

MINUTES OF MEETING

*Babcock Ranch Community Independent Special District
Board of Supervisors' Meeting
Thursday, February 23, 2017 at 1:00 p.m.
14740 SR 31, Punta Gorda FL, 33982*

Present and constituting a quorum:

Gary Nelson	Board Member
Elizabeth Andres	Board Member
Bill Vander May	Board Member

Also present were:

Jill Burns	Fishkind & Associates	
Johnathan Johnson	Hopping Green & Sams	
Erica Woods	Kitson & Partners	
John Broderick	Kitson & Partners	
Kathy Valentine	Kitson & Partners	
Gail Maltese	Kitson & Partners	
Jerry Evans	CCMC	
Jennifer Walden	Fishkind & Associates	(via phone)
Alyssa Willson	Hopping Green & Sams	(via phone)
Steve Roy	McLin Burnsed	(via phone)
Amy Wicks	Kimley Horn	(via phone)

FIRST ORDER OF BUSINESS

Call to Order

The meeting was called to order at 1:00 p.m. and Ms. Burns proceeded with roll call. Board Members Gary Nelson, Elizabeth Andres, and Bill Vander May were present, constituting a quorum.

SECOND ORDER OF BUSINESS

Organizational Matters

Public Comment Period

There were no public comments at this time.

Filling Vacancy in Seat 3 and Swearing in Newly Appointed Supervisor

At the last meeting the District received a letter of resignation from Mr. Acosta, which left a vacancy on the Board. Ms. Burns requested nominations from the Board Members to fill that vacant seat.

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board nominated Ms. Kathy Valentine to fill the vacancy in Seat 3.

Ms. Burns administered the Oath of Office to Ms. Valentine.

**Consideration of Resignation
Letter from Theresa Jurca and
Naming a Replacement Supervisor**

The District received a letter of resignation from Ms. Jurca. Ms. Burns requested a motion to accept her resignation.

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board accepted Ms. Jurca's Letter of Resignation.

Ms. Burns requested nominations from the Board Members to fill Seat 5.

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board nominated Ms. Gail Maltese to fill the vacancy in Seat 5.

Ms. Burns administered the Oath of Office to Ms. Maltese.

Mr. Johnson explained the Sunshine Law to the new Board Members and he also explained public records law to them as well. Both new Board Members were given a financial disclosure form which they need to file within 30 days with the Supervisor of Elections in the County in which they reside.

**Consideration of the Minutes of the
January 26, 2017 Board of
Supervisors' Meeting**

The Board reviewed the minutes of the January 26, 2017 Board of Supervisors' Meeting. Ms. Willson provided edits.

On MOTION by Ms. Andres, seconded by Mr. Vander May, with all in favor, the Board approved the minutes of the January 26, 2017 Board of Supervisors' Meeting, as amended.

**Consideration of the Minutes of the
January 26, 2017 Auditor Selection
Committee Meeting**

The Board reviewed the minutes of the January 26, 2017 Auditor Selection Committee Meeting.

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board approved the minutes of the January 26, 2017 Auditor Selection Committee Meeting, as presented.

THIRD ORDER OF BUSINESS

Business Matters

Ms. Burns requested a motion from the Board to skip to Resolution 2017-12.

On MOTION by Mr. Nelson, seconded by Ms. Andres, with all in favor, the Board approved moving down the agenda to Resolution 2017-12.

**Consideration of Resolution 2017-
12, Provisions of Waste Collection
Services**

Mr. Roy explained that this resolution is to adopt an Interlocal Agreement between Charlotte County, Charlotte County Sanitation, and Babcock Ranch ISD. The purpose is to get Charlotte County to pass a resolution deleting from the portion of the Charlotte County Sanitation unit that lies within the Babcock Ranch ISD. Ms. Woods noted that the County is currently reviewing this Interlocal Agreement and is hoping to have it on the

March 14, 2017 County Commission Agenda. Ms. Burns requested a motion to approve Resolution 2017-12.

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board approved Resolution 2017-12, Provisions of Waste Collection Services.

Consideration of Cost Share Agreement with FPL

Ms. Burns explained that this relates to the Owl Creek substation that is going to require some modifications to permits and this agreement will outline who is responsible for those payments. According to the agreement, FPL will pay the District \$152,000 for costs associated with the obtaining the permit modifications. Mr. Johnson recommended approval by motion. Ms. Burns asked if the District Accountant should track this separately from the O&M funds and the Board confirmed. Mr. Johnson answered Board questions. Ms. Burns requested a motion to approve the Cost Share Agreement with FPL.

On MOTION by Ms. Andres, seconded by Mr. Vander May, with all in favor, the Board approved the Cost Share Agreement with FPL.

Ms. Andres asked Ms. Burns if she was filling the date in on page 2. Mr. Johnson said that it is what he is negotiating right now and asked to report back to the Board once he knows what that date is.

Consideration of Security Services Agreement

Ms. Burns explained that this agreement is with Ramco Protective of Orlando and noted that Exhibit A is an outline of the cost as well as the scope of services and Exhibit B depicts the map area that this agreement covers. Mr. Evans alerted the Board that he has been soliciting RFPs for a competing company and he is not sure how long the District is going to stay with Ramco, but still recommends the approval of the contract even if the District has to terminate. Ms. Burns noted that on Exhibit A there are taxes included in this and the District is tax exempt. Staff will reach out to Ramco for a new proposal, removing the taxes. The contract is an annual contract to run from March 1, 2017 through February 28, 2018. Ms. Burns requested a motion to approve this agreement, pending the removal of the tax. Ms. Andres had several comments on this contract and all her questions were answered.

On MOTION by Ms. Andres, seconded by Mr. Vander May, with all in favor, the Board approved The Security Services Agreement, as amended.

Consideration of Cost Share Agreement for Security

Ms. Burns explained that there will be several entities that will be splitting the cost of this agreement since it covers the entire property. The four entities are Babcock ISD, Babcock property Holdings, Babcock Ranch Residential Association, and the Babcock Ranch Commercial Association. Page 2, Section 2B depicts the breakdown of the costs. BPH will pay \$6,250.00 per month and the Residential Association will pay 11% of the monthly invoice and the Commercial Association will pay 14% of the monthly invoice and the remainder of that is the District's responsibility. A discussion took place about the prompt payment policy. Mr. Johnson asked for Ms. Burns and Mr. Evans to get together and work through the time table. The permanent address change will take place in July. The District accountant will work with the Association to coordinate the billing. Mr. Evans asked to do 30 day terms since this is starting March 1, 2017 and the initial payment will be paid by March 31, 2017 and all other invoices will be invoiced the first of the month and paid by the 30th of the month. There were no other questions or comments. Ms. Burns requested a motion to approve the Cost Share Agreement for Security.

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board approved the Cost Share Agreement for Security, as Amended.

Consideration of Resolution 2017-11, Expressing Support for Charlotte County Designation of Roadways within the District for Golf Cart Use

Ms. Burns explained that this resolution would express the District's intent to support the designation of these roads as suitable for golf cart use. This resolution will be sent to Charlotte County.

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board approved Resolution 2017-11, Expressing Support for Charlotte County Designation of Roadways within the District for Golf Cart Use.

Ratification of Change Orders

The Board reviewed the Change Orders. Ms. Burns requested a motion to ratify the Change Orders.

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board ratified the Change Orders

Ratification of Funding Request 120

Ms. Burns stated that this funding request has already been approved by the Chair and need to be ratified by the Board.

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the Board ratified Funding Request 120.

Ratification of Requisitions 146- 157 (Summary Attached)

The Board reviewed the summary of requisitions which have been approved by the Chair and need to be ratified by the Board.

On MOTION by Ms. Andres, seconded by Mr. Vander May, with all in favor, the Board ratified Requisitions 146-157.

Statement of District Financial Position

There was no action required by the Board.

FOURTH ORDER OF BUSINESS

Other Business

Staff Reports

Attorney- Mr. Johnson noted that there are bills being filed in the legislative session that could affect the District. There is a bill coming out of the Ethics Committee that would require continuing education for Board Members of Special Districts. There is a bill that has been filed which would provide some relief from attorney's fees in public records requests. Currently, a failure to comply with a public records request provided attorney's fees by statute. There is a bill that has returned that would require the District website to be maintained in a much more specific format with searchable functions and much more data and that legislation is being pushed by a particular software company who has the patent for the software that allows Districts to do what the Statute would require.

Engineer- Ms. Wicks stated that she is working on the Right-of-Way certificate of occupancy (CO) and has two temporary COs right now and one later this week and two early next week.

Manager- The next meeting is scheduled for March 23, 2017. The Audit Committee Meeting will take place on that date as well

Status Report on Construction-

Mr. Broderick said that he received two COs on the commercial buildings up at the Founder's Square since the last meeting and some of the corporate offices moved up into Founder's Square and a restaurant will be opening March 1, 2017. The District is starting to get in some COs which is encouraging.

FIFTH ORDER OF BUSINESS

Audience Comments and Supervisors Requests

Ms. Andres mentioned the Right-of-Way inspections because she has been working with Ms. Wicks on those and mentioned that last year the Board did a resolution that the District is collecting inspection fees that would typically be collected by the County. She has been collecting those and working with Ms. Malhotra at Fishkind to get that information and checks. Ms. Andres said it has been going well and the builders are mindful of it. She is

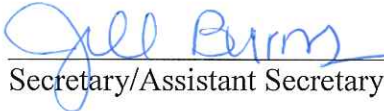
concerned what will happen when the District has 1,000 homes but it is going well so far. Mr. Vander May noted that the Developer anticipates having 700 homes under construction at any one point in time and by the end of this year the District will have 100 homes under construction. He noted that the District will need to manage some of the administrative side so that the District works well with the community. Ms. Andres explained that the District applies for a permit and have inspections and the inspectors enter their reviews. She has been coordinating with Ms. Wicks to schedule the inspections and making sure that she gets the checks to Ms. Malhotra. Down the road there may be other improvements that will impact the ISD.

SIXTH ORDER OF BUSINESS

Adjournment

There were no further questions or comments. Ms. Burns requested a motion to adjourn.

On MOTION by Ms. Andres, seconded by Mr. Vander May, with all in favor, the February 23, 2017 Board of Supervisors meeting for the Babcock Ranch Community Independent Special District was adjourned.


Secretary/Assistant Secretary


Chairman