

**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, May 9, 2023, at 10:00 A.M. at Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.

Present and constituting a quorum:

David Truxton	Chairperson
Barry Ernst	Assistant Secretary
Anthony Burdett	Assistant Secretary

Absent:

Christopher Hasty	Vice Chairperson
Ashley Kingston	Assistant Secretary

Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel
David Caplivski	Grau and Associates

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 Ward called the meeting to order at approximately 10:00 a.m. He conducted roll call, and all Board Members were present, with the exception of Supervisor Hasty and Supervisor Kingston, constituting a quorum.

SECOND ORDER OF BUSINESS

Notice of Advertisement

Notice of Advertisement of Public Hearing

THIRD ORDER OF BUSINESS

Consideration of Minutes

March 14, 2023 – Regular Meeting

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

On MOTION made by Berry Ernst, seconded by David Truxton, and with all in favor, the March 14, 2023 Regular Meeting Minutes were approved.

FOURTH ORDER OF BUSINESS

Consideration of Audited Financial Statements

Consideration of the Acceptance of the Audited Financial Statements for the Fiscal Year ended September 30, 2022

Mr. Ward introduced David Caplivski with Grau and Associates.

Mr. David Caplivski with Grau and Associates thanked the Board, and the District’s Management and Staff. He explained the Audit of Financial Statements was required by Florida Statutes and the Bond Agreements. He reported the opinion on the Financial Statements was a clean, or unmodified, opinion which was the best opinion a district could receive. He noted the Auditor was also required to report any internal control material weaknesses or deficiencies and none were noted. He stated lastly there was a letter the Florida Auditor General required which reflected a clean, unmodified opinion as well. He thanked the CDD for choosing Grau and Associates.

Mr. Truxton stated the Board had an excellent manager in Jim Ward and thanked Mr. Caplivski.

On MOTION made by Barry Ernst, seconded by David Truxton, and with all in favor, the Audited Financial Statements for Fiscal Year ended September 30, 2022 were accepted.

FIFTH ORDER OF BUSINESS

Public Hearing

PUBLIC HEARINGS – FY 2024 BUDGET AND SPECIAL ASSESSMENTS

Mr. Ward explained the Public Hearing process noting there were two public hearings, the first related to the Budget itself.

a) FISCAL YEAR 2024 BUDGET

I. Public Comment and Testimony

Mr. Ward called for a motion to open the Public Hearing.

On MOTION made by David Truxton, seconded by Barry Ernst, and with all in favor, the Public Hearing was opened.

Mr. Ward asked if there were any members of the public present via audio or video with any comments or questions with respect to the Fiscal Year 2024 Budget; there were none. He noted there were no members of the public present in person.

Mr. Ward called for a motion to close the Public Hearing.

On MOTION made by Barry Ernst, seconded by Anthony Burdett, and with all in favor, the Public Hearing was closed.

II. Board Comment and Consideration

Mr. Ward asked if there were any questions or comments from the Board; there were none.

III. Consideration of Resolution 2023-8, a resolution of the Board of Supervisors adopting the Annual Appropriation and Budget for Fiscal Year 2024

Mr. Ward called for a motion to approve the budget beginning October 1, 2023 and ending on September 30, 2024.

On MOTION made by Anthony Burdett, seconded by David Truxton, and with all in favor, Resolution 2023-8 was adopted, and the Chair was authorized to sign.

b) FISCAL YEAR 2024 IMPOSING SPECIAL ASSESSMENTS; ADOPTING THE ASSESSMENT ROLL AND APPROVING THE GENERAL FUND SPECIAL ASSESSMENT METHODOLOGY

Mr. Ward indicated this public hearing was related to the imposition of the special assessments for the general fund, it adopted the assessment roll and approved the general fund special assessment methodology related to the Fiscal Year 2024 budget.

I. Public Comment and Testimony

Mr. Ward called for a motion to open the Public Hearing.

On MOTION made by David Truxton, seconded by Barry Ernst, and with all in favor, the Public Hearing was opened.

Mr. Ward asked if there were any members of the public present in person or via audio or video with any comments or questions.

Mr. Ward called for a motion to close the Public Hearing.

On MOTION made by Barry Ernst, seconded by Anthony Burdett, and with all in favor, the Public Hearing was closed.

II. Board Comment and Consideration

Mr. Ward asked if there were any questions or comments from the Board; there were none.

III. Consideration of Resolution 2023-9, a resolution of the Board of Supervisors imposing special assessments, adopting an assessment roll, and approving the General Fund Special Assessment Methodology

Mr. Ward called for a motion.

On MOTION made by Barry Ernst, seconded by David Truxton, and with all in favor, Resolution 2023-9 was adopted, and the Chair was authorized to sign.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-10

Consideration of Resolution 2023-10, a resolution of the Board of Supervisors designating dates, time, and location for regular meeting of the Board of Supervisor’s for Fiscal Year 2023

Mr. Ward noted the meeting dates were basically the same as the current year, which was the second Tuesday of each month at the Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954 at 10:00 a.m. He noted the Resolution did not bind the Board to the use of these dates, it simply set the dates for the year; the dates could be changed and readvertised at the discretion of the Board. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Anthony Burdett, seconded by Barry Ernst, and with all in favor, Resolution 2023-10 was adopted, and the Chair was authorized to sign.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-11

Consideration of Resolution 2023-11 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: As you know, we had two seats up for election in November of last year. No one qualified for those two seats, so we have carried this on the Agenda from month to month as we go through the year. At some point we will have to find two people, hopefully sooner than later, two nice

people. So, one of these days, if the Board members find someone to fill those two seats, we will consider this resolution.

The Board had no one to appoint; this Item was continued.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-12

Consideration of Resolution 2023-12, a Resolution Re-Designating the Officers of the Tern Bay Community Development District

Mr. Ward indicated this Item was continued.

NINTH ORDER OF BUSINESS

Staff Reports

I. District Attorney

Mr. Greg Urbancic: The only thing I have to update, both Houses of Legislature passed a bill that would require all CDD supervisors to have annual ethics training of four hours and so, we will see if the Governor signs it, but I don't expect a veto, so to the extent that you will continue to be supervisors of districts, that's going to hit you at some point.

Mr. _____: Are you going to be the teacher?

Mr. Urbancic: I don't think so. It will probably be some commercial industry that does all these things on a mass basis would be my guess. But I guess we will see.

II. District Engineer

No report.

III. District Manager

- a) **Board Meeting Dates for Balance of Fiscal Year 2023:**
 - 1. **Canceled meeting - June 13, 2023**
- b) **Supervisor of Elections Qualified Elector Report dated April 15, 2023**
- c) **Financial Statement for period ending March 31, 2023 (unaudited)**
- d) **Financial Statement for period ending April 30, 2023 (unaudited)**

No report.

TENTH 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.

ELEVENTH ORDER OF BUSINESS

Adjournment

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

On MOTION made by Barry Ernst, seconded by Anthony Burdett, and with all in favor, the meeting was adjourned.

Tern Bay Community Development District


James F. Ward, Secretary


David Truxton, Chairperson