which he created. He explained that it comes with pros and cons to doing it including the fact that Darrin wanted some bank fees added to it because GMS didn't feel like they should manage it. Ms. Adams clarified that it wasn't a matter of what GMS did or did not want to do, but there was a restriction that local governments cannot directly purchase from the U. S. Treasury. She noted that she provided documentation with that information, and she also provided it to the Chairman. She further explained that the only option was to use a Custody Agreement. Dr. Master stated that he understood that option. He explained that the SBA option seems like it achieves the same purpose that the treasury ladder was going to. He suggested that they focus on the SBA option and discuss it more. Dr. Master asked Ms. Adams if she could provide a link through email for the SBA general information. Ms. Adams noted that because of the recent banking situation, they have been in internal discussion with Governmental Management Services regarding the correct amount of funding to have an SBA because everyone has concerns right now about their

investment funds and the savings accounts. She stated that they recommended right now to keep six months of operating expenses in their general fund Truist public depository account, and then move any remaining funds to SBA. After further Board discussion of all the options, the Board agreed to go with opening an SBA account.

Mr. LaRue asked specifically how much funding would be transferred. Ms. Adams responded that she didn't know the exact dollar amount, but she explained that if they looked at their financials, they would be looking at their total unassigned balance, which she would address when they present their unaudited financials. She further explained that out of that, they would look at what they needed for six months of operating expenses, which would be an easy calculation because they have their month-to-month expenses, which they could average. She stated that six months of their operating expenses would stay in their general fund Truist public depository account. The remainder of the funds will be moved to SBA to start earning more interest. Mr. LaRue asked Ms. Adams if she had an approximate amount. Dr. Master responded that it would be about \$500,000 plus or minus. Ms. Adams reviewed the unassigned balance, which at the end of February was \$836,719. She clarified that Dr. Master was correct and \$500,000 was a conservative number.

On MOTION by Dr. Master seconded by Mr. Joseph Clark with all in favor Moving Surplus Funds to the SBA Account was approved.

**A. Consideration of Custody Agreement**

This item was not approved.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Acquisition Agreement with Avatar Properties for Pond Conveyance**

Ms. Adams stated that on page 47 of the agenda package was an introduction of the Acquisition Agreement with Avatar Properties for pond conveyance. She explained that about a year ago there was some initial discussion about the policies and procedures for accepting the improved ponds from the developer. She stated that this District was established in particular for the purpose of owning and operating the stormwater system in perpetuity. There were tax exempt bonds that were issued in order to raise the construction funds to build and improve these ponds.

She further explained that historically once the ponds have been improved, they are then turned over to the District through a formal process and then the District starts to maintain that property. Currently, the developer has that property. There were questions initially when they requested the District to consider a couple of ponds about accepting them piecemeal or accepting them all. Then, the Board reviewed a list of all the ponds, which was voluminous. The Board directed District Counsel to work on this matter and all along the Board has made comments about the policies and the procedures for what is going to be required on behalf of the developer for the Board to consider accepting the property. She explained that much of that has been incorporated into an agreement and this agreement has previously been presented; however, there were some changes from the last time that the Board reviewed it. Ms. Adams turned this presentation over to District Counsel.

Mr. Scott Clark stated that they had come full circle with this after starting with a proposal about 2 years ago for three ponds and then they sent them an agreement with about 50 parcels of land that included a lot of conservation areas and wetlands. The last time they discussed this, they had a lot of discussion about the amount of money that they wanted them to put up as a deposit for cost to review that. They started with \$5,000 a parcel when there were fewer parcels. It became a lot of money that they were going to ask them to put up. Since the last time that they talked about this, they have gone back to the proposal of two ponds. He explained that this agreement included a couple of ponds. The deposit fee has been set in Exhibit B as \$15,000, which is a number that the developer has agreed to. He noted that they changed the prior agreement to specify that they were looking at acquiring these things on or just prior to October 1, 2023 instead of doing them immediately because they have to figure out the cost of this and get it into the budget. He noted that as Ms. Adams said, it was desirable that they obtain the ponds that they were obligated to maintain under the permit conditions. He stated that the big concern was the unknown of all the conservation areas. He felt like they pulled back because of all the questions and concerns. Now, they are requesting that the CDD accept a couple of ponds effective October 1, 2023. He stated that he brought this back to the Board for discussion. He noted that the developer was very persistent about this topic, but it was up to the Board. Dr. Master asked if this helps them set a precedent for the future. Mr. Scott Clark responded that he thought it did, which was part of the intent of this to develop a process. Ms. Gregory asked for clarification that they were going back to the two ponds only. Mr. Scott Clark confirmed and

stated that the two ponds were 19A and 19B. He also pointed out that previously the initial draft required them to pretty much take the ponds unless they found a title problem. This is a little bit more discretionary. He stated that they would come back to the next Board meeting to give a report and a recommendation to the Board on the final acceptance. Ms. Leo noted that there was no request for plans or as-builts. She also noted that on the last two bullets on page 53 of the agenda package it showed the maintenance proposals and the estimated annual insurance costs. She further explained that if they knew that they were going to come on October 1, they would want to do that themselves to have it budgeted anyway. Lastly, she noted that they wanted to make sure that ownership with the other miscellaneous parcels were within Solivita whether it was the CDD or the HOA. She stated that she felt like that was the intent of the longer list, and it might be a broader conversation for later if they can get these two ponds off the plate. She noted that there was a lot in there that needed deeper conversation.

Ms. Adams commented that Exhibit 'B' was taken from the procedure document that they started with, and the developer has made some changes to it. She explained that since the time that this was created, they were running into a few issues identifying the value of the improved property that was conveyed to the District. She stated that she would send a note to add to this and it would be something that their District Engineer would have on the transmittal documents. She noted that one of the documents needed to include the estimated value of the improvements because otherwise they don't have anything for the auditor to quantify when they are working on the audit. Mr. Scott Clark stated that this agreement was intended to be signed in advance so that they can put up the deposit so that they could do the investigation that they need to do in advance of October 1. He recommended to approve and execute this agreement with the inclusion of the as-built plans of the list on Exhibit 'B'. He stated that they would go ahead and put the money up so that by the next meeting when they look at the budget, they can develop some maintenance cost and give the Board the information to decide on accepting these parcels. Ms. Gregory asked what if it is more than they thought it would be on an annual basis and it becomes unreachable after they sign it and put the money up. Mr. Scott Clark responded that the language had been changed in the original draft that they gave them. They have agreed to take it under any circumstances if the title was good. He explained that it now says that the engineer and counsel would make a recommendation and that the District would use its reasonable discretion to determine whether these parcels are suitable for ownership. Mr. Scott Clark stated that he felt



like they were adequately protected in the agreement. Ms. Leo stated that they would not recommend the Board to accept the ponds if any problems or repairs were needed. She noted that they would be doing a field investigation and if there is a problem, they will bring it back to the Board and will not recommend going forward until the repairs are made. Mr. LaRue asked Ms. Leo if she prepared the drawings herself in the situation that she can't find the as-builts. Ms. Leo responded that she does not. She explained that they have been able to find either permits or as-builts on other things that they have been researching with the water management District. She further explained that there were varying degrees of quality and scale, but they were usually able to find what they need.

On MOTION by Ms. Gregory seconded by Dr. Master with all in favor the Acquisition Agreement with Avatar Properties for Pond Conveyance and for Exhibit 'B' to include As-Built Plans. was approved as amended.

#### **NINTH ORDER OF BUSINESS**

#### **Ratification of Action Taken to Cancel Truist Bank Positive Pay and Treasury Manager Services**

Ms. Adams stated that back in November Ms. Gregory, as Chairperson of the Board, was reviewing the bank statements. Ms. Gregory has an expertise and a professional background in banking. One of the bank fees that caught her attention was Truist, which has a positive pay and treasury manager fee associated with the public depository account with the Poinciana West CDD. She noted that positive pay was an extra step that an account holder can take to prevent fraud. She explained that if they had positive pay, they also must have a treasury manager to go online and manage the positive pay. She stated that there was \$48 a month in bank fees associated with positive pay and treasury manager. She noted that because of the background of the Chairman with the banking industry, she understood that even if the District accounts were victims of fraud, eventually that money would be restored and that they were not responsible for the fraudulent funds. She noted that it was a recommendation from GMS that they have those protections on the account because even if fraudulent funds were eventually restored, that process was labor intensive and can take months to get restored. She added that this District was not in a particular disadvantage if they go about recovery of funds. Ultimately, the Chairman

directed District management staff and the accounting team to cancel positive pay and treasury manager at a savings of \$48 per month.

On MOTION by Mr. LaRue seconded by Dr. Master with all in favor the Action Taken to Cancel Truist Bank Positive Pay and Treasury Manager Services was ratified.

**TENTH ORDER OF BUSINESS**

**Ratification of Polk County Contract Agreement**

Ms. Adams presented the Polk County Contract Agreement, which is on page 57 of the agenda package. She explained that this was a contract agreement to add the CDD fees to the non-ad valorem portion of the Polk County property tax bill. She added that this was an annual agreement that was presented to the Board each year. She noted that the property appraiser assessed a 1% fee for this service. She noted that because this was a time sensitive contract agreement, this was presented to the Chairman for signature.

On MOTION by Mr. LaRue seconded by Mr. Joseph Clark with all in favor the Polk County Contract Agreement was ratified.

**ELEVENTH ORDER OF BUSINESS**

**Ratification of Polk County Data Sharing and Usage Agreement**

Ms. Adams presented the Polk County Data Sharing and Usage Agreement, which is on page 59 of the agenda package. She noted that Florida had very broad public records laws. The public records are subject to being requested by citizens; however, there are some classifications of citizens that have their records exempt from public disclosure such as judges, law enforcement officers, etc. She noted that this agreement was between Polk County and the District, which said that the records that the county holds exempt, the CDD would also hold the same records exempt. She explained that this was an annual agreement presented to the Board. She stated that this was presented to the Chairman for approval because this was a time-sensitive agreement for January 1, 2023.

On MOTION by Dr. Master seconded by Ms. Skeete with all in favor the Polk County Data Sharing and Usage Agreement was ratified.

**TWELFTH ORDER OF BUSINESS**

**Review and Acceptance of Draft Fiscal Year 2022 Audit Report**

Ms. Adams stated that this report was included on page 61 of the agenda package, but she directed the Board members to page 93. She explained that page 93 of the agenda package was where they could find the salient notes and the important things to know. The letter continues with a management letter starting on page 95 of the agenda package. She stated that this was a clean audit, there were no deficiencies, their accounting was in compliance with standards, there were no audit findings, and there were no conditions of financial emergencies. She offered to take any comments from the Board members or to answer any questions that the Board members might have. She explained that this was also sent to District Counsel for review and comment prior to the Board meeting.

On MOTION by Mr. Joseph Clark seconded by Ms. Skeete with all in favor Accepting the Draft Fiscal Year 2022 Audit Report was approved.

**THIRTEENTH ORDER OF BUSINESS**

**Discussion of Feasibility to Convey Reclaimed Water System to HOA**

Ms. Adams presented this discussion item to the Board, which was on page 100 of the agenda package. She noted that on February 16 the CDD for Poinciana West received communication from Mr. Larry Anson who is the President for the Solivita Homeowner Association. Mr. Larry Anson was inquiring regarding the feasibility of the transmittal of the reclaimed water/irrigation system from the CDD to the HOA. This communication was provided to Board members under a separate cover. There was a response to Mr. Anson sent back on February 20 acknowledging the communication and calibrating expectations so that there was an initial understanding that there were financial regulatory and legal restrictions that need to be considered. She stated that the reclaimed water infrastructure along with the stormwater system was constructed using the funds that were raised from the issuance of tax-exempt bonds. The Community Development District is a government entity, and the Homeowner Association is a private entity. She explained that if there was outstanding debt associated with the construction of this asset, that money would need to be satisfied before the Board could even consider the other legal and regulatory ramifications of transmitting a resource from a government to a private entity.

Mr. Scott Clark agreed with Ms. Adams and stated that every trust indenture that he had ever read has some restriction on transferring what is called the project. The project are the improvements that are built with bond proceeds. He noted that some of them provide that it can be done with bond holder consent. Bond holder consent can be extremely difficult to obtain, but not impossible depending on how many bond holders they have. He noted that after the bonds were paid off, there remained a question about fair value, etc. He stated that he had looked at some transfers of infrastructure where the value was the assumption of maintenance obligations as opposed to payment of money. He added that he didn't think they would get to that yet. He stated that they would have to look at the bond documents and confirm what they say. He further explained that he could do that and confirm it. If that happens, then this Board would need to decide whether they want to go through the process of seeking bond holder approval if the documents read that way. That involves some expense, and they must get their bond counsel involved, and usually the bond trustee or bond holder charges a fee for approval. He noted that this was a difficult request for reasons other than common sense. He stated that the Board needed to tell them how to proceed on it.

Dr. Master responded that he could imagine the confusion from the residents of Solivita. He also stated from a resident's point of view, he appreciated all the concerns that various people had on working together and getting it done; however, the CDD was a governmental entity. He further explained that they pay for the CDD's existence through their county taxes every year. He clarified that they do not pay anyone in Solivita money for being part of the CDD. The tax-free bonds that were issued were used to build the infrastructure with a reasonably good interest rate. He stated that the answer was that it was backed up by the full faith in credit to the people who were going to pay their taxes. He also stated that he was somewhat concerned that the President of an HOA this big didn't have the basic understanding of what a CDD vs an HOA was. He added that he could understand it as a political statement and that this was a great letter; however, in terms of the understanding of the technical nature of what they do here, people of the HOA should be able to explain it as simply as he did.

Ms. Leo explained the more technical background on the reclaimed lines. She stated that when the project was initially done, there was a threshold for primary reclaimed lines. She noted that she thought that the threshold was around 6 inches or more. The bigger lines were what the CDD bonds actually constructed and beyond that was what was turned over to the HOA at the

time. She further explained that the lines that were in the back yard or the front yard were doing more of the distribution in the street. She added that the big lines were CDD and the smaller stuff were HOA. She stated that as a maintenance entity, there was very little that they had to do with the large lines that the CDD owns. Dr. Master stated that there were three entities that govern different aspects of the Solivita resident's life. He suggested that there needed to be some kind of education to explain to people who was responsible for what. Ms. Gregory agreed with Dr. Master. The aging infrastructure was briefly discussed, and Dr. Master noted that was one of the reasons why having the extra reserves was critical because this wasn't going to be a cheap job. Mr. LaRue asked for clarification that the March 20, 2013 agreement said that although the CDD owns the assets, the HOA would maintain the assets. The Board agreed that was correct. Mr. LaRue stated that this had been an on-going agreement for all these years and now that they need to maintain it, they want ownership. He questioned why this needed to change when they had this on-going agreement for 20 years. Ms. Gregory responded that it was because they got a \$23,000 bill. Dr. Master responded that it was an excellent political document. He suggested again that he would like to get some education done.

Mr. Anson stated that he was well aware of the differences and the responsibilities of the CDDs versus the HOA. He also stated that the history of this was that there was work done on the main feeder line of the reclaimed water within Solivita. The HOA ended up paying a \$23,000 bill as a result of this repair. It was not known to any current director or to the manager of the HOA that an agreement existed between the CDDs and the HOA for the HOA to maintain 100% of the maintenance of the system. He clarified that the document was not 20 years old but was closer to 10 years old. He explained that he was from private business, which was why the letter was sent from himself. He also explained that it was an offer to buy it because in accordance with the agreement, they must do everything for it. He stated that he knew that the CDD was a governmental entity, which opens a completely different door. He asked District Counsel and the management company if they have been able to determine if there was any outstanding debt related to the reclaimed water system 6-inch feeder lines. Ms. Gregory stated that when they talked about this preliminarily about what they would have to do, it was an attempt to have a drawing or something that showed the bonds. She further explained that she didn't know how that would be done. Mr. LaRue stated that the bonds had not been paid off and they wouldn't be paid off until 2037. He also stated that those were the bonds that were used for the construction.

He noted that there were not separate bonds issued, but it was a lump sum that was borrowed in order to build Solivita West. He stated again that the bonds had not been paid off and there certainly was bonds that were outstanding that cover that asset. Mr. Anson stated that he didn't want to overcomplicate this and that his email was a simple question and he expected that the answer would not be simple. He noted that he thought that it was his responsibility to address the question. Dr. Master stated that he wished that this was not so complicated and that they had no control over this because this was a municipal entity. He also noted that at some point something was going to happen that would lead to a major expense, which was why they were keeping some in reserves as opposed to a special CDD assessment. He thanked Mr. Anson for the clarification.

**FOURTEENTH ORDER OF BUSINESS****Staff Reports****A. Attorney****i. Presentation of Memo Regarding Notices**

Mr. Scott Clark stated that he had made a recommendation to all his Districts based on a recent case that was decided. He further explained that it had been common practice in some Districts publicly noticed budget hearings to have a question arise in which the Board was not able to make a final decision on. This would lead the Board to continue the meeting for a future time for a final decision. He stated that there was a case where this was done on a local zoning ordinance and the ordinance was overturned because the judge said that if they continue a meeting, then they have to issue a new notice instead of just announcing at the meeting that they were going to decide at a later time. He explained that the legislature was trying to amend statutes that govern cities and counties. He noted that they were not doing that for them because they don't have a big expensive lobby like cities and counties do. In the case in the Fourth District, there was also an attempt to get the questions sent up to the Supreme Court of Florida to clarify or try to overturn it. In the meantime, because of the risk of taking an action that is subject to legal challenge, he recommended to all the Districts that he represents that whenever a matter is continued, they need to publish a new notice to make sure that they were within the wall. He noted that if this changes through statute or the Supreme Court, he would let the Board know. He asked for any questions. Hearing none, the next item followed.

**B. Engineer**

Ms. Leo stated that it had been very quiet for the last couple of months, and they stood ready to work on a turnover when the document is signed.

**C. District Manager**

**i. Approval of Check Register**

Ms. Adams presented the check register from January 1, 2023 to February 28, 2023 totaling \$957,884.46. She explained that some of the large transmittals were the CDD debt service fees that were collected by the tax collector transmitted to the District and then they transmit those to the Trustee to be ready for the May and November interest and principal payments for the bond debt.

On MOTION by Ms. Gregory 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 statements through February 28, 2023. She addressed the question that was presented earlier in this meeting about the amount of money that the District has available to pay for expenses. She explained that sometimes District's would setup a separate general fund and then parse out monies for the capital replacement or capital reserve fund. She stated that in this case all the funds were identified in their general fund. She noted if there was a repair for part of the stormwater system, the repairs could be expensive. She added that the last thing that the District would want is to be in a position where they don't have monies for repairs that were necessary. She explained that the funding for significant repairs and replacement was there in the general fund. No Board action was required.

**D. Field Manager**

Mr. Smith presented the field manager's report starting with the site review. He stated that overall, the ponds were in good condition. He stated that Pond 8 and Pond 17 were being worked on with the vendor. Pond 8 has some algae blooms. Pond 17 is shallow and has some algae bloom. He also noted that currently it was a dry time of year, and the ponds were lower than usual and had slightly higher nutrient loads. He also stated that as these ponds age, some of their degree of maintenance in order to keep a clean looking pond essentially starts to cause a

small erosion shelf all the way around the pond. He noted that they were working with the vendor long term to change up the maintenance approach to help prevent erosion issues and costly repairs caused by over-maintenance. The next item reviewed was the action item, which he will review after the report. Following the action item was the midge management, which he noted that the midge complaints had subsided recently. He also noted that the midge present was also not noticed as being overly prevalent or overwhelming during the site reviews. The next item reviewed was the DredgeSox repairs, which he explained that they were getting with the vendor to have some repairs done to the previous DredgeSox repairs. He stated that this was going to be done through Solitude, which was who owns the DredgeSox company now. He added that Solitude owned the aquatic portion of their contract now. All the personnel and everyone involved has remained the same.

**i. Action Item Report**

Mr. Smith reviewed the report with the Board stating that through February they had some hydrilla treatments done, which had yielded some positive results. In January, they just treated some shoreline grasses. He noted that in February because of the dryness, they had some other algae issues that were reported on this report and the tech is working on it. He reviewed the midge treatment reports. He provided the Board with a site action item report with all the items that they went out and reviewed, which included nine in total. He noted that essentially the idea was to get all these action items done at once. The quote attached totaled \$1,346 to perform all nine of these action items as well as to straighten two leaning wildlife signs. Ms. Gregory asked if the trash removal noted on page 151 was their responsibility. Mr. Smith responded that this was their contracted pond, and the responsibility did fall to the CDD. Ms. Gregory asked if all the bleeder pipes on page 152 and 153 connected to the areas that have the skimmers that work. Mr. Smith responded that all these bleeder pipes were in their six dry ponds, and they were working, but he felt that it would benefit to clean them out.

**ii. Consideration of GMS Quote for Repairs**

Mr. Smith presented the GMS quote for repairs to the Board, and it totaled \$1,346.



On MOTION by Ms. Skeete seconded by Mr. Joseph Clark with all in favor the GMS Quote for Repairs Totaling \$1,346 was approved.

**iii. Customer Complaint Log**

Mr. Smith presented the Customer Complaint Log, which was included in the agenda package. He addressed the first complaint, which was the clogged water in the drain. He noted that he wasn't sure what the residents were seeing, but he was thinking that they were just concerned based on the effects from the storms previously. He clarified that there was no issue with this drain, which was inspected. He explained that the bug complaint was the midges, and they were treated. He noted that pond 15 was referred to Taylor Morrison as far as trash in the pond. Mr. LaRue asked if the clogged water drain was off the street. Mr. Smith responded that it was.

**FIFTEENTH ORDER OF BUSINESS**

**Supervisor's Requests**

Dr. Master stated that he didn't completely understand what the process for meeting announcements were supposed to be but given that they had some problems getting quorum with three physical members he asked if there was any reason that they shouldn't just announce monthly meetings like the other CDDs did and then cancel it as they go along. Ms. Adams responded that was certainly something that Board members could consider in the future with their next fiscal year. She stated that typically when they present their final budget, they also present a meeting schedule for the upcoming year and if there is consensus on the Board, they can present a meeting schedule with twelve meetings rather than six. Ms. Gregory noted the financial concern with scheduling monthly meetings and canceling because it would be wasting money. Dr. Master explained that he understood her concern, but he thought that this would be one notice that they would publish at the beginning of the year.

Ms. Adams deferred this notice requirement to Mr. Scott Clark. Mr. Scott Clark stated that if they do the first of year notice, it was his opinion that it did comply with the notice of requirement for all the meetings that they list on that. They put them in their notice and put them on the website. Once they do that, they do not need to do newspaper advertisements for those meetings. He addressed Ms. Gregory's financial concern with doing this. He stated that there was some change in the law that was going from the newspaper to website advertisement, which

would save a lot of money. He further explained that some of the details were being worked out, but there would be a general transition during this year to where they would see a lot more website publications.

**SIXTEENTH ORDER OF BUSINESS**

**General Audience Comments**

Ms. Adams opened the public comment period. Residents were asked to state their name and limit their comments to three minutes.

- Resident George Muller (Jasmine Creek Road) commented on the interim statements stating that it didn't look like the interim statements were on the website anymore. He noted that the latest statements that were available on the website were 2021 and there was nothing there to see where they were. He stated that they talked about the excess cash and there were comments made about needing to have some of this in reserve in case something happens. He suggested that there may need to be a reserve study and a formal reserve established to look at repairs for some of the older systems and to really evaluate that. He also commented on the reclaimed water system and the transition. He asked for the CDD and the HOA to work together.

There being no further comments, Ms. Adams closed the public comment period.

**SEVENTEENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**EIGHTEENTH ORDER OF BUSINESS**

**Next Meeting Date – May 17, 2023**

Ms. Adams stated that the next meeting was scheduled for May 17, 2023 at 9:00 a.m.

**NINETEENTH ORDER OF BUSINESS**

**Adjournment**

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

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman