

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

The Regular Meeting of the Board of Supervisors of the Buckeye Park Community Development District was held on Tuesday, April 12, 2022, at 1:00 p.m., at the Holiday Inn Express & Suites Bradenton East Lakewood Ranch, 5464 Lena Rd, Bradenton, FL 34211.

Present and constituting a quorum:

Richard Fischer	Chairperson
Gary Kompothecras	Vice Chairperson
Anthony Sansone	Assistant Secretary
Robert Bishop	Assistant Secretary
Vince Payne	Assistant Secretary

Also present were:

James P. Ward	District Manager
John Foley	District Engineer
Scott Steady	District Attorney
Andrew Gill	

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 1:11 p.m. He conducted roll call; all Members of the Board were present, constituting a quorum. He noted Supervisor Bishop was attending via audio.

SECOND ORDER OF BUSINESS

Notice of Public Hearing

Notice of advertisement of the Public Hearing

Mr. Gill noted enclosed in the Agenda Packet was an affidavit mailing showing the publication which went out for the public hearing.

THIRD ORDER OF BUSINESS

Consideration of Minutes

February 8, 2022 – Regular Meeting Minutes

Mr. Gill asked if there were any questions or changes to the Minutes. Hearing none, he called for a motion.

On MOTION made by Mr. Richard Fisher, seconded by Mr. Gary Kompothecras, and with all in favor, the February 8, 2022, Regular Meeting Minutes were approved.

FOURTH ORDER OF BUSINESS

PUBLIC HEARING

Mr. Gill explained the public hearing process including public comment, Board discussion and vote.

a. PUBLIC HEARING – FISCAL YEAR 2023 BUDGET

I. Public Comment and Testimony

Mr. Gill called for a motion to open the Public Hearing.

On MOTION made by Mr. Gary Kompothecras, seconded by Mr. Richard Fisher, and with all in favor, the Public Hearing was opened.

Mr. Gill asked if there were any members of the public present by audio or video with comments or questions with respect to the Fiscal Year 2023 Budget.

Discussion ensued regarding the engineering providing information about status of the ponds, the condition of the ponds, lake maintenance, littoral plantings, invasive littorals, and invasive fish.

Mr. Fischer: asked if Mr. Foley looked at the lakes.

Mr. Foley: *I take a look at them every three or four years for your SFWMD recertification. They are not being maintained. They are meeting minimum qualifications, but they could use some significant work along the banks, and the lakes aren't as clear as they could be.*

Mr. Fischer: *I don't know if we have a tilapia problem. Do we even have littoral shelves in there?*

Mr. Foley: *I think there are a few lakes with littoral shelves, but some of the lakes right now look like almost complete littoral shelves. There is no open water to speak of. Most of it is grasses and cattails.*

Mr. Fischer: *I work with Cross Creek Environmental in Sarasota. They do work up here. We could have them take a look at it. At Beaver's Park, they charge us \$1,250 dollars a month.*

Mr. Foley: *Once you have things squared up you could probably get to something close to that number. I passed along to Andrew the name of the group that's come out the*

last few times to do the lake cleanup prior to the SFWMD certification and most of that work has been heavy clearing along the lake banks.

Mr. Fischer: The first shot is they get it all up to speed and then they come out monthly and keep it there. So, that's outside the 22? \$12,000 dollars should surely get it. They'd clean it all up. I don't know if all of these lakes need it, but you could then have – These guys that you bring in John, do they do a followup like monthly or every other month?

Mr. Foley: These were not people that I contracted with. This was the Lerner Group. Scott Campbell and that group that were taking care of things before you took it over. They were not doing routine maintenance. They were just doing one shot deals.

Mr. Fischer: Well, there are two of them, Cross Creek Environmental, and Lake Doctors. There are a bunch of them actually, those are just two I happen to know of.

Mr. Foley: I just don't know if they would do the heavy duty work you would need along the lake banks to clear them. Once the lakes are in pretty good shape, I'm sure your company could do a good job for you.

Mr. _____ 8:05: I'll get the name, and we've used them a lot. I don't know if they ever did anything at Buckeye, but I used them a lot. I'll get you that name.

Mr. Fischer: Alright we'll have to address that. Do we want to keep the extra 22? Is that a special assessment call or is that money in there?

Mr. Ward: To the extent that you have a desire to do any maintenance out there, I would suggest that you keep the budget as it is. This District isn't really funded with any kind of a cash balance frankly. So, you can keep it and if in 2023 we need to lower it we can do it then, but it would be a good idea to leave it as is for the moment.

Mr. Fischer: I agree.

Mr. Gill called for a motion to close the public hearing.

On MOTION made by Mr. Gary Kompothecras, seconded by Mr. Bob Bishop, and with all in favor, the Public Hearing was closed.

II. Board Comment

Mr. Gill asked if there were any additional Board comments or questions; there were none.

III. Consideration of Resolution 2022-4 adopting the annual appropriation and Budget for Fiscal Year 2023

Mr. Gill called for a motion for Resolution 2022-4 relating to the annual appropriations, adopting the Budget for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023.

On MOTION made by Mr. Richard Fisher seconded by Mr. Vince Payne, and with all in favor, Resolution 2022-4 was adopted, and the Chair was authorized to sign.

b. FISCAL YEAR 2023 IMPOSING SPECIAL ASSESSMENTS; ADOPTING AN ASSESSMENT ROLL AND APPROVING THE GENERAL FUND SPECIAL ASSESSMENT METHODOLOGY

Mr. Gill indicated this public hearing was related to the imposition of the special assessments for the general fund, certification of an assessment roll, and approval of the special assessment methodology for the District.

I. Public Comment and Testimony

Mr. Gill called for a motion to open the Public Hearing.

On MOTION made by Mr. Richard Fisher, seconded by Mr. Bob Bishop, and with all in favor, the Public Hearing was opened.

Mr. Gill asked if there were any members of the public present by audio or video with comments or questions; hearing none, he called for a motion to close the public hearing. He noted there were no members of the public present in person.

On MOTION made by Mr. Richard Fisher, seconded by Mr. Gary Kompothecras, and with all in favor, the Public Hearing was closed.

II. Board Comment

Mr. Gill asked if there were any questions; there were none.

III. Consideration of Resolution 2022-5 imposing special assessments, adopting an assessment roll, and approving the general fund special assessment methodology

Mr. Gill indicated Resolution 2022-5 imposed the assessments, adopted the assessment roll, provided a mechanism for the Manager to update the assessment roll with current owners' information as it changed, and approved the methodology. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Mr. Richard Fisher, seconded by Mr. Gary Kompothecras, and with all in favor, Resolution 2022-5 was adopted, and the Chair was authorized to sign.

IV. Consideration of Resolution 2022-6, a resolution of the Board of Supervisors establishing an operation and maintenance assessment cap for notice purposes only

Mr. Gill called for a motion.

On MOTION made by Mr. Richard Fisher, seconded by Mr. Bob Bishop, and with all in favor, Resolution 2022-6 was adopted, and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-7

Consideration of Resolution 2022-7, a resolution of the Board of Supervisors designating dates, time, and location for regular meeting of the Board of Supervisor’s for Fiscal Year 2022

Mr. Gill noted Statute required the CDD to publish the dates of its meetings. He indicated the Meetings were scheduled for the first Thursday of every month at 11:00 a.m. He noted if 11:00 a.m. was not acceptable, after 4:00 p.m. would be an option.

Discussion ensued regarding what time to hold the meetings. It was decided to hold the meetings at 11:30 a.m. on the first Thursday of every month at the Holiday Inn Express & Suites Bradenton East Lakewood Ranch, 5464 Lena Rd, Bradenton, FL 34211.

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

On MOTION made by Mr. Richard Fisher, seconded by Mr. Gary Kompothecras, and with all in favor, Resolution 2022-7 was adopted as amended, and the Chair was authorized to sign.

SIXTH ORDER OF BUSINESS

Consideration of Amendment

Consideration of proposals for providing Audit Services to the District for the Fiscal Years 2022-2026

Discussion ensued regarding the fee schedules for the audit company proposals.

Mr. Ward: The way in which this statute works, the RFP, what we normally do, is something on a five-year basis that gives you some continuity and it also ensures we don’t have to bid this on a yearly basis. But when you do this, we do a ranking analysis, so it includes both their qualifications and a price based analysis. There are two firms that submitted: Grau and Associates, and Berger, Toombs. My staff took the opportunity to rate them. Grau was rated number 1 and Berger, Toombs was rated number 2. In terms of the pricing, Grau is slightly higher than the Berger firm. You may accept that ranking or you may do as you deem appropriate. Grau tends to be a little bit of a better firm and easier to work with on a yearly basis with respect to doing audits for the CDDs, at least that I manage. In this business, cheaper for auditors is not always better. It is the one element in the year that you get an opportunity to actually see and have a firm basically opine on the work that I do for you on a continual one year basis. As I said, I don’t care whether you pick one firm of two firms. I work with both of them, but we clearly think Grau holds a bit of an edge when it comes to the overall performance of an audit for you all for the next five year.

Mr. Fisher: My question is, I understand the monitoring and the auditing of CDDs. Lakewood Ranch is a CDD. Disney World is a CDD. We are a tiny CDD. What’s there to audit? What are we auditing? We’ve got our O and M. Everybody has to pay their taxes. What are we auditing?

Mr. Ward: An audit for a CDD is basically no different than an audit that you see any City, County, or any other agency do in the state.

Mr. Fisher: We are not a City, and we are not a County. We are about 13 lots.

Mr. Ward: The elements of the audit are exactly the same, whether or not this was a 20 million dollar organization, or in this instance, just a small operation and maintenance budget along with debt service. Whether they audit something that small or something that big, they have to go through the same requirements.

Mr. Fisher: What are they auditing? If they are taking look at whether everybody has paid their taxes, that's on the County tax bill. What else is there to audit?

Mr. Ward: They audit your financial records, all of your records, all of your payments, all of your receipts, all of your bond transactions. They make sure the bond payments were made. There is legal –

Mr. Fisher: I still don't get it, but from my perspective, if there is a good reason we should try and close the CDD down, here's one. We would like you guys to let us know what the bonds are due for FedEx. How much to retire their bonds, and how much to retire the bonds on lot 2?

Mr. Ward: I understand your question, but the fact of the matter is, the audit is required by law.

Mr. Fisher: I understand that. I can promise you an audit of Lakewood Ranch is a lot more money. Here we are talking 13 lots. Maybe we let it go this year, but I just don't see the purpose of it. If we sign this, are we on the hook for five years?

Mr. Ward: You can terminate it with 30 days' notice. That's easy to do, but if you're questioning whether we have to have an audit, the answer is yes.

Mr. Scott Steady: Richard, I totally get your point about collapsing the District. I'm in the process of doing that here in Tampa. A buyer paid off all the bonds, we transferred all the property to an HOA, and I'm in the process of filing an application with Hillsborough County to get rid of the District. Exactly what you're talking about, so I totally understand, totally support. Trust me, I'll find something else to do. If you can get those two bondholders, you should do it. But in the meantime, guys I'm advising you as your District Counsel, under statute and your obligation to the bondholder, you need to do this audit. Now, whether they can do it cheap or not is two different things, but you need to get the audit done. But Richard, I totally support paying off the bonds and getting rid of the District. It makes sense.

Mr. Fisher: From my perspective, I asked Andrew the same question, it doesn't mean I want to get rid of the property manager or the association manager, and it doesn't mean we don't need an attorney. We still need both.

Mr. Steady: I know, but I'm fine either way. Again, I get it. I'm not looking at this from a selfish standpoint. You have to be able to transfer the District's lands though, but we can do it.

Mr. Ward: Richard, you asked earlier about the debt on lots 1 and 2. It's \$1,675,000 dollars between the two lots.

Mr. Fisher: Can you separate them?

Mr. Ward: It's \$1,510,000 dollars on lot 1 and \$163,000 dollars on lot 2.

Mr. Fisher: Thank you. As they are getting ready to build, I have a feeling they are probably willing to pay off those bonds and move forward. The tougher one will be the real estate investment trust that owns FedEx because they own probably a hundred of these things. That number may seem big to us, but it's not big to them. It's sort of baked into the cake. But it's worth a try to see if we can get them to – I've got their contact information, the name of the owner of the building, so we have somebody we can contact. Vince, this is your backyard.

Mr. Vince Payne: I heard everybody talking about the Grau firm, but they are also more expensive than Berger, Toombs.

Discussion ensued regarding the expense being spread out over five years, Grau being the current auditor for the District, there being no penalty to get out of the contract with 30 days' notice.

Mr. Ward: If price is your biggie, I don't care, pick either one. Berger works for us as much as it does for anyone. I'm going to echo what Scott said, if you can get those two to pay off their debt, then collapsing the District, I think, is a good idea also.

Mr. Gill: Looking at the scoring sheet, it's past experience and performance.

Discussion continued about the two auditing firms. The Board decided to rate Berger, Toombs as the number 1 firm.

On MOTION made by Mr. Richard Fisher, seconded by Mr. Gary Kompothecras, and with all in favor, the proposals for providing Audit Services to the District for the Fiscal Years 2022-2026 were rated with Berger, Toombs as number 1 and Grau and Associates as number 2.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-8

Consideration of Resolution 2022-8, a resolution of the Board of Supervisors approving the grant of a Utility Easement to Manatee County

Mr. Gill: This Resolution approves the grant of a utility easement to Manatee County. This easement is a permanent utility easement for a 2 inch force main. There's a restroom at the Piney Point well treatment site.

Mr. Fisher: It doesn't hurt us. It's out of the way. We are asking the Board to vote in favor of the amendment. We are not losing anything. It doesn't cost us a dime and it's nothing we could sell.

Mr. Steady: I agree. The only thing I'm going to comment about is the affidavit that the Chair signs. I told the County that we didn't have any information on title, so if they wanted us to sign anything regarding title, they needed to provide me a title report, which they did a couple of days ago. So, when you approve this, I'll probably revise the affidavit. As a matter of fact, I'm going to. I recommend

approving the resolution, but Andrew, don't have the Chair sign it yet. If you approve it, I'll followup, amend the affidavit based on the title report the County provided and followup with whoever the Chair is at that point to get it signed.

Mr. Fisher: The utility easement is between the road and the ditch, isn't it?

Mr. Foley: Correct. It runs from the road across the ditch to the north property line.

Mr. Fisher: It's not impinging on anyone's lot.

Mr. Foley: No. It's not on a lot. It's west of the lots along the east side of the road.

Discussion continued regarding the exact location of the easement.

Mr. Gill called for amotion.

<p>On MOTION made by Mr. Richard Fisher, seconded by Mr. Vince Payne, and with all in favor, Resolution 2022-8 was adopted, and the Chair was authorized to sign.</p>
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EIGHTH ORDER OF BUSINESS

Consideration Resolution 2022-9

Consideration of Resolution 2022-9, a resolution of the Board of Supervisors designating a date, time, and location for a landowners' meeting and election; providing for publication; and establishing forms for the landowner election

Mr. Gill: The landowner's election date will be on the third day of November 2022 at 11:30 a.m. Let the record show this Resolution is being modified to 11:30 a.m.

Mr. Ward: All of your seats have term limits with them. Every two years you have an election for three of the five members, and they are always in even years. So, this year you had seats 1, 2, and 5 up for election, so Mr. Fisher, Gary and Bob Bishop's seat are up for election. In November when you fill those seats, two of them will serve a four year term, and the third person with a lesser number of votes will serve a two year term and then in 2024 you basically repeat that process again. This election is just standard. The reason it's so early is, we are required to set this date at least 90 days in advance of the meeting. We obviously don't plan on any more meetings for a couple of months yet, so it's on the Agenda at this point in time. We will go through the process and hold the election in November.

Mr. Fisher: Jim, you are aware you guys are going to direct me today how to step down as Chairman. I will maintain a seat on the Board and bring Gary in as Chairman.

Mr. Gill: This won't change the terms, correct?

Mr. Ward: No. It doesn't change the terms. Richard, your seat stays the same. Your position as a chairman, vice chairman, whatever it may be, you can change those at any time you want to. This Resolution simply deals with the election coming up in November.

On MOTION made by Mr. Richard Fisher, seconded by Mr. Gary Kompothecras, and with all in favor, Resolution 2022-9 was adopted as amended, and the Chair was authorized to sign.

NINTH ORDER OF BUSINESS

Staff Reports

I. District Attorney

No report.

II. District Engineer

a) Stormwater reporting

Mr. Gill: I'm still working on the stormwater reporting requirements. John and I have been working on that. It will be submitted once we get the submission requirements.

III. District Manager

a) Board of Supervisors Compensation

b) Financial Statement for the period ended February 28, 2022 (unaudited)

c) Financial Statement for the period ended March 31, 2022 (unaudited)

Mr. Gill: Under the Statute each Board Member is entitled to receive \$200 per meeting of the Board of Supervisors, not to exceed \$4,800 dollars per year. You are not required to accept this or request it.

Mr. Fisher: Has anyone ever taken the money?

Mr. Gill: Yes.

Mr. Fisher: Whatever the norm is, I think for this year at least, let's keep it the way it is.

Mr. Ward: Sounds good. You all choose it individually. I am aware that the prior Board did accept the compensation, so we can just leave it the same and we will move on.

Mr. Gill: Is it paid monthly or annually?

Mr. Ward: It's per meeting, so every time you have a meeting, after the meeting my Staff will pay you \$200.

Mr. Gill: This is whether they are in person or virtual right?

Mr. Ward: Yes.

TENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Gill asked if there were any Supervisor's requests.

Mr. Fischer: I would like to make a motion to step down as Chairman, and for Gary Kompothecras to take over the Chairman's position, and I will maintain my Board seat. Am I 1, 2 or 5?

Mr. Gill: You are Seat 1. We need a Vice Chairperson.

Mr. Fischer: I move for Vince Payne to be Vice Chair.

Mr. Gill: Okay, I have included Resolution 2022-10, which is a resolution of the Board redesignating the offices of the Board based on your decisions here. This redesignation sets Gary Kompothecras as the Chairperson, Vince Payne as Vice Chairperson, Jim Ward as both Secretary and Treasurer, and Anthony Sansone, Bob Bishop and Richard Fischer as Assistant Secretaries. Is there a motion to adopt Resolution 2022-10?

On MOTION made by Mr. Richard Fischer, seconded by Mr. Bob Bishop, and with all in favor, Resolution 2022-10 was adopted, and the Chair was authorized to sign.

Mr. Gill asked if there were any audience members present in person, or via audio/video, with any questions or comments; there were none.

ELEVENTH ORDER OF BUSINESS

Adjournment

Mr. Gill adjourned the meeting at approximately 2:00 p.m.

On MOTION made by Mr. Gary Kompothecras, seconded by Mr. Vince Payne, and with all in favor, the meeting was adjourned.

Buckeye Park Community Development District


James P. Ward, Secretary


Gary Kompothecras, Chairman