

**MINUTES OF MEETING
BOYETTE PARK
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Boyette Park Community Development District held a Regular Meeting on September 21, 2021 at 6:00 p.m., at the Hilton Garden Inn Tampa/Riverview/Brandon, 4328 Garden Vista Drive, Riverview, Florida 33578.

Present at the meeting, were:

Thomas Griggs	Chair
Mac McCraw	Vice Chair
Bob Windheuser	Assistant Secretary
George Bertram	Assistant Secretary

Also present, were:

Cindy Cerbone	District Manager
Kristen Suit	Wrathell, Hunt and Associates, LLC (WHA)
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Lindsay Whelan	District Counsel
Chris Fisher (via telephone)	District Engineer
Anita Poellnitz (via telephone)	Resident
David Puzzo	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 6:01 p.m. Supervisors Griggs, McCraw, Windheuser and Bertram were present, in person. Supervisor Allen was not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

Ms. Cerbone stated that the purpose of this meeting is to complete the transition of Landowner-held Seats to homeowners, as the Mattamy Corporation felt it would be in the best interest of the community to vacate its Board Seats early, if any homeowners are interested in being appointed to the Board.

- **Acceptance of Resignation of Supervisor Mac McCraw, SEAT 1, Term Expires November 2022**

This item, previously the Fifth Order of Business, was presented out of order.

Mr. Mac McCraw resigned verbally from Seat 1. He would provide Ms. Cerbone with his resignation letter after the meeting.

On MOTION by Mr. Griggs and seconded by Mr. Bertram, with all in favor, the resignation of Mr. Mac McCraw from Seat 1, term expires November 2022, was accepted.

- **Consider Appointment of Fill Unexpired Term of Vacant Seat 1**

This item, previously the Sixth Order of Business, was presented out of order.

Mr. Windheuser nominated Ms. Anita Poellnitz to fill Seat 1. No other nominations were made.

On MOTION by Mr. Windheuser and seconded by Mr. Bertram, with all in favor, the appointment of Ms. Anita Poellnitz to fill Seat 1, was approved.

- **Administration of Oath of Office to Newly Appointed Supervisor**

Ms. Sanchez, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Poellnitz.

Ms. Cerbone stated that Supervisors Windheuser, Griggs, Poellnitz and Bertram constitute a quorum.

THIRD ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Thomas Griggs, SEAT 4, Term Expires November 2024

Mr. Thomas Griggs resigned verbally from Seat 4. He would provide Ms. Cerbone with his resignation letter after the meeting.

On MOTION by Mr. Windheuser and seconded by Mr. Bertram, with all in favor, the resignation of Mr. Griggs from Seat 4, term expires November 2024, was accepted.

FOURTH ORDER OF BUSINESS

Consider Appointment of Fill Unexpired Term of Vacant Seat 4

Mr. Windheuser nominated Mr. David Puzzo to fill Seat 4. No other nominations were made.

On MOTION by Mr. Windheuser and seconded by Mr. Bertram, with all in favor, the appointment of Mr. David Puzzo, to fill Seat 4, was approved.

The former Supervisors were reminded to file Form 1F with the Supervisors of Elections office. Mr. Murray left his contact information available to the new Board Members, should they have any questions about the development or its history.

FIFTH ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Mac McCraw, SEAT 1, Term Expires November 2022

This item was presented following the Second Order of Business.

SIXTH ORDER OF BUSINESS

Consider Appointment of Fill Unexpired Term of Vacant Seat 1

This item was presented following the Second Order of Business.

SEVENTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor(s) *(the following will be provided in a separate package)*

Ms. Sanchez, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Puzzo.

Ms. Cerbone and Ms. Whelan provided and briefly explained the following items:

- A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. **Membership, Obligations and Responsibilities**
- C. **Financial Disclosure Forms**
 - I. **Form 1: Statement of Financial Interests**
 - II. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. **Form 1F: Final Statement of Financial Interests**
- D. **Form 8B – Memorandum of Voting Conflict**

Instructions to receive the Supervisors’ stipend, filing Form 1, the Sunshine Law and how to handle public records requests were discussed. All Supervisors were encouraged to use their CDD email address for CDD business and keep business and personal records separate from CDD files.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2021-10 Designating Certain Officers of the District, and Providing for an Effective Date

Ms. Cerbone presented Resolution 2021-10. Ms. Cerbone and Ms. Whelan discussed the purpose and tasks for each designated position.

Mr. Windheuser nominated the following slate of officers:

Chair	Anita Poellnitz
Vice Chair	George Bertram
Secretary	Craig Wrathell
Assistant Secretary	Bob Windheuser
Assistant Secretary	David Puzzo
Assistant Secretary	Dave Allen
Assistant Secretary	Cindy Cerbone
Assistant Secretary	Kristen Suit
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION by Mr. Windheuser and seconded by Mr. Bertram, with all in favor, Resolution 2021-10 Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS**Discussion: Amended and Restated Report of District Engineer**

The District Engineer's Amended and Restated Report dated February 2018 was presented to allow the new Board Members the opportunity to ask questions about the Capital Improvement Plan (CIP), funding, the Developer's role and the conveyance of certain improvements to other governmental entities, such as to the City or County. Ms. Cerbone, Mr. Fisher and Ms. Whelan answered questions on the following items:

- **Costs:** Exhibit C - Summary of Estimated Project Costs outlined the construction of the CIP for the CDD by infrastructure category, which totaled \$7,328,978.24. The Developer decided on how much to borrow and how much they would contribute to complete the CIP.
- **Responsibilities:** Page 9 of the Report outlined the ownership and maintenance responsibilities of the proposed infrastructure improvements. Regarding where reclaimed water that supplies sprinkler systems for the townhomes and villas fell in this category, it was explained that this does not involve the CDD because the CDD would not construct infrastructure on private lots; the CDD would do so only on items such as an Amenity Center or at a tract at the perimeter entrance of the community.

The Board Members were directed to review PDF Page 40 of 65, which depicts the management and operation and maintenance (O&M) responsibilities for the CDD and HOA infrastructure. Ms. Whelan discussed scenarios for addressing emergency issues and stated that the function of the agreement with the HOA is to allow the HOA to take on certain roles on behalf of the CDD, such as the need to regrade one of the ponds, handle budget, etc.

- Regarding a request to install an opposite turning lane to allow traffic to enter the new entrance from Boyette Road to prevent having to U-turn, it was noted that the option was considered while designing the subdivision; however, the County deemed that there is not

sufficient room to install a left turning lane, due to future construction of another development. As this is a County-owned road, the CDD could ask the County to reconsider.

➤ Regarding the actual cost of the CIP, the amount is unknown because the Developer's portion is unknown but the estimated cost is a fairly educated guess of 7% to 10% of the CIP. The amount of bonds issued is not available at this time but the amount is typically less than the estimated cost of the project, due to Developer contributions. The requisition review and acquisition process, which is significant, and the funding process were discussed.

➤ Bond Repayment: Homeowners can prepay the 30-year principal bond debt service assessment portion attached to their property, subject to certain constraints, but they cannot prepay the general fund O&M assessment portion, which is an ongoing expense.

The Board was directed to review PDF Page 49 of 65, which depicts the Assessment Comparison Projected Fiscal Year 2022 Assessments by Product/Parcel type. Ms. Cerbone gave an overview of the factors, process and parties involved in creating and obtaining financing to construct the CDD, which is required to ensure homeowners will have no issue making those debt payments over the life of the loan. Ms. Whelan explained that the CDD's debt is levied based on the special benefits to each parcel, via the tax roll. The Series 2018 Amortization Schedule indicated the principal amount of bonds was about \$5,725,000, which includes ancillary costs, such as the costs of issuance. Ultimately, there is a significant cost savings to the homeowner to have a CDD government-based loan versus a Developer's construction loan.

➤ Regarding the assessment theory, the Proposed Fiscal Year 2022 budget was presented to explain that most costs associated with the O&M field operations budget line items fluctuate, so O&M assessments fluctuate accordingly. Some Admin costs fluctuate but it is minimal, as other under budget line items would be used to offset those with an overage. It was noted that unassigned funds would be used to offset the Supervisors fees expense that is unbudgeted. How working capital is estimated, revenues, defaults and how unpaid assessments would be collected through tax certificate sales were discussed.

Mr. Fisher researched the plans and confirmed there is no reclaimed water in the subdivision; the water to irrigate in the area would be from a well or two.

TENTH ORDER OF BUSINESS

Discussion: Agreement with Boyette Park Homeowners Association, Inc., for Facility Management, Operation and Maintenance Services

Ms. Cerbone presented the Agreement to contract with the HOA to manage and maintain the CDD assets, which is why these operational expenses are not included in the CDD budget. A Board Member asked for clarification of Exhibit A pertaining to the irrigation infrastructure description as there were none adjacent to the ponds. Ms. Whelan recommended amending Exhibit A to avoid confusion, clarifying that “The landscaping and irrigation at the development entry improvements were eligible to be funded by the CDD but was not ultimately constructed by the CDD, after the development plan commenced.”

The following change was made:

Exhibit A-Description of the District Property: Amend Exhibit A with verbiage provided by Ms. Whelan and replace the existing page.

This item would be presented for ratification at the next meeting.

On MOTION by Mr. Puzzo and seconded by Mr. Bertram, with all in favor, the Agreement with Boyette Park Homeowners Association, Inc., for Facility Management, Operation and Maintenance Services, as amended, to amend Exhibit A as described by Ms. Whelan, and authorizing the Chair or Vice Chair to execute, pending HOA acceptance of the change, was approved.

Ms. Cerbone stated that District Management discussed and felt this is the best time to officially assign Ms. Suit as the CDD District Manager. Ms. Suit would facilitate all future meetings but Ms. Cerbone would also attend the next few meetings.

ELEVENTH ORDER OF BUSINESS

Discussion: Fiscal Year 2022 Adopted Budget

Ms. Cerbone presented the Fiscal Year 2022 budget, which was unchanged from the Fiscal Year 2021 budget. She discussed the following:

- The CDD Fiscal Year 2023 budget deliberation process would commence in May 2022.

Ms. Whelan stated that her firm monitors legislation that may affect CDDs. She discussed new legislation presented over the last 15 years that was just approved and would allow certain legal advertising to be electronic, via the newspaper portal, instead of in the physical newspaper. She would present an update at the next meeting.

- The CDD website is compliant with the Americans with Disabilities Act (ADA). The website only contains statutorily required documents.
- Unassigned Surplus Funds: If there is a healthy balance, the Board can consider using unassigned surplus funds to offset assessments.
- Liability Insurance/Potential Lawsuits: Board Members are insured as a public official. The CDD also has sovereign immunity which caps the amount of a claim against the CDD.

Discussion ensued regarding how a claim is processed, along with the CDD Insurance Carrier site visits every two to three years to tour the CDD and make recommendations of how to mitigate risk, such as having signage and location of signage. The Board can then decide whether to follow the recommendations to prevent potential incidents. Ms. Cerbone stated she would schedule a visit.

- The Series 2018 bond has a 10-year call provision; typically, the Underwriter would notify the CDD in 2028, if it is financially beneficial to refinance the bonds.
- The Amortization Schedule is calculated every year. Homeowners are charged the max annual cost of the debt service payment; however, any accrued interest would be applied to the amount on the last payment, and ultimately reduce assessments.

TWELFTH ORDER OF BUSINESS

Discussion/Update: Fiscal Year 2022 Meeting Schedule

Ms. Whelan stated that a motion formalizing the Fiscal Year 2022 Meeting Schedule would be sufficient; a Resolution is not necessary.

The Fiscal Year 2022/2023 Meeting Schedule was as follows:

DATES: February 28, 2022, April 25, 2022, and July 25, 2022

TIME: 6:00 p.m.

LOCATION: Hilton Garden Inn Tampa/Riverview/Brandon, 4328 Garden Vista Drive, Riverview, Florida 33578, if available.

On MOTION by Mr. Windheuser and seconded by Mr. Bertram, with all in favor, Designating Dates, Time and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022, as specified, was approved.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of July 31, 2021

Ms. Cerbone presented the Unaudited Financial Statements as of July 31, 2021. She explained that the purpose of an amended budget, if expenses exceed budget, is to prevent a finding in the audit.

In response to a question about the need to increase assessments due to a significant expense overage, Ms. Cerbone discussed the process and stated it involves notifying the Board and holding a special meeting to approve the unbudgeted expense and discuss options of how to pay it. Payment might be made using unassigned funds, a payment plan with the vendor or obtaining a bank loan.

Ms. Cerbone stated that the CDD is statutorily required to send a Mailed Notice to property owners, based on the property appraiser's website and the mailing address of every parcel in the CDD, notifying them of the assessment increase, as well as the date, time and location of the public hearing to adopt the budget and to adopt assessments. A scenario of the HOA terminating the O&M contract and conveying responsibilities back to the CDD was discussed.

On MOTION by Mr. Windheuser and seconded by Mr. Bertram, with all in favor, the Unaudited Financial Statements as of July 31, 2021, were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of August 16, 2021 Public Hearing and Regular Meeting Minutes

Ms. Cerbone presented the August 16, 2021 Public Hearing and Regular Meeting Minutes.

A Board Member referred to the statement on Line 130 about dissolving the CDD since maintenance was transferred to the HOA. Ms. Cerbone stated it is possible but the CDD would have to pay off the bonds before it can be considered. Ms. Cerbone and Ms. Whelan discussed the financial benefits of the CDD, in that it is easier for governmental entities to obtain a loan to cover a catastrophic unbudgeted expense than it is for an HOA and banks consider CDDs a more bankable entity, even if the bonds are paid off or it is an older community.

On MOTION by Mr. Puzzo and seconded by Mr. Bertram, with all in favor, the August 16, 2021 Public Hearing and Regular Meeting Minutes, as presented, were approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Hopping Green & Sams, P.A.*

Ms. Whelan stated she typically attends meetings via telephone to save costs but she will attend the proposed Fiscal Year 2023 budget meeting in person, along with those with heavily legal agenda items.

B. District Engineer: *Clearview Land Design, P.L.*

Mr. Puzzo stated his concerns about erosion issues on the big and smaller pond banks. He felt that the condition of the north one, at the southwest corner pond behind the single-family residences, is in worse condition. Mr. Puzzo stated that, in his email exchanges with Mr. Fisher, removing the sod and installing compact dirt and relaying the sod was recommended; however, he believed that would not solve the issue. He asked Mr. Fisher how this would work.

Mr. Fisher stated the process would resolve the issues, as long as the dirt is compacted properly. He explained that the landscaper typically points out issues while maintaining the area, which should be monitored throughout the life of the pond. He felt that the repair costs would be a few thousand dollars and take two days to complete, if a smaller contractor is

engaged. Mr. Puzzo would provide photographs of the small pond lake banks to Mr. Fisher so Mr. Fisher can make recommendations.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

- **NEXT MEETING DATE: TBD**
 - **QUORUM CHECK**

The next meeting will be held on February 28, 2022 at 6:00 p.m.

SIXTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Windheuser asked what CDD information is considered public and what information he can relay to residents without concern of violating the Sunshine Law. Ms. Whelan replied that everything and anything because the CDD meetings are open to the public. The primary concern is that Board Members should not communicate with each other on matters that will or could potentially come before the Board. She recommended that any CDD Board Member who attends an HOA meeting excuse themselves when a CDD-related business item or topic is discussed.

A Board Member asked about blind copies of emails sent to the Board. Ms. Cerbone stated that the purpose is to prevent recipients from sending a "reply to all" response to all of the recipients, as that constitutes a Sunshine Law violation.

SEVENTEENTH ORDER OF BUSINESS

Public Comments

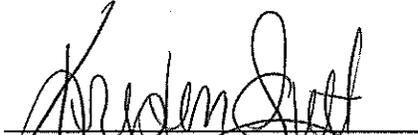
There were no public comments.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Bertram and seconded by Mr. Windheuser, with all in favor, the meeting adjourned at 8:48 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair