

## MINUTES OF MEETING

### ***RIVERBEND WEST COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS' MEETING***

*Tuesday, January 9, 2018 at 6:00 p.m.*

*Southshore Regional Library*

*15816 Beth Shields Way,*

*Ruskin, Florida 33573*

Board Members present at roll call:

Brady Lefere	Board Member
Ben Gainer	Board Member
Laura Coffey	Board Member

Also Present:

Vivek Babbar	Straley & Robin, P.A.
Jane Gaarlandt	Fishkind & Associates, Inc.
William Viasalyers	Fishkind & Associates, Inc.
Kevin Kaspar	Homeowner
Vance Edwards	Homeowner

### **FIRST ORDER OF BUSINESS**

### **Call to Order and Roll Call**

The meeting was called to order. The Board Members and staff in attendance are as outlined above.

### **SECOND ORDER OF BUSINESS**

### **Public Comments**

Ms. Gaarlandt stated that this public comment period is for any topics related specifically to the agenda items being considered by the Board today. Mr. Babbar explained the definition of a Community Development District to the members of the public and what this CDD owns and maintains. There were no questions from the members of the public.

### **THIRD ORDER OF BUSINESS**

### **Consideration of Letter(s) of Resignation from the Board of Supervisors**

Ms. Gaarlandt stated that Mr. Heath and Mr. Shapiro both submitted a letter of resignation. Mr. Heath was occupying Seat 4 and Mr. Shapiro was occupying Seat 5. Both of those seats expire in 2019.

ON MOTION by Ms. Coffey, seconded by Mr. Lefere, with all in favor, the Board accepted the Letters of Resignation from Mr. Heath and Mr. Shapiro.

Ms. Gaarlandt stated that the resignations leave Seats 4 and 5 vacant and asked if there were any nominations to fill those seats. Mr. Lefere explained the process of nominating Board members and noted that the District solicited homeowners to join the Board and District staff received interest from two homeowners. He asked the two homeowners to address the community about why they want to be on the Board. Mr. Kaspar and Mr. Evans explained why they were interested in serving on the board. Mr. Edwards noted that he is also a member of the HOA Board. Another homeowner asked questions about the CDD and HOA Boards and noted that he is also interested in the community and wants to be involved. Mr. Lefere explained how the District Board transitions to become resident controlled and noted that he can discuss this further after the meeting.

ON MOTION by Mr. Lefere, seconded by Mr. Gainer, with all in favor, the Board appointed Mr. Edwards to Seat 4 and Mr. Kaspar to Seat 5.

Ms. Gaarlandt administered the Oath of Office to Mr. Edward and Mr. Kaspar. Mr. Babbar explained the Sunshine Law and the Public Records Law to the newly appointed Board Members. He also mentioned that the Board Members need to complete a financial disclosure form called Form 1 and submit it within 30 days of today to the Supervisor of Elections in the County in which they live. Each Supervisor must complete the form every year that they are on the Board and if they no longer want to serve on the Board they must submit a Form 1-F.

Ms. Gaarlandt stated that there are generic email addresses for all the Board Members and she will sent the new Board Members the sign-in information and reminded the Board Members not to reply-all to emails because that could be a violation of the Sunshine Law and they should only reply to the sender of the email. She also noted that as Board Members they are entitled to be paid for the meetings up to \$4,800 per year and \$200 per meeting. She mentioned that there is a W-9 Form in their Supervisors packets that they should fill out and submit to the District manager if they wish to be compensated.

#### **FOURTH ORDER OF BUSINESS**

**Consideration of the Minutes of the October 5, 2017 Board of Supervisors' Meeting and the November 7, 2017 Landowner's Election**

The Board reviewed the minutes of the October 5, 2017 Board of Supervisors' Meeting and the November 7, 2017 Landowner's Election. Ms. Coffey provided edits.

ON MOTION by Mr. Lefere, seconded by Mr. Gainer, with all in favor, the Board approved the Minutes of the October 5, 2017 Board of Supervisors' Meeting and the November 7, 2017 Landowner's Election, as Amended.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-02, Canvassing and Certifying the Results of the Landowners' Election**

Ms. Gaarlandt noted that Mr. Lefere and Mr. Gainer were awarded 4-year terms with 160 votes each and Ms. Coffey was awarded the 2-year term with 150 votes.

ON MOTION by Mr. Lefere, seconded by Ms. Coffey, with all in favor, the Board adopted Resolution 2018-02, Canvassing and Certifying the Results of the Landowners; Election.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-03, Appointing District Officers**

Ms. Gaarlandt noted that Mr. Shapiro was previously the Chair of the Board and Mr. Heath was Vice-Chair and the Board needs to appoint a new Chair and Vice-Chair. Ms. Gaarlandt requested to be appointed secretary since Mr. MacLaren was no longer with the District Manager's Office.

ON MOTION by Ms. Coffey, seconded by Mr. Lefere, with all in favor, the Board adopted Resolution 2018-03, Appointing District Officers, as Follows; Mr. Lefere as Chair, Mr. Edwards as Vice-Chairman, the remaining Board Members as Assistant Secretaries, Dr. Fishkind as Treasurer, Ms. Glasgow as Assistant Treasurer, and Ms. Gaarlandt as Secretary.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-04, Amending FY 2017/2018 Adopted Budget**

Mr. Babbar stated that the Board previously discussed the budget and there were some line items that were not in the original budget that was adopted in August that are required, one of which was a line item for Dissemination Agent that is related to the Bonds, and the Bonds are related to the Debt Assessment as part of the Tax Assessment Bill the residents receive each year. It is the reporting agency that makes sure that the District is in compliance with all the agreements and covenants that the District made when Bonds were issued. It is a required contract. Mr. Babbar noted that the other line item was related to a maintenance aspect of the District. He noted that last year there was a carryover that was put into reserves and was not reflected in the fiscal year budget because the budget is for the monies being collected on the Tax Roll. Mr. Babbar stated that it is premature to adopt an increased budget because the District does not yet know what the end of the year expenses are and there is a carry forward balance from the previous year that will be able to account for any additional expenses the District may have each year. Mr. Edwards asked if the number needs to go back down since the Board is not going to amend the budget and Mr. Babbar responded that the District can table this until the next fiscal year and it will be brought back in November or December of this year to reconcile the previous fiscal year budget. Ms. Gaarlandt explained that the District is not spending any more money than the costs that actually incur regardless of the budget. Mr. Lefere explained that the budget is an Operations and Maintenance Budget. The fees on the Tax Bill are divided into two parts, one of those fees covers the Bond that was issued and is the repayment of the Bond to pay for the infrastructure of the neighborhood, and the other fee covers the Operations and Maintenance Budget. He explained that it is not the HOA dues or the Debt Service budget that they are reviewing today. A homeowner asked if the O&M fee will increase per household and Mr. Lefere said that the CDD fees should not increase. Mr. Collins asked about the Aquatics Contract. The Board Members answered his questions about the Aquatics Contract and said that he can discuss it more at the end of the meeting. A resident asked about Security around the playground and who maintains that. Mr. Edward said that criminal activity is not considered specifically a CDD or HOA issue, it is a community issue and a resident of the community had contacted the Sheriff's Office to see if the community could start a neighborhood watch. He indicated that it is up to each community member to call 911 if they witness criminal activity. He said that access to the playground area is an HOA issue. Other Board Members asked about Security patrol and Board Members answered questions. Resolution 2018-04 will be tabled until the end of the year.

A resident asked questions regarding the Juniper trees that were removed. District staff will contact the landscape Company to figure out what happened. The resident also asked questions regarding maintenance of certain areas. Mr. Gainer responded that if the swale is on a resident's property they would be required to mow it and take care of it from an aesthetics standpoint, but if there is a storm drainage issue that is causing an issue with the entire system the CDD would go in as the permittee and repair what needs to be repaired. Mr. Gainer explained more about the swales and maintenance. A letter will be sent to all the residents affected. A discussion took place among the Board Members. A resident asked if the parking spaces at the Amenity Center and county roadway are part of the CDD or part of the HOA. Mr. Lefere explained that the parking spaces are in the Amenity Track and part of the HOA and noted that none of the roadways in the community are part of the

CDD but part of the County because the CDD does not own or maintain any of the roadways in the Community, however, that does not mean the CDD cannot come in and fix a pothole if it is going to take the County too long to do it, but the CDD is not responsible for it. Mr. Lefere will look into whether the parking spaces are included in the HOA Parcel for the Amenity. The resident said that if it is part of the County roadway, there is significant amount of sediment gathering in the parking spaces and noted that it is getting into the storm drain system. Mr. Lefere said that they could try to get the HOA to check it out before reaching out to the County. A resident asked about the right-of-way and the sidewalks which are owned by the County and asked whether the County or the CDD maintain those. Mr. Lefere responded that the County is supposed to maintain those but sometimes he has the CDD repair major issues first. There were a discussion about security cameras at the Amenities and what the proper process is for installing them on a light pole. Mr. Lefere said that TECO would need to be asked if it can be done and Lennar could contact TECO. A discussion took place about security cameras which would be an HOA issue. Mr. Edwards explained that he would answer HOA related questions after the meeting and noted that there is a scheduled HOA meeting coming up in February. A resident asked about the dog park noting that she brought toys to share with the community and asked if maintenance was throwing them away. She suggested that a notice be put out to residents asking them to leave the toys for other dogs to play with. Mr. Lefere will contact the representative with the Landscape Company and bring that to his attention. A reside suggested placing a bucket that is zip tied to the post and placing the toys back in the bucket after use. The Board and residents discussed solutions for the dog toys. A resident brought up issues with standing water in the dog park after storms. Another resident asked about putting up gates going into each neighborhood. Mr. Lefere explained that they are county roads and the District cannot restrict access to the community. He also mentioned that the roads were constructed with public money. Ms. Accosta asked if all of the roads were public and Mr. Lefere said yes. A resident said that a Police Officer came to his house and he was told that residents cannot park on the street and to move the cars to the driveway; he asked if that is true and also noted that many residents have 4-5 cars. Mr. Edward responded that because they are county roads the CDD and HOA cannot restrict parking on the street, but what might have happened is that someone was double parked. A discussion took place about parking and overnight parking.

## **NINTH ORDER OF BUSINESS**

## **Ratification of Payment Authorizations FY17-20 - 21**

The Board reviewed Payment Authorizations Nos. FY17-20 - 21. These have previously been approved and paid. A Supervisor asked Ms. Gaarlandt to make sure that the lighting pole wire charge is not construction related. Ms. Gaarlandt responded that it shouldn't be because once a District takes over the charge there is a different account number but she will check it out.

On MOTION by Mr. Lefere, seconded by Mr. Gainer, with all in favor, the Board ratified Payment Authorizations Nos. FY17-20 – 21.

**TENTH ORDER OF BUSINESS**

**Review of Monthly Financials**

The Board reviewed the monthly financial statements. The District is currently over budget but it should even out as the fiscal year progresses. No Board action required. Mr. Lefere explained that the financials can be found on the District website.

**ELEVENTH ORDER OF BUSINESS**

**Staff Reports**

**District Counsel** – Mr. Babbar explained that the Legislative Session in Tallahassee began today and he is monitoring some bills that were filed that may impact the CDD.

**District Engineer** – Not Present

**District Manager** – Ms. Gaarlandt asked if the Board wished to continue the remainder of the meetings for the fiscal year the same day on the month, and the same time and location. The Board agreed and Ms. Gaarlandt will notice a new meeting schedule. She requested a motion to approve the updated meeting schedule.

On MOTION by Mr. Lefere, seconded by Mr. Gainer, with all in favor, the Board approved the Updated Fiscal Year 2018 Meeting Schedule.

The meetings are scheduled on the 2<sup>nd</sup> Tuesday of each month at 6:00 p.m. at the Southshore Regional Library.

**TWELFTH ORDER OF BUSINESS**

**Supervisor Requests and Audience Comments**

There were no additional comments.

**THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

There were no other questions or comments.

ON MOTION by Mr. Edwards, seconded by Mr. Lefere, with all in favor, the Board adjourned the January 9, 2018 Board of Supervisors Meeting for the Riverbend West Community Development District.

  
Secretary / Assistant Secretary

  
Chair / Vice-Chair