

**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, November 7, 2024, at 1:00 P.M. at the River Strand Golf and Country Clubhouse, 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

Absent:

Louise Buckley	Assistant Secretary
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Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel

Audience:

All residents' 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. James P. Ward called the meeting to order at approximately 1:07 p.m. He called roll and all Members of the Board were present, with the exception of Supervisor Buckley, constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Minutes

September 5, 2024 - Regular Meeting Minutes

Mr. Ward asked if there were any additions, corrections, or deletions to the Minutes; there were none.

<p>On MOTION made by Michael Fisher, seconded by Pauline Tasler, and with all in favor, the September 5, 2024, Regular Meeting Minutes were approved.</p>
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THIRD ORDER OF BUSINESS**Consideration of Resolution 2025-1**

Consideration of Resolution 2025-1, a Resolution of the Board of Supervisors Terminating the services of James P. Ward (Individually) and designating the firm of JPWard & Associates, LLC as District Manager effective October 1, 2024; Providing for severability, conflict; and invalid provisions and providing an effective date

Mr. Ward: You have been around as long as I have on this Board. My existing contract with you is me individually with you as an employee of the District and I have never changed that over to my company even though my company has been in existence for quite a number of years now. All I'm really doing is terminating the old employment contract, putting it under my company under the same fee structure that you have now for the services that I provide. The terms under the new agreement are exactly the same as what I use for all of my other CDDs and are more expanded than what I was in under the original employment contract. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Michael Fisher, seconded by Pauline Tasler, and with all in favor, Resolution 2025-1 was adopted, and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS**Staff Reports****I. District Attorney**

Mr. Greg Urbancic reminded the Board to complete the ethics training before the end of the calendar year. He noted it was self-reporting; no certificate was needed.

II. District Engineer

No report.

III. District Manager

a) Financial Statement for period ending August 31, 2024 (unaudited)

b) Financial Statement for period ending September 30, 2024 (unaudited)

Mr. Ward: After our last meeting Greg was kind enough to prepare the agreement between the District and the Master Association. We transmitted that to the HOA not long after the last Board Meeting. I have not heard anything back from them. I reached out to them last week. They did write me an email back which I will try to succinctly tell you about. Essentially, they said they are working on an agreement with the Heritage Harbour South CDD at the moment and that is foremost in their minds, and once they finish with that then they will take up our agreement. One of the comments in the email was that they believe that the Master Association has to have easements in place for all facilities within the Heritage Harbour North CDD that are supposed to be taken over by the Master Association and barring that they would – I don't think they said no, but

they implied with the email that they might not do that. Plus, they indicated as part of that email that the drainage pipes, the pipework that connects the roadways to the water management system, where sometimes you have lake interconnects also, they would not be in a position to take those over at all. That was the email we received last week. Greg and I are going to work on (it's really Greg) putting documents together showing who owned what within the context of the system because it is an old system and we really don't have all of the documents from the original construction, so we are going to try to put all of those together and see what we do own and what's in the River Strand. Maybe some of this is in River Strand's name. I don't really know. We are going to figure that out and go from there. I will keep you up to speed as we go through the process.

Ms. Lyons: I thought the Master Association already had an agreement with Heritage Harbour South.

Mr. Ward: There is an agreement that I saw that was provided to me by South. They must be amending the agreement, I'm guessing. I don't know why they are doing that, but that must be what's going on, although the email did not say anything about that.

Ms. Lyons: I saw some going back and forth about the different parties having to change attorneys because there is conflict since two of the entities are represented by the same attorney, and when I saw your notes, it looked like everybody was good but then from their position it can't be done. Somebody has got to get a new attorney. Any answers on any of that?

Mr. Greg Urbancic: I don't remember seeing that.

Mr. Ward: I don't remember seeing anything about attorneys in the email.

Ms. Lyons: I just wanted to see how long this would hold us up.

Mr. Ward: It's not going to be a quick process. It will be what it will be.

Ms. Lyons: Well, we have residents who are extraordinarily upset and printing copies of the blueprints for all of the distribution systems and measuring the levels of the ponds and all of this.

Mr. Ward: It's November, so if you think going forward to October of next year when our new budget year starts, we are going to start our budget process in February, the question you have to answer is, based upon what has happened over the last year with the River Strand HOA, what's now going on with the Master Association, and nobody knows what they are doing, is whether you want to just say to the River Strand HOA, hey, why don't we just part ways and we gear up and maintain our own water management system. I may be off base, but I did not get a warm and fuzzy feeling from the Master Association's email, and the River Strand Association I think is trying hard, but they are not always getting there with this.

Ms. Lyons: I've got some questions about how hard they are trying because they lied to me three times point blank.

Mr. Ward: I think you need to think a little above all the detailed gory stuff and decide if you want to maintain the system, we just need to put something in place to maintain it. It's not going to be

as cheap as doing it through the River Strand HOA because they have staff on site and we don't, so we will have to deal with that problem, but we can do it if that's what you guys want to do. I don't want to see you getting in the crosshairs with your own residents either, so I don't know the answer to this question.

Mr. Fisher: I will dig out the original documents when Lennar turned over to the Master Association. I should have brought it to this meeting. And the stormwater management, in the original documents of the turnover, late 2017, the Master Association was in charge of all stormwater management for all 377 doorways. I'll dig it up.

Ms. Lyons: But we have the document from 2016 which says different.

Mr. Fisher: This was the turnover which was after that. We put together a task force of who was going to do this. That's when we decided we would interview three or four different companies and decided that Pond Grows was probably the best provider that we had, and they were hired to do all the stormwater management for all of Heritage Harbour. That's still in place unless Stoneybrook removed it.

Mr. Ward: That's a lot of details. All I can tell you is, we can let it sit, we can let everybody do their thing and then whether River Strand wants to manage the system or the Master, they can both do that, but if both of them wash their hands of it, we don't have a lot of recourse here. We are not the heavy hand or the big guy in the room that says too bad you have to do it. We are just sitting here and we own all of this stuff and we only have one time during the year that we can do this, when we are doing our budget, so at some point by March this is not resolved, we are going to have to make a decision regarding what we are going to do going forward. I think this Board and the River Strand Board are going to be able to work much better together than this Board and the Master HOA Board. There will need to be some discussion with the River Strand Board regarding what they want to do, whether they want our help or not, what it will take to get it done, etc.

Mr. fisher: The problem is all of the ponds. That's why during the storm we didn't have any flooding, at least not as much as we could have had. They pump from one pond to the next pond to the next. That's why they go up and down. Everything is connected.

Ms. Tasler: And they were pumping ahead of time knowing that Milton was coming. It's always been that way.

Mr. Ward: We have a few months. You guys should think about it, what we should do, and at some point, in February or March we are going to have to see whether the Master comes to the plate and takes over. If they don't, it is what it is. We are just going to have to figure this out.

Ms. Lyons: Basically, we are in a holding pattern because we furnished draft documents to the Master, the Master is not responding to those documents, and they potentially want to do it a different way. We are just waiting to find out about how they want to do it.

Mr. Ward: From a larger picture I understand what they want to do. They want to go through the process of who owns the entire water management system. They want to see if there are easements in place over the system that they have rights to go in and maintain all of this stuff, and they did point out that they are not going to deal with the pipework at all. That's basically where

we are. I would be very surprised to see that there were easements over a drainage system owned by the Heritage Harbour North CDD to the Master Association. Maybe they have the easements, maybe not, I don't know. We have to see what they say, but at the end of the day you still have all of the pipework, and the last couple of complaints that I heard about were pipework problems. Clogged drainage pipes that aren't being cleaned out. That's what I heard from everybody the last few storms were the problem. That means the River Strand Association is not doing it on a regular basis, which is fine, no big deal. We may want to pick that up and let them do the maintenance of the lakes. There are a couple of alternatives, but we are just going to have to see.

Ms. Lyons: Do you think it would be helpful for us to ask the Master, or whomever, to come to a meeting and try to sort this out?

Mr. Ward: No. I think you have to let them do their process. They have a process in place. That's what they want to do. It's the same thing I would tell another party if we were going through the same thing, I want to make sure we have the easements, I want to see and go through all the details. Let them do that. I respect their decision to do that. Greg and I will find our way on our side of it and in two or three months we will round up the wagons again and see where we are.

Mr. Wisz: If they are doing their due diligence, is there a time frame for that?

Mr. Ward: They said they want to get through the Heritage Harbour South stuff first. If I was doing this, it would take us about a month to get through this process. The HOA is a little different. They take longer periods of time. It will probably take them two or three months to get through the South, and then hopefully they will start to focus on us. And I just don't know. They are really hard to gauge.

Mr. Fisher: (Indecipherable).

Ms. Lyons: Then the other thing was, there were some quotes about the water relative to us switching over to the Manatee County system that you discussed.

Mr. Ward: I did, and I floated that idea by the River Strand Association, and I haven't heard back, but we have had a number of hurricanes since then.

Mr. Fisher: The County would not take it over unless we replaced everything, and we are talking about over a million dollars.

Mr. Ward: Yes, but as a CDD we can finance some of that, spread it over a number of years to everybody. I clearly think being a part of the County's overall system for the entire community is a much better long term solution for you all.

Ms. Lyons: Well, let's try to do that. Maybe we can work with them, and we can't set strict timelines for other people, but we can set up some timeframes. Because we've got to move this along to a certain extent. We have four particular houses that are in real danger of being flooded, and River Strand, if they are telling the truth, cleaned those drains which affected those four, but it did no good when the last one came through. It may have done a little bit of good, and those are theoretically maybe million dollar houses. They are concerned.

Mr. Ward: I think we still need to give them their space. There is not much we can do. Let's give them three months and then go from there. Besides, I can't tell them we are going to give them three months. It is not our decision. It's their decision and they are going to do their own thing.

FIFTH ORDER OF BUSINESS

Public Comments

Public Comments: - Public comment period is for items NOT listed on the agenda, and comments are limited to three (3) minutes per person and 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.

Mr. Ward noted there were no members of the public present.

SIXTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Ward asked if there were any Supervisor's Requests; there were none.

SEVENTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 1:25 p.m.

On MOTION made by John Wisz, seconded by Pauline Tasler, and with all in favor, the Meeting was adjourned.

Heritage Harbour North
Community Development District


James P. Ward, Secretary


Nancy Lyons, Chairperson