

**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, May 11, 2021, at 10:00 a.m. at the Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.

Present and constituting a quorum:

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

Absent:

Russell Smith	Chairperson
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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 10:07 a.m. He conducted roll call and all Board Members were present, with the exception of Supervisor Smith, constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Minutes

February 9, 2021 – Regular Meeting

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

<p>On MOTION made by Mr. Barry Ernst, seconded by Mr. Christopher Hasty, and with all in favor, the February 9, 2021, Regular Meeting Minutes were approved.</p>

THIRD ORDER OF BUSINESS**Consideration of Resolution 2021-5**

Consideration of Resolution 2021-5 approving the Proposed Budget for Fiscal Year 2022 and Setting a Public Hearing for Tuesday, July 13, 2021, at 10:00 a.m. at the Country Inn and Suites 24244 Corporate Court, Port Charlotte, Florida 33954

Mr. Ward explained the approval of the Budget did not bind the Board to any of the costs, programs, or assessments contemplated. He indicated the Budget did set the maximum assessment rate. He stated on July 13, at the public hearing, the Budget would be adopted, and the assessment rates would be set into place. He stated the Budget was consistent with the Fiscal Year 2021 Budget.

On MOTION made by Mr. Barry Ernst, seconded by Mr. Christopher Hasty, and with all in favor, Resolution 2021-5 was adopted, and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS**Consideration of Resolution 2021-6**

Consideration of Resolution 2021-6, a Resolution of the Board of Supervisors of the Tern Bay Community Development District granting the authority to Execute Real and Personal Property conveyance and dedication documents, and Plats and other documents related to the development of the District's improvements, approving the scope and terms of such authorization

Mr. Ward: Now that this District is just starting its operations again, and there are personal property conveyances, or dedications of plats, that need to get done in between meetings, this Resolution essentially permits the District Chairman or Vice Chairman to sign those documents on behalf of the District in between Board Meetings, and then subsequent to a Board Meeting, Greg or I will come back to you with a ratification resolution for any documents that have been approved in between Board Meetings. If you have any questions on the Resolution, I would be glad to answer them. Otherwise, it is recommended for your consideration.

On MOTION made by Mr. Barry Ernst, seconded by Mr. Christopher Hasty, and with all in favor Resolution 2021-6 was adopted, and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS**Consideration of Resolution 2021-7**

Consideration of Resolution 2021-7, a Resolution of the Board of Supervisors of the Tern Bay Community Development District ratifying the Two Led Lighting Agreements dated February 3, 2021, with Florida Power & Light Company for purposes of Installing Lighting Facilities on roadways within the District

Mr. Ward: This particular District has FP&L rental light systems which we have done many years ago in the past for the first phase of development, and now they are being done on an interim basis. I've signed those agreements and authorized the installation of those FP&L systems. The agreements are consistent with what FP&L uses. We couldn't change them if we wanted to. The back shows you the locations of the lighting systems. If you have any questions on this, I will be glad to answer them; otherwise, the Resolution is recommended for your consideration.

On MOTION made by Mr. Barry Ernst, seconded by Mr. Christopher Hasty, and with all in favor, Resolution 2021-7 was adopted, and the Chair was authorized to sign.

SIXTH ORDER OF BUSINESS

Staff Reports

Staff Reports

I. District Attorney

Mr. Greg Urbancic: As an offshoot of what you did on Resolution 2021-6, regarding conveyances, we sort of have a late edition if we can on a utility conveyance. We call it Pod A, but most of the people involved in the development will probably know it as Sycamore Court. Back in February you might recall, we did one of these for Pod I and we had our standard utility documents which are Bill of Sale, Owners Affidavit, a utility easement over that property since it was not platted yet, and then authorized the conveyance to Charlotte County because they are the ultimate owner of water and sewer utilities. What I'm bringing forward today, and I don't know if Clay from Banks is on the call as well, he may be able to provide some additional support as well, we want to do basically the exact same thing for Pod I, Sycamore Court, which is authorize by Resolution, which we would call 2021-8, the exact same resolution and authorizing conveyance for Pod A which basically authorizes the District to execute the, or to accept the, Bill of Sale, Owners Affidavit, and utility easement, and then simultaneously authorize the conveyance of those on Pod A to Charlotte County for Water and Sewer that they will ultimately own and maintain. I know there was some sensitivity from Banks to get this moving forward and that's the reason we would like to add it onto the agenda today.

Mr. Ward asked if there were any questions; hearing none, he called for a motion to adopt what would be Resolution 2021-8, as described by Mr. Urbancic.

On MOTION made by Mr. Barry Ernst, seconded by Mr. Christopher Hasty, and with all in favor, Resolution 2021-8 was adopted, and the Chair was authorized to sign.

II. District Engineer

No report.

III. District Manager

- a) **Reported Number of Registered Voters as of April 15, 2021**
- b) **Financial Statements for period ending January 31, 2021 (unaudited)**
- c) **Financial Statements for period ending February 28, 2021 (unaudited)**
- d) **Financial Statements for period ending March 31, 2021 (unaudited)**
- e) **Financial Statements for period ending April 30, 2021 (unaudited)**

Mr. Ward indicated Statute required the Supervisor of Elections to report the number of registered voters in the District. He reported as of April 15, 2021, there were 184 registered

voters within the District. He noted this number would affect the District when it reached 250 registered voters (qualified electors) and when the District reached ten years from the date of establishment. He explained this District had over 1,000 acres and as such fell under FLAWAC; therefore, a 10-year threshold was required as opposed to the traditional 6-year threshold. He explained when both thresholds were met the District would begin the transition from a landowner election to a qualified elector election. He stated in November of 2014 the District met the ten-year threshold; therefore, once the District reached 250 registered voters, the transition could begin. He noted there was no action required for the Board at this time. He asked if there were any questions. He discussed FLAWAC (Florida Land and Water Adjudicatory Commission) noting it was more complicated to develop land which fell under FLAWAC as opposed to land under the jurisdiction of the County.

He asked Mr. Urbancic to check FLAWAC guidelines regarding the number of required registered voters as he was unsure whether 250 was the correct number for a FLAWAC District.

Mr. Urbancic indicated he would investigate.

SEVENTH 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.

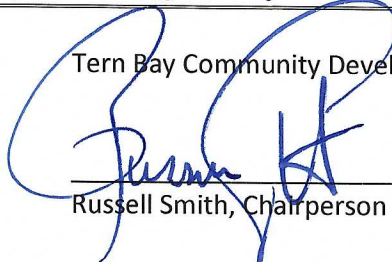
EIGHTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 10:19 a.m.

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


James P. Ward, Secretary

Tern Bay Community Development District

Russell Smith, Chairperson