

**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, October 13, 2020 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
Anthony Burdett	Assistant Secretary
Ashley Kingston	Assistant Secretary

**Absent:**

Barry Ernst	Assistant Secretary
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**Also present were:**

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

**Audience:**

Kathy Karlen

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 10:07 a.m. He reported with the State of Emergency in Florida, and pursuant to Executive Orders 20-69, 20-112, 20-114, 20-150, 20-179, 20-193 and 20-246 issued by Governor DeSantis on March 20, 2020, April 29, 2020, May 8, 2020, June 23, 2020, July 29, 2020, August 7, 2020 and September 30, 2020 respectively, and pursuant to Section 120.54(5)9b)2., Florida, Statutes, this meeting was held utilizing communication media technology due to the current COVID-19 public health emergency. He explained all Members of the Board and Staff were present via videoconference or telephone; no persons were present in the on-site meeting room location. He asked all speakers to state their names for the record prior to speaking. He conducted roll call; all Members of the Board were present constituting a quorum, with the exception of Supervisor Barry Ernst.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes.**

**July 14, 2020 – Regular Meeting**

Mr. Ward asked if there were any additions, corrections, or deletions for the July 14, 2020 Regular Meeting Minutes. Hearing none, he called for a motion.

**On MOTION made by Mr. Russel Smith, seconded by Mr. Anthony Burdett, and with all in favor, the July 14, 2020 Regular Meeting Minutes were approved.**

**THIRD ORDER OF BUSINESS****Consideration of Agreement**

**Consideration of acceptance of an Agreement between the Tern Bay Community Development District, and Lennar Homes, LLC., regarding the Acquisition of certain Work Product, Infrastructure and Real Property**

*Mr. Ward: This Agreement was to acquire certain Work Product and Infrastructure as it relates to our future Capital Improvement Program probably sometime next year, which is infrastructure which needs to be dedicated to the District before we get to that. The Agreement was prepared by Mr. Urbancic. I will ask him to go through that with you and then we will take questions and comments.*

*Mr. Greg Urbancic: Essentially what this does is it sets a framework for the District to acquire Work Product and other Infrastructure that may be completed. We may not be ready to issue bonds, but at least it provides a backdrop and a record for us acquiring certain facilities, whether that be utilities or certain engineering plans and permits related to facilities and utilities. What we will do is we will adopt it now. There is a chance we may have to amend and restate it later when we issue bonds for this District; however, we can create the paperwork now to memorialize the acquisitions and in section 5 of this agreement there is a section that talks about the acquisition of these improvements prior to us issuing bonds, which we would be doing, so we will go through the typical requisition process and memorialize the cost, and then to the extent we issue bonds within a certain window, we can fund those improvements later through those bond proceeds. This is a typical sort of arrangement that we use, so it incorporates by reference Dave Underhill's Engineer Report dated April 2020. It is the general structure that we use for CDD's for acquisition of infrastructure and work product.*

Mr. Ward asked if there were any questions from the Board or the audience members; hearing none, he called for a motion.

**On MOTION made by Mr. Russell Smith, seconded by Mr. Christopher Hasty, and with all in favor, the Agreement between the Tern Bay Community Development District, and Lennar Homes, LLC., regarding the Acquisition of certain Work Product, Infrastructure and Real Property was accepted.**

**FOURTH ORDER OF BUSINESS****Staff Reports**

**I. District Attorney**

*Mr. Urbancic: This will probably be the last virtual meeting that we hold, at least entirely virtual. The governor basically gave the edict to get prepared because he was not going to extend the order again. To the extent we need to have a November meeting, or whenever we hold the next meeting thereafter, we will probably have to strategize and make sure we are in compliance with whatever the then current regulations and requirements are which could constitute one or two Supervisors being on the phone, but in the future we will more than likely, unless they change the law, need to have a quorum of the Supervisors present for future meetings. We will see how it goes, but we should just have that in the back of our minds to plan ahead.*

**II. District Engineer**

No report.

**III. District Manager**

- a) **Financial Statements for period ending June 30, 2020 (unaudited)**
- b) **Financial Statements for period ending July 31, 2020 (unaudited)**
- c) **Financial Statements for period ending August 31, 2020 (unaudited)**
- d) **Financial Statements for period ending September 30, 2020 (unaudited)**

Mr. Ward indicated he did not have a report unless there were any questions; there were none.

**FIFTH 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 comments; there were none.

**SIXTH ORDER OF BUSINESS**


**Adjournment**

Mr. Ward adjourned the meeting at approximately 10:16 a.m.

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

**ATTEST:**

  
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 James P. Ward, Secretary

**Tern Bay Community Development District**  
  
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 Russell Smith, Chairperson