

**MINUTES OF MEETING  
HERITAGE HARBOUR NORTH  
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Heritage Harbour North Community Development District was held on Thursday, February 3, 2022, at 1:30 p.m., at the River Strand Golf and Country Club, 7155 Grand Estuary Trail, Bradenton, Florida 34212.

**Present and constituting a quorum:**

Nancy Lyons	Chairperson
John Wisz	Vice Chairperson
Pauline Tasler	Assistant Secretary
Michael Fisher	Assistant Secretary
Louise Buckley	Assistant Secretary

**Also present were:**

James P. Ward	District Manager
Greg Urbancic	District Counsel
David Underhill	Banks Engineering

**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 1:30 p.m. He called roll and all Members of the Board were present constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes**

**July 1, 2021, Regular Meeting Minutes**

Mr. Ward asked if there were any additions, corrections, or deletions to the Minutes. There was one correction. Mr. Ward indicated he would make the indicated correction. There was a question regarding the audited financial statements.

*Mr. Ward: The auditing of the financial statements begins in the middle of November and usually will be finished by January or February. I know yours are in process and are about 85% completed at this time.*

*The statutory requirement I think is July 30 to complete your audit. I generally try to get them done at the January/February schedule.*

*Mr. Greg Urbancic: Jim, they've already asked me for a response. They did a while ago, so my guess is, I'm usually pretty late in the process, so they are probably pretty close.*

*Mr. Ward: What he is saying is, as a part of the audit the auditors always ask for an attorney's letter, so he has been asked for that and has provided a response to it, which means they are close to finishing them up.*

**On MOTION made by Mr. Michael Fisher, seconded by Ms. Pauline Tasler, and with all in favor, the July 1, 2021, Regular Meeting Minutes were approved.**

### THIRD ORDER OF BUSINESS

### Consideration of Resolution 2022-1

**Consideration of Resolution 2022-1, Approving the Proposed Fiscal Year 2023 Budget and setting the Public Hearing on Thursday, April 7, 2022, at 1:30 P.M. at the River Strand Golf & Country Club (Club House), 7155 Grand Estuary Trail, Bradenton, Florida 34212**

*Mr. Ward: I will note for the record, what you are doing today is approving the budget for the purpose of setting your public hearing. It doesn't bind you to anything in the Budget other than obviously your debt service funds, but when we get to your April public hearing, you will adopt the assessment rate for your general fund only for fiscal year 2023. I will just take a moment and go through that with you. Your general fund essentially is the same as it was in 2022. It is \$125,171 in 2022 and it is \$125,804 in 2023. Your assessment rate is \$66.93 for the coming year. It was \$66.92 in the current year.*

*Ms. Lyons: I was looking at this, and in the general fund we have 1,870 units here. I thought there were 1,877, but anyway, then, we have a category for 100 to 85 foot wide lots. I wanted to advise you that it is my understanding that the HOA has taken away the designation for the 85 foot lots. I know that doesn't affect the taxes per se, but it's going to cause confusion in that category. They are not permitted by the HOA now. Lot size is limited by the width of the house for some reason, because they found something in Amendment 3 which is incorrect, and instead of writing another Amendment they are honoring it and going forward and making refunds to all these people. It's just going to confuse things a bit. But now they are saying we don't have any 85 foot lots in River Strand. It's not true, but that's what they are doing.*

*Mr. Ward: For purposes of the CDD, whatever the HOA does, does not affect us. These are categories that we established initially. These are lot sizes that have debt on them, and obviously for your general fund, whatever you call them, it doesn't matter, they all pay the same rate anyway. But for purposes of our operation, we will always consider those designated lots originally that were 85's, they will continue to be 85's in our book.*

*Ms. Lyons: And then, some of my confusion also comes from the 1870 number, less the 507 number, which is 1363, because if you take this 1357 number on page 8 and add the 507 you are at 1864 which doesn't agree with the 1870. Somebody needs to get the numbers straight.*

*Mr. Ward: The reason that occurs is that in your debt service fund, if a homeowner pays off their debt assessment, it reduces the number by however many units do the payoff. So, these debt services will never equal the 1870. They will equal another number based upon how many have prepaid.*

*Ms. Lyons: Okay, I see. Thank you, sir.*

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

<p><b>On MOTION made by Ms. Nancy Lyons, seconded by Ms. Pauline Tasler, and with all in favor, Resolution 2022-1 was adopted, and the Chair was authorized to sign.</b></p>
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#### **FOURTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2022-2**

**Consideration of Resolution 2022-2, a Resolution of the Board of Supervisors of Heritage Harbour North Community Development District authorizing certain actions including the conveyance to River Strand Golf & Country Club, Inc. (the "Club") of a cart path easement and the execution of an Environmental Resource Permit Application to Southwest Florida Water Management District in relation to the Cart Path Improvements to be undertaken by the club in the easement; (i) Authorizing the Chairman or the Vice Chairman (in the Chairman's absence) to execute such easement and permit documents to the extent necessary to evidence the foregoing actions**

*Mr. Ward: David Underhill is on the phone, he is with Banks Engineering, the engineer of record for this District. In short form for me, the golf course is moving a cart path, and putting a cart path over a preserve area that the District owns. In order to do that they are required to get permitting from regulatory agencies, primarily Southwest Florida Water Management District and in order to do that, since the District is the owner of the underlying fee titled to that land, we are required to be the signatory on that permit application to put that slightly raised walkway going over the preserve area. What this Resolution is doing is authorizing the District to be a signatory on that particular location. It provides that we will give the homeowner's association easement on top of our land to put that cart path. They are obligated to maintain it and operate it in perpetuity. They are required to keep the permits on it, and they are required to make all maintenance and repairs. He asked if Mr. Underhill had anything to add, Mr. Underhill was unresponsive.*

Discussion ensued regarding the new golf cart path and where it was located exactly.

*Mr. Greg Urbancic: I wanted to add from my conversation with Dave, I think we would consider this Resolution and it contemplates the grant of the easement for the cart path, and also the cooperation and the permitting process. One of the things that Dave told me is we have to put the cart before the horse a little bit so to speak with respect to the easement in that, because it's going through a preserve, and it's a sensitive area, they won't know exactly where it is, and the easement requires a legal description until the actually put in the cart path. So, they will know conceptually where it is, but it could meander if they have to go around a tree or something, so it will have to be a little bit backwards because they are going to have to create the legal description once the cart path is in, although I understand this conceptual is what they are doing.*

**On MOTION made by Mr. Michael Fisher, seconded by Ms. Nancy Lyons, and with all in favor, Resolution 2022-2 was adopted, and the Chair was authorized to sign.**

## **FIFTH ORDER OF BUSINESS**

### **Staff Reports**

#### **I. District Attorney**

*Mr. Urbancic: We are monitoring the Legislative Session to see what comes out of it. There are a couple bills, one that would allow for meetings in a declaration of a state of emergency by virtual means which would be nice, especially in hurricane season, and also one that would affect the limited waiver of sovereign immunity that you have. As a governmental entity we have sovereign immunity, although by statute it's waived to a certain limited extent. This would increase our potential exposure. We still would have insurance typically under the levels that they are talking about. We will see. This comes up every year, this type of bill, this one is probably a little more aggressive because they are taking the waiver which is currently \$200,000 per occurrence and \$300,000 in the aggregate, which is our exposure on a tort issue. They want to take it up to \$1 million and index it for inflation. I have no idea whether that will get through. It's failed many times. We will just have to see, and I will report back.*

#### **II. District Engineer**

No report.

#### **III. District Manager**

- a) State Law requirements for new Stormwater Reporting**
- b) Financial Statement for period ending July 31, 2021 (unaudited)**
- c) Financial Statement for period ending August 31, 2021 (unaudited)**
- d) Financial Statement for period ending September 30, 2021 (unaudited)**
- e) Financial Statement for period ending October 31, 2021 (unaudited)**
- f) Financial Statement for period ending November 30, 2021 (unaudited)**
- g) Financial Statement for period ending December 31, 2021 (unaudited)**

*Mr. Ward: There is a piece of legislation that was enacted last year, related to the Stormwater Needs Analysis. Essentially, at the very last moment last year, the legislature enacted this piece of legislation that required Districts to report this year our long term capital restoration costs of our system and long term operations and maintenance costs. The first reporting period is June 30, 2022 and then every 5 years thereafter. I have enclosed in your Agenda Package a summary of the statute and some of the reporting documents that go along with the piece of legislation. There isn't anyone in the state from a District perspective that has ever done this, so we are all just kind of fishing at the moment and putting this information together. Banks Engineering has already been authorized to start the preparation of this report for this year and it will be finished, I am hopeful, long before the reporting deadline date so we can get it in on a timely basis.*

*Mr. fisher: The Master Association is in charge of stormwater management for all of Heritage Harbour, so we are doing that with a company called "On Professionals". We are required every five years to submit a report as well that everything is structurally in place in case of one of those horrific events, we are okay. So, we are doing that for all of Heritage Harbour. Just an information piece.*

*Mr. Ward: Okay, thank you. Ours is going to be independent of that because we are doing it for long term capital costs and operating costs. We wouldn't use that kind of a vendor thing, but at the end of the day this is independent –*

Discussion ensued regarding the Stormwater Needs Analysis; how often it was required to be submitted; and the Stormwater Needs Analysis being the responsibility of the CDD as opposed to the HOA.

*Mr. Ward: This doesn't obligate you to do anything but report the information to the state. It's kind of very long term. Some Board Members have asked me why they are now requiring this, and I'm guessing that the state already gathers this information for cities and counties but has realized that there are so many special districts in the state now that are in charge of either utilities or drainage systems that they are missing a big piece of the puzzle of the long term cost of reconstruction of drainage systems in the entire state of Florida. I'm guessing that's why they are requiring it. I don't know what they ever do with all of that stuff, but I'm guessing that's why it's needed.*

*Ms. Lyons: Okay, that's along the same lines I was thinking. The other thing I was concerned about was how does Aqua Terra play into that?*

*Mr. Ward: It doesn't. Aqua Terra is a private irrigation company. It doesn't play into it at all because this is required for potable water and wastewater, not irrigation. Another note, since you do have an agreement with the Master Association, we really won't have a long term reserve ever needed to be established because it would be their responsibility under that agreement. It could potentially become a responsibility under that agreement for long term capital, but it's not something that we need to address in the near future that I could tell.*

*Ms. Tasler: It would be Heritage Harbour's responsibility? Is that what you're saying?*

*Mr. Ward: If you read those agreements, because I have a bunch of them across the state, and I have HOA Boards that tell me "it's our responsibility to maintain it, not for capital restoration." I don't know what the River Strand Board, or the Master, thinks of it at the moment, but as long as they are doing the job, and they are taking it over, so be it. If they choose not to at some point, it's the same group of people, so who cares? We can deal with our portion of the system at some point. It's convoluted here because there are too many Districts and too many HOAs, but it's not for our brains to figure out in the next few years.*

## **SIXTH 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 members present in person, on audio or video, with questions or comments; there were none.

**SEVENTH ORDER OF BUSINESS**

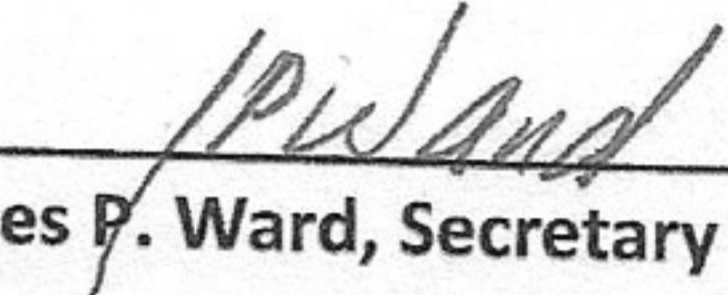
**Adjournment**

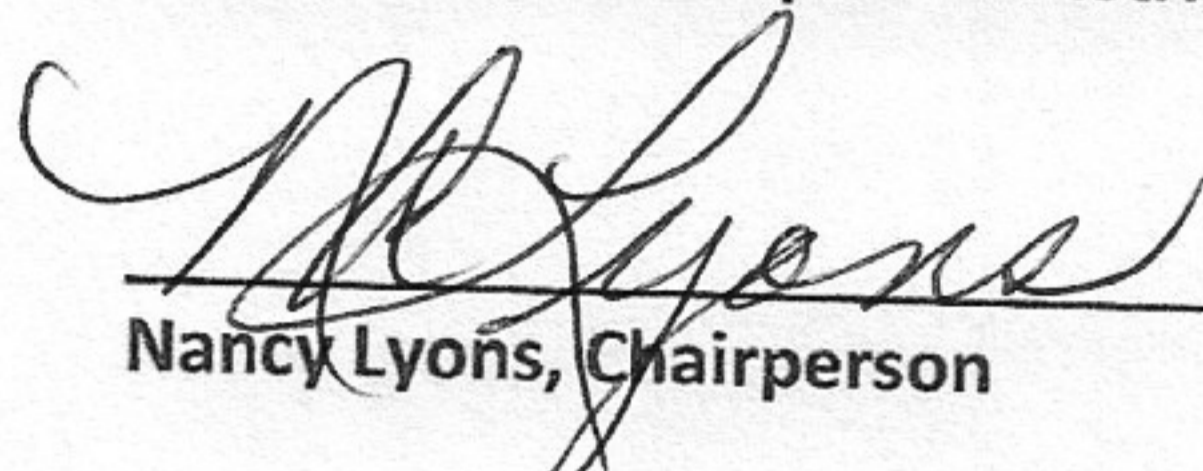
Mr. Ward adjourned the meeting at approximately 2:00 p.m.

**On MOTION made by Mr. Michael Fisher, seconded by Ms. Nancy Lyons, and with all in favor, the Meeting was adjourned.**

**ATTEST:**

**Heritage Harbour North  
Community Development District**

  
James P. Ward, Secretary

  
Nancy Lyons, Chairperson