

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

The Regular Board Meeting of the Tern Bay Community Development District's Board of Supervisors was held on **Tuesday, November 8, 2016, at 9:30 a.m.**, at the **Offices of Berntsson, Ittersagen, Gunderson & Wideikis, LLP, 18401 Murdock Circle, Suite C, Port Charlotte, Florida 33948.**

Present and constituting a quorum were:

Neale Montgomery	Chairperson
Mike Dady	Assistant Secretary
Rick Brylanski	Assistant Secretary

Also Present were:

James Ward	District Manager
Scott Clark (on phone)	District Counsel (telephonic)
Bill Riley	CAS Asset Management
Mat Morris	District Engineer

Absent were:

Leah Popelka
Adam Lerner

Audience:

Ceil Fillenworth
Tom Fillenworth
Kathy Karlen
Bill Karlen

1. Call to Order & Roll Call

Mr. Ward called the meeting to order at 9:37 a.m., and roll call determined that all members of the Board were present with the exception of the two supervisors who were newly elected at the landowners' meeting, Ms. Leah Popelka and Mr. Adam Lerner.

2. Administration of the Oath of Office for the Newly Elected Supervisors from the Landowners' Meeting

Mr. Ward stated that at the landowners' meeting prior to the regular meeting, the landowner's had elected Mr. Michael Dady, Ms. Leah Popelka, and Mr. Adam Lerner. Mr. Ward said he would administer the Oath of Office to Mr. Dady and did so and had

Mr. Dady sign the appropriate documents. Mr. Ward stated that he was a Notary for the State of Florida and was authorized to administer the Oath.

3. Consideration of Resolution 2017-1 Canvassing and Certifying the Results of the November 8, 2016 Landowners' Election

Mr. Ward stated that in Section 1, Ms. Leah Popelka received 1,004 and will sit in Seat 1 and Mr. Adam Lerner will sit in Seat 4 and received 1,003 votes and Mr. Dady will sit in Seat 5 and received 1,004. In Section 2, Mr. Dady and Ms. Popelka will serve the four-year terms and Mr. Lerner will serve the two-year term.

Motion was made by Mr. Dady and seconded by Ms. Montgomery to approve Resolution 2017-1 as described above, and with all in favor the motion was approved.

4. Consideration of Resolution 2017-2 Re-Designating the Officers of the Tern Bay Community Development District

Mr. Ward explained that currently Ms. Montgomery served as Chairperson, the Vice Chairperson was now an empty position, and the balance of the Board served as Assistant Secretaries. Mr. Ward stated he generally served as the Secretary/Treasurer. The Board nominated Mr. Dady as Chairperson, Ms. Montgomery as Vice Chairperson, and Leah Popelka, Adam Lerner, and Rick Brylanski as Assistant Secretaries.

Motion was made by Ms. Montgomery and seconded by Mr. Dady to approve Resolution 2017-2 as described above, and with all in favor the motion was approved.

5. Consideration of Minutes: September 20, 2016 Regular Meeting

Mr. Ward called for any additions, corrections or deletions to the minutes and none were put forth.

Motion was made by Mr. Montgomery and seconded by Mr. Brylanski to accept the Meeting Minutes of September 20, 2016, and with all in favor the motion was approved.

6. Consideration of Proposals for the continuation of Dissemination Agent Services for the Tern Bay CDD

Mr. Ward gave some background on this proposal and said that when the District issued its bond, they were done by the firm of Prager and Company and that Prager has

changed their name to MBS Capital Markets. Mr. Ward further stated that the disclosure services remained with the firm of Prager and Company, but it no longer provided that service. He said MBS Capital has created a new company call Disclosure Services, LLC, and they have given a proposal to provide the services along with Lerner Reporting Services. He said both services fee schedules are exactly the same. Ms. Montgomery asked if the fee was a thousand dollars a year, and Mr. Ward responded in the affirmative. Mr. Ward said both firms are qualified. Mr. Brylanski recommended Lerner Reporting Services.

Motion was made by Mr. Brylanski and seconded by Ms. Montgomery accept the Proposal of Lerner Reporting Services, and with all in favor the motion was approved.

6. Staff Reports

- a) District Attorney – No report.
- b) District Engineer

Mr. Morris reported that he is working with the group on the NOPC, and they will be meeting with Charlotte County next week to review the latest update from Charlotte County Public Works to make sure they have an understanding of the progress of the Burnt Store Road Project. He also added they would determine if modifications would need to be made based on a potential new direction in which the County might be moving.

Ms. Montgomery asked on which side the County wanted to take the right of way. Mr. Morris said the latest plan that they had received from Charlotte County actually showed taking right of way from both sides of the road, but now he has heard that there may have been some changes. Ms. Montgomery asked whose property they were wanting to take. Mr. Morris said there were some CDD owned and also some commercial areas and he added there is also some shared storm water.

Another Board member added that the County is currently experiencing pre-eminent domain on other parcels, and they have taken the position that this land in Tern Bay is ostensibly pre-negotiated per the developer's agreement. He added that agreement is no longer in effect and has expired. He said they are asking the County to negotiate their position. He added it is not clear yet where they want to build the road.

- c) District Manager

Mr. Ward told the Board that Mr. Berntsson has advised that he was closing the office on December 31, 2016, and it will no longer be available for their meetings. Mr. Ward said begin looking for a new location.

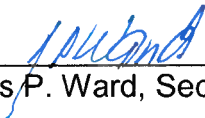
8. Supervisor's Requests and Audience Comments

It was suggested that an American Comfort Inn on Mack Road right off I-75 might be a good meeting place. Mr. Ward said he would look into it. There were no comments from the audience.

9. Adjournment

Motion was made by Ms. Montgomery and seconded by Mr. Dady to adjourn the meeting, and with all in favor was approved.

The meeting was adjourned at 9:50 a.m.



James P. Ward, Secretary

Tern Bay Community Development District


Michael Dady, Chairperson

OATH OR AFFIRMATION OF OFFICE

I, Michael Dady, a citizen of the State of Florida and of the United States of America, and being an officer of the **Tern Bay Community Development District** and a recipient of public funds as such officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida, and will faithfully, honestly and impartially discharge the duties devolving upon me as a member of the Board of Supervisors of the **Tern Bay Community Development District**, Charlotte County, Florida.

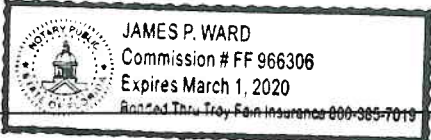
[Handwritten Signature]
Signature

Printed Name: MICHAEL DADY

STATE OF FLORIDA
COUNTY OF CHARLOTTE

Sworn to (or affirmed) before me this 8th day of November 2016, by Michael Dady, whose signature appears hereinabove, who is personally known to me or who produced _____ as identification.

[Handwritten Signature]
NOTARY PUBLIC
STATE OF FLORIDA

Print Name: 
My Commission Expires: _____