

**MINUTES OF MEETING
MIROMAR LAKES
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of Miromar Lakes Community Development District was held on Thursday, April 11, 2019 at 2:00 p.m. at the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Present and constituting a quorum:

Dr. David Herring	Chairman
Mr. Doug Ballinger	Vice Chairman
Mr. Alan Refkin	Assistant Secretary
Mr. Michael Weber	Assistant Secretary
Ms. Mary LeFevre	Assistant Secretary

Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel
Charlie Krebs	District Engineer
Bruce Bernard	Asset Manager

Audience:

Mr. Tim Byal
Mr. Jack Hewes
Mr. Mike Fabian
Ms. Darlene Hardey-Muncy

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. James Ward called the meeting to order at approximately 2:08 p.m. and all members of the Board were present at roll call.

SECOND ORDER OF BUSINESS

Consideration of Minutes

Consideration of the Regular Meeting Minutes from March 14, 2019.

Mr. Ward called for any additions, corrections or deletions to the March 14, 2019 minutes. Mr. Doug Ballinger indicated a word change from "completely" to "completed" on page 3. Mr. David Herring noted the word "wound" on page 2 should have been "would". In the same paragraph on page 2, Ms. Mary LeFevre stated the word "and" should have come after "paperwork". Mr. Ballinger noted Board member 2032 was Mr. Refkin and he identified himself as Board member 5725, on page 5. Ms. LeFevre identified herself as Board member 4940, also on page 5. Mr. Ward called for a motion to accept as amended.

On MOTION made by Ms. Mary LeFevre, seconded by Mr. David Herring and with all in favor, the Minutes of the March 14, 2019 as amended were approved.

THIRD ORDER OF BUSINESS

Staff Reports

a) Attorney

No Report

b) Engineer

No report.

c) Asset Manager

I. March 2019 Report

Mr. Bruce Bernard stated residential restorations were in process and were about 60 to 70 percent complete as of April 18. He stated five homes were under construction at Bella Mara and were scheduled for completion April 30 before starting on the Sienna project.

Dr. David Herring asked Mr. Bernard if he observed any repair work on the projects since there were alligators in the water where the homes were located.

Mr. Bernard replied the workers knew there were alligators in the lakes. He noted the alligators were as afraid of the workers as the workers were of the alligators. He added the cleaning contractor's report would be available next month, which would start the drainage cleaning project.

II. Discussion of Lake Banks that were repaired by private owners after Hurricane Irma.

Mr. Ward summarized a report the Board asked the staff to review regarding improvements made by private parties, not the District, after Hurricane Irma. He stated the review was based on a request by a resident and Mr. Bernard had completed the list private vendor improvements. He stated one key element in the report was the pricing, which was an estimate of costs had the District made the repairs. He stated all lake-bank properties were reviewed and the analysis was based on known repairs by the District. He noted there were repairs made by the homeowner and there was no way to determine what the homeowner paid or which repairs were hurricane-related.

Mr. Bernard stated there was a total of \$207,000 dollars' worth of hurricane improvements the District could account for. He noted \$146,000 dollars of the \$207,000 dollars was identified by the District for additional work which needed to be done.

Mr. Ward told the Board the report verified the District was not a part of the lake bank restoration process. He stated the continuation of the discussion was whether the District should continue its policy of not reimbursing for disaster-related improvements or adopt a procedure for reimbursement of those types of improvements. He advised, from a staff perspective, the Board should continue with its current policy. He stated a procedure of reimbursement would establish a bad public policy precedent and open the District to litigation beyond what was expected. He stated it would be akin to using public funds to reimburse private owners for work the District knows nothing about.

Mr. Ward asked the Board for comments and opinions about the District policy.

Mr. Alan Refkin asked if the \$207,000 dollars was for expenditures. Mr. Bernard explained it was the total amount of repairs for Hurricane Irma damages, had the District paid for it. He stated \$146,000 dollars was identified as the FEMA funds for repairs. Mr. Refkin noted there was \$60,000 dollars worth of repairs still needed to be done which had not been identified.

Mr. Michael Weber asked if the work completed was done on the homeowner's own accord. Mr. Ward replied affirmatively. He stated he did not recall a request for reimbursement in the past meetings or any requests coming before the Board since Hurricane Irma.

Dr. Herring asked if anyone made any claims on their homeowners' insurance. Mr. Ward replied he would not have such information. He stated it would not be something the District would be privy too. Dr. Herring asked if such an event was claimable. Mr. Urbancic replied acts of God were not a part of a claim unless the homeowner had a type of insurance policy which specifically applied to such an event.

Ms. LeFevre replied a reimbursement policy was not feasible. She stated it would create inconsistency in how resident's claims were handled, and such a policy would be ill-conceived. She stated the policy should remain as is.

Dr. Herring stated there was an emotional and legal perspective. He stated emotionally, the Board would like to take care of all repairs, but legally, the District was a government organization and there were rules to abide by.

Mr. Ballinger asked Mr. Bernard if the District had been paid \$9,000 dollars by FEMA for irrigation repairs. Mr. Bernard stated staff was awaiting notice of the reimbursement, and the total amount, from the State of Florida. He asked Mr. Bernard what the other category classification was for which the District might receive payment from FEMA. Mr. Bernard responded the other classification was debris removal and recovery claim for the cleanup and tree removal on the outside of the property. He explained the work done inside the property was specifically the responsibility of the CDD (Community Development District) because the District did not own the property. He stated the District initially asked for a total of \$340,000 dollars from FEMA for the projects.

Mr. Refkin asked where the \$340,000 dollars from FEMA went it's when received. Mr. Bernard replied those funds will go to the CDD.

Ms. LeFevre indicated the Board had decided to restore the hurricane damage using its reserves when it was under no obligation to do so, which she felt was the right thing to do and the funds from FEMA would replenish the reserves.

Mr. Ward stated there was no action to take by the Board with respect to keeping the current policy. He asked if there were any questions from the public regarding the policy.

Mr. Jack Hewes stated he had hurricane damage to his property. He stated he spoke with the Chairman of the Board who told him "he would take care of it." He stated, until recently, there was no reference to the CDD policy of non-reimbursement for repairs. He asked why he was not told the Board had a policy which did not reimburse residents.

Mr. Refkin stated the Board was not here to answer those questions since Mr. Hewes was represented by counsel.

Mr. Ward asked if there were any other questions from the audience. There were none.

Mr. Weber commented he did not recall any instance where the Board reimbursed a property owner, nor did he recall the issue coming before the Board. Mr. Ward agreed with Mr. Weber's statement and noted he believed Dr. Herring's comment to "take care of it" meant to get the information to the CDD staff to deal with the issue.

Mr. Refkin stated he did not comment on the Mr. Hewes's question because the response could have been misconstrued. He stated it was obvious Dr. Herring meant one thing, and the response was misunderstood. He noted to address the issue with someone without counsel was not a prudent action by the Board.

Dr. Herring affirmed he told the resident he would take care of it, which meant he would get the information to the appropriate people. He noted there was still a fundamental question of who stated what to whom. He stated he knew Mr. Bernard's conversation was with Mr. Ray Bartlett. Mr. Bernard confirmed he spoke only to Mr. Bartlett and he never had contact with Mr. Hewes until today. Mr. Bernard stated whatever work was not already completed, would be on a list to request funding for next year. Dr. Herring surmised the conversation between Mr. Bernard and Mr. Bartlett was different from the conversation which Mr. Bartlett might have had with Mr. Hewes, and thus, the confusion at hand. Mr. Bernard stated he did not know what the conversations were, but he knew he had no authority to make a reimbursement decision. He stated the District would have had to know the costs upfront and would have inspected the property then, not a year later.

Ms. LeFevre noted Mr. Hewes never contacted the Board with any requests for repair reimbursements, which seemed unusual given the circumstances.

Mr. Ballinger stated it was a very unfortunate situation because Mr. Hewes was a good neighbor and citizen, but the Board had a responsibility to the entire community.

Mr. Refkin asked the Board's counsel what the next steps were. Mr. Greg Urbancic stated the Board might receive another letter or he might receive a call from Mr. Hewes's attorney. He stated the resident may try to sue the Board. He stated those factors were unknown at this time.

Mr. Refkin asked how the Board should respond if the resident contacted the Board Members individually. Mr. Urbancic stated he did not have an issue with having a conversation, but Board policy was to defer any decisions to the CDD manager or to him.

Mr. Ballinger asked Mr. Urbancic the name of Mr. Hewes's counsel. Mr. Urbancic replied Kara Drewsinski Murphy. Mr. Ballinger asked if the Board was engaged in a law suit, would Mr. Urbancic be the Board's counsel. Mr. Urbancic replied affirmatively, stating he or someone in his office would represent the Board.

Mr. Ward asked if there were any other questions regarding the Board's policy. There were none.

d) Manager

I. Financial Statements for the period ending January 31, 2019.

No report.

II. Financial Statements for the period ending February 28, 2019.

No report.

FOURTH ORDER OF BUSINESS

Supervisors' Requests and Audience Comments

Mr. Ward asked for Supervisor's requests and Audience Comments.

Ms. Darlene Harvey-Muncy, President of the Ravena Condominium Association, stated the Association experienced turn-over from the developer in October of 2016 and it was discovered later the developer had not completed the transfer to the CDD. She stated work on the development was done after the developer left. She asked the Board what the status of the retention pond at Ravena was and were there next steps for the Association. Dr. Herring responded the retention pond still belonged to Ravena since there had been no transfer of the property, nor a request of the Board to do so. Mr. Ward stated there was a procedure to follow if the Association wished to transfer the pond. He explained if the water management system was permitted by South Florida Water Management District, the Association should provide the Board a copy of the permit, along with a full legal description of the property, and then the Association could deed the property to the CDD and/or give the CDD an easement onto the property if necessary. He stated if there was pipework, for example, the Association would have to create a bill of sale to the CDD for the pipes or easements. He stated it was up to the Association's

engineers or a surveyor to provide those documents. He explained following this the transfer would be added to the Board's Agenda.

Ms. Muncy asked if the transfer procedure was in written form. Mr. Urbancic responded this procedure was listed in the storm water policy; however, it was not as detailed since the condominium was unique. Mr. Ward explained the procedure was not written specifically for the condominiums because each condominium complex was different and had different features. He indicated Ms. Muncy was welcome to contact him, Mr. Bernard or Mr. Urbancic should the Association's attorney need information. He stated all contact information was listed on the CDD website.

Mr. Weber asked Ms. Muncy if the perimeter shoreline was addressed as the external lake was part of the Association property. Ms. Muncy replied she was not sure, but she would ask the Association's attorney to include it in the transfer description.

Mr. Ward asked if there were any other questions or comments. There were none. Mr. Ward called for adjournment.

FIFTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at 2:45 p.m.

On MOTION made by Mr. Alan Refkin, seconded by Mr. Doug Ballinger, and with all in favor, the meeting was adjourned.

Miromar Lakes Community Development District



James P. Ward, Secretary



David Herring, Chairman