

**MINUTES OF MEETING
TERN BAY
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Tern Bay Community Development District was held on Tuesday, November 8, 2022, at 10:00 A.M. at 18501 Murdock Circle, Suite 203, Port Charlotte Florida 33948.

Present and constituting a quorum:

David Truxton	Chairperson
Christopher Hasty	Vice Chairperson
Barry Ernst	Assistant Secretary
Ashley Kingston	Assistant Secretary

Absent:

Anthony Burdett	Assistant Secretary
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Also present were:

Andrew Gill	JPWard & Associates
James P. Ward	District Manager
Greg Urbancic	District Counsel

Audience:

All resident's names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS
WERE TRANSCRIBED IN *ITALICS*.**

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Andrew Gill called the meeting to order at approximately 10:20 a.m. He conducted roll call, and all Board Members were present, with the exception of Supervisor Burdett, constituting a quorum.

SECOND ORDER OF BUSINESS

Oath of Office

Administration of Oath of Office for the Board of Supervisors of the Tern Bay Community Development District

- a) Oath of Office
- b) Guide to the Sunshine Law and Code of Ethics for Public Employees
- c) Form 1 – Statement of Financial Interests

Mr. Gill, as a notary public, administered the Oath of Office to Mr. David Truxton who signed and returned the Oath for purposes of inclusion in the record. He noted Mr. Truxton served on various Boards, had the Sunshine Laws and Code of Ethics, and had already filed a Form-1; therefore, he was not required to file a Form-1 again at this time.

Mr. Ward: No, he needs to file a Form-1. David, you need to file the Form-1 to include this District. We will send you a Form-1, same as before, fill it out, send it in for Tern Bay.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2023-1

Consideration of Resolution 2023-1, a resolution of the Board of Supervisors of the Tern Bay Community Development District amending Resolution 2022-9 to memorialize the change in the location of the Landowners’ Meeting and Election; ratifying the action of the District Manager to provide notice thereof; providing for a severability clause; and providing an effective date

Mr. Gill: This Resolution memorializes the change in the location of Landowner’s Meeting from the previous location to the current location due to Hurricane Ian storm damage.

Mr. Urbancic: The reason we are doing this is because of the damage, but we went ahead, and the advertisements were run properly, so this is sort of a cleanup paperwork item we have to knock off for the record. We did do the notices correctly for the Landowner Meeting conducted today.

Mr. Ward: The reason for the change in the location is the original place, which was Country Inn and Suites, was damaged from Hurricane Ian and to this day is still not open to the public.

On MOTION made by Mr. Berry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2023-1 was adopted, and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2023-2

Consideration of Resolution 2023-2, a resolution of the Board of Supervisors of the Tern Bay Community Development District canvassing and certifying the results of the Landowners’ election of Supervisors held pursuant to Section 190.006(2), Florida Statutes

Mr. Gill: I will read off the results from the Landowner’s election. In Seat 2, David Truxton was elected, and he received 764 votes.

Mr. Ward: Mr. Truxton’s term is through November of 2026. This is the final Landowner’s election Seat, so David, you will get to sit here for four more years, with residents sitting next to you at some point in the near future.

Mr. Truxton: Do we know, were there actual people on the ballot for those two seats that are available?

Mr. Ward: There were no individuals who qualified for the two seats which are Seat 3 and Seat 5. The Board has in place a Resolution that we adopted in July of last year after the qualification period was over, so those two seats were declared vacant and they must be filled by a qualified elector, pursuant to law, no later than February 20, 2023, so we will have to find two qualified individuals who will serve on the Board and then we will replace Mr. Burdett and Mr. Ernst.

Mr. Fill asked if there were any other questions; hearing none, he called for a motion.

On MOTION made by Mr. Berry Ernst, seconded by Mr. Christopher Hasty, and with all in favor, Resolution 2023-2 was adopted, and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS

Consideration of Resolution of 2023-3

Consideration of Resolution 2023-3, a resolution of the Board of Supervisors of the Tern Bay Community Development District Re-Designating Certain Officers of the Tern Bay Community Development District following the Landowners' Election

Mr. Gill indicated the Board should determine who would serve as Chair, Vice Chair, and Assistant Secretaries. He noted Mr. James Ward would serve as Secretary and Treasure.

The Board chose David Truxton to serve as Chairperson, Christopher Hasty to serve as Vice Chairperson and the remaining Board members to serve as Assistant Secretaries with James Ward as Secretary and Treasurer.

On MOTION made by Mr. Berry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2023-3 was adopted, and the Chair was authorized to sign.

SIXTH ORDER OF BUSINESS

Consideration of Minutes

September 13, 2022 – Regular Meeting Minutes

Mr. Gill asked if there were any corrections or deletions; hearing none, he called for a motion.

On MOTION made by Mr. Berry Ernst, seconded by Mr. Christopher Hasty, and with all in favor, the September 13, 2022 Regular Meeting Minutes were approved.

SEVENTH ORDER OF BUSINESS

Staff Reports

Staff Reports

I. District Attorney

Mr. Urbancic: Dave, I think you're familiar with CDDs so we won't go through the full blown presentation regarding Sunshine Law, etc., but if you have questions, you can always call me. Just don't forget to file your Form-1. The daily fine does rack up. We did complete two requisitions. I don't know if Dave was going to be on Requisitions 3 and 4 which were significant monetary requisitions from the last year's bond issuance. Also, just one question, I see in the Agenda that we have the Maintenance Agreement in there. I didn't see a line item for it, so I don't know if we are taking that up today, but I do have a couple of comments and clarifications on that if we are doing that today.

Mr. Ward: Let's go ahead and do it.

Mr. Urbancic: So, in your packet is a Facilities Maintenance Agreement whereby the HOA will take over the maintenance of the CDD assets. This is pretty typical. I know Lennar does this a lot on its Districts. This is a fairly standard form. I would say there is only one change that has been made from what you see in this packet and that is the agreement contemplates that the HOA would insure any structural improvements of the District. We have since revised this version to just provide that the District is going to maintain its own insurance on structures because it has one in place. We've asked the District Engineer, Dave Underhill, to update the schedule of what's out there and give a ballpark value. So, this is here, and this basically describes that the HOA is going to do the maintenance and repair of the CDD assets. The only thing missing would be exhibits from Dave Underhill of the schedule of the assets and a map of their location. He's aware that he has to prepare those, so to the extent that we approve this today, I would ask you to approve it subject to the change in Section 5, regarding the carrying of insurance, and also subject to the preparation by Dave Underhill of exhibits A and B of the agreement.

Mr. Ward: If there are no questions, a motion to approve as amended would be in order.

On MOTION made by Mr. David Truxton, seconded by Mr. Christopher Hasty, and with all in favor, the Facilities Maintenance Agreement was approved as amended.

Mr. Ward: Greg, would you send over the revised one as you've done it so I can make sure we get it signed correctly?

Mr. Urbancic: Yes, sir. I will do that now.

Mr. Ward: Did Underhill give you a time schedule on what assets we own and values?

Mr. Urbancic: Not yet. He didn't respond. I'll hit him up again on that as well.

Mr. Ward: Okay. We probably need to get that done because at the moment they are not insured, so we even if he has a list, if he can send it, I can at least get the list over to the agent so we can get them on there.

Mr. Truxton: It's probably just the wood bridges and the canoe launch that's out there.

Mr. Ward: It's the wood bridges, the guardhouse, the streetlights are rented, so we don't have that problem, and I think the irrigation pumphouse belongs to this CDD.

Mr. Urbancic: That's correct.

Mr. Ward: I think those are the main ones unless you guys built something we don't know about. I probably need to put these roadways on here too, not to the extent of value, but for liability purposes. So, maybe if Dave could give us miles of road or mile of road, or a map with it, it would be good too.

Mr. Urbancic: Okay, I'll ask him for that.

II. District Engineer

No report.

III. District Manager

a) Financial Statement for period ending September 30, 2022 (unaudited)

No report.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Gill asked if there were any Supervisor's requests; there were none. He asked if there were any audience members present in person, or via audio or video with any questions or comments; there were none.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Gill adjourned the meeting at approximately 10:35 a.m.

On MOTION made by Mr. Berry Ernst, seconded by Mr. Christopher Hasty, and with all in favor, the meeting was adjourned.

Tern Bay Community Development District


James P. Ward, Secretary


Name: David Tractor
Chairperson / Vice-Chairperson