

**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 17, 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
Roy LaRue
Joe Clark

Chair
Vice Chairman
Assistant Secretary

Also present were:

Tricia Adams
Scott Clark
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 17, 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. A quorum was 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 15, 2023 Meeting

Ms. Adams indicated that the draft minutes were provided to the Board for input and comments and were reviewed by staff. No comments or corrections were received.

On MOTION by Mr. Joseph Clark seconded by Mr. LaRue with all in favor the Minutes of the March 15, 2023 Meeting were approved, as presented.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-01 Approving the Proposed Fiscal Year 2024 Budget and Setting a Public Hearing

Ms. Adams presented Resolution 2023-01, approving the Proposed Fiscal Year 2024 budget, which was included in the agenda package. This was the starting point for the budget, which was not set and was subject to revisions by Board Members up until the time it is adopted at a duly noticed public hearing, which was scheduled for July 19, 2023 at 9:00 a.m. This date was set when the Board adopted the annual meeting schedule and it was critical that three Board Members be in attendance. All Board Members present confirmed that they would be in attendance. The resolution also allowed for transmission of the Proposed Budget to Polk County in accordance with Florida Statutes, posting on the District’s website and notice of the hearing in a newspaper of general circulation in Polk County. Attached to the resolution as an exhibit, was the Proposed Budget for Fiscal Year 2024. During last year’s budget discussion, staff was asked to include several years of actuals as the Board wanted a longer history of the District’s income and expenses. The budget anticipated the same amount of revenue as the current budget. All property was platted and on the tax roll. The expenses for *Property Conveyance* were removed and *“Management Fees”* increased to \$43,260, based on the Board requesting 12 meetings per year.

Ms. Gregory voiced concern with *Supervisors Fees* being based on 12 meetings, \$1,000 being budgeting for *“Postage”* based on the Supervisors receiving an agenda package for 12 meetings and *“Insurance”* being increased from \$3,650 to \$4,198. Ms. Adams confirmed that *“Insurance”* was increased based on an estimated increase in public officials and liability insurance. Ms. Gregory requested a Request for Proposal (RFP) be submitted for the public officials and liability insurance. *There was Board consensus.* Mr. LaRue did not see the need to

meet every month and preferred that *Supervisors Fees* and *Management Fees* be based on a six-month meeting schedule. Ms. Adams would amend the budget to reduce *Supervisors Fees* to \$6,000 and *Management Fees* to \$41,200.

Mr. Scott Clark joined the meeting.

Ms. Gregory was working with Ms. Adams on the bank charges with Truist. If Truist did not work with them, Ms. Gregory would move the funds to another public depository. For the Operations & Maintenance (O&M) Budget, Mr. LaRue requested that the tables in the budget under *Landscape Maintenance*, *Aquatic Control Maintenance* and *Aquatic Midge Management*, say “*Contingency Based on the Addition of Two Ponds.*” Ms. Adams noted a 3% increase for *Field Services* from \$10,300 to \$10,609. Assessments were the same as the prior fiscal year at \$186.57 per unit.

On MOTION by Ms. Gregory seconded by Mr. LaRue with all in favor Resolution 2023-01 Approving the Proposed Fiscal Year 2024 Budget and Setting a Public Hearing for July 19, 2023 at 9:00 a.m. at this location, was approved.

SIXTH ORDER OF BUSINESS

Presentation of Arbitrage Rebate Calculation Report

Ms. Adams presented the Arbitrage Rebate Calculation Report from AMTEC, which was included in the agenda package, as the District was required to report to the Internal Revenue Service that the District was not earning more interest than what it was paying. According to AMTEC, no rebate liability existed.

On MOTION by Mr. Joseph Clark seconded by Ms. Gregory with all in favor the Arbitrage Rebate Calculation Report as prepared by AMTEC was accepted.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

i. Update on Conveyance of 2 Stormwater Tracts

Mr. Scott Clark recalled that the Board approved an Acquisition Agreement at the last meeting for Ponds 19A and 19B. After the last meeting, the agreement was placed in final form and executed. The \$15,000 required deposit was received. Mr. Scott Clark reviewed the

documents and recommended acceptance of the parcels, as the documents appeared to be in order. Ms. Leo pointed out that Ponds 19A and 19B were at the front entrance and reviewed the as-builts and permits, pursuant to the Acquisition Agreement and performed a visual inspection this morning. Everything looked good and Ms. Leo recommended acceptance. Ms. Gregory questioned the extent of a visual inspection. Ms. Leo explained with a visual inspection they did not observe underwater structures, but looked at the structures and if the banks were in good shape. Ms. Gregory did not have a problem, as long as everything was in order and questioned whether it would be finalized in October for the new budget year. Mr. Scott Clark would come back to the Board at the July meeting with a formal recommendation and transfer as of October 1st. Mr. LaRue asked if the two ponds were being treated for midge and aquatic control. Mr. Smith confirmed that they were being mowed and aquatically treated, but there were no midge services. As soon as they were conveyed to the District, they would be added to the landscape maintenance, aquatic control and midge management contracts. It should be an easy transition. Mr. LaRue questioned whether there were any midge complaints. Mr. Smith would ask Clarke.

Mr. Scott Clark reported that the Florida Legislature was active this year and a summary would be provided to the Board at the July meeting. Ms. Gregory recalled discussion at several meetings about the amount to pay the District in advance to maintain the ponds but did not see any estimates and suggested that Taylor Morrison (TM) pay \$15,000 in fees for one-year of maintenance. Ms. Leo indicated that it was at Mr. Smith's discretion on how the maintenance was performed on ponds that the District owned and suggested that the District own the assets sooner than later. Mr. LaRue was comfortable with TM performing one year of maintenance. Mr. Clark would speak to TM and report back at the July meeting.

B. Engineer

Ms. Leo noted there were other assets owned by other entities such as the wetlands and requested that the District not lose sight of long-term maintenance. They had several conversations in the field with Mr. Smith about looking at how the edges were maintained. Maintenance staff did a great job of shifting the maintenance of the curvature at the water to soften the edge so the effects of erosion were not experienced over time by including plantings. It was a different look for the ponds, but the healthy vegetation was coming back on its own. Mr. LaRue asked if it would be mowed at all. Mr. Smith stated that it would be mowed to the dry

portion and once it goes out into the water, it would be lightly sprayed to keep it under control and allow foliage to flow into the water. Mr. LaRue asked if there would be shaving to provide the contour that they wanted. Mr. Smith pointed out there would be a gradual slope all the way to the water by allowing grasses to grow into the water to provide a clean transition between the water and the pond bank and prevent a shelf from forming. On the west side, there were no ponds that had a major issue and the idea for this approach would be to keep it from getting to that point.

Mr. LaRue received a request from a resident about a pond with an extremely low water level and whether they could pump from one pond to another. Ms. Leo explained that there was no pumping in their system and the pumps were filled from rainfall. It was designed like a tier system that outflows to discharge points, mainly wetlands. In the early part of the year when there was no rain, there would be a fluctuation in levels, which was not unusual this time of year.

C. District Manager

i. Approval of Check Register

Ms. Adams presented the Check Register for March 1, 2023 through March 31, 2023 totaling \$85,372.38. It included the General Fund, payroll, detailed invoices and Check Run Summary.

On MOTION by Ms. Gregory seconded by Mr. LaRue with all in favor the March Check Register as stated above was approved.

ii. Balance Sheet and Income Statement

Ms. Adams presented the Unaudited Financial Statement through March 31, 2023. No Board action was required. The Board did a good job controlling expenses as expenses were \$172,208. Mr. LaRue questioned why there were no expenditures under *Supervisor Fees*. Ms. Adams confirmed that the only meeting was in March and would be reflected in the next set of financials.

iii. Presentation of Number of Registered Voters – 2,561

Ms. Adams reported according to the Polk County Supervisor of Elections, as of April 15th, there were 2,561 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. However, this was no longer germane as the District already transitioned to the General Election process.

D. Field Manager’s Report

Mr. Smith presented the Field Manager’s Report, which was included in the agenda package. Most items were complete, but a few items remained such as the pond conveyance and change in maintenance approach to preserve pond banks. Some of the skimmers were straightened and large debris was removed from grates. A few action items would be completed this week or next week and then this year’s action items would be completed. SOLitude’s new report was included in the agenda package. It was not user friendly and Mr. Smith would speak to SOLitude about streamlining their reports. The midge report was also included.

i. Customer Complaint Log

Mr. Smith presented the Customer Complaint Log, which was included in the agenda package. The clogged water drain on Cambria Bend was resolved. There was no issue with the drain and it was due to the hurricane. Midges were sprayed and overgrowth was removed on an HOA pond. There was construction debris in Pond 15, which was removed per a proposal. Trash would be removed from Pond C-12 this week or next week in coordination with the HOA and the builder; however, there should be an in-depth cleaning. Pond 3 was treated for algae. Mr. LaRue questioned what Pond LD-1 was. Mr. Smith indicated that it was a tract along the back of the community that was owned by the HOA.

EIGHTH ORDER OF BUSINESS

Supervisor’s Requests

Ms. Gregory requested the prioritization of the investment of surplus funds in the State Board of Administration Account. Ms. Adams would speak to the accountant and provide a status report to the Board in July. Ms. Gregory requested a report on the District funds on the amount that was moved, when it was moved and what they were earning. Mr. LaRue preferred receiving a status report every two weeks.

NINTH ORDER OF BUSINESS

General Audience Comments

