

**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, September 9, 2021, at 2:00 p.m. at the Library in the Beach Clubhouse, 18061 Miromar Lakes Parkway, Miromar Lakes, Florida 33913.

Present and constituting a quorum:

Alan Refkin	Chair
Michael Weber	Vice Chair
Doug Ballinger	Assistant Secretary
Patrick Reidy	Assistant Secretary
Mary LeFevre	Assistant Secretary

Also present were:

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

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 2:00 p.m. He conducted roll call; all Members of the Board were present, constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Minutes

August 12, 2021 – Regular Meeting

Mr. Ward asked if there were any additions, deletions, or corrections for the Minutes. Hearing none, he called for a motion.

On MOTION made by Mr. Doug Ballinger, seconded by Mr. Patrick Reidy, and with all in favor, the August 12, 2021, Regular Meeting Minutes were approved.

THIRD ORDER OF BUSINESS

PUBLIC HEARING

PUBLIC HEARING RELATED TO THE ADOPTION OF RULE 1 REGARDING THE OPERATIONS AND MAINTENANCE OF THE DISTRICT'S STORMWATER MANAGEMENT SYSTEM

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

I. Public Comment

Mr. Ward asked if there were any members of the public present or via audio or video with any comments or questions with respect to the adoption of the District's Rule; there were none.

II. Notice of Advertisement of Public Hearing

III. Board Comment and Consideration

Mr. Ward noted the Rule was enclosed in the Agenda Packet, was approved by the Board previously, and was unchanged since that time.

Mr. Doug Ballinger stated at the previous meeting it was noted the Miromar Lakes Attorney had not yet reviewed the Rule. He asked if this had been done.

Mr. Ward explained the attorney was requested to review the Agreement for the Reserve Account, not the Rule. He stated attached to the Rule were maps illustrating the drainage basins, wetland areas, drainage pipes, areas currently maintained by the CDD, etc. He asked if there were any questions.

Mr. Weber asked if the CDD maintained the North Lake.

Mr. Ward responded in the negative.

Mr. Ballinger asked about the rip rap area as it was not included on the map.

Mr. Ward asked Mr. Charlie Krebs to recolor the rip rap areas and existing drainpipes to ensure these were visible. He commended Mr. Krebs for his work on the map. The Board thanked Mr. Krebs.

Ms. LeFevre noted the phrase "generally speaking" had been removed from the Rule and it seemed the residents were deemed responsible for their own property.

Mr. Ward concurred. He noted the Rule also established there was a procedure for residents who wished to build within the Lake Maintenance Easement (LME); this procedure would be further discussed at a future meeting.

IV. Consideration of Resolution 2021-10, a Resolution of the Board of Supervisors of Miromar Lakes Community Development District adopting Stormwater Management Rules and Policies

Mr. Ward called for a motion.

On MOTION made by Mr. Alan Refkin, seconded by Ms. Mary LeFevre, and with all in favor, Resolution 2021-10 was adopted, and the Chair was authorized to sign.

Mr. Ward noted at the next meeting the Board would review the operating policies to be implemented as a result of this Rule. He noted at this meeting Mr. Krebs would present a map illustrating where the rip rap was located, which rip rap was and was not owned by the CDD, which rip rap was or was not acceptable for transfer to the CDD, all property encroachments, etc.

FOURTH ORDER OF BUSINESS

Staff Reports

I. District Attorney

No report.

II. District Engineer

No report.

III. Asset Manager

a) Operations Report September 1, 2021

No report.

IV. District Manager

a) Continued discussion of Agreement with Master HOA to include use of Reserve Funds

Mr. Ward stated when a resident bought a home in Miromar Lakes, said resident paid approximately \$7,500 dollars into the HOA fund; this HOA fund had accumulated approximately \$3 million dollars. He noted this was not a reserve fund and the HOA could use these funds as it deemed appropriate. He stated the Miromar HOA indicated it did not wish to restrict the use of these funds as a reserve account through an agreement with the CDD, but the intent was if something happened, these HOA funds would be available; the decision regarding whether to use these funds and how to use these funds would be made by the HOA at that time. He noted the District would not be a part of that decision making process. He stated the CDD would not be able

to further codify an agreement with the HOA regarding the use of HOA funds as a reserve. He noted the CDD should decide if it needed to establish its own reserve fund. He stated the Reserve Study was completed last night and would be included with the October or November Agenda.

Mr. Weber asked if this meant the HOA funds were not available to the CDD as a reserve fund. He stated he felt this meant the funds might be available if needed, but there was no guarantee.

Discussion ensued regarding how repairs would be funded if there were a storm event and the landscaping was severely damaged; the HOA possibly allowing HOA funds to be utilized by the CDD, but there being no guarantee; the possibility of insurance coverage; fund restrictions; designated funds; the possibility of an Agreement with the HOA regarding accumulating reserves for specific uses; whether growing a reserve account in the CDD would be "double reserving" resident funds; the current Landscaping Agreement with the HOA indicating the HOA was responsible for replacement of any damaged landscaping; what would happen if the Landscaping Agreement with the HOA was terminated; what would happen when the residents took over the HOA; and the HOA having the ability to terminate the Landscaping Agreement at any time.

Mr. Ward explained the current landscaping agreement with the HOA dictated the HOA was responsible for all landscaping maintenance, including replacement when needed. He noted no modification of the Agreement was necessary if there were no added requirements regarding designating specific funds for landscaping reserves.

b) Financial Statement for period ending August 31, 2021 (unaudited)

Mr. Ward stated he included a simple analysis of the financial statements as requested including projected financials for September. He noted there was an estimate of approximately \$600,000 dollars in total expenditures; this was approximately \$44,000 dollars over the expenditure limit excluding the reserve account. He stated the \$95,000 dollars would be reduced by \$44,000 dollars going into Fiscal Year 2022. He noted the unexpected expenditures for fish, midge flies and toads were the biggest issues in this budget.

Mr. Bruce Bernard concurred.

Mr. Reidy stated if everything was ideal, the CDD would be plus \$95,000 dollars, as it was the CDD would be plus around \$50,000 dollars.

Discussion ensued regarding a bigger contingency for future budgets.

FIFTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

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

Mr. Reidy asked what would happen if the CDD needed to quickly bring in a large sum of money, such as \$500,000 dollars, for an emergency expenditure.

Mr. Ward explained there were two options, one was borrowing money and repaying the money through an assessment; this was difficult. He stated the second option was to levy a special assessment.

He explained the process of levying a special assessment including notice, public hearings, billing through tax rolls, collecting assessments, etc.

Mr. Greg Urbancic indicated required notice for a special assessment public hearing was at least 30 days' notice; therefore, it would take at least 45 days for a special assessment to be noticed.

Mr. Ward stated levying a special assessment took four months' worth of work.

Mr. Reidy stated if this were the case, the CDD should have a larger reserve fund for emergency purposes.

Mr. Refkin discussed the possibility of deferring billing to enable the CDD to levy a special assessment or budget the necessary funds into the next years' budget.

Discussion ensued regarding what might happen if deferred billing was not an option.

Mr. Ward noted the Reserve Study would be an excellent resource and would equip the CDD with the knowledge needed to begin establishing an appropriate reserve fund.

Mr. Refkin discussed incorporating the Bellavista stormwater management system into the CDD. He stated the Bellavista stormwater management system had been inspected approximately five years ago. He noted he would be speaking with the Bellavista Board regarding stormwater management system incorporation.

Mr. Ward stated the existing 2012 Bonds which were refinanced some years ago had the ability to be refunded next year (the middle of 2022); therefore, early next year he would begin researching the possibility of refinancing these Bonds. He discussed the possibility of rolling some of the leftover bond funds into the reserve fund. He noted this was only possible through a bond refinance, never with a bond issuance. He asked if there were any audience members present, or on audio or video, with any questions or comments; there were none.

SIXTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at 2:35 p.m.

On MOTION made by Mr. Patrick Reidy, seconded by Ms. Mary LeFevre, and with all in favor, the meeting was adjourned.

ATTEST:

Miromar Lakes Community Development District


James P. Ward, Secretary

Alan Refkin
Alan Refkin, Chairman

Signature: Alan Refkin
Alan Refkin (Oct 20, 2021 13:38 EDT)

Email: arefkin@aol.com

ML - Minutes 09 09 2021 - (1) Executed (needs refkin Sig)

Final Audit Report

2021-10-20

Created:	2021-10-20
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