

**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 10, 2022, at 10:00 a.m. at the Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.

**Present and constituting a quorum:**

Russell Smith	Chairperson
Christopher Hasty	Vice Chairperson
Barry Ernst	Assistant Secretary
Ashley Kingston	Assistant Secretary
Anthony Burdett	Assistant Secretary

**Also present were:**

James P. Ward	District Manager
Greg Urbancic	District Counsel
David Underhill	District Engineer
Andrew Gill	

**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. Andrew Gill called the meeting to order at approximately 10:00 a.m. He conducted roll call and all Board Members were present, constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Notice of Public Hearing**

**Notice of advertisement of the Public Hearing**

Mr. Gill noted enclosed in the Agenda Packet was an affidavit mailing showing the publication which went out for the public hearing.

**THIRD ORDER OF BUSINESS**

**Consideration of Minutes**

**March 8, 2022 – Regular Meeting Minutes**

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

**On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, the March 8, 2022, Regular Meeting Minutes were approved.**

**FOURTH ORDER OF BUSINESS**

**PUBLIC HEARING**

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

**a. PUBLIC HEARING – FISCAL YEAR 2023 BUDGET**

**I. Public Comment and Testimony**

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

**On MOTION made by Mr. Russell Smith, seconded by Ms. Ashley Kingston, and with all in favor, the Public Hearing was opened.**

Mr. Gill asked if there were any public comments or questions with respect to the Fiscal Year 2023 Budget; there were none.

**II. Board Comment**

Mr. Gill asked if there were any Board comments or questions; hearing none, he called for a motion to close the public hearing.

**On MOTION made by Mr. Russell Smith, seconded by Mr. Barry Ernst, and with all in favor, the Public Hearing was closed.**

**III. Consideration of Resolution 2022-5 adopting the annual appropriation and Budget for Fiscal Year 2023**

Mr. Gill indicated Resolution 2022-5 related to the annual appropriations, adopting the Budget for the Fiscal Year beginning October 1, 2022 and ending September 30, 2023.

*Mr. Ward: The operations portions of this budget we have in the current year go away, so it's contemplated we will have the homeowner's association take over all of the maintenance responsibilities beginning October 1. Other than we have some FPL streetlight agreements, I left those in the District, so as not to have to transfer all of that to the HOA. So, we will handle that piece of it since it's easy to do that. All of the maintenance will go to the HOA beginning October 1. I'm very happy with that.* He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Mr. Russell Smith, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2022-5 was adopted, and the Chair was authorized to sign.**

**b. FISCAL YEAR 2023 IMPOSING SPECIAL ASSESSMENTS; ADOPTING AN ASSESSMENT ROLL AND APPROVING THE GENERAL FUND SPECIAL ASSESSMENT METHODOLOGY**

Mr. Gill indicated this public hearing was related to the imposition of the special assessments for the general fund, certification of an assessment roll, and approval of the special assessment methodology for the District.

**I. Public Comment and Testimony**

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

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Russell Smith, and with all in favor, the Public Hearing was opened.**

Mr. Gill asked if there were any public comments or questions; there were none.

**II. Board Comment**

Mr. Gill asked if there were any questions; hearing none, he called for a motion to close the Public Hearing.

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Russell Smith, and with all in favor, the Public Hearing was closed.**

**III. Consideration of Resolution 2022-6 imposing special assessments, adopting an assessment roll, and approving the general fund special assessment methodology**

Mr. Gill indicated Resolution 2022-6 imposed the assessments, adopted the assessment roll, provided a mechanism for the Manager to update the assessment roll with current owners' information as it changed, and approved the methodology. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Mr. Russell Smith, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2022-6 was adopted, and the Chair was authorized to sign.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-7**

**Consideration of Resolution 2022-7, a resolution of the Board of Supervisors adopting designating dates, time, and location for regular meeting of the Board of Supervisor's for Fiscal Year 2023**

Mr. Gill noted Statute required the CDD to publish the dates of its meetings. He indicated the Meetings were scheduled for the second Tuesday of every month at the Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2022-7 was adopted as amended, and the Chair was authorized to sign.**

#### SIXTH ORDER OF BUSINESS

#### Consideration of Resolution 2022-8

**Consideration of Resolution 2022-8, a resolution of the Board of Supervisors designating a date, time, and location for a landowners' meeting and election; providing for publication; and establishing forms for the landowners' election**

Mr. Ward explained: *The way the statute worked is once you meet two thresholds, one is 250 qualified electors, and 10 years from the date of establishment, you begin to transition a district from a landowner's election to a qualified elector based election. This District was established in 2005. This year we hit the 250 qualified elector threshold. We have 322 qualified electors that are now within the District. This year, in November, we will begin the transition of this District to a qualified elector. There are three seats up for election in November: Mr. Smith, Mr. Burdett, and Mr. Ernst. We will do Mr. Burdett's and Mr. Ernst's seat as a qualified elector based election, and that is the subject of Resolution 2022-8.*

*Mr. Smith: So, two of the seats will be qualified electors and one will be landowner?*

*Mr. Ward: Yes. And the time for qualifying is coming up in the early part of June. If nobody qualifies in June, then what happens in November, after the election, the Board sits as it did now, and at some point, the Board could appoint someone to fill those two qualified elector seats, but they have to be qualified elector seats.*

*Mr. Smith: They have to be qualified electors themselves in order to occupy the seat?*

*Mr. Ward: Correct, they have to be qualified electors living in Tern Bay to take those two seats if no one qualifies in June. If you know of anybody, have them go, but they need to be nice. Resolution 2022-8 sets the landowner's meeting date, time and location and includes the forms of the notice, November 8, 2022, at 10:00 a.m. here at the Country Inn and Suites. Russ or somebody will have to come for that landowner's election to put people on the Board. We'll have a meeting right after that in order to swear that one Board Member in, and if we have people who are qualified in June, then we will obviously swear them in also at that meeting. He asked if there were any questions; hearing none, he called for a motion.*

**On MOTION made by Mr. Russell Smith, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2022-8 was adopted, and the Chair was authorized to sign.**

*Mr. Greg Urbancic: Just to set the record straight, Resolution 2022-8 was to implement the Supervisor of Elections to hold the elections for Seat 3 and 5. Resolution 2022-9 was for the landowner election. So, maybe we have the Board clarify that Resolution 2022-8 was for Seat 3, currently held by Supervisor Burdett, and Seat 5, held by Supervisor Ernst. Those are the ones that will be up for general election in November 2022.*

*Mr. Ward: Okay. I'll do two motions with you. One is a motion to reconsider Resolution 2022-8, so we can do it correctly.*

**On MOTION made by Mr. Russell Smith, seconded by Mr. Barry Ernst, and with all in favor, it was agreed to reconsider Resolution 2022-8.**

*Mr. Ward: Okay, so we will now take a motion to adopt Resolution 2022-8 which – is it the landowner's meeting Greg?*

*Mr. Urbancic: Resolution 2022-8 is a resolution of the Board of Supervisors of Tern Bay Community Development District implementing Section 190.006, subsection 3, Florida Statutes, and requesting the Charlotte County Supervisor of Elections begin conducting the District's General Elections, providing for compensation, setting forth the terms of office, authorizing notice of the qualifying period and providing for severability and an effective date. That essentially tells you what it is, but internally it provides that Seat 3, Supervisor Burdett, and Seat 5, Supervisor Ernst, will be the seats up for general election. It sets forth the qualification process that you just sort of announced previously, provides that they will have a term of office for four years, that they are entitled to compensation under Chapter 190, and that we request the Supervisor of Elections to hold that election, and we have a notice that Corey is prepared to run. The Notice of the Qualifying Period for Candidates that we have to run in the newspaper.*

*Mr. Ward: The second resolution is 2022-9 which sets the landowner's meeting date, time, and location for November 8, 2022 at 10:00 a.m., here at the Country Inn and Suites for the two seats that I referenced earlier. Attached to the Resolution as required by the Statute are the instructions related to the ballot, the form of landowner's proxy, and the form of ballot that are required for the election. He asked if there were any questions; hearing none, he called for a motion.*

**On MOTION made by Mr. Russell Smith, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2022-9 was adopted, and the Chair was authorized to sign.**

**On MOTION made by Mr. Anthony Burdett, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2022-8 was adopted, and the Chair was authorized to sign.**

## SEVENTH ORDER OF BUSINESS

## Staff Reports

### Staff Reports

#### I. District Attorney

*Mr. Urbancic: Coming out of Legislative Session there was one bill that passed that may be helpful to us and that was a change to the public notice provision of Chapter 50 which provides that a county can establish a website for public notices within the County. Maybe that will save us money over time. That's to be determined. Otherwise, a lot of the bills that I had mentioned previously have fizzled out. There wasn't a whole lot in there for Districts in the last session.*

## **II. District Engineer**

### **a) Stormwater Reporting Update**

*Mr. David Underhill indicated he was working on some requisitions. The first one we are looking to process is one for the connection fees and then we are going to work on some other requisitions that include actual facilities that are completed as well. We have been talking with Greg a little bit about that and he has documents that will probably be coming to the landowner to work up the requisitions for that.*

*Mr. Ward: We have a reporting requirement under the law with respect to last year's legislation on this stormwater reporting requirement, which I mentioned to you months ago. That deadline is June 30 and that is in Dave's ball court to make sure that happens. Dave, can you give the Board and me an update on where you are with that?*

*Mr. Underhill: I haven't started working on Tern Bay, but our office has started working on a few different of these stormwater reports for a few communities. We are fine tuning our process and I got a handful of them to do here in the next week or so. That's my plan.*

*Mr. Ward: I will just point out to you we do have a June 30, statutorily required filing date, so this just has to be done and filed before that date, otherwise we end up with a comment in our audit about not complying to particular rules and laws. Dave, I'll just encourage you to make sure that gets done on time.*

*Mr. Underhill: Okay, will do. I'll have some stuff back and forth with you Jim. Obviously, it's going to take a little bit of coordination.*

## **III. District Manager**

- a) Report on number of Registered Voters within the District as of April 15, 2022**
- b) Financial Statement for period ending March 31, 2022 (unaudited)**
- c) Financial Statement for period ending April 30, 2022 (unaudited)**

No report.

## **EIGHTH 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.

**NINTH ORDER OF BUSINESS**

**Adjournment**

Mr. Ward adjourned the meeting at approximately 10:20 a.m.

**On MOTION made by Mr. Russell Smith, seconded by Mr. Anthony Burdett, and with all in favor, the meeting was adjourned.**

Tern Bay Community Development District

  
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James P. Ward, Secretary

  
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Russell Smith, Chairperson