

**MINUTES OF MEETING  
TALIS PARK  
COMMUNITY DEVELOPMENT DISTRICT**

The special meeting of the Board of Supervisors of the Talis Park Community Development District was held on Tuesday, January 11, 2022 at 10:00 a.m. at the Talis Park Sales Center, 16980 Livingston Road, Naples, Florida 34110.

Present and constituting a quorum were:

James Proctor	Chairman
Steven Wishner	Vice Chairman
Sheila Leith	Assistant Secretary
Kevin Shields	Assistant Secretary
Mike Smale	Assistant Secretary

Also present were:

Paul Winkeljohn	District Manager
Alyssa Willson	District Counsel (by phone)
Josh Evans	District Engineer

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Winkeljohn called the meeting to order and stated we have a quorum.

**SECOND ORDER OF BUSINESS**

***Audience Comments (Related to Right to Speak Statute Changes)***

There not being any, the next item followed.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the May 12, 2021 Meeting**

Mr. Winkeljohn: The minutes from the May 12th meeting have been circulated, if those are in order, a motion to approve would be welcomed.

On MOTION by Mr. Wishner seconded by Mr. Proctor with all in favor, the Minutes of the May 12, 2021 Meeting were approved.

**FOURTH ORDER OF BUSINESS**

**Discussion of:**

- A. Wastewater and Stormwater Needs Analysis with Hopping Green & Sams
- B. Prompt Payment Policies with Hopping Green & Sams

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution #2022-01 Adopting Prompt Payment Policies and Procedures**

Mr. Winkeljohn: Some housekeeping items, actually quite a few of them today, one of which is related to the water and stormwater law that was passed last summer, basically requiring every governmental entity that has stormwater, wastewater responsibilities to do a capacity needs analysis. These have been around forever in the wastewater and water allocation business but, now they've reached into our world here in the water management District business. Josh, do you want to go over what the situation is and how we're going to approach it?

Mr. Evans: Sure. We reviewed the Statute and what we're going to do is we're going to evaluate the stormwater management system, basically do sort of an infrastructure inventory of how many linear feet of pipe there are, what size they are, when they were installed, what the life of that pipe is and evaluate it's current condition which we do to some degree every year with our lake bank inspection, but we need to do a little more on the pipe. So, evaluate the condition of it, look at its life and then look at replacement costs and provide a schedule for that replacement cost. So, this is the first Statute that just came out so we've not done one of these reports before, but we're doing one for 5 or 6 different Districts. So, initially there's a little bit more cost but after that, every 5 years it will be just an update to that report, and I have a proposal for that too, so I can pass that around.

Mr. Wishner: Is there a threshold of some sort to make a required thing, like you use "X" amount of water and your system is whatever?

Mr. Winkeljohn: Anyone organized under Chapter 190 is required.

Mr. Evans: Like we're going to do this for like one of your parcels.

Mr. Wishner: So, everybody has to do it.

Mr. Evans: Yes sir.

Mr. Wishner: Ok.

Ms. Willson: And essentially, unless for some reason it's an upgraded stormwater management and they don't use District water. (inaudible comment)

Mr. Winkeljohn: Right, they have no District stormwater.

Mr. Evans: So, we have to complete this report by June and it will take us some time to put all that together, fortunately we have things that save us a little bit of time like our GIS report that we prepared for you a couple of years ago which has been very useful, but I'm going to take this opportunity and some of these funds to provide more detail into the GIS mapping so that every time we do this, it will be easy. Let's say I'm not your District engineer in 5 years, you would have all that data in the GIS mapping so that whoever is here would be able to do that hopefully if I'm not. I want what we do to be reusable for the next person or reasonable for me when we do it next time.

Mr. Winkeljohn: Are there any questions for counsel or engineer? So, we would like a motion authorizing this work order.

Mr. Wishner: So, what's the number?

Mr. Winkeljohn: \$8,500 not to exceed without coming back to the Board.

Mr. Evans: No, I just did a fixed fee because I'm probably going to be putting a little bit more time into everything, I'm using all the different CDDs to kind of share costs and put a good template together.

Mr. Winkeljohn: Ok, I understand, so it's a lump sum.

Mr. Wishner: So, it's an \$8,500 lump sum?

Mr. Winkeljohn: Yes sir.

Mr. Wishner: Mike, do you have a question?

Mr. Smale: I just had a quick question.

Mr. Winkeljohn: Yes sir.

Mr. Smale: Did we account for this in our budget?

Mr. Winkeljohn: We will, it will be under engineering fees, and this will probably be the engineering fees for the year anyway, so it should be fairly absorbed.

Mr. Smale: Ok.

Mr. Evans: What I don't know is, once we create this and we generate replacement costs for the infrastructure, I don't think you have that in your budget.

Mr. Winkeljohn: Right, the long term impact of what he tells us, and say hypothetically he finds something wrong or a big problem, where more engineering is required, those are possibilities.

Mr. Evans: But one of the things that benefits us in the process is that we do a lake bank inspection report every year, so I've been to projects where you get there and they haven't done anything for 20 years, and the lakes are only 2' deep because sediment has built up at the bottom of the lake and they have a dredging project, and that's a massive capital improvement project. We don't have that here because we address it on an annual basis so you don't have a lot of siltation that builds up in the bottom of the lakes.

Mr. Winkeljohn: And our experts keep an eye on the littoral plantings, the lake banks, so we're really in good shape.

Mr. Evans: Right, so you're really getting the benefit of that as far as this process goes, and most all of your piping RCP, it's concrete pipe.

Mr. Wishner: I'm sorry, what's the life of it?

Mr. Evans: 50 years, now I'm going to look at the exact pipe that was put in the ground on the construction plans and verify that, but generally the rule is about 50 years, so I don't expect it anything to be catastrophic.

On MOTION by Mr. Wishner seconded by Ms. Leith with all in favor, accepting the proposal for the wastewater and stormwater needs analysis report for a total amount of \$8,500 was approved.

Mr. Winkeljohn: Thank you for that Josh. Item B is the prompt payment policies, and Alyssa, do you want to give an overview of why we're talking about this?

Ms. Willson: Yes, absolutely. So, you have two items related to the prompt payment policies for a meeting, one beginning on page 29 and then the following resolution. Essentially because you're a local government, you have to follow Chapter 218 of the local government prompt payment act which takes up, you have to pay for a contract by a certain period, as well as the procedures for any challenges and dispute resolution procedures. You previously approved prompt payment policies which your District manager was processing invoices and payment requests, and so there were some statutory changes during the last legislative session and we prepared an amendment to your prompt payment policies to ensure that you are compliant with the current statutory requirements. So, in that memo it

applies to contracts that are executed after July 1st, some of the differences are changes to the late payment interest charge, it has increased the 1% per interest charge and those appear in the memo, and then we have your updated resolution for adoption.

Mr. Winkeljohn: Very well, any questions for her?

Mr. Smale: Yes, I have a couple of questions, when services are performed, when is payment due, a certain number of days after receipt of invoice, or certain number of days after performance of service, I just want to make sure I understand how this works.

Mr. Winkeljohn: Right, in practicality, the accounting procedures and payment procedures are, when work is performed and the field sends by, whoever it is, approves payment, that's when our clock starts and our accounting department would process within 2 weeks, that's the A to Z, that is actually how it works.

Mr. Smale: So, is that within 2 weeks of your actual receipt of an invoice?

Mr. Winkeljohn: Of an approved invoice.

Mr. Smale: Ok.

Mr. Winkeljohn: So, that's the upstream of it, downstream, basically, we have to be very careful that we don't mistakenly wait to approve it or delay it unnecessarily as the upstream.

Mr. Smale: I first of all wanted to make sure that we're not getting the clock ticking before we actually have an approved invoice.

Mr. Winkeljohn: Right, and that's our key, in accounting procedures you always have to have multiple check points before the check is written, but the balance of action in the field is often, the contractor copies Kevin and myself, I rely on Kevin or other people in the field to say the work was done onsite, because I'm not sitting here. Then I forward it to accounting, but then my approval is that this is budgeted, this is what we intended and then the accounting has a two part approval process as well, where your staff accountant has a boss who verifies their payment portfolio. So, that's how the process works, we're always well within these guidelines and we would always react in writing, which would trigger these policies.

Mr. Smale: My next question, and I may be out of order here, because this may relate to the different topic on the agenda, I may be confusing them in my mind but, somewhere I read in here and it may be with respect to these landscaping contracts, that there is a clause for increased reimbursement based on increased costs. I have a question on that, is that

something I should be discussing later, or is it appropriate to be discussing it as part of this section?

Mr. Winkeljohn: We'll talk about that later if you don't mind.

Mr. Smale: Ok, that's fine, thank you.

Mr. Winkeljohn: Are there any other questions on the policy and approving it by resolution #2022-01, is there a motion?

On MOTION by Mr. Wishner seconded by Mr. Proctor with all in favor, Resolution #2022-01 adopting the Prompt Payment Policies and Procedures was approved.

**SIXTH ORDER OF BUSINESS**

**Ratification of:**

- A. Retention and Fee Agreement Kutak Rock LLP**
- B. Transition Correspondence with Hopping Green & Sams**
- C. Engagement Letter with Grau & Associates to perform the Audit for Fiscal Year Ending September 30, 2021**

Mr. Winkeljohn: The next item is, many of you may be aware the legal firm that we were engaged with, Hopping, Green & Sams, to put it in a short summary has gotten out of the CDD business frankly, and the firm that has the same attorneys we're used to working with is now in place called Kutak Rock, and Alyssa has supplied the documentation that follows those steps, and I believe it's in the interest of this Board to one, accept the retention and fee agreement, and authorize the transition portion with Hopping Green which officially transfers the responsibility of legal counsel.

Mr. Smale: And how do the fees compare to what we were paying?

Mr. Winkeljohn: Similar, I didn't see any differences.

Mr. Smale: Ok.

Mr. Proctor: Well, they have the knowledge of what we're doing here as well.

Mr. Winkeljohn: Right, when you talk about a principal or a partner of a firm you have a rate, and the rates go down when you have staff, and typically, I can speak that Alyssa is very careful at not misusing the right alignment of staff to solve the problem.

On MOTION by Mr. Proctor seconded by Mr. Smale with all in favor, ratifying the Retention and Fee Agreement with Kutak

Rock, LLP, and the transition correspondence with Hopping Green & Sams was approved.

Mr. Winkeljohn: And we will execute the appropriate documents. Alyssa, did you have anything you wanted to say?

Ms. Willson: No, just thank you all, we really appreciate our time working with you all as District counsel and will continue, thank you.

Mr. Winkeljohn: Then it's a pleasure to have you continue with the District in my opinion. Next is the engagement letter with Grau & Associates, this is your annual kickoff for the audit procedures by authorization to execute the engagement letter.

Mr. Wishner: So, the fee is the same as last year?

Mr. Winkeljohn: It's the same fee that was approved, so I can't remember if it was \$100 more, they have a slight increase from last time.

Mr. Wishner: And it's in the budget?

Mr. Winkeljohn: Yes, it's in the budget and it was approved by the audit selection committee.

On MOTION by Mr. Wishner seconded by Mr. Shields with all in favor, accepting the engagement letter with Grau & Associates to perform the audit for fiscal year ending September 30, 2021 was approved.

## SEVENTH ORDER OF BUSINESS

### Consideration of Berm and Veterans Maintenance Proposals with Blue Landscape Contracting Group, LLC

Mr. Winkeljohn: Alright, Kevin, can you bring us up to speed on item No. 7 which is the berm and Veteran's maintenance proposals and why we are where we are today?

Mr. Shields: Yes. So, as you know with COVID and everything, prices have gone through the roof, irrigation prices, plant prices, and the amount of work that needs to be done out there looking at their original proposal was, you wouldn't get that much done, so they had to go back and re-look at everything and re-evaluate the current pricing compared to what it was before, and they came up with a new plan, I think it's 3 or 4 proposals, 3 on the

south and 3 on the north end. So, how they did it was for every valve that was going to be replaced they were going to replace the plant material within that zone, and you can't just do all the plants, it just doesn't work out that way, you have to do it in steps. So, that's the steps they took to put this proposal together, so I totaled the south and north, and I got \$519,495 dollars, that to redo the whole thing. I thought maybe it reflected \$300,000 estimated expense.

Mr. Evans: Yes, I recall that too.

Mr. Winkeljohn: Right, it was going to be over a 5 year period, under \$195,000 a year which is the bidding threshold as well.

Mr. Evans: Kevin, my question is, why can't we do the irrigation part of this, and delay the landscaping or a portion of the landscaping?

Mr. Shields: You could.

Mr. Evans: I mean maybe it's not going to look good but, it's all by I-75, and how frequently people may look at that.

Mr. Shields: Irrigation is the big thing, because the irrigation is nonworkable right now.

Mr. Evans: It's seems more practical to do all the irrigation now, and we really don't know what the breakout is here because the way this is bid, it's hard to follow.

Mr. Shields: Right.

Mr. Evans: It's not detailed.

Mr. Shields: There is some detail.

Mr. Evans: Well, I punched out roughly starting at \$174,472, compared to \$519,495 but, there's a big chunk that's landscaping.

Mr. Shields: Right.

Mr. Smale: According to the original agreement for maintaining that berm, is there any amount of threshold of plantings or foliage that needs to be there?

Mr. Shields: As far as replacement?

Mr. Smale: At all, as far as our obligation, we have an obligation of some sort with respect to that berm, right?

Mr. Winkeljohn: Yes, so it's theoretical that the municipality or county could say you were permitted, and you had to have this landscape design which was approved, you have to be within range of that where they aren't going to say you're not, and if you trigger that



reaction from them, that's a bad thing because they could actually drag you back to the original plant type exactly, and that kind of thing. Since hurricanes, lifespan and material and there's always bad choices, that you find a better option, and so the worse case scenario is you get that reaction. So, you always want to be on the list of approved types of plants, or within range of it, and species and size, and density within a straight face test is how I would describe it.

Mr. Evans: So, you have that year of construction, it's kind of hard to plant plantings, if you will, I mean it seems like maybe we could buy a year on the landscaping or a portion of it, delay the landscaping to year 2 or 3, because you're saying it's not workable.

Mr. Shields: No, it's just that it's 20 years old, it's been out in the sun and all the drip lines dry rot.

Mr. Winkeljohn: And that would be reasonable, I could argue that easily to a municipality that, no, this is a tiered staged process.

Mr. Smale: On the other hand, I've heard complaints from people who live along that area that the noise is, and whether this is true or not I don't know, but the noise level has gone up because we lost a lot of plantings, but I don't know that's a valid complaint or not.

Ms. Leith: No, it's not valid.

Mr. Shields: You just have a few people out at the end that complained.

Mr. Wishner: Well, that's not entirely true, there's people all along the outside, all of them have been complaining, not that there's reduced foliage on the berm itself, but at the south end of the berm apparently 5, 6 7 years ago, there were a lot of trees and foliage and for some reason, maybe during a hurricane, or I don't know when or why, but that foliage disappeared, and when that foliage disappeared, the noise levels increased dramatically, and everybody noticed it.

Mr. Shields: Well, at least that's the complaints that I've heard, they're missing some buttonwoods on the south end of the berm and it's not a whole lot of plant material.

Mr. Smale: I mean you look at the south berm part 1, you've got \$20,000 worth of buttonwoods.

Mr. Shields: Right.

Mr. Smale: So, my question is, how much would the irrigation equipment cost?

Mr. Shields: It's on there, if you turn to the next page.

Mr. Smale: Well, we have 6 different proposals on here.

Mr. Winkeljohn: Well, irrigation is \$40,000 of it, it's a little less than half.

Mr. Smale: I'd like to know what it would cost to do both the south and north all at once.

Mr. Shields: Irrigation?

Mr. Smale: Yes.

Mr. Shields: We're just trying to get some plant material out there because people are complaining and they don't see the irrigation out there.

Mr. Josh: I think we did that, we followed up with the buttonwoods and then, well there's a lot of miscellaneous items in here as far as plants.

Mr. Smale: When we had the original proposals at the last meeting, and we accept it, or I don't know what we formally did, but it was something like not to exceed "X" per year for 3 years or so, why can't we use that?

Mr. Winkeljohn: We can ask them to do it that way.

Mr. Smale: When they gave us a proposal, we accepted it right?

Mr. Winkeljohn: Yes, we authorized it but, I'm just thinking of the irrigation concept.

Mr. Shields: I mean irrigation has gone up 40% since last year, so it's gone up a lot.

Mr. Wishner: I appreciate and understand your point, and normally I would take that position as well, my concern is that if we try to force them to do that, they're going to completely cheap out on materials and construction techniques, etc. and we're going to wind up with a piece of crap there that has to be replaced down the road again.

Mr. Smale: Is there an alternative to Blue for this project?

Mr. Shields: That's whatever you want, they just maintain it, that's all, and that's when you get the pointing finger thing, but it's a lot a of money, maybe we should get another bid or two.

Mr. Smale: Or at least use it as a negotiating plate of some sort.

Mr. Wishner: Right, if they're coming back to us, why can't we go back to them?

Mr. Smale: Right, you said you were going to do this for "X" amount and now it's "X" plus 40%.

Mr. Wishner: It's actually "X" plus almost 100%, because you had \$300,00 and now it's \$520,000.

Mr. Smale: I don't know if the bid we saw earlier was as specific as this with the actual plants, this is more detailed.

Mr. Shields: Well, if you look at the south, phase 1, you have \$48,000 in change for landscaping, and almost \$52,000 for irrigation, and other landscaping for \$20,200 which is the buttonwoods.

Mr. Smale: Well, with this amount of money, \$500,000 some odd dollars, I'm assuming we'll have to go to the residents and ask for an increase in maintenance.

Mr. Winkeljohn: Well, right now you've generated because of all the delays, the good news is that you have the cash to basically absorb this over a 3 year period without a change to your assessments.

Mr. Smale: Even at that \$500,000 number?

Mr. Winkeljohn: Yes, if you use the threshold of reserves that we said, but the threshold of reserves that we thought of is usually a full year of operating, you're still well over \$300,000 ahead of that in cash as of today, plus you're going to generate another savings chunk this year, and you have \$120,000 annually included in your assessments, so you can absorb this without changing the assessment, as long as we stick to the plan of the 3 year or 5 year rollout.

Mr. Smale: Then we don't have to increase.

Mr. Winkeljohn: With all things considered, right, but I think you don't have to run right away and say more assessments, if you tackle it this way, irrigation first kind of makes sense and then 8 months from now we could look at it, and if we want to do it more faster, we can bid it differently and we can look at a one time assessment, if that's what the Board wants. I think the strategy that we've all agreed to and that you've accepted was to stretch it out a little bit over time.

Mr. Shields: And let's go back a little bit, you guys are probably not aware of this but, as we do the golf course renovation in 2023, our irrigation system is going to be replaced, pipe installation and everything, the water that feeds to that berm is from the golf course, it's not from the HOA, so when that process of the golf course is being renovated, that berm won't have any irrigation water during that time.

Mr. Wishner: So, what happens then?

Mr. Shields: It might not make sense to do all that plant material until after the golf course is done.

Mr. Winkeljohn: And I'm just thinking out loud, but maybe do some minimal, bite off a state of the art irrigation purchase, do some mitigation with a few plants, and try to band-aid up the plantings until that point, and then after we start.

Mr. Wishner: I had another question in that regard then, let's say we do all of the irrigation construction, and then everything sort of stops while redoing the golf course because there's no water coming in available to the berm, are any of the materials that will have just been installed for the irrigation upgrade on the berm be subject to deterioration because it won't have water?

Mr. Shields: I would hold off on plant material until 2023.

Mr. Wishner: No, I'm asking about the irrigation structure itself, will it be harmed by not having a constant flow of water available?

Mr. Shields: No, that is only for a 3 month period.

Mr. Smale: So, Blue has for the 6 different projects description is \$390,000.

Mr. Winkeljohn: Right.

Mr. Wishner: And I want to raise that question that I asked before, I think it relates to the escalation clauses that they're asking for in here where if their materials go up further, they could pass it along, I think we should have some sort of a threshold here. I don't want them, on a \$100,000 slice of the project to say, well it went up \$150,000.

Mr. Winkeljohn: Right, we wouldn't want that risk whatsoever.

Mr. Shields: And a lot of companies are 30 days, prices are only good for so long in this business right now.

Mr. Winkeljohn: Right, I wonder almost if it is better to do the irrigation in phases so they don't run the whole thing up, assuming that's the case, the prices come at the end, you pay the premium only on the last piece.

Mr. Smale: Yes, but we have a problem, it's not functioning now.

Mr. Winkeljohn: Right, that's true.

Mr. Smale: So, the total you said for the irrigation added up to \$390,000, even if we put that off and said go ahead, do the irrigation, that's way more than we had budgeted.

Mr. Proctor: Well, Paul you thought we could do an extra \$50,000 I think back in May over and above the budget, so that would be about the \$150,000 number?

Mr. Winkeljohn: Yes, again you could dedicate about \$200,000 of your reserves, plus the \$150,000 you have in the budget, so you have that kind of money right away, I'd like it

to bridge 2 years, it would be two projects, otherwise we're back to a formal bid process as well because you've aggregated at \$300,000 and that's over the threshold, the threshold is \$195,000.

Mr. Proctor: We'll do the irrigation but what should we do, you probably haven't selected them yet but, will they be a possibility to do this work, absolutely, should we get a bid from them?

Mr. Shields: We could, yes.

Mr. Winkeljohn: Yes, there could be some economic scale there.

Mr. Shields: But I won't have that ready for probably until the first of February, I'll have everything back.

Mr. Proctor: That's not that far away.

Mr. Shields: No.

Ms. Willson: And we could work at this, I would recommend you start a formal agreement.

Mr. Winkeljohn: Yes, she would start to draft an agreement.

Ms. Willson: (inaudible comment)

Mr. Winkeljohn: Right, so say that company comes back with an alternate bid to handle our piece, we would have to have a separate agreement anyway with them which would take some time but, how many companies are you going to be looking at?

Mr. Shields: Three.

Mr. Winkeljohn: So, that's perfect.

Mr. Proctor: Yes, we might as well ask them for a bid, at least on all the irrigation, right?

Mr. Shields: Yes, I don't see why not.

Mr. Winkeljohn: So, it sounds like I'm hearing a consensus.

Mr. Proctor: About how long will this take to do this project if they did it all at once, how many months or weeks or whatever?

Mr. Shields: It would probably take them a month and a half probably.

Mr. Proctor: And they might not be able to start on it until several months now potentially.

Mr. Shields: You mean if we bid it out?

Mr. Proctor: Right.

Mr. Shields: Well, they probably wouldn't do it until they did the golf course irrigation.

Mr. Winkeljohn: And you'd do that next summer?

Mr. Shields: March, 2023.

Mr. Wishner: Is there any opportunity for cost savings on part of the contractor which hopefully would be passed on to us, by doing all the irrigation at once because they've got to bring the machinery, etc., and rather than splitting in two, and having to bring the machinery twice, etc.

Mr. Winkeljohn: Right mobilization type of stuff.

Mr. Shields: Right.

Mr. Smale: You just don't know what the cost of things are going to be if you do half of it, it might be \$20 and the next time you do it's going to be \$45.

Mr. Shields: And we've got a couple of projects that are getting delay because the developers believe that there's going to be a price depreciation in a year, because it's all fuel and current materials, and right now it's just getting the materials in that quantity. No one will even bid a project unless you agree you're starting them within 30 days, there won't even be bid on a lot of projects.

Mr. Winkeljohn: Right, I get that, but for our purposes it sounds like we might like to wait and then reconvene with another piece of information.

Mr. Smale: I'd like to get the additional quotes.

Mr. Shields: Right, I can just bid it out when we bid the golf course.

Mr. Winkeljohn: That might be more diligence on our part to look at that and then at our next meeting.

Mr. Shields: But I'd have to, whatever items they have on their bid sheet, I'd just have to do it exactly the same.

Mr. Winkeljohn: Right.

Mr. Smale: That sounds like the right way to do it.

Mr. Winkeljohn: Alright, any other questions? That brings us to the maintenance proposals, it looks like their pricing is going up there a little bit too, basically they're asking for an increase in essence.

Mr. Wishner: Can we just compare it to the budget?

Mr. Winkeljohn: Yes, it's within basically \$10,000, a little bit less than a \$10,000 change to the budget is how I measured it.

Mr. Wishner: And again, refresh my memory on this cost increase issue, are they asking for a one time definite increase to the cost of the contract, what they're paid under the contract, or are they asking for an ongoing increase?

Mr. Winkeljohn: It's an ongoing increase, and this has happened in all of my Districts, by the way, particularly that the State of Florida had wage hour law change, and that's how we dealt with it, we just adopted the impact of the cost of living in essence on all contracts that require it because of the living wage changes, because that wage change is staggered over the next 3 years, I think it's 3 or 5 years.

Mr. Wishner: Well, I can understand their costs are going up, and that they can't really absorb that and they want us to share that, I understand that, and have a certain degree of sympathy for them, but I have little sympathy for a structure whereby they can constantly come back.

Mr. Winkeljohn: Right, and in my world, most landscape contracts will have a CPI or an escalator due to fuel costs, labor costs, the things they can't control, and most contractors when, once they've gotten that learning curve of the property, they get efficient and they rarely ask for those adjustments, and most of them will go 5 or 6 years without 1 penny change because they get more efficient at it. This is a situation where the external environment is forcing it on them and BrightView, Juniper, the two bigger contractors that I have contracts with have all done this exact same thing.

Mr. Wishner: So, how do we control this because I don't want to give them carte blanche?

Mr. Winkeljohn: Well, we can talk with Alyssa to make sure that the contractor we actually sign accomplishes your goal, I agree with it. I deal with it more on a relational business where they know the temperature of the water, the Board said this, and that's kind of what they're used to asking me because I have a closer relationship with them. Kevin can speak to this contractor better than I can but, they typically know not to ask unless they absolutely have to, or they know you'll bid it out pretty quickly because it is a very competitive environment, that's my observation.

Mr. Smale: I'm looking for the language, but it says this contract may be subject to future fuel sir charges, is there anything else?

Mr. Winkeljohn: It's typically just fuel.

Mr. Smale: And fuel is relatively easy to monitor.

Mr. Winkeljohn: Right, there's ways you can follow it if you wanted to.

Mr. Smale: So, we can call them on it if gas stays at \$3.50 a gallon.

Mr. Winkeljohn: Right, and we know what the state law says now on wage hour, it's already been pushed out, so there shouldn't be a surprise.

Mr. Proctor: Paul, I printed out the 2022 adopted budget, can you just compare what's in this budget line item to the proposal?

Mr. Winkeljohn: Yes, so in your books you also have what is the 2022 budget in the financials, the last column on your financials, it looks like this on page 2 of your financials which is just after tab B. So, the left column is the adopted budget, and like I said you have a \$500,000 a year assessment, and just to kind of go backwards a little bit, your cash balance at the beginning of the year is \$700,000, so that's where I had that \$500,000 plus \$200,000 math in my head when I speak out loud. As you go down to the field, you'll see there are two landscape lines, one is Veterans and the other one is I-75 berm. In addition to those are the plant replacement line, so in theory you can aggregate those lines, so you have \$131,000 plus \$10,000, you have \$78,000 plus \$15,000, plus we also break out pine straw which is basically mulch here, and I won't go any further but, those lines added together, they're still above.

Mr. Proctor: They're way above.

Mr. Winkeljohn: So, these are what I call place keepers.

Mr. Proctor: So, the berms are the \$141,300 versus this contract proposal of \$81,796 for Veterans, correct?

Mr. Winkeljohn: So, Veterans was \$131,300 plus \$10,000 so it's \$141,000.

Mr. Wishner: Is the variance there primarily timing or what, I mean we're at \$22,000 versus \$131,000?

Mr. Winkeljohn: I'm not sure exactly, I'd have to look at the invoice, I couldn't answer right away.

Mr. Wishner: I was confused when I read this budget because there's no way to understand how much of these are absolute savings versus just timing issues.

Mr. Winkeljohn: The financials you mean?

Mr. Wishner: Yes.

Mr. Smale: I don't why we go from a proposal of \$81,000 in change to the \$131,000 number?



Mr. Winkeljohn: There's two proposals, the \$81,000 compares to the \$78,000 budget line so it's a \$3,000 increase.

Mr. Smale: So, this one, where's the \$81,000?

Mr. Winkeljohn: They're labeled, one is \$75,000 and one is the Veterans.

Mr. Smale: Right.

Mr. Shields: Maybe it's just how they're identified here, you have \$81,000 for Veterans, but in your budget you have \$131,000.

Mr. Winkeljohn: Yes, I think the labels might be swapped, I saw the numbers I didn't know which one it was, so I appreciate what you're saying, but if you take them both together, the two line items absorb it, and I'll check the label.

Mr. Shields: So, it's \$5,000 higher for the berm, compared to the budget.

Mr. Winkeljohn: Yes, thanks for catching that. Does that bring it to a level of comfort?

Mr. Shields: Yes, we just have to change that.

Mr. Winkeljohn: Right, I'll get that.

Mr. Wishner: But I'd still like to understand over time how we track true variances versus timing issues.

Mr. Winkeljohn: Ok, typically November financials are virtually useless because it's the first of the month year basically, or two months of the year. What we always end up doing is the 2023 proposed budget will come into play and then those will tighten up, and I'll make sure those are right in line and if there's any variances, I'll have a schedule so that we can know that answer before we start thinking for next year.

Mr. Wishner: Ok, thank you.

Mr. Shields: So, Veteran's increase is roughly \$12,000, plus the berm increase is about \$5,000, so percentage-wise, Veterans is a bigger increase.

Mr. Winkeljohn: Kevin, do you think, and their proposal is really like an annual renewal, do you think back to the other sentiment that we might have some more insurance that these prices could be held? Do you think they'd be amenable to something like that, like a 5 year type of thing?

Mr. Shields: I'm sure it will.

Mr. Winkeljohn: So, what I might ask is that the Board authorize this proposal with staff bringing back for ratification a final agreement and we can negotiate a little bit some of those terms perhaps.

Mr. Smale: And we're talking about the landscaping now.

Mr. Winkeljohn: Yes.

Mr. Smale: So, what you're saying is we give them a 3 or 5 year contract.

Mr. Winkeljohn: Right and see if we can protect ourselves from future increases.

Mr. Smale: I think Veterans is too high, their increase is excessive.

Mr. Winkeljohn: Ok.

Mr. Wishner: I agree with that actually.

Mr. Winkeljohn: Alright, so you want to table this?

Mr. Wishner: Well, I don't mind seeing if we can negotiate a multi-year fixed rate contract, but they have to sharpen their pencil particularly on Veterans, and see what they come back with, it can't hurt to try to go down that road, we're not authorizing approval of anything yet, we're authorizing an attempt to that approach.

Mr. Winkeljohn: Right, the next step, and that's a bullet in the gun, just as you said it, so I appreciate that. Do you feel ok with that?

Mr. Shields: Yes.

Mr. Winkeljohn: So, we can put that negotiator hat on.

Mr. Shields: And we have to do it pretty quick, but they're still servicing everything.

Mr. Winkeljohn: Right, so we're going to meet next month then, it sounds like anyway, so that gives us time to get on the phone with them and give them the sentiments of this Board and hopefully they react favorably.

Mr. Wishner: I'm ok with that.

Mr. Shields: The other proposal was dated December 14th.

Mr. Winkeljohn: Right, and the risks aside, I think it's the right thing, so we can handle that one.

## **EIGHTH ORDER OF BUSINESS**

### **Ratification of:**

- A. Estimate #8191 with Crosscreek Environmental, Inc.**
- B. Estimate #8193 with Crosscreek Environmental, Inc.**
- C. Estimate #8196 with Crosscreek Environmental, Inc.**

Mr. Winkeljohn: Moving on, did you want to talk about the Crosscreek Environmental?

Mr. Shields: Yes, our lake company went out of business, DBI, and they kind of all parted ways, so we were kind of winging it for a little bit. They kind of reformed I guess to a

new company and in the meantime, all the employees that were with DeAngelo Brothers that were working on the property here, went to Creekcreek and they just sent us proposals if we'd like to have them do our maintenance on the lakes.

Mr. Wishner: And how do those proposals compare to the year before?

Mr. Shields: They're actually a little bit better.

Mr. Wishner: And these should be the same people who already do our lakes?

Mr. Shields: Yes.

Mr. Winkeljohn: Right, and we have \$35,800 budgeted and he's at \$28,000.

Mr. Shields: I added up their proposals, it's \$32,416.

Mr. Winkeljohn: So, they're below budget. Are there any objections? Is there a motion to authorize execution in a form agreeable to our attorney?

On MOTION by Mr. Proctor seconded by Mr. Wishner with all in favor, accepting estimates #8191, #8193 and #8196 with Crosscreek Environmental, Inc. for a total amount of \$32,416 and authorizing District counsel to prepare an agreement was approved.

## **NINTH ORDER OF BUSINESS**

### **Staff Reports**

Mr. Winkeljohn: That brings us to staff reports, Alyssa, how are things in the legal world for us, all well?

#### **A. Attorney**

Ms. Willson: Yes, things are all wonderful. I did receive some correspondence from the active developer in your community yesterday, and I will disseminate this to you all regarding the development of the parcel next to you.

Mr. Wishner: Is that going to be a topic we discuss today?

Mr. Winkeljohn: Yes, right now.

Mr. Wishner: Ok, perfect.

Mr. Winkeljohn: Let's tackle it, she brought it up right on time.

Ms. Willson: Can I just get the to update first of all, and there's no Board action required today but, I thought since you all brought it up at the last meeting, if we received an update that we wanted to get this before you as soon as possible.

Mr. Wishner: My first question to you is regarding the lake on that property, they are proposing or suggesting a structure whereby they get to reclaim, it looks about a third of that lake, and my question to you is are they able to do that, are they legally allowed to do that, can we protect that lake to avoid any of it being taken, where do we stand with that issue?

Mr. Winkeljohn: Right, and Alyssa, if you don't mind me being traffic cop on this conversation, my first reaction to that question is our engineer and our responsibility as a stormwater District would be, how does that lake fit in our original proposal or approval of the easement conveyance that said this, that the South Florida Water Management permit would test them how much they can change the lake, we would evaluate with our analysis actually whether it's necessary for us. It's not part of our system currently.

Mr. Evans: Well, it kind of is, the entry road drains into it but, it is on the end of the system so it doesn't really have an affect of what's going downstream. One of the things that I want to verify or will verify for the next meeting is that, you have problems where you have to get a permit for so much lake, and all your vertical elevations are based on that amount of lake, and it's very common that you would build more lake than what's in the program. If that's the case, we always do that to build in opportunities like the other property that I work on. That's why I asked who the engineer was, and the engineer was a guy that used to work for me for about 10 years so, I feel pretty confident that he knows that process pretty well. So, I'm just going to verify with him that he gets the proper permits with South Florida Water Management District because that permit would have to do an analysis to make sure there was excess capacity and by filling that little bit of lake, you're not having any adverse impacts to anything else that we're doing. And our inshore is relatively high and I don't think it would generate any flooding but, that would be my concern is to verify that because we're taking storage away, we're not creating a higher tailwater, or water elevation in that lake that would cause your inshore to flood.

Mr. Winkeljohn: So, the first answer I think to summarize it for everybody is, there is the regional authorities, check in the box, South Florida Water Management has an approval permit process, we have our known permits and they can't violate that, so the lake is always under that restraint. Also, just to add to that, there looks like a retention area too, or is that just a huge sand trap for practicing?

Mr. Evans: That's the old one.

Mr. Winkeljohn: Ok, I just wondered if it was a dry retention also because it looks like it could be.

Mr. Evans: No.

Mr. Smale: So, as we discussed earlier, I was under the mistaken impression that the CDD owned all the lakes, and we don't own that lake.

Mr. Winkeljohn: Not yet, no.

Mr. Smale: Ok.

Mr. Wishner: I thought there was two.

Mr. Evans: There was one that was held out for probably this exact reason.

Mr. Winkeljohn: But we do have the control of being the operator.

Mr. Evans: There's only two lakes on that, this lake and the lake #12, there are only two lakes, they're not tied into the other lakes, south of the property.

Mr. Smale: Ok, so this, whatever happens in this lake, is only going to affect #12?

Mr. Evans: Right.

Mr. Wishner: So, how do we protect the lake, and how do we assure ourselves and the community that we're not going to wind up in a situation where there is unattended inadvertently and unexpected flooding that results from whatever happens here?

Mr. Evans: What I'm going to do is I'm going to review, I'm going to obtain from Jeremy, it's called an ICPR that I'm going to get this data, and I'm also going to check it myself, and then I'm also going to verify that they got the property permits from South Florida Water Management District where they would have to do that analysis, that's the first step that they would have had to do in order to get the permits, to show there's no adverse affects and my suspicion is there was that excess capacity built into the system, they're using some of that but, I have to verify that.

Mr. Wishner: Ok.

Mr. Winkeljohn: So, that would be step one.

Mr. Smale: So, assuming that everything that the developer has done was done correctly, there's nothing that the CDD can do to stop them from filling in that lake?

Mr. Winkeljohn: Well, changing it.

Mr. Smale: Right, changing it.

Mr. Winkeljohn: So, the reconfiguration is, as Josh mentioned, is not unanticipated when this parcel was part of the program, it's not unusual. So, as it gets reconfigured, we

one, have a capacity check in the box that we get to verify, but we also can dictate the shape of it a little bit, particularly the lake bank and materials used because they will want to give it to us I believe, so we'll have that acceptance procedure to say yes or no, and it will be in the design format at the beginning, and I think we're in the process and at the table.

Mr. Wishner: Well, it's not a large lake to begin with, and when you look at this, you really think through the scale, they're really kind of changing it from a lake to a small retention pond and I think, it may wind up looking quite unsightly as compared to everything else in the community.

Mr. Winkeljohn: And it's unlined?

Mr. Shields: It is, well they had problems to do watering, so they put the Bentonite and the HTP blanket in there.

Mr. Evans: So, that's the other thing is to verify that when they modify it, that they maintain the lining, so it is lined.

Mr. Shields: And it's got the blanket.

Mr. Evans: And you can't have it less than a half acre, so it's getting kind of small.

Mr. Wishner: How big is it now?

Mr. Evans: I don't know, I don't have my area map here.

Mr. Winkeljohn: Is it scale on the drawing?

Mr. Evans: Yes.

Mr. Shields: It might tell you on there.

Mr. Evans: I'll be able to check it.

Mr. Winkeljohn: But I think the message from the Board is for the engineer to answer those questions.

Mr. Evans: It's definitely more than a half acre, they're taking about a third of it away, so it still meets the half acre minimum criteria.

Mr. Smale: So, the message for us to carry back to residents when this starts going on is, the CDD Board doesn't own that lake, we don't have the ability to stop them from filling it in as long as they comply with everything from the South Florida Water Management District.

Mr. Winkeljohn: And the needs of the drainage systems.

Mr. Smale: Right, so really, we can't stop this if they're doing it right.

Mr. Evans: Yes, if they're doing it right.

Mr. Wishner: But we're analyzing to make sure they do it.

Mr. Evans: That's correct.

Mr. Winkeljohn: Right, and I'm sensing a forward lean on all design elements, not just volume, but the slope and obviously below a half acre is a nonstarter, but I just want to lean as hard as possible that it looks nice.

Mr. Evans: The lining is an aesthetic thing that was done by the developer to make it aesthetically more pleasing, it's not a requirement. Is there any obligation to this project to have it lined?

Mr. Winkeljohn: Well, my gut reaction right away is the things that you don't experience here because of the liner are really important here.

Mr. Evans: Because what I wouldn't want to occur is, you to obtain the lake, it not be lined, and then those residents be part of the CDD and they say, what did you do to line it, and why is everyone else's lined and we're not, so I'd suggest it.

Mr. Wishner: Exactly, the aesthetics is the first thing you see.

Mr. Proctor: Well, they eventually will want to convey the lake to the CDD, right, so can we say we're not going to accept this lake unless it's lined or other conditions?

Mr. Winkeljohn: We can try.

Mr. Shields: I think they plan on doing it, don't worry.

Mr. Winkeljohn: Right, but typically we're in this little narrow authority of the engineering.

Mr. Evans: So, let me dig into it.

Mr. Winkeljohn: It would not be, I mean I'd like to hear Alyssa's experience in this but, I've been successful in these last piece turnovers by using the standard that it has to meet or exceed every other lake.

Mr. Proctor: Right, that's good logic.

Mr. Evans: There's not a structure between that lake and the lake lined next to it, the lake that's unlined will actually drain the other lakes that we have lined.

Mr. Shields: It's separate from the other lakes.

Mr. Evans: Yes, but I mean this one is not, it's connected.

Mr. Shield: Right, it's connected.

Mr. Evans: But that could be our argument to ask them to make sure that it's lined is that if it's not lined, it's connected to our lined system which that would essentially drain our system and there would be a big hole, it would be cut even deeper.

Mr. Winkeljohn: Right.

Mr. Wishner: And I don't even know if it's relative to the conversation that we had but again, can we also insist on having approval input to any plantings?

Mr. Winkeljohn: For two reasons, our authority would be the plantings for protecting the bank, so yes, and sort of the overall buffer of the community that the District is not typically, we have our buffers outside the community, but internal may be partnered, so yes, but I don't know exactly how to position all the landscaping but, anything related to the lake absolutely, without a doubt, we don't own anything outside of that buffer I don't think.

Mr. Evans: I have a question for Alyssa, I was interested in your comment in your email today where you said that, doesn't all the construction traffic go through Livingston unless the county requires an emergency entrance on the north side. What do you think that's going to shake out?

Mr. Willson: I'm sorry, I was having a little trouble hearing, Paul could you possibly repeat the question?

Mr. Winkeljohn: Yes, so in your email that we circulated, you mentioned that there's a possibility that there's an emergency exit required and the construction flow of traffic still is undetermined or may not be desirable?

Mr. Evans: But it's supposed to go to the main entrance.

Mr. Winkeljohn: How do you think that will play out?

Ms. Willson: I honestly have no idea, I copied and pasted the communication directly from the developer so I don't have any more details on that, I can ask though.

Mr. Wishner: There is a like a road there, and can we insist that the construction traffic comes through there?

Mr. Shields: You can't off of Livingston because you don't have the turning room there, you could do it as an exit, but not an entry.

Mr. Wishner: That's going to completely clog the main entrance, it's going to be hard.

Mr. Shields: I think they'd come through the back gate.

Mr. Wishner: Great, more heavy trucks coming through the entire community.



Mr. Winkeljohn: Right, I'm not sure which one is worse, dragging them through the whole community or just the entrance area.

Mr. Shields: Well, at least exit this only one time versus two.

Mr. Winkeljohn: Right, ok, and who is our point of contact for this project, do we know?

Ms. Willson: The communication brought up Kitson's general counsel.

Mr. Winkeljohn: Ok, I thought Kitson kicked this one off to somebody else though, the sub?

Ms. Willson: You mean like a builder with the community?

Mr. Winkeljohn: Right, and do we know who that builder is, do you think it's Lennar?

Ms. Willson: I would have to find that out.

Mr. Winkeljohn: I can ask Teri.

Ms. Willson: Ok.

Mr. Smale: I have another question about the project here, it looks like there's 5 relatively long either driveways or entries that connect to Fair Grove? For some reason, and I don't know why it goes back, I was under the impression that the entry to this project would be coming through the main gate, and taking that little road which currently goes to the sale center road, then having all the traffic flow for those units go down Fair Grove, is there anything we can do to change that traffic flow?

Ms. Leith: Well, I think from experience, the entrance being behind the gate, or inside the gate is the reason, if it's not inside the gate, this entry road over here.

Mr. Winkeljohn: It sounds like we can get some answers.

Mr. Smale: Well, that would be, or rather than have 5 access points from Fair Grove Lane, could you take the traffic in the gate and then have one road that goes inside this project so that there's not 5 encroachments on Fair Grove Lane.

Ms. Leith: I don't know that there is, this is the design or will end up being the design at this point too, depending on the developer, so I'm sure there will be lots of discussion on it.

Mr. Winkeljohn: So, what I might recommend is, this is fairly preliminary, so on behalf of the Board either myself, or Alyssa, send a response with the lake discussion, with the perimeter access discussion that this Board is very interested in being a partner and participating, and just leave it there and just try to stay at the table.

Mr. Smale: Sounds good to me.

Mr. Evans: And if they needed more lake, they could pull these units closer, and it would create room for extra lake.

Mr. Wishner: Exactly.

Mr. Evans: I'm not sure why they have them set back so far.

Mr. Winkeljohn: So, you agree with that, just sending a staff review of this discussion and just keeping our dialogue open?

Mr. Proctor: I like that.

Mr. Evans: Yes.

Mr. Winkeljohn: Ok, and we'll keep in on the agenda until we're happy or it's built, one of the two.

Mr. Evans: I'll report back next meeting on the water management.

Mr. Winkeljohn: Alright, we'll do that Alyssa. What else did you have for our friends?

Ms. Willson: That was everything I had today.

Mr. Winkeljohn: Alright, thank you very much.

Mr. Shields: Paul, you promised us a chart of the lakes last May, you said that you used to have a bigger version, you condensed it for presentation, so I copied this out of this, and it's a little bit clearer.

Mr. Winkeljohn: Yes, we want to do a map.

Mr. Evans: I'll also resend out the link of the storm map where you can turn on the lakes.

Mr. Shields: it's not on the website, I looked.

Mr. Evans: The GIS map.

Mr. Winkeljohn: I put it up there, but I'll be happy to double check it, it's on there.

Mr. Evans: Well, what would be helpful for us and Kevin and I already looked at this, but it would be good to have a point of reference.

Mr. Winkeljohn: Agreed.

Mr. Evans: And I have one other topic I wanted to bring up.

## **B. Engineer**

Mr. Winkeljohn: We're under engineer, so go ahead.

Mr. Evans: So, we did our annual lake bank inspection, and last year I don't think there was anything on there. This year there were a couple of items to be fixed, most all of them are along the golf course, and I sent them to Kevin, and he said well, we're doing that, but the golf course renovation had 23, and I don't know if it makes sense to repair these small areas. So, I went through it and looked at it and I said, well, what areas are not on the golf course and there was just 2, and just to show you what those look like, they're just a little bit steeper, but they have littorals in front of them. This area just had some exposed liner, somebody can throw some sod on it.

Mr. Shields: I'll show you where that is, that's on the golf course.

Mr. Evans: That's probably already fixed, yes, it's on the golf course too, that's right. So, I totally agree, I see no reason to make that a project.

Mr. Wishner: Along the main bridge, I guess it's at the north end of the bridge, there's a rather large field of littoral grasses there, and though the water level in that main pond after the waterfalls, is better than it was, but it still looks like it's lower than it might have typically been in the past.

Mr. Evans: It still goes up and down with the wet season and the dry season because you have evaporation.

Mr. Shields: That's there because there's those intakes for the water feature of the bridge, they had to run them so far out in the middle of the lake, and that lake is not real deep I guess, but they were on top of the ground, so they planted all those littorals to cover up the pipe from looking at a pipe there.

Mr. Wishner: Ok.

Mr. Evans: And I'm giving this to you because we created it and you paid for it, so I wanted to make sure you had it in hand, but these are just the exhibits that were associated with that 60 page document that we created.

Mr. Winkeljohn: And just a side note, is that the type of chart you're looking for the lakes if we label it?

Mr. Shield: Yes, they're all labeled.

Mr. Winkeljohn: Is that kind of what you're shooting at?

Mr. Evans: Yes, and I anticipated your question and had this exhibit made this morning. So just so you can see what it is, if you flip in a page or two, yellow areas on the lake are areas that we see just a little bit of erosion where we want to make sure we focus

on that next year, and red is an area in the absence of a future golf course irrigation we would repair. Then in my report that I'm not going to give you yet, but I can give it to you digitally where you can put it on the website, we take photos, and everywhere you see a number there's a photo documenting that, so I just wanted you to know what we created, and how we utilize it.

Mr. Winkeljohn: And if you use our website, the whole GIS system is right there, so you can click on the full map.

*(At this point several people were talking at one time, and no one conversation could be heard)*

Mr. Wishner: And can I ask one other question, there seems to be constant work down on the pump to the right of the lake between #3 and #4, and to the right of the fairway in #1, that pump area it seems to be under constant repair, what's going on with that?

Mr. Evans: I have no idea, is that the irrigation pump?

Mr. Shields: No, that's a water feature pump.

Mr. Evans: So, that's not part of the water management system, so I'm not sure, it's something aesthetic I know.

Mr. Wishner: So, what's going on with that?

Mr. Shields: The pump is going bad, and right now I'm just waiting on the parts.

Mr. Winkeljohn: So, can we add the golf hole numbering?

Mr. Evans: Sure. The only other thing I had is, I wanted to ask someone, one of the things for the State Statute stormwater thing we have to create, I spent a lot of time to create the GIS map and I put the pipe locations everywhere they were but, at that time it wasn't necessary for put the pipe sizes, so my presumption is when they did the HOA turnover, they probably handed off a disk with all the record drawings on it, that would be very typical, I don't know if anyone remembers that.

Mr. Winkeljohn: It's still happening.

Mr. Evans: Alright, because I tried to get it from them before, and they haven't been very helpful.

Mr. Shields: I have Mike's old plans.

Mr. Evans: Ok, well whatever you have would be great because it helps me, I have to print a document on inventory, and I need plans to do that.

Mr. Shield: Ok, I can send them to you.

Mr. Evans: Ok.

Ms. Leith: If you don't get what you need, let me know and then we'll figure it out.

Mr. Evans: Perfect, thanks.

Mr. Winkeljohn: The engineer report, any other questions for him, he has sort of overwhelmed us today.

Mr. Evans: Just one thing, we do the budget or plan to put that clean out, when we added the construction on the golf course.

Mr. Shields: Ok, I can give you the budget.

Mr. Evans: Perfect.

Mr. Winkeljohn: Alright, any other questions?

Mr. Proctor: Our focal point here, the berm and Veterans and the lakes, I've had some residents ask about, are concerned about the seawalls, particularly because of the heavy traffic and so forth but, also the golf course, so they're wondering if the CDD is going to do any type of engineering assessment on the seawalls as we approach the transition at some point.

Mr. Evans: I don't know that the CDD would, but I have to think or what typically occurs is the HOA will hire an engineer that looks for problems.

Mr. Wishner: Well, the HOA has hired an engineer, but they are focusing on HOA properties, or assets, and the seawalls are CDD, so we really would like to have those evaluated to make sure that all the construction that's gone on hasn't resulted in any damage to the walls that have been constructed.

Mr. Evans: That would be a structural engineer, and that's not what I do, but I could make some recommendations.

Mr. Winkeljohn: You could as our engineer, just pass them through.

Mr. Evans: I could yes, so if you like that, I could get a proposal from a structural engineer to do just an inspection of their seawalls or retaining walls.

Mr. Proctor: Does the CDD own every seawall?

Mr. Winkeljohn: Originally those upgrades and Alyssa if my memory is wrong, please correct me, but I recall we added the term bulkhead improvements.

Mr. Proctor: Yes, I remember bulkhead, so for example, does that include the seawall that's in front of hole #12 or is golf course property?

Mr. Winkeljohn: I remember it being dealt with, I just can't say with certainty.

Mr. Shields: It's structurally up to control, I believe.

Mr. Wishner: I'm sorry structurally what?

Mr. Shield: Up to control of it.

Mr. Winkeljohn: So, the higher the water, so above that is either golf course or HOA if I recall.

Mr. Proctor: Well, that makes everything real interesting.

Mr. Winkeljohn: Yes, really easy, and Alyssa, am I right, do you remember that document?

Ms. Willson: We had a tri-party agreement which indicates who's responsible to maintain what, but I'll have to review that.

Mr. Proctor: Well, before we commission an engineer, we get a price or whatever, let's find out what we're responsible for.

Mr. Winkeljohn: Yes, and I shared that with the transition committee, that tri-party document and I'm starting to remember that they knew what was theirs, but it's good for all of us to keep an eye on it.

Mr. Wishner: We like to make sure we're clear on what's ours.

Mr. Winkeljohn: Absolutely.

Mr. Proctor: And that ours is structurally sound and we don't need to add more to the reserves to take care of that 3 years from now, 5 years from now.

Mr. Wishner: And to your point, in addition to that, I'd like to make sure that we understand that if there is, or there has been any damage to that bulkhead or seawall or whatever we're going to call it, it's not just a question of reserves, it's a question of going after Seagate or whoever had been doing that construction to be responsible for those repairs.

Mr. Proctor: Well, if we assume the repairs are above our water line, then it becomes a HOA issue, is that correct?

Mr. Winkeljohn: I'll circulate the documents and we'll take a close look at it and make we're all understanding it.

Mr. Evans: And the document I'll need in order to determine which ones we own so I can get a price from the structural engineer.

Mr. Proctor: Well, the CDD is not going to be done with that project before the turnover happens at the rate they're going.

Mr. Wishner: Which is why I was asking if we want to actually have that report and evaluation done now, or if we want to wait until they're substantially complete, but we can do a preliminary now and then have it refreshed to finalize it.

Mr. Proctor: Well, the latest update we got was the turnover is probably going to happen the latter part of this year.

Mr. Wishner: Well, this would accelerate it.

Ms. Leith: Yes, that would close later this year.

Mr. Winkeljohn: And we're pretty sure they were built to normal standards, it's just what has happened since.

**C. Manager**

Mr. Winkeljohn: Under manager's report, I did want to bring you up to speed that my staff and Christine are still working on the crosswalk between the traditional names that are in the budget in the assessment roll, and the modern marketing names that you all live with every day, so we're going to have that chart somehow to the best of our ability in the 2023 budget, so I just wanted you to know that I haven't forgot about that. I have it, I just don't know how good it is yet, we have to test it and figure it out. So, look for a February meeting, I know you guys travel a little bit.

Mr. Proctor: We talked about lot width back in May, and was uncertain which communities had certain widths and you were going to try to put something together.

Mr. Winkeljohn: Yes, the names and in the District world would be the folios, so I have that, I've gotten a big step forward on it, but it's not public ready yet.

Mr. Proctor: Ok.

Mr. Winkeljohn: Because the methodology is the master document that governs the assessments and that language gets lost as things get renamed and reconfigured, and reassessed, and trued up, and then the magic that a developer can do is they can just write a check, and make them different, and then they sort of lose the logic pretty fast that way, and that definitely happened here, so it may not be a perfectly linear chart but we'll do our best.

**TENTH ORDER OF BUSINESS**

**Financial Reports**

**A. Approval of Check Register**

**B. Balance Sheet and Income Statement**

Mr. Winkeljohn: Moving on to your financial reports, we sort of touched on the financials a little bit before, it's early in the year but we're tracking nicely. Revenues started coming in already in November which is really shocking, usually you get the bulk of it this week, so it's all good. Is there a motion to accept the financial reports as a record of today's meeting?

On MOTION by Mr. Proctor seconded by Mr. Smale with all in favor, the Check Register and the Balance Sheet and Income Statement were approved.

**ELEVENTH ORDER OF BUSINESS      Supervisors Requests**

Mr. Winkeljohn: Are there any other items?

Mr. Smale: I have something that would help in terms of clarification. On the Board seats that are listed the agenda, could you just add when each Board seat expires?

Mr. Winkeljohn: The years?

Mr. Smale: Yes, because they all expire October 31st of some year, correct?

Mr. Winkeljohn: Either 2022, or the 2024.

Mr. Smale: Ok, so that we know who is expiring soon.

Mr. Winkeljohn: Well, backing up a little bit, all of your seats are with the exception of Sheila's seat, are technically resident seats, so they should have been elected, when somebody didn't run, we have what's called a holdover, and Kevin is in technically a holdover seat so he should be occupied by a resident but, there was nobody who ran so he's stayed in his seat. Shelia is in the last landowner's seat, in 2022 her seat goes on the ballot with the following seats, with the seat that Kevin is already in and your seat, are the 3 that will be on the ballot, so Sheila's, yours and Kevin's will be 3 seats on the ballot in November 2022. In 2024, it will be Mr. Proctor, and Mr. Wishner's seats. You know I actually like that request because if I could do that in all my Districts it would be helpful, but we'll give it a shot.

Mr. Smale: And as I recall, Kevin would just assume to be replaced, I think you expressed some sentiment that's what you would do.

Mr. Shields: I'll do it, yes.

Mr. Winkeljohn: Any other items?

**TWELVTH ORDER OF BUSINESS**

**Adjournment**

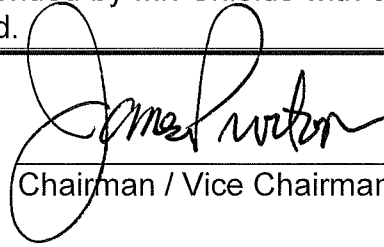


Mr. Winkeljohn: Is there a motion to adjourn?

On MOTION by Mr. Proctor seconded by Mr. Shields with all in favor, the meeting was adjourned.



Secretary / Assistant Secretary



Chairman / Vice Chairman