

**MINUTES OF MEETING  
FLOW WAY  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Directors of the Flow Way Community Development District was held on Thursday, April 21, 2022, at 1:00 P.M. at the Esplanade Golf and Country Club, 8910 Torre Vista Lane, Naples, FL 34119.

**Present and constituting a quorum:**

Zack Stamp	Chairperson
Ron Miller	Vice Chairperson
Bart Bhatla	Assistant Secretary
Tom Kleck	Assistant Secretary

**Absent:**

Martinn Winters	Assistant Secretary
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**Also present were:**

James P. Ward	District Manager
James Messick	District Engineer
Jessica Tolin	District Counsel

**Audience:**

Ms. Jackson (ph)  
Mr. Mike Tepero (ph)  
Mr. Dave Boguslawski

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**

Chairperson Zack Stamp called the meeting to order at approximately 1:00 p.m. Roll call was conducted, and all Members of the Board were present, with the exception of Mr. Martinn Winters, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Public Comments**

**Public Comments for non-agenda items (Limited to three (3) minutes). Individuals are permitted to speak on items on the agenda during that item and will be announced by the Chairperson.**

Chairperson Stamp reviewed public comment protocols.

**THIRD ORDER OF BUSINESS**

**Consideration of Minutes**

**March 17, 2022 – Regular Meeting**

Chairperson Stamp asked if there were any corrections or deletions.

Mr. Ron Miller made some comments regarding the Minutes, but made no corrections.

**On MOTION made by Mr. Ron Miller, seconded by Mr. Bart Bhatla, and with all in favor, the Minutes for the March 17, 2022 Regular Meeting were approved.**

**FOURTH ORDER OF BUSINESS**

**Continued Discussion**

**Continued Discussion – Fiscal Year 2023 Budget and Five (5) Year Capital Plan**

- I. Fiscal Year 2023 Budget and Five (5) Year Capital Plan**
- II. Resolution 2022-3, approving the Proposed Budget and Setting the Public Hearing date, time and location for Fiscal Year 2023 (this item will also be considered at the May 19, 2022, meeting)**

Chairperson Stamp noted this item would continue to be on the Agenda for the next few months to give the public the opportunity to learn, understand, and comment on the upcoming Fiscal Year 2023 Budget and Five Year Capital Plan. He stated at the public hearing he would allow the Board Members to offer amendments to increase or decrease the budget; however, he asked the Board Members to inform Mr. Jim Ward of these amendments prior to the public hearing. He stated he would like to have the Budget as close to final form as possible before the public hearing. He asked if there were any comments about the Budget.

*Mr. Ron Miller asked that the board consider looking at the \$211, 000 for the external preserve maintenance reflected in the proposed budget and reduce it down, much of this was (Indecipherable).*

*Mr. Bart Bhatla: Are you referring to the preserve area?*

*Mr. Ron Miller: Yes, the external preserves.*

*Mr. Bhatla: We are presuming that it is our responsibility to do and to fund it. I'm just concerned if we keep maintaining it, maybe by precedent we have taken responsibility of doing it and funding it. Is there concern if we don't do it and do absolutely the emergency stuff only. At some point in time, we might want to inform the court that we don't have the budget. We have the property. It was an incomplete transfer, so we are at an impasse and allow the court to comment. What could be the downside? The downside could be the court cannot cancel the permit. It's not in our name, it's in the name of the builder. Let's see what happens. If we keep funding it, I think it will be very difficult to argue that we don't have the money. The basic element is, we do not have the permit. It's in the*

*name of the builder and the Corps has not agreed to transfer it over to anyone else yet because the Corps was asked this question by the builder and they said no, there's no need to do it at this time.*

*Chairperson Stamp: The Corps did transfer the permit to the HOA in the last couple of weeks before they turned over, so the HOA is technically now the permittee.*

*Ms. Jessica Tolin: That is correct. Taylor Morrison transferred the Corps permit over to the HOA. Taylor Morrison is now off the Corps permit. To the extent that the Corps would take any action at this point it would likely be against the HOA.*

*Mr. Bhatla: the Corp essentially signed off on the permit modification?*

*Ms. Tolin: The HOA signed off on the modification to transfer the permit to the HOA.*

*Chairperson Stamp: That was when it was still Taylor Morrison controlled HOA though just to be clear. It was not resident controlled.*

*Mr. Bhatla: Both the Corps and the Fish and Wildlife organization have to approve it before they can transfer it. I don't know if they have gone through all the paperwork.*

*Ms. Tolin: There is still a final signoff required by Fish and Wildlife, but that is after all success criteria has been met which we are not there yet. But in the meantime, they still transferred the permit over to the HOA.*

*Mr. Kleck: By transfer of the property, did that mean the preserves and where the residents live, the whole property?*

*Chairperson Stamp: They transferred the permit, not the property.*

*Ms. Tolin: The permit status is, the CDD is the owner by way of deeds that they had executed and the HOA is the permittee.*

*Mr. Bhatla: So, essentially the preserve property is a standalone property, and we own it, the CDD owns it. The property was transferred to us. So, to transfer the permit to the HOA doesn't make any sense. It should be to the CDD who is the owner of the property. How do we square that?*

*Chairperson Stamp: I think you are absolutely right, and in the deposition, the Taylor Morrison representative made it clear that the owner ought to be the permittee, but then she went on to say that the CDD wouldn't take it, so they gave it to the HOA. It makes no sense at all. But that's the legal status if you look at the documents today. The turnover happened the 31<sup>st</sup> of May and the permit transfer happened the 21<sup>st</sup> of May, right before they went out the door, and that complicates things immensely.*

*Ms. Jackson: I think last time you were talking about reducing the landscaping maintenance. It was \$106,000 dollars. Is it \$95,000 dollars moving forward? Is that your reduction? For the landscape maintenance of the community entrance?*

*Mr. Ward: If you are looking at the Fiscal Year 2022 budget that is only a partial year since we started operations in January.*

*Ms. Jackson: I'm looking at the top. It's the year 2023 budget. It says \$95,000 to that item.*

*Mr. Ward: So, the level of service anticipated in 2023 is the same level of service that the HOA had prior to the District taking it over and what we are doing now.*

*Ms. Jackson: So, not reducing it. What would you anticipate the increase would be to homeowners for the CDD assessment for the year?*

*Mr. Ward: Based on the proposed budget, I'm going to recommend one change today, but the assessment goes to \$1494.09 per unit per year beginning with the November tax bills that you get. It was \$525 in your last year.*

*Chairperson Stamp: So, roughly \$900 dollars.*

*Mr. Mike Tepero (ph): I don't understand the difference between the permit and the success factors. (Indecipherable). If not, wouldn't that then say we don't have to fund it because they haven't reached the success factors?*

*Ms. Tolin: In terms of the status, I don't think we know specifically where Taylor Morrison is at, other than some of the smaller preserve areas have (indecipherable), the larger preserve areas have not yet through a deposition of (indecipherable). I'm not quite sure where they are at with that. The lawsuit that the CDD currently involved with against Taylor Morrison is challenging the ownership of the preserves and the permit obligation that we (indecipherable).*

*Chairperson Stamp: I think we would probably agree with your assessment where we ought to be, but the developer controlled CDD was paying those. That's the question now. They, the developer, are also claiming that they are spending a lot of money unbeknownst to us, that they've been still doing stuff because of the goodness of their heart. They made it very clear they don't have an obligation to do it, but because they are good citizens, they are doing it. These are all issues that are going to play out in the lawsuit one way or another and we can't answer them it's because the documentation and the testimony is a little confusing at this point. But yes, it is certainly our position that they should not have turned them over to us and we should not be paying for them yet, but they have been. That goes to Bart's question too: are we setting a precedent. And just because we paid in 2019, 2020 and 2021, do we have to continue to pay going forward, and if we don't pay, what is the hammer fall?*

*Mr. Bhatla: The transfer of the property happened but it is incomplete, because it was called for that it transfers along with a sustaining fund. It means that the transfer is defective and incomplete. I don't know if that's a case we can make.*

*Chairperson Stamp: That's the basis of the lawsuit, but we clearly have the deeds. The deeds have been signed and recorded that we are the owner. It is a question of whether they should have been or were they properly transferred. That's the lawsuit. There were several conditions they had to meet, most of which they had not when they made the transfer.*

*Mr. Ron Miller: (Indecipherable) none of them had been met.*

*Chairperson Stamp: At the time of the transfer none of them had been met. They may have ticked off a couple of boxes since then.*

*Mr. Bhatla: I think if we don't maintain it and we object and, in this case, we don't even pull the permit, we inform the Corps, the Corps would have to have a ruling, and at that ruling, the people would comment, and I think that opens the can of worms we want to open. I think everybody involved they're accountability would be in question. I don't know if that is worth pursuing. At some point in time, we may consider a parallel action indicating to the court it is not our responsibility.*

*Ms. Tolin: So, the Corps was provided a copy of our complaint. They have not responded.*

*Mr. Bhatla: They haven't responded because we haven't forced them. We just asked them would you like to join, and I think they, being a governmental agency, if we say we are not going to maintain it, it was an incomplete transfer, we will maintain it if we have the funds, and we don't have the funds, we cannot maintain it. We are asking Corps, what are you going to do, and the Corps has to make a ruling as to the permit. They would have to call in the permit order, even that is HOA. Still, I think the same argument would carry through. I think we need to call them on this because only the lawsuit, I don't think it is enough.*

*Chairperson Stamp: Frankly, they have threatened to go to the Corps and turn us in as being bad boys, but then I think they are going to say, hammer the HOA. We are not on the permit anymore. We are just out here. It's a little more complicated. It would have been nice if the Corps had come in and played and said, yes, this wasn't proper, but they chose not to. We will talk about that when we go into shade session.*

*Mr. Boguslawski: So, when we talk about the numbers and the impact on a home here, are we talking the O&M piece or the all-including budget?*

*Mr. Ward: It's the O&M piece only.*

*Mr. Boguslawski: So, we are not talking the whole budget. If I recall the operations and maintenance expense portion of the budget is a fraction of the total for most homes.*

*Mr. Ward: Yes, it's not anywhere near what the debt assessment is.*

*Chairperson Stamp: For me, it's about a fifth, about 20% of it. Jim had one other thing, because of the pump situation, Jimmy can talk about that. Jim Ward will talk about making an addition to the budget for the pump situation, and then Jimmy (Messick) can talk about it a little bit later.*

*Mr. Ward: One change to the budget we are going to make is that due to the well problem we had this year, we are going to include in the budget an additional backup pump and motor to have on standby in case one of the two pumps and motors goes down, so we are going to add \$25,000 dollars to the budget that I will prepare for you in anticipation of your next board meeting. That will raise the assessment to the \$1494.09 number that I referenced to you last month. The other change is, we put in one of the meters with the new pump and motor that went in the last couple of weeks, so I will be able to take out \$3,000 from one of the meters that was anticipated to go in next year.*

*Mr. Bhatla: \$25,000 dollars for a pump?*

*Mr. Ward: Yes, \$25,000 dollars for a pump and motor.*

*Mr. Bhatla: We need to look into that.*

*Mr. Ward: That's what we just paid for the one that's in there. It was pretty hard to find.*

*Mr. Bhatla: Is that the installed price?*

*Mr. Ward: Just the pump and motor. This is a reserve pump. We will put it in reserve and if it has to be installed, we will have to pay to get it installed. But we do have a new one in there now, so that's a good thing.*

*Chairperson Stamp: The resolution is there for informational purposes. This concludes the budget portion.*

#### **FIFTH ORDER OF BUSINESS**

#### **Supervisor's Requests**

**Mr. Ron Miller - Discussion of additional Taylor Morrison lawsuit for construction defects and deferred maintenance.**

*Chairperson Stamp: Ron, I would ask to hold Supervisor's Requests, Item 5, until the shade session. I think we can have a better discussion of it next month. But if you want to address it you can.*

*Mr. Ron Miller: I think want to address it. I think it is in the CDD's best interest to file the second lawsuit before going to court. I still think it would be a good idea to file a second lawsuit. The motion I would make a motion to authorize the law firm to file the second suit prior to us going to court but delaying it as long as possible in the hopes that the HOA lawsuit is filed. The CDD should continue to work with the HOA but will file the second suit prior to the HOA's suit, if necessary.*

*Mr. Bhatla: I thought we talked about this last meeting, and we resolved that we had authorized in the past our counsel to do that. It is only the advice of the counsel and our input as to when it should be done. Am I right?*

*Chairperson Stamp: Correct. The discussion last month determined I had the discretion to do that, and it was my discretion not to do it at this point. But if you want to reaffirm that or revoke it that's certainly an option. If you remember, we tried to add the 558 claims to the existing lawsuit and the judge rejected that, and I authorized trying to include that in the original lawsuit, so I still think I have that authority, when the time comes, when the time is right, but on advice of counsel we are holding at this point.*

*Mr. Miller: I agree that has been done and you have that discretion. My motion is move forward with the second lawsuit.*

*Mr. Tom Kleck: What position does our attorney think we will have if there might be a second or third lawsuit coming after these guys? How will that effect the outcome do you think?*

*Ms. Tolin: Our position has consistently been that we need to partner with the HOA in bringing a second suit. We have been meeting with the HOA on that. The need to wait extends a large part from, with 558 claims there is a specific statutory process that is in place, and there is that line that has to be followed as prerequisites before you can even bring a claim. Some of the HOAs claims are still coming through the 558 process, so the HOA's claims would not be ready to file. If we are going to combine forces, we would want to wait until that time period has lapsed, which we would probably need another 55 days or so on that.*

*Chairperson Stamp: 558 is construction defects.*

*Mr. \_\_\_\_\_ 33:05: (Indecipherable).*

*Chairperson Stamp: Sure.*

*Mr. Ward: They are not on the website. I could put them on there. They are public information. If you give me three or four days, I will get them from Jessica and put them on the website for you.*

*Mr. Miller: If all of that resolves itself the intention is(indecipherable).*

*Chairperson Stamp: What's the urgency that it has to be done before the July docket?*

*Mr. Miller: to get in on record, and to make people well aware that (Indecipherable).*

*Chairperson Stamp: Certainly, Taylor Morrison is aware since they got our 558 letters. There's no surprise in that. And we can't combine them at trial so we can't even mention them, so it gives us nothing strategically or tactically other than filing the lawsuit, but if that's the wish of the Board we can do that.*

*Mr. Dave Boguslawski: We on the HOA side, for the 558 letters, we have one that will be posted on our website in the next couple of days, if it's not there already. We have a second one that was filed yesterday or the day before. That one, I've asked to have posted on the website no later than Monday. That one covers lots of the building and grounds issues. It covers the golf course issues. It does not cover, because it's not an appropriate way to file it, it doesn't cover the financial audit claims that will be coming. That process is underway, and we have asked the firm who is doing it to fast track it, but that will be a trailing item coming in the next couple of weeks.*

*Chairperson Stamp: Any more comments?*

*Mr. Bhatla: Why is the HOA important to us? We are an independent governmental body. We have a beef with the builder, we proceed and then HOA comes in and they have a suit. Is there any specific advantage? I just want to make sure we don't have this impression that we are working for the HOA. Everything we do is for HOA, but we have an independent fiduciary responsibility to act. I think that part, as long as we don't compromise that, I'm okay.*

*Chairperson Stamp: There are some overlaps, particularly on the lakes and lake maintenance that are claims for which our claims interrelate which is one of the reasons we are doing it. There are some where they clearly won't, like the golf course, but the thought was there will be some and there's no*

*sense having dual tracks out there doing discovery, and having us depose witnesses, and them depose witnesses, etc. That's the reason. So, we've got a motion and a second. Roll call?*

**On MOTION made by Mr. Ron Miller, seconded by Mr. Tom Kleck, and with all in favor, the law firm was authorized to file the second suit prior to the CDD's court date, but hold until the HOA files suit.**

## SIXTH ORDER OF BUSINESS

### Staff Items

#### I. District Attorney – Woods, Weidenmiller, Michetti, & Rudnick

- a) Status Report on Litigation**
- b) Continued Mediation – April 26, 2022**
- c) Non-Binding new Arbitration Hearing date – Rescheduled to May 2022. Final date to be determined**
- d) Anticipated trial period between July 11, 2022, and August 5, 2022**
- e) Update on discussions with HOA as to potential new litigation**

*Ms. Tolin: A couple things leading up to the trial itself. There was previously a mediation held with Taylor Morrison and the mediation was continued to April 26, so that will be ongoing. There is also a deposition set in the meantime for a former Board Member. Then Mr. Miller is being deposed on April 25, so on Monday, and we've already previously deposed Barbara Kininmonth for Taylor Morrison, as a representative. There is also a nonbinding arbitration that we have now set for May 31, that should be ongoing as well. In terms of what's been filed in the meantime by the defendants, there is, from the Taylor Morrison former Board Members of the CDD, who are individual defendants in the case, they have filed a motion for summary judgment on the two claims relative to them. They've also served (indecipherable), by motion, which we can discuss implications of in terms of settlement. The jist of what those types of motions are is that they could object to (indecipherable). We Individual board members also have a counter claim in the suit already. The motions for summary judgment likely will be heard (indecipherable).*

*Chairperson Stamp: Did you want to request a shade session for the May meeting?*

*Ms. Tolin: Yes. Because we have a mediation set on the 26<sup>th</sup>, we'd like to go ahead and set a shade session so we can discuss any offers that may arise during that mediation.*

*Chairperson Stamp: That will be May 19<sup>th</sup>. He noted the Board Members could not attend the shade session remotely; in-person attendance was required.*

#### II. District Engineer – Calvin, Giordano & Associates

- a) Engineer's Report**
  - 1. Strategic Operational Plan**
  - 2. SFWMD Water Use Permit & Pump Maintenance**
  - 3. Lake Drainage System Maintenance**



*Mr. James Messick: For the Strategic Operational Plan, there are really no updates. The next couple of itmes in the reports I would like to go over; The South Florida Water Management District Water Use Permit, or consumptive use permit. I did submit the application for the permit transfer on March 31 and it's currently with the permit coordinator with SFWMD. I think we will get permit approval by May, maybe by the next Board Meeting. The other item for the water use permit is the recharge pump maintenance. Apparently, those two wells can draw water from the aquifer at a rate of 385 gallons per minute per well. It was noted that the replaced pump is keeping up with that which is good, and we are starting to catch back up to the lake levels. Initially, the casing was thought to be broken, but a second more intensive video investigation found the case was still intact and did not need to be replaced. The flow meters were both broken. One has since been replaced. The other will be included in the 2023 budget for replacement. We also looked into the significance of insuring backup and what the permits would require if we were to pump, drill another well in its entirety, as a redundant system. We recommend having a backup pump in place and then we will do further investigations in 2023 to see what the costs are for drilling a new well, and what the permit requirements are. Right now, the new pump, in 2023, is estimated at \$25,000 dollars. That should carry until (indecipherable).*

*Mr. Bhatla: Do we have an explanation of why (Indecipherable). In the past was it pumping 385 and now it's pumping (indecipherable)?*

*Mr. Messick: It was pumping 30. It was designed to pump 385. We have since replaced that pump, so now both pumps should be pumping to capacity at 385. They pulled the pump and investigated what the reasons were, and it just wasn't pumping at the proper flow.*

*Mr. Miller: How deep are these wells?*

*Mr. Messick: They are 150 feet deep, anywhere between 65 and 75 feet of casing, so you can drop the pump 60 feet down in that casing to draw the water up.*

*Mr. Miller: (Indecipherable).*

*Mr. Bhatla: To get another pump in, another well installed, I think we can start an informal inquiry because usually that is a very (indecipherable).*

*Mr. Messick: The inquiries are slated for 2023, but certainly we will look into it in the rainy season and try to have something prepared for a recommendation before the dry season.*

*Mr. Bhatla: Because it is a terribly involved process. We need to get the information.*

*Mr. Messick: I did speak with the reviewers at the SFWMD about whether or not modeling would be required. They basically did a grid based on the coordinates and a scaling factor. If you propose the third backup, not primary but backup well, within that same grid, they won't require you to remodel prior to a permit. So, we may be able to get away with a letter mod and we just have to find out the cost to drill the well. The next item is lake drainage system maintenance. At the last Board Meeting a request was made for me to reach out to the Audubon's Country Club to ask about their lake program to achieve high water quality levels. After speaking with their Course Manager and their aquatic vendor who maintains the 27 lakes, they feel their approach is typical industry standard, but are using weekly spray. He mentioned*

*the occasional visitors may seem to think that their system is in great shape, but he did experience similar ups and downs as the other water systems in the area. The water levels are not necessarily superior in water quality. Their existing soil condition and drainage system both geographically layout and the aquatic wetland species included in initial planting play a big part in how a system may function and every system in South Florida is a little bit different in the layout and species initially planted. They have their own typical problems that they deal with in any given season, but they do recommend keeping that weekly spraying to address problems early on before they get out of hand. We had a follow up conversation on the different approaches to take during dry season versus the rainy season. The other item on the lake bank system maintenance is the littoral maintenance. Mr. Jim Harder (ph) had brought to the Board's attention several trees that were growing in the littoral shelves. At the request of the District arborist Michael Conner as well as the District Engineer reviewed this request and takes no exception to them removing the identified volunteer species as long as no damage is made to the adjacent permanent species. This determination is an exception and should not set ground for future maintenance for landscaping for littoral shelves by the golf and country club. The CDD still shall have the final and sole authority over these decisions. Additionally, overgrown littoral shelves have been brought up in Lake 23. The length and width exceed the minimum requirements. Coordination with our aquatic vendor in this area has been addressed and they have sprayed those areas. We do plan on increasing the level of service to weekly, in 2023. As mentioned before that's kind of the standard in South Florida. Right now, we are looking at two to three times per month but staying on top of it is important and our budget will allow us to in 2023. We are also forming a reporting function in fiscal year 2023 which includes water quality testing three times per year to ensure the system meets water quality standards prior to discharge to the Flow Way. Lastly, we are implementing a quarterly report for each lake that includes wetland plantings and littoral shelf conditions. These reports will highlight any conditions and concerns.*

*Mr. Kleck: Question on Mr. Jim Hadder's request. Didn't we vote on giving approval for that?*

*Chairperson Stamp: We gave him permission to meet with the engineers.*

*An unidentified member of the audience: There is so much talk about littorals. I'm a little confused. Some of the lake beds have absolutely no littorals. Is there anything in the budget to address getting littorals into areas that have absolutely nothing?*

*Mr. Messick: There are lakes that have minimal littoral plantings that were spreading to make sure it doesn't overcome the whole shelf and part of the lake bank restoration is to make sure the littorals are per permits. If it's not required, that would be in addition to the permit requirements, but that's something I'd have to look into after we get through the typical maintenance of the littorals. I think we are addressing the minimum permit requirements first and then as we go forward, we will be addressing some of the others.*

*Chairperson Stamp: The minimum is 20% roughly?*

*Mr. Messick: Typical minimum is 20%, but it varies by basin.*

*Chairperson Stamp: 20% of the lake bank has to have littorals. That's what Taylor Morrison had to do.*

*Mr. Messick: It's 20% per basin. Some basins have multiple lakes, so you'll see some littorals on some lakes and maybe not on others. It's based on their water quality calculations which is typically 20% per basin.*

### **III. District Manager – JPWard & Associates, LLC**

#### **a) Financial Statements for period ending March 31, 2022 (unaudited)**

*Mr. Ward: There is a requirement in the statute that you determine the number of registered voters within the District as of April 15 of each year. The information comes from the Supervisor of Elections here in Collier County. As of April 15<sup>th</sup> of this year, you have 1,232 active registered voters. It doesn't require you to make an action today but the recording requirement and the obligation to make it of record doesn't go away pursuant to the statute. As you know, you do have elections coming up in November of this year. The qualifying periods will be June 13 through June 17 and early registration begins on May 25 this year. Seat 1 (Bart Bhatla), Seat 2 (Tom Kleck), and Seat 4 (Ron Miller) will be up this year. You will need to go down and qualify at the appropriate time this year for the November elections.*

### **SEVENTH ORDER OF BUSINESS**

#### **Audience Comments**

**Audience Comments: Public comment period is for items NOT listed on the Agenda, comments are limited to three (3) minutes per person, assignment of speaking time is not permitted, however the Presiding Officer may extend or reduce the time for the public comment period consistent with Section 286.0114, Florida Statutes**

Chairperson Stamp asked if there were any additional comments or questions from the Board Members or audience members; there were none. He dismissed the public for purposes of entering a shade session. He stated following the shade session the meeting would be reopened and adjourned. He noted the audience was welcome to wait outside until the shade session was complete.

### **EIGHTH ORDER OF BUSINESS**

#### **Executive Session**

Chairperson Stamp called for the executive session to begin at approximately 2:05 p.m.

Mr. Ward ordered the video recording to cease so the executive session could be called to order. [The audio and video recording ceased at this point.]

#### **Executive Session of the Board of Supervisors (Closed to Public)**

**The sole purpose of the executive attorney/client session is to discuss a settlement in the Flow Way Community Development District's lawsuit, File Number: 20-CA-4147.**

**The executive session is expected to last approximately thirty (30) minutes. At the conclusion of the executive session the Board of Supervisors will go back into Regular Session to conduct the balance of the regular agenda items.**

The attending parties shall be the following members of the Board of Supervisors, Zack Stamp, Ron Miller, Tom Kleck, Martinn Winters, Bart Bhatla: District Attorney Greg Woods and Jessica Tolin, District Manager James Ward.

At the close of the executive session the Board will reopen the meeting for any additional items to be considered by the Board of Supervisors.

At approximately 2:38 p.m. Chairperson Stamp indicated the continued public meeting was back in session. He noted the attorney/client shade session (executive session) was closed. He called for a motion to adjourn.

**NINTH ORDER OF BUSINESS**

**Announcement of Next Meeting**

**Announcement of Next Meeting – May 19, 2022**

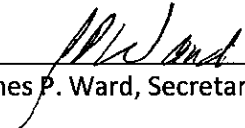
**TENTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned at 2:38. P.M.

**On MOTION made by Mr. Ron Miller, seconded by Mr. Tom Kleck, and with all in favor, the Meeting was adjourned.**

Flow Way Community Development District

  
James P. Ward, Secretary

  
Zack Stamp, Chairperson