

## **MINUTES OF MEETING**

*Babcock Ranch Community Independent Special District  
Board of Supervisors' Meeting  
Thursday, August 24, 2017 at 11:08 a.m.  
14740 SR 31, Punta Gorda FL, 33982*

Present and constituting a quorum:

Kathy Valentine	Board Member
Gary Nelson	Board Member
Bill Vander May	Board Member
Gail Maltese	Board Member
Elizabeth Andres	Board Member

Also present were:

Jill Burns	Fishkind & Associates
Alyssa Willson	Hopping Green & Sams
Jonathan Johnson	Hopping Green & Sams
John Broderick	Kitson & Partners
Erica Woods	Kitson & Partners
Joe Cook	CCMC
Jerry Evans	CCMC
Amy Wicks	Kimley Horn
Christine Limotta	Kitson & Partners (via phone)
Matt Smith	Lee County Liason (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, Gail Maltese, Kathy Valentine, Bill Vander May, and Elizabeth Andres were present, constituting a quorum.

### **SECOND ORDER OF BUSINESS**

#### **Business Matters**

#### **Public Comment Period**

There were no public comments at this time.

#### **Consideration of the Minutes of the June 22, 2017 Board of Supervisors Meeting**

The Board reviewed the minutes for the June 22, 2017 Board of Supervisors' Meeting. Mr. Johnson provided edits.

On MOTION by Ms. Andres, seconded by Ms. Maltese, with all in favor, the Board approved the Minutes of the June 22, 2017, as amended.

**Consideration of the Minutes of the  
July 27, 2017 Board of Supervisors  
Meeting**

The Board reviewed the minutes of the July 27, Board of Supervisors' Meeting. There were no questions, comments, or corrections.

On MOTION by Ms. Andres, seconded by Ms. Maltese, with all in favor, the Board approved the Minutes of the July 27, 2017 Board of Supervisors' Meeting, as presented.

**Consideration of Resolution 2017-  
16, Adopting the Fiscal Year 2018  
Budget and Appropriating Funds**  
a) **Public Comments and  
Testimony**  
b) **Board Comments**  
c) **Consideration of Resolution  
2017-16**

This public hearing was set for July 27, 2017 and the Board continued the public hearing to this date. Ms. Burns requested a motion to reopen the public hearing.

On MOTION by Mr. Vander May, seconded by Ms. Maltese, with all in favor, the Board reopened the public hearing.

The budget is attached to the resolution as exhibit A. Ms. Burned explained that \$72,375.00 is the amount that will be assessed to the Phase 1 platted lots that will be collected on roll. The Developer is going to deficit fund the rest of the expenses for Operations and Maintenance for the upcoming year. Mr. Vander May asked if the FP&L mitigation area satisfies the requirement of having mitigation cost in the District budget. Mr. Broderick

stated that it doesn't so there needs to be a Panther Mitigation line item. Mr. Vander May suggested adding \$60,000.00 to a line item called Panther Mitigation, which would result in the total amount of the budget increasing to \$2,150,293.00. Ms. Burns requested a motion to close the public hearing.

On MOTION by Ms. Andres, seconded by Ms. Valentine, with all in favor, the Board closed the public hearing.

Ms. Burns requested a motion to approve Resolution 2017-16.

On MOTION by Mr. Vander May, seconded by Ms. Valentine, with all in favor, the Board approved Resolution 2017-16, Adopting the Fiscal Year 2018 Budget and Appropriating Funds, as amended.

**Consideration of Resolution 2017-17, Adopting an Assessment Roll for Fiscal Year 2018 and Certifying Special Assessments for Collection**

The tax roll reflects the Phase 1 platted lots that will be collected on roll. The O & M payments are a net amount of \$375.00 per lot, \$398.94 gross to reflect collection costs and early payment discounts. Ms. Burns called for questions on the tax roll or resolution, hearing none she requested a motion to approve Resolution 2017-17.

On MOTION by Ms. Maltese, seconded by Ms. Valentine, with all in favor, the Board approved Resolution 2017-17, Adopting an Assessment Roll for Fiscal Year 2018 and Certifying Special Assessments for collection.

**Consideration of Budget Deficit Funding Agreement Between Babcock Ranch Community ISD and Babcock Holdings, LLC**

Ms. Burns explained that since the District is only assessing for a portion of the budget on the platted lots and the Developer is going to fund the remaining O & M expenses, the District will enter into an agreement with the Developer by which they will agree to fund

the Operations and Maintenance of the District as outlined in the budget that was just adopted. The Developers made minor adjustments to addresses listed in the agreement.

On MOTION by Ms. Maltese, seconded by Ms. Valentine, with all in favor, the Board approved the Budget Deficit Funding Agreement Between Babcock Ranch Community ISD and Babcock Holdings, LLC, as amended.

**Consideration of Resolution 2017-18, Designating Primary Administrative Office**

Ms. Burns stated that Hopping Green provided this resolution to adopt at all Districts. It establishes the District manager's Office as the Primary Administrative Office and sets a headquarters of the District in the County it is held. The Board decided to table this resolution.

**Consideration of Resolution 2017-19, Setting a Fiscal Year 2018 Meeting Schedule**

A discussion took place about the Fiscal Year 2018 Meeting Schedule. It was suggested that the Board meet on the 3<sup>rd</sup> Thursday of the month due to Fishkind's resignation and the new management company having a conflict on the current date. The District will meet on the 3<sup>rd</sup> Thursday of the month at 1:00 p.m. at the current location.

On MOTION by Ms. Maltese, seconded by Ms. Valentine, with all in favor, the Board approved Resolution 2017-19, Setting a Fiscal Year 2018 Meeting Schedule, amending Exhibit A to reflect the 3<sup>rd</sup> Thursday of each month at 1:00 p.m. at the address listed.

Mr. Johnson asked if the Board would consider moving the September Meeting from September 28, 2017 to September 21, 2017 anticipating that the new District Manager would be asked to be at that meeting. Due to the Developer's office having a conflict, the September meeting will remain on the 28<sup>th</sup>.

**Consideration of Resolution 2017-20, Authorizing Vice-Chair Authority to Execute Documents**

The District has an existing resolution that grants the Chair to execute documents. This resolution would allow the Vice-Chair to execute in the absence of the Chairman.

On MOTION by Ms. Andres, seconded by Ms. Maltese, with all in favor, the Board approved Resolution 2017-20, Authorizing Vice-Chair Authority to execute Documents.

**Consideration of Jani King  
Janitorial Quote and Authorizing  
Counsel to Draft Agreement**

Ms. Burns explained that the quote is \$500.00 per month to clean the restrooms three times per week at the Comfort Station. The Board would be authorizing Hopping Green to draft the District's form of agreement to incorporate the quote and send it over to them for execution. Mr. Evans asked that District Counsel add a 30-day termination clause in the agreement. Ms. Andres asked Mr. Evans if he got quotes from other companies. Mr. Evans explained that the Developer bid out Jani King for other services and he relied on their due diligence when they bid out the contract for the other services. Ms. Burns requested a motion to approve the janitorial quote and authorize Counsel to draft the agreement.

On MOTION by Ms. Maltese, seconded by Ms. Valentine, with all in favor, the Board approved the Jani King Janitorial Quote and authorized Counsel to draft the agreement.

**Ratification of Application for  
Constructing a Domestic  
Wastewater  
Collection/Transmission System**

Ms. Burns explained that Ms. Valentine sent this over, the application has been filed and executed and just needs to be ratified by the Board.

On MOTION by Mr. Vander May, seconded by Ms. Valentine, with all in favor, the Board ratified the Application for Constructing a Domestic Wastewater Collection/Transmission System.

### **Ratification of Agreement for Solid Waste Consulting Services**

Ms. Burns explained that this agreement is with Public Resource Management Group. Exhibit A has the rate sheet that outlines the hourly fees. Exhibit B outlines the scope of work. The agreement has already been approved by the Chair and needs to be ratified by the Board.

On MOTION by Mr. Vander May, seconded by Ms. Valentine, with all in favor, the Board ratified the Agreement for Solid Waste Consulting Services.

### **Ratification of Streetlighting Services Contract (Phase B)**

Ms. Burns explained that this is substantially similar to the agreement that is already in place for Phase 1A. This agreement has already been executed and needs to be ratified by the Board. Mr. Broderick explained that this mirrors what the District did in Phase 1A. The District used the same Contractor and it is a lease program that the District is doing on the lights for the spine roads and local roads within 1B1. Ms. Burns requested a motion to ratify the Streetlighting Services Contract.

On MOTION by Ms. Maltese, seconded by Ms. Valentine, with all in favor, the Board ratified the Streetlighting Services Contract (Phase B).

### **Review and Acceptance of Fiscal Year 2016 Audit**

Ms. Burns explained that was considered a clean audit and it was sent to the State by the June 30, 2017 due date and has already been submitted. It was reviewed by Counsel and the Chair. Mr. Vander May noted that there was a finding regarding control that has been addressed which had to do with cut offs with accounts payable in retainage on the contracts. There was an invoice or two that was missed in the cut off and retainage. Ms. Burns requested a motion to accept the Fiscal Year 2016 Audit.

On MOTION by Mr. Vander May, seconded by Ms. Maltese, with all in favor, the Board accepted the Fiscal Year 2016 Audit.

**Ratification of Funding Request  
126 & 127**

These have been approved by the Chair and need to be ratified by the Board.

On MOTION by Ms. Andres, seconded by Ms. Maltese, with all in favor,  
the Board ratified Funding Requests 126 & 127.

**Ratification of Deficit Funding  
Request Nos. 4 & 5**

These have been approved by the Chair and need to be ratified by the Board.

On MOTION by Mr. Vander May, seconded by Ms. Maltese, with all in  
favor, the Board ratified Deficit Funding Request Nos. 4 & 5.

**Statement of District Financial  
Position**

Ms. Burns explained that the monthly breakout is included as requested by the Board at the last meeting. There was no action required by the Board.

**FOURTH ORDER OF BUSINESS**

**Other Business**

**Staff Reports**

**Attorney-** No Report

**Engineer-** No Report

**Manager-** Ms. Burns received some Landscape Contracts from Mr. Evans that incorporate some new areas where landscaping is being installed. Ms. Burns sent them over to Ms. Willson whose office will be working on amendments to the existing agreements to add these areas as well as the cost shares that are associated with the landscaping agreements. Ms. Burns and Ms. Willson discussed that it would be appropriate to get the Board's

approval and have the Chair sign off on those agreements when they are drafted.

On MOTION by Mr. Vander May, seconded by Ms. Maltese, with all in favor, the Board approved the landscape contracts to incorporate new areas and authorized the Chair to execute the final agreements.

Ms. Burns presented a quote for lake Maintenance in the amount of \$450.00 for a one-time initial treatment and then \$200.00 per month. Ms. Willson's office will be working on drafting an agreement with the Lake Maintenance Company, Lake Doctors.

**Status Report on Construction-** Mr. Broderick explained that the Babcock Neighborhood school has opened. The District just signed another contract with Polty that was pending on 1B2 and the construction has started up. Lennar which is tract 2A is anticipated to be ready to have building permits started in October. Mr. Broderick is in negotiations with a builder in 1b1 and anticipating to eventually change some of the plat up there and modifications are being made to those plans. Mr. Broderick noted that the Board had approved the lease back over with TCU and some of those documents were cumbersome and are being consolidated and he will be coming back to the Board in September or October for modification of documents. There were no questions for Mr. Broderick.

Ms. Burns realized that there not a motion to approve the lake maintenance agreement.

On MOTION by Mr. Vander May, seconded by Ms. Maltese, with all in favor, the Board approved the lake maintenance quote from Lake Doctors and authorized the Chair to execute the final agreement.

**FIFTH ORDER OF BUSINESS**

**Audience Comments and  
Supervisors Requests**

There were no Supervisor requests or Audience comments

**SIXTH ORDER OF BUSINESS**


**Adjournment**



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

On MOTION by Mr. Vander May, seconded by Ms. Andres, with all in favor, the August 24, 2017 Board of Supervisors meeting for the Babcock Ranch Community Independent Special District was adjourned.

  
Secretary/Assistant Secretary

  
Chairman