

**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, February 9, 2021 at 10:00 a.m. at the Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.

Present and constituting a quorum:

Russell Smith	Chairperson
Christopher Hasty	Vice Chairperson
Barry Ernst	Assistant Secretary
Anthony Burdett	Assistant Secretary
Ashley Kingston	Assistant Secretary

Also present were:

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

District Manager James P. Ward called the meeting to order at approximately 10:00 a.m. He conducted roll call and all Board Members were present constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Minutes

I. November 10, 2020 – Landowners Election Meeting

Mr. Ward asked if there were any additions, corrections, or deletions for the November 10, 2020 Landowners Election Meeting Minutes; hearing none, he called for a motion.

<p>On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, the November 10, 2020 Landowners Election Meeting Minutes were accepted for inclusion in the record.</p>

II. November 10, 2020 – Regular Meeting

Mr. Ward asked if there were any additions, corrections, or deletions for the November 10, 2020 Regular Meeting Minutes; hearing none, he called for a motion.

On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, the November 10, 2020 Regular Meeting Minutes were approved.

THIRD ORDER OF BUSINESS**Consideration of Resolution 2021-3**

Consideration of Resolution 2021-3, a Resolution of the Tern Bay Community Development District amending the Fiscal Year 2021 Budget which began on October 1, 2020 and ends on September 30, 2021

Mr. Ward reported Resolution 2021-3 amended the Fiscal Year 2021 Budget which ended on September 30, 2021. He noted the only change was to move the assessments on one property identification number which contained a significant portion of the assessments billed to the primary developer to an all-full status which meant the District would bill the developer directly for those operating assessments as they were needed throughout the year. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Mr. Russell Smith, seconded by Mr. Christopher Hasty, and with all in favor, Resolution 2021-3 was adopted, and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS**Consideration of Proposals**

Consideration of Proposals for providing Audit Services to the District for the Fiscal Years 2020 – 2024

Mr. Ward: Pursuant to the requirements of the Statute, we advertised a request for proposals by auditing services for those ensuing four years. Enclosed in your Agenda Packet are the two proposals, one from Grau and Associates, and the second from Berger, Toombs, Elam, Gaines & Frank. We provided to you a copy of the analysis the Board must use, and the form of the analysis to rank them. We did provide you a recommended rating. You may accept the rating as you deem appropriate or you may change the rating as you so choose. Based on the rating that my office did for you, Grau rates 35 points for technical and mandatory elements, and Berger rates 31. The highest rated firm would be Grau pursuant to the ranking that I have provided to you. He asked if there were any questions; hearing none, he called for a motion.

Mr. Russell Smith: *Who was it last year?*

Mr. Ward: I believe it was Grau. And their fee structure was slightly less over the five-year period, \$24,000 dollars for Grau and \$25,375 for Berger.

On MOTION made by Mr. Russell Smith, seconded by Ms. Ashley Kingston, and with all in favor, Grau and Associates was awarded the highest ranking.

FIFTH ORDER OF BUSINESS

Consideration of Proposals

Consideration of ranking of engineering proposals to serve as District Engineer and agreement with the Number 1 ranked firm

- a) Ranking of engineering proposals**
- b) Master Engineering Services Agreement**

Mr. Ward indicated next was the ranking of the engineering proposals. He noted Banks Engineering had been serving as interim engineer. He indicated he went through the advertising process pursuant to Chapter 287 and only one proposal was received: Banks Engineering; this was enclosed in the Agenda Package.

Mr. Ward: The way in which the Statute works to the extent you receive any proposals you rank them 1, 2, 3. You received one proposal, so you would rank Banks as #1. You do this by motion. Since there was only one firm we will go ahead and do the service agreement with the firm. He called for a motion to accept Banks as the number 1 ranked firm.

On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, Banks was ranked as the number 1 firm.

Mr. Ward: Since we only received one proposal, I did enclose in your Agenda Package a draft of the Engineering Services Agreement between the District and Banks Engineering. Greg, I know made some comments to it after the publication of the Agenda, so we will make the changes that he noted in the revised agreement that he sent to me yesterday. I'll ask that you approve the Agreement in substantial form subject to the changes that were made of record by Mr. Urbancic.

On MOTION made by Mr. Russell Smith, seconded by Ms. Ashley Kingston, and with all in favor, the Master Engineering Services Agreement between the District and Banks Engineering was approved subject to the changes made by Mr. Urbancic.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2021-4

Consideration of Resolution 2021-4, a Resolution of the Board of Supervisors of Tern Bay Community Development District Authorizing the acquisition of certain Potable Water and Wastewater Utility Facilities from the Developer, Lennar Homes, LLC, and authorizing the conveyance of such Potable Water and Wastewater Utility Facilities to Charlotte County; authorizing the Chairman or the Vice Chairman (in the Chairman's absence) to execute such conveyance documents to the extent necessary to evidence the District's acceptance and conveyance

Mr. Greg Urbancic: What we have today is a Resolution essentially related to Wastewater and Potable Water Utility Facilities. What the intended purpose of this resolution is, is to accept the Pod I Potable Water and Wastewater Utility Facilities and then also authorize the conveyance of those facilities to Charlotte County and authorize the Chair to take such action as necessary to finalize that conveyance with Charlotte County. Just for the note, this is done prior to our issuance of any bonds, so this will be a cost that we attempt to capture at the time we issue bonds, but because of the nature of needing to turn these facilities over and get them on, we need to go through this process now. The conveyance documents are attached as exhibits. If anyone has any questions, I will be happy to answer, but I know the engineers are hungry to get this one done.

Mr. Russell Smith: Do we have an acquisition agreement with the developer?

Mr. Urbancic: Yes, we do.

Mr. Russell Smith: And did you say that because we don't have bonds this cost would not be eligible?

Mr. Urbancic: Yes, it would be eligible, so we would capture it essentially when we issue bonds. We are accepting these improvements today with the funding of the improvements later on when we issue bonds.

On MOTION made by Mr. Russell Smith, seconded by Mr. Christopher Hasty, and with all in favor, Resolution 2021-4 was adopted, and the Chair was authorized to sign.

SEVENTH ORDER OF BUSINESS

Staff Reports

Staff Reports

I. District Attorney

No report.

II. District Engineer

No report.

III. District Manager

- a) Financial Statements for period ending October 31, 2020 (unaudited)
- b) Financial Statements for period ending November 30, 2020 (unaudited)
- c) Financial Statements for period ending December 31, 2020 (unaudited)

No report.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Ward asked if there were any Supervisor's requests; there were none. He asked if there were any audience comments; there were none.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 10:10 a.m.

On MOTION made by Mr. Russell Smith, seconded by Ms. Ashley Kingston, and with all in favor, the meeting was adjourned.

ATTEST:

Tern Bay Community Development District



James P. Ward, Secretary

Russell Smith

Russell Smith, Chairperson

TB - Minutes 02 09 2021 to be signed

Final Audit Report

2021-05-17

Created:	2021-05-17
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