

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

The Board of Supervisors of the Boyette Park Community Development District held a Regular Meeting on February 28, 2022 at 6:00 p.m., at the Hilton Garden Inn Tampa/Riverview/Brandon, 4328 Garden Vista Drive, Riverview, Florida 33578.

Present at the meeting, were:

Anita Poellnitz	Chair
George Bertram	Vice Chair
Bob Windheuser	Assistant Secretary
David Allen	Assistant Secretary

Also present, were:

Kristen Suit	District Manager
Lindsay Whelan	District Counsel
Chris Fisher (via telephone)	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Suit called the meeting to order at 6:00 p.m. Supervisors Poellnitz, Windheuser, Allen and Bertram were present, in person. Supervisor Puzzo was not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Ratification of HGS Transition Letter

• **Consideration of Kutak Rock LLP Retention and Fee Agreement**

Ms. Whelan discussed her practice group's transition from their former firm and the transfer of files to Kutak Rock LLP. She presented the Hopping Green & Sams transition letter

and the Kutak Rock LLP Retention and Fee Agreement and noted that the rates would remain the same.

On MOTION by Mr. Allen and seconded by Mr. Bertram, with all in favor, the HGS Transition Letter and the Kutak Rock LLP Retention and Fee Agreement, were ratified.

FOURTH ORDER OF BUSINESS

Discussion: Statutory Changes from 2021 Legislative Session

A. Wastewater and Stormwater Needs Analysis

- **Consideration of Clearview Land Design, P.L., Proposal to Provide 20-Year Stormwater Needs Analysis Report**

Ms. Whelan discussed new legislation that will require the CDD to analyze its existing wastewater and stormwater infrastructure, in terms of the cost to operate and maintain it and determine the needs for the next 20 or more years.

Ms. Suit presented the Clearview Land Design, P.L., proposal for completion and submission of the Stormwater Needs Analysis Report. The expense was not included in the current budget, as the requirement was announced after the budget was prepared; however, adequate Unassigned funds are available to fund the expense.

Mr. Windheuser discussed the goal to avoid an assessment increase because owners recently experienced an assessment increase to balance reserves. Ms. Suit stated Unassigned fund balance is adequate to fund both the \$7,500 expense and Supervisors' Fees that were discussed at the last meeting. The proposed Fiscal Year 2023 budget would be presented at the next meeting. She acknowledged the Board's desire to avoid an assessment increase.

Mr. Windheuser discussed the need to keep residents informed and aware of CDD happenings. Mr. Fisher stated the Report would be presented to the Board prior to the County due date of June 30, 2022; the Report would include a spreadsheet and a PowerPoint presentation that may be shared with interested residents.

On MOTION by Mr. Windheuser and seconded by Mr. Allen, with all in favor, the Clearview Land Design, P.L., proposal for preparation of the 20-Year Stormwater Needs Analysis Report, in the amount of \$7,500, was approved.

B. Prompt Payment Policies

Ms. Whelan presented a Memorandum and discussed new legislation that will require the CDD to implement prompt payment policies for vendors. The interest rate on late payments for construction services would increase from 1% to 2% for construction contracts entered into after June 30, 2021. Other changes were described in the Memorandum.

- **Consideration of Resolution 2022-01, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date**

Ms. Suit presented Resolution 2022-01.

On MOTION by Mr. Allen and seconded by Mr. Bertram, with all in favor, Resolution 2022-01, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Update: First Amendment to Agreement Between the Boyette Park Community Development District and Boyette Park Homeowners Association, Inc., for Facility Management, Operation, and Maintenance Services

Ms. Suit stated the First Amendment to the Agreement was executed prior to the meeting; copies would be provided for the HOA's records.

Ms. Whelan stated the Agreement clarifies that the CDD does not own the entry landscaping and irrigation. She discussed the importance of keeping all CDD records in one location, in the event of a public records request.

Discussion ensued regarding the new businesses on either side of the entrance, ownership of various areas and roadways, rezoning, the Maintenance Agreement, line of

demarcation for ownership and areas of maintenance responsibilities for the County, the CDD and the HOA. Ownership of the ponds was discussed and Ms. Whelan stated the CDD already took title to the ponds and the walkthrough was completed when the CDD took ownership of the ponds and they now fall under the Maintenance Agreement with the HOA.

Mr. Fisher stated he previously inspected several areas of concern and found two areas that needed to be addressed. Discussion ensued regarding erosion, control structures and culverts to be inspected by the District Engineer. Mr. Fischer stated he would inspect and determine if repair work is necessary. Ms. Whelan stated the repairs fall within the scope of the HOA, as the CDD owns the improvements. Ms. Suit stated that she would email Mr. Allen’s photographs to Mr. Fisher.

This item would be included on the next agenda.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of January 31, 2022

Ms. Suit presented the Unaudited Financial Statements as of January 31, 2022. She reiterated that the “Unassigned” line item has adequate funds for both the \$7,500 20-Year Stormwater Needs Analysis Report preparation expense and for the \$4,000 in Supervisors’ Fees. A “Supervisor Fees” line item would be added to the Fiscal Year 2023 budget.

On MOTION by Mr. Bertram and seconded by Ms. Poellnitz, with all in favor, the Unaudited Financial Statements as of January 31, 2022, were accepted.

SEVENTH ORDER OF BUSINESS

Approval of September 21, 2021 Regular Meeting Minutes

Ms. Suit presented the September 21, 2021 Regular Meeting Minutes.

The following change was made:

Line 23: Delete “(via telephone)”

Mr. Windheuser stated there was a requirement for the HOA to name the CDD as an additional insured for General Liability and Workmen’s Compensation, in conjunction with the

landscape contractor. He was reviewing the policies and wanted assurance that they have copies of the insurance policies. Ms. Whelan confirmed that they have copies.

Mr. Windheuser referred to a discussion on Line 281 regarding the process for increasing assessments and asked if an increase is anticipated. Ms. Suit stated that Ms. Cerbone advised that, in the event of a possible increase, the CDD is required to send a Mailed Notice to property owners; however, no assessment increase was anticipated.

Mr. Windheuser asked if the Board Members can advise residents about Public Hearing dates. Ms. Whelan suggested inquiries be directed to Ms. Suit and noted that members of the public are welcome to attend any CDD meeting.

Mr. Windheuser stated some residents have questions about assessments and about paying off their assessment obligation early. Ms. Suit stated residents can call the District Manager's office at any time with questions. Mr. Windheuser stated he would include appropriate contact information in the newsletter. Ms. Suit stated given that the Board only meets three times per year, the amount budgeted for Supervisors' Fees would be \$3,000, not the previously stated \$4,000.

On MOTION by Mr. Bertram and seconded by Mr. Allen with all in favor, the September 21, 2021 Regular Meeting Minutes, as amended, were approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock LLP*

Ms. Whelan stated the 2022 Legislative Session is underway and weekly updates were being sent to keep the Board informed. She discussed potential changes to sovereign immunity coverage caps, claims limits and Special District Officer trainings. Her firm would continue monitoring the bills that may impact the CDD and a final update would be provided at the conclusion of the Legislative Session.

B. District Engineer: *Clearview Land Design, P.L.*

Mr. Fisher asked if there would be a meeting between the April 25, 2022 meeting and the June 30, 2022 deadline for submission of the 20-Year Stormwater Analysis Report. Ms. Suit replied no; the next meeting after the April meeting would be July 25, 2022.

Discussion ensued regarding meeting dates, presentation of the Report and the need to submit the Report timely. Ms. Whelan stated the Report can be sent to the Chair for review and approval and ratified at a Board Meeting after submission. Designating the Chair or another Board Member to review the Report prior to submission was discussed. The consensus was that Mr. Bertram can accompany Mr. Fisher on portions of his walkthrough inspections.

Mr. Fisher would try to complete the Report before the April 25, 2022 meeting. The consensus was that, if the Report is not prepared in time to be presented at the April 25, 2022 meeting, the Chair or a delegate can review and approve the Report and it can be ratified after submission.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

- **NEXT MEETING DATE: April 25, 2022 at 6:00 P.M.**
 - **QUORUM CHECK**

The next meeting will be held on April 25, 2022.

Ms. Suit stated the proposed Fiscal Year 2023 budget would be presented at the April meeting. She recapped the previously discussed changes for the proposed Fiscal Year 2023 budget and using Unassigned fund balance to avoid increasing assessments. Ms. Whelan and Ms. Suit gave an overview of the budget adoption process and explained that the proposed budget amount can be adjusted at the April meeting and, while it can be reduced at the Public Hearing, it cannot be increased.

Supervisors Poellnitz, Allen and Windheuser confirmed their attendance at the April 25, 2022 meeting.

NINTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

TENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Bertram and seconded by Mr. Windheuser, with all in favor, the meeting adjourned at 6:57 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Hussein Duet
Secretary/Assistant Secretary

Anita C. Poellner
Chair/Vice Chair