

**MINUTES OF MEETING
TERN BAY
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Tern Bay Community Development District was held on Tuesday, February 14, 2023, at 10:00 A.M. at Comfort Inn & Suites, 812 Kings Highway, Port Charlotte, FL 33980.

Present and constituting a quorum:

David Truxton	Chairperson
Christopher Hasty	Vice Chairperson
Barry Ernst	Assistant Secretary
Ashley Kingston	Assistant Secretary

Absent:

Anthony Burdett	Assistant Secretary
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Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel

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

Mr. James Ward called the meeting to order at approximately 10:13 a.m. He conducted roll call, and all Board Members were present, with the exception of Supervisor Burdett, constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Resolution 2023-4

Consideration of Resolution 2023-4 a resolution of the Board of Supervisors of the Tern Bay Community Development District appointing qualified electors to fill the vacancies in Seat three (3) and Seat five (5) on the Board of Supervisors pursuant to Section 190.006(3)(b) Florida Statutes. If the Board appoints individuals to fill the seats, the following items will also be considered for the newly appointed members

I. Administration of the Oath of Office

II. Administration Guide to the Sunshine Amendment and Code of Ethics for Public Employees

III. Form 1 – Statement of Financial Interests

Mr. Ward stated Seats 3 and 5 were up for a qualified elector election in November of 2022 and no one qualified for the Seats; as such, the Board could fill these Seats by motion, second and affirmative vote. He noted the person appointed was required to be a qualified elector residing within the District. He asked if the Board had any candidates.

The Board had no candidates; this Item was deferred.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2023-5

Consideration of Resolution 2023-5, a Resolution Re-Designating the Officers of the Tern Bay Community Development District

This Item was deferred.

FOURTH ORDER OF BUSINESS

Consideration of Minutes

- I. November 8, 2022 – Landowners Meeting**
- II. November 8, 2022 – Regular Meeting**

Mr. Ward asked if there were any corrections or deletions to the Landowners Meeting Minutes; hearing none, he called for a motion.

On MOTION made by Berry Ernst, seconded by Ashley Kingston, and with all in favor, the November 8, 2022 Landowners Meeting Minutes were accepted for inclusion in the record.

Mr. Ward asked if there were any corrections or deletions to the Regular Meeting Minutes; hearing none, he called for a motion.

On MOTION made by Berry Ernst, seconded by Ashley Kingston, and with all in favor, the November 8, 2022 Regular Meeting Minutes were approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution of 2023-4

Consideration of Resolution 2023-4, a resolution of the Tern Bay Community Development District (The “District”) amending the Fiscal Year 2023 Budget for the Debt Service Fund which began On October 1, 2022 and ends on September 30, 2023; providing a severability clause; providing for conflict and providing an effective date

Mr. Ward indicated this Resolution amended the debt service fund budget for FY-2023. He explained this put off role one particular property identification number that was in Lennar’s name; the District

would bill Lennar directly for the debt service for this property. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by David Truxton, seconded by Ashley Kingston, and with all in favor, Resolution 2023-4 was adopted, and the Chair was authorized to sign.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-5

Consideration of Resolution 2023-5, a resolution of the Board of Supervisors of Tern Bay Community Development District approving the reimbursement of the Heritage Landing Master Association, Inc. for costs expended on behalf of the District for the clean-up and repair of the District's property and Public Infrastructure Improvements resulting from Hurricane Ian damage

Mr. Ward: Due to Hurricane Ian there was substantial damage to the District's infrastructure and the Master HOA has undertaken the repairs of the infrastructure. Pursuant to the agreement that we have with the homeowner's association, the District is responsible for the costs related to any damage from storm related events and the homeowner's association was requesting the District to reimburse them for all of the hurricane damage they have paid for related to Hurricane Ian. Enclosed in your Agenda Package is the Resolution and the invoices associated with that. Some of the invoices have come in subsequent to the preparation of your Agenda Package. The total being asked for reimbursement now is going to be \$346,766.38. We do have the funds in the current year's budget, and I will have to go forward and amend your current budget once this is approved also. He asked if there were any questions.

Mr. Truxton: So, we are covered in our current budget?

Mr. Ward: We are not covered in the current budget. What we do have is sufficient cash leftover in the current year to cover this year's expenses and then in the 2024 budget, when I present that to you next month, I'm going to have to beef up those assessments in order to cover these costs.

Mr. Truxton: So, the thought process is to keep it all in O&M. There have been some other districts that issued some short term relief funds, like in a loan, for the short gap, but we have enough capital available in our current balance to be able to cover it and then you are saying we will have to make up for it in some of our O&M assessments?

Mr. Ward: Correct. Basically, the HOA has funded it. We are reimbursing them in the current year, and then we will garner the cash next year when we levy the assessments.

Mr. Truxton: Very good. We are in a better position than most.

Mr. Ward: Yeah. This District turned out to be in a pretty good position thankfully.

On MOTION made by Barry Ernst, seconded by Christopher Hasty, and with all in favor, Resolution 2023-5 was adopted, and the Chair was authorized to sign.

SEVENTH ORDER OF BUSINESS**Consideration of Professional Services Agreement****Consideration of the amendment to the Professional Services Auditing Agreement between the District and Grau and Associates, dated January 17, 2023**

Mr. Ward indicated this was an amendment to the Audit Agreement with Grau and Associates. He explained, as a result of the issuance of the Series 2022 bonds, the auditor was requesting a change in the fee, an increase of \$1,500 dollars, for the new debt service fund and capital project funds associated with the bond issue. He explained the audit fee for 2022 was increased to \$6,300 dollars, in 2023 it would increase to \$6,400 dollars and in 2024 it would increase to \$6,500 dollars. He stated the increase was very reasonable and consistent with what he saw with auditors when new bonds were issued. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by David Truxton, seconded by Ashley Kingston, and with all in favor, the amendment to the Professional Services Auditing Agreement between the District and Grau and Associates, dated January 17, 2023 was approved.

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

No report.

II. District Engineer

No report.

III. District Manager**a) Important Board Meeting Dates for Balance of Fiscal Year 2023:**

- 1. Proposed Fiscal Year 2024 Budget - March 14, 2023, at 10:00 A.M.**
- 2. Public Hearings: Fiscal Year 2024 Budget Adoption – May 9, 2023, at 10:00 A.M.**
- 3. Canceled meeting - June 13, 2023**

b) Financial Statement for period ending November 30, 2022 (unaudited)**c) Financial Statement for period ending December 31, 2022 (unaudited)****d) Financial Statement for period ending January 31, 2023 (unaudited)**

Mr. Ward: Your March meeting we will start your budget and in May we will do your public hearing. My assistant will get you those dates out on your calendar. Just make sure you put them on. Once we start this process, it is very difficult to change the public hearing date.

NINTH 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, or via audio or video with any questions or comments; there were none.

TENTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 10:21 a.m.

On MOTION made by Berry Ernst, seconded by David Truxton, and with all in favor, the meeting was adjourned.

Tern Bay Community Development District


James P. Ward, Secretary


David Truxton, Chairperson