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, **July 17, 2024** 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 Chair

Roy LaRue (via Zoom)

Dr. Maneck Master

Ed Smith

Vice Chairman

Assistant Secretary

Assistant Secretary

Also present were:

Tricia Adams

Monica Virgen

Scott Clark (via Zoom)

Kathy Leo

Joel Blanco

Cherrief Jackson

District Manager

District Counsel

District Engineer

GMS Field Staff

Clarke Midge Control

Solitude Representatives

The following is a summary of the discussions and actions taken at the July 17, 2024 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 at 9:00 a.m. A quorum was present.

SECOND ORDER OF BUSNESS

Pledge of Allegiance

The Pledge of Allegiance was recited.

THIRD ORDER OF BUSINESS

Public Comment Period on Agenda Items

There being no comments, the next item followed.

FOURTH ORDER OF BUSINESS Approval of Minutes of the May 15, 2024 Meeting

Ms. Adams presented the draft minutes of the May 15, 2024 Board of Supervisors meeting, which were included in the agenda package and reviewed by District staff. Ms. Gregory questioned when the Board would review the insurance quotes. Ms. Adams confirmed that three service providers were requested to provide a proposal, but one would not provide their quote until after September 1st. Therefore, there was Board consensus to review them at the September meeting.

On MOTION by Dr. Master seconded by Mr. Smith with all in favor the Minutes of the May 15, 2024 Meeting were approved as presented.

FIFTH ORDER OF BUSINESS

Public Hearing

A. Public Comment Period

On MOTION by Dr. Master seconded by Mr. Smith with all in favor the public hearings for the Fiscal Year 2025 budget and user fee were opened.

B. Consideration of Resolution 2024-07 Adopting Fiscal Year 2025 Budget and Relating to the Annual Appropriations

Ms. Adams presented Resolution 2024-07, Adopting the Fiscal Year 2025 budget, which was included in the agenda package and memorializing that the Board met on May 15th and set the public hearing for this date and time, that the proposed budget was properly conveyed to the local Government, posted on the District's website and noticed in a newspaper of general circulation in accordance with Florida Statutes. Approval of the resolution adopts the Fiscal Year 2025 budget, which commences on October 1, 2024 and ends on September 30, 2025 and appropriates funds for the General and Debt Service Funds. There is also provision to allow for budget amendments or special or supplemental appropriations for Fiscal Year 2025, once the budget has been adopted. Attached as an exhibit to the resolution, was a copy of the Proposed

Budget. There were no substantive changes from previous Board review, other than the actuals were now included through June 30, 2024. The majority of District revenues were from special assessments, noted in the non-ad valorem section of the Polk County Property Tax Bill, which total \$291,299. The District was also recognizing *Interest* from invested Surplus Funds, as well as \$32,549 in Surplus Funds that accrued in the General Fund in order to balance the budget. There were total *Revenues* of \$343,848. The total *Administrative* expenses to operate the District was \$119,742. The proposed increases were discussed in May. There was also a section of expenses related to the infrastructure of the District: *Operations & Maintenance* expenses were related to the maintenance of the stormwater system for Poinciana West. Total *Field Services* were proposed at \$224,106 and combined aggregate expenses were \$343,848. The assessment rate is proposed to be the same as your current fiscal year, with a gross amount per unit of \$186.57.

Dr. Master questioned Attorney Fees, which was projected at \$23,667. Ms. Adams explained that the projection may be conservative, as they only had this meeting and one other meeting to adopt the budget. At the May meeting, Mr. Clark was confident that \$20,000 was sufficient for annual attorney fees. Dr. Master questioned whether the amount budgeted for Aquatic Midge Maintenance was reasonable. Ms. Adams explained that it was based on the contracted services that the Board approved, but if the Board approved additional services, contingency funds were available. Ms. Gregory noted that the District was owed money from Taylor Morrison (TM) for property conveyances for professional fees, as it was the Board's understanding that TM would pay the District in advance of the transfer and recording of the parcels, but questioned whether the Board could assess TM for monies owed, at an interest rate of 18%. Ms. Adams recalled as part of the closing for the two ponds that TM conveyed to the District for this current fiscal year, there was an accounting for any engineering or attorney fees, as well as offsetting revenue received at the time of the closing to balance it out. Mr. Clark confirmed that his bills have not exceeded what was paid, but the fees for engineering were over budget, due to additional work. Ms. Adams pointed out after the deposit was applied, there was a balance of \$1,689, which was collected at closing and would provide a full accounting of all fees accrued for review. Ms. Gregory questioned a bill from Mr. Clark dated June 1st, with a charge of \$191 from May 20th for review of correspondence with Mr. Joseph Brown regarding proposed additional tract transfer and review of backup documents. Mr. Clark confirmed that there was an

additional request, which would be discussed later on in the agenda. Ms. Gregory questioned why *Dissemination Fees* were \$3,675 when the projection \$5,250. Ms. Adams would verify the projection for this fiscal year. Ms. Adams pointed out that no members of the public were present to provide comments.

On MOTION by Dr. Master seconded by Mr. Smith with all in favor Resolution 2024-07 Adopting the Fiscal Year 2025 Budget and Relating to the Annual Appropriations was adopted.

C. Consideration of Resolution 2024-08 Imposing Special Assessments and Certifying an Assessment Roll

Ms. Adams presented Resolution 2024-08, memorializing the use of Chapter 197 uniform method for collecting the CDD fees on the Assessment Roll with Polk County, which was included in the resolution. Attached to the resolution as an exhibit, was the Assessment Roll, along with the Adopted Budget for Fiscal Year 2025.

On MOTION by Mr. Smith seconded by Ms. Gregory with all in favor Resolution 2024-08 Imposing Special Assessments and Certifying an Assessment Roll was adopted.

D. Consideration of Resolution 2024-09 Adopting a User Fee

Ms. Adams presented Resolution 2024-09, adopting a user fee, which was included in the agenda package. This was an item that the Board discussed several times throughout the fiscal year and ultimately directed staff to schedule the public hearing for this meeting. There were cost savings as staff was able to run the notice for the user fee at the same time as the public hearing for the budget. The resolution was prepared by District Counsel, which allowed for the District to collect user fees of up to \$100 for the handling and processing of applications to install drain lines that terminated on CDD parcels. Dr. Master pointed out that not all drain lines terminated on CDD property and questioned how this would be investigated so they were not charged a fee. Ms. Adams indicated if someone contacted her regarding the installation of a drain line, she would work with them to determine if the drain terminated on CDD property and if it was not on CDD property, as a courtesy, they would return the application and the application fee and inform them that the drain was not going to be impactful for the CDD. Dr. Master asked if they could still provide some basic guidance on what homeowners needed to do. Ms. Adams wanted

to be cautious about doing so, as the standard was providing a diagram that the District Engineer prepared, showing the type of drain that was appropriate to deter erosion.

Mr. Smith asked if a map could be added to the application. Ms. Adams pointed out when District staff reviewed property ownership, they utilized the mapping system on the Polk County Property Appraisers website to identify parcels. Ms. Gregory recalled that the first step of this process, was to present to the Architectural Review Committee, but they were not engineers and were not skilled to determine what was CDD property. Dr. Master was not comfortable with the entire process and felt that the ARC should be provided with the map from the District Engineer, identifying the ownership of parcels. Ms. Adams pointed out that the HOA was familiar with the process, as there was a similar process in the past and would provide the ARC with the same property ownership map that the District Engineer provided. Dr. Master felt this was a good first step and suggested posting it, as many new residents were not familiar with the CDD. Ms. Adams noted that maps were posted on the District websites and suggested providing them through the email system, to educate residents on pond ownership and maintenance. Dr. Master felt that residents were not trying to erode CDD ponds on purpose and wanted to make life easier for residents. Mr. Smith was in favor of having communication with ARC, in order to provide accurate information to residents. Ms. Adams reported that an engineering drawing of the drain pipe was included in the agenda package, showing a pop up emitter at the end of the drain, in order to diffuse the water.

Ms. Gregory MOVED to adopt Resolution 2024-09 Adopting a User Fee and Mr. Smith seconded the motion.

Mr. LaRue asked if the diagram could include the minimum amount of drop from the pipe. Ms. Leo explained that because applications were approved on a case-by-case basis, they represented a minimum cover, but not a minimum slope, which needed to be determined by the person installing the line. Mr. LaRue pointed out that there would always be a minimum slope or it would not drain properly and wanted to let people know that there would be a four-inch drop for every 3 feet at a minimum. Ms. Leo confirmed that she was hesitant to include it, because each home would have a different distance to the CDD property line and each pond would have a different slope, but would include a recommended slope, at the Board's request. Ms. Adams pointed out that no members of the public were present to provide comments.

On VOICE VOTE with all in favor Resolution 2024-09 Adopting a User Fee was adopted.

On MOTION by Dr. Master seconded by Mr. Smith with all in favor the public hearings for the Fiscal Year 2025 budget and user fee were closed.

SIXTH ORDER OF BUSINESS

Organizational Matters

A. Appointment of Individuals to Fulfill Board Vacancy with a Term Ending November 2024

Ms. Adams recalled that there was a vacancy in Seat 4, with a term expiring in November of 2024, but in May, when this item was discussed, it was noted that this seat would be one of the seats on the General Election ballot and anyone who was interested, could go to the Supervisor of Elections office and qualify for the seat for a term that would be effective November 19th. No one qualified for this seat and at the September meeting, a resolution would be provided to the Board to declare vacancies for the seats that no one qualified for. The other two seats that were in the general election were Seat 3, which was current held by Mr. Smith and Seat 5, which was currently held by Dr. Master, who qualified for his current seat, ran unopposed and would be a Supervisor-elect for his next term. Mr. Smith did not qualify for his seat but was willing to serve another term by appointment of the Board. Mr. Smith indicated that he was willing to serve another term. Ms. Adams asked if the Board wanted to send out a notice to residents for the vacancy in Seat 4. Dr. Master felt that the solicitation was appropriate but preferred to send it out after the September meeting. Mr. Clark would provide the resolution declaring the two vacancies at the September meeting.

- B. Administration of Oath of Office to Newly Appointed Board Member
- C. Consideration of Resolution 2023-07 Electing Officers

These items were deferred.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-10 Setting Fiscal Year 2025 Meeting Schedule

Ms. Adams presented Resolution 2024-10, adopting the Fiscal Year 2025 meeting schedule, which was consistent with the prior year's meeting schedule, with meetings on the third Wednesday of every other month at 9:00 a.m. starting on November 20th and ending September 17, 2025. There were scrivener's errors in the notice, in the time of the meeting and address of the District's website, which would be corrected. Dr. Master preferred to meet at 9:30 a.m., since the Poinciana CDD Board met at 11:00 a.m. Mr. LaRue recalled that they always met at 9:00 a.m. Dr. Master pointed out that their meetings were moved to 9:30 a.m. There was Board consensus to move the meeting time to 9:30 a.m.

On MOTION by Dr. Master seconded by Mr. Smith with all in favor Resolution 2024-10 Setting the Fiscal Year 2025 meeting schedule as amended, changing the meeting time to 9:30 a.m. was adopted.

EIGHTH ORDER OF BUSINESS

Discussion of Ranking and Review of Proposals for District Engineering Services and Selection of District Engineer

Ms. Adams recalled that the current District Engineer, GAI Consultants, provided a notice of resignation, but Ms. Leo agreed to serve on a month-to-month basis, until a replacement engineer was engaged. In accordance with Florida Statutes, a notice was placed in the newspaper and a bid package was sent to several engineering firms in Central Florida, but no one responded. However, Ms. Adams had a commitment from at least one engineer to submit a proposal for consideration at the September meeting.

NINTH ORDER OF BUSINESS

Adoption of District Goals & Objectives

Ms. Adams recalled at a prior meeting, District Counsel discussed HB 7013, which was passed in the last Legislative session and required CDDs to adopt annual goals and objectives. This law was imposed with an October 1st deadline, with subsequent reporting requirements in December. In order to make this as efficient as possible for the Board, a Memorandum was provided from the District management team to the Board, explaining the new law and providing the following suggested goals to focus for Fiscal Year 2025 in required areas: 1) Community Communication and Engagement, 2) Infrastructure and Facilities Maintenance and 3) Financial

Transparency and Accountability. Mr. Clark clarified that the past three sessions of the Legislature, looked at Special Districts, regarding their regulation and what they do. There were some groups that met, produced reports and provided a list of concerns that led to some legislation this year. One of the concerns had to do with Special Districts that were inactive and did not have a purpose and as a result, all Special Districts, including CDD's, were required to go through this process. For this year, Mr. Clark recommended taking a simplistic approach, as there was not sufficient time to evaluate this rule, but the Board could revisit it at the September meeting and still meet the deadline. One District that he represented, was going to have workshops to discuss their long-term goals, but the intent was to have Districts focus on their core functions, such as meetings, publications, public records and maintenance of infrastructure and measure whether they were meeting them.

Mr. LaRue asked if there were any objectives that the District was not meeting. Ms. Adams confirmed that the District met all objectives and these goals were quantifiable to meet reporting requirements. Internally the District management team was undertaking implementation of the new law. Ms. Adams requested that the Board adopt these goals and objectives at this meeting and report on whether the District met these benchmarks, at the December 2025 meeting. Ms. Gregory did not want to waste any money on this, as the Board spent an inordinate amount of time and money on the wasteful stormwater analysis, felt that these were adequate. Dr. Master agreed. Mr. Smith pointed out that this process would not effect their operational procedures and it was good to have in place.

On MOTION by Dr. Master seconded by Ms. Gregory with all in favor the District's goals and objectives were approved as presented.

TENTH ORDER OF BUSINESS

Presentation of Fiscal Year 2023 Audit Report

Ms. Adams reported that each year, the District was required to undergo an annual independent audit of all of their financial records. She presented the 2023 audit report, which was included in the agenda package. According to last page, the Report to Management, this was a clean audit, as there were no prior year or current year findings or recommendations and the

financial records were in accordance with the standards for the Auditor General of the State of Florida.

On MOTION by Dr. Master seconded by Mr. Smith with all in favor the Fiscal Year 2023 Financial Audit was accepted.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

i. District Counsel Report

Ms. Clark presented a written report, which was included in the agenda package. The first two items were discussed. A request was received from counsel from TM, asking the CDD to acquire conservation parcels within platted areas in the CDD boundaries. They suggested utilizing the process used in the past of creating an Acquisition Agreement and a deposit for cost. Mr. Clark did not have a recommendation and was looking for Board direction. Ms. Gregory thanked Mr. Clark for this report, recalling that this topic was discussed at every meeting for a long time and as far as she was concerned, she wanted to deny this request, as she had no interest in entertaining the wants, needs or desires of TM regarding the conservation areas. Dr. Master asked if the maps depicted represented 100% of what TM owned or if they owned anything that was not included with this request. Mr. Clark stated there were other wetland areas outside of the plats and believed that there was a better argument in conveying a smaller portion, since these were part of the platted properties. Dr. Master was hesitant about accepting property that the CDD did not need, as there was a large conservation easement in Poinciana West between San Clemente Avenue and Solivita Boulevard, which TM owned. Mr. Smith agreed, as their main objective was pond maintenance and drainage and not wetlands.

Ms. Adams noted for the record, the District Engineer indicated that the drainage areas were considered part of the stormwater system, which may have been the reason for TM wanting to convey them, and noted the CDD had overall permitting and maintenance responsibilities with the water management district. In addition, when the community was developed, the intention was that eventually property would either be owned by the District, HOA or private property owners, as the developer did not intend to own property in perpetuity. As part of the bond documents, an Engineer's Report was prepared when the bonds were issued, identifying the eligible improvements and the responsible owner and maintenance entity for the improvements.

The wetlands were usually intended to go to the District. Mr. Smith asked if the Board could table this decision, until they had a chance to look at the area and see what compensation TM would provide. Ms. Gregory agreed but recalled when they tried to negotiate with TM on Ponds 19A and 19B, they were not willing to pay future maintenance fees. They had the right to make holes, build homes and install dry ponds, but the CDD should not have to pay for the maintenance. She did not want TM to wipe their hands of the community and walk out of it, after everything that occurred in the last 25 years, without taking any responsibility. Mr. LaRue 100% agreed. Dr. Master was in favor of denying this request, based on Mr. Clark's recommendation and Ms. Gregory's statement. Ms. Leo felt that it was prudent for Mr. Clark to review the original bond documents and Engineers Report, to see what obligations the District had. Ms. Gregory questioned why residents had to pay Mr. Clark for this review and preferred that TM perform the research, without involving the District and provide a document stating what the District was required to do. Mr. LaRue questioned how much research was involved. Mr. Clark estimated less than an hour. Dr. Master did not believe that TM was acting in good faith and preferred that TM come to the Board with what the CDD was legally obligated to do. Ms. Gregory agreed. After further discussion, there was Board consensus for Mr. Clark to respond to counsel for TM that the Board did not want to entertain the request for conveyance of conservation parcels within platted areas in the CDD boundaries, but if they believed that the CDD had a legal obligation for acceptance, documentation should be provided for the Board's review.

B. Engineer

i. Acceptance of Consulting Engineer's Report

Ms. Adams presented the Consulting Engineer's Report, which was included in the agenda package. It was required to be submitted to the Trustee as part of the Trust Indenture for the bond issue. The District Engineer was required to report on the conditions of the infrastructure and whether there was adequate funding and insurance to maintain the District's infrastructure. Ms. Leo noted that it was consistent with prior years, based on their involvement in the District throughout the year and was provided to the Trustee, before the July 1st deadline. Ms. Gregory questioned whether the 11 recreational units were included in the repayment of the bonds. Ms. Adams explained that all of the property benefitting from the improvements pays debt service and maintenance fees.

On MOTION by Dr. Master seconded by Ms. Gregory with all in favor the Consulting Engineer's Report was approved.

C. District Manager

i. June 2024 Financials

This item was discussed after the approval of the Check Register.

ii. Approval of Check Register

Ms. Adams presented the Check Register for May 1, 2024 through June 30, 2024 totaling \$63,113.81, which included the detailed invoices and Check Run Summary. Dr. Master questioned why the Poinciana CDD was required to go out for bids for landscape services. Ms. Adams explained that the scope of the agreement for the Poinciana CDD was different than the Poinciana West CDD and the annual contract amount at Poinciana CDD met a threshold of \$195,000 that required a public bid process every five years. Generally, there was satisfaction with Floralawn's level of service for Poinciana West CDD. Ms. Adams did speak with the Chair for the Poinciana West CDD at the beginning of the calendar year, to see if the Board wanted to consider a transition to the HOA landscape provider, Yardnique, or consider another landscape service provider, but at that time, there was no request to include this item on the agenda. Dr. Master confirmed that he was not interested in changing landscape providers.

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

• June 2024 Financials (Item11Ci)

Ms. Adams presented the Unaudited Financials through the end of June 30, 2024, which were included in the agenda package. No Board action was required. Ms. Gregory questioned the maturity dates on the two Certificate of Deposits (CDs). Ms. Adams confirmed that the 12-month CD matured on October 25, 2024, according to the Investment Summary. At the September meeting, she would provide the current CD to the Board. Dr. Master recalled that one CD was renewed and monies were available in the money market account that could be used to purchase a CD. There was Board consensus for Ms. Adams to purchase a 12-month CD for \$150,000, subject to Dr. Master approving the interest rate. Dr. Master voiced concern about the safety of

the principal. Ms. Adams explained that some of the surplus funds were invested with Florida Prime and was earning interest of 5.49%. Ms. Gregory investigated found out that there were promissory notes and commercial paper. Dr. Master pointed out if risk was small but if they were receiving 5.15% in the Money Market and were trying to get another .35% with Florida Prime, it was not worth the risk. Ms. Gregory requested a recess.

The meeting was recessed at 10:36 a.m.

The meeting was reconvened at 10:39 a.m.

i. Approval of Check Register

This item was discussed.

D. Field Manager's Report

- i. Field Manager's Report
- ii. Pond Maintenance Report
- iii. Midge Management Report

Mr. Blanco presented the Field Manager, Pond Maintenance and Midge Management Reports, which were included in the agenda package. Staff conducted aquatics and midge management maintenance reviews on ponds throughout the District. The District had experienced high water levels, due to summer rain, which meant less reported algae blooms than the prior month. Along with the algae bloom treatments, the vendor was spraying back several edge grasses at most ponds and island clusters; however, Pond P16 was not up to par, due to aggressive edge grasses at both ends of the pond, but there was a plan with the vendor, to continuously spray those grasses until they were in a decayed state. Solitude representatives as well as the tech doing the spraying, were present for any questions, but 95% of the grass on that pond was now brown and they would continue to spray, until the grass was completely decayed. Field staff was picking up loose trash to help with the pond's appearance. There were no reported midge issues. Dr. Master believed that it was due to the heat and questioned the type of trash that was picked up. Mr. Blanco stated there were several mulch bags and water bottles. Dr. Master requested that Mr. Blanco inform the landscape contractor. Mr. Blanco did not think that the landscaper was purposely throwing the bags on the ground and was probably due to the wind but would inform the HOA.

Mr. Blanco reported that GMS staff reviewed all of the landscaping throughout the District and deemed it satisfactory. Pond banks were at appropriate height levels. Dry Ponds P1, P2 and P4A were reviewed. Areas around the skimmers were higher than usual and were being addressed by Floralawn. However, there were sections of the dry pond that have not been mowed as frequently, as equipment was getting stuck in divots. These areas would be reviewed when it was drier, to see if Floralawn could address them, so they did not get overgrown like P2. Field staff identified several stormwater structures that were in need of repairs, as P2, P3 and P11 had skimmer stakes that needed to be straightened. The work was scheduled. P5 had a side skimmer panel that needed to be replaced and was ordered. P1 had trash on top of the grate, which was removed. Mr. LaRue noted that P1, P2, P8 and P15 continued to be treated for midges, but questioned why P6 was not being treated. Ms. Cherrief Jackson of Clarke Midge Control explained that some ponds had edge midges, small red blood worms around the edges and phantom edges, which come from the middle of the pond. Natular @ G30 was used on ponds that had the edge ones and Strike @ was used for phantom midges. P6 may not have been treated in May because it did not have a midge issue. When they were informed about an outbreak, if it was not in their contract, they would switch out one pond for another, since they could not spray every pond. Mr. LaRue requested a legend of every chemical that was used and what it was used for. Ms. Jackson would provide it to Mr. Blanco to include in the next report. Mr. LaRue questioned what they were doing to edge the ponds. Mr. Blanco stated after the last meeting, he contacted with Solitude regarding the protocol to follow moving forward, to cut edge grasses 3to-4-feet and educating residents on edge grasses. Mr. LaRue asked if they were spraying edge grasses that exceeded 4 feet. Mr. Blanco reported as of this morning, 95% of those edge grasses were sprayed and the plan was to continuously spray them until they completely disappeared. Mr. LaRue questioned whether many ponds were overgrown. Mr. Blanco confirmed that more ponds in Poinciana were overgrown, versus Poinciana West, but there were several ponds that he was monitoring, that were exceeding the 4 feet. In the next review with Solitude, he would have them look at spraying those ponds.

iv. Customer Complaint Log

Mr. Blanco presented the Customer Complaint Log, which was included in the agenda package.

TWELFTH ORDER OF BUSINESS Supervisor's Requests

There being no comments, the next item followed.

THIRTEENTH ORDER OF BUSINESS Other Business

There being no comments, the next item followed.

FOURTEENTH ORDER OF BUSINESS General Audience Comments

There being no comments, the next item followed.

FIFTEENTH ORDER OF BUSINESS Next Meeting Date – September 18, 2024

Ms. Adams reported that the next meeting was scheduled for September 18, 2024 at 9:00 a.m.

SIXTEENTH ORDER OF BUSINESS Adjournment

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

Secretary / Assistant Secretary

Signed by:

Pugy Gregory

Chair/Vice Chairman

Signed by:

Pugy Gregory

Chair/Vice Chairman