

**University Park
Recreation District**

**Consideration of Minutes
Of the September 13, 2019
Board of Supervisors' Meeting**

MINUTES OF MEETING

UNIVERSITY PARK RECREATION DISTRICT

BOARD OF SUPERVISORS MEETING

Friday, September 13, 2019 at 1:00 p.m.

University Park Country Club, Lakeside Room,

7671 The Park Blvd.,

University Park, Florida 34201

Board Members present at roll call:

Mike Smith	Board Member
Beth Bertsch	Board Member
Bob Wood	Board Member
Steve Ludmerer	Board Member
Nancy Kopnisky	Board Member

Also, Present:

Hank Fishkind	PFM
Mark Barnebey	Blalock Walters Law Firm
Laurie Evans	County Club
Various Members of the General Public – See Attached	

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The meeting was called to order at 3:30 p.m. Those in attendance are outlined above.

Those present stood for the Pledge of Allegiance.

SECOND ORDER OF BUSINESS

Opening Comments

Mr. Smith asked to rearrange agenda moving shade meeting first and then the BAN discussion. Public Comments will be taken first.

THIRD ORDER OF BUSINESS

Public Comments

There were no public comments at this time

FOURTH ORDER OF BUSINESS

Consideration of Minutes

- a) **Consideration of Minutes of the Board of Supervisors' Workshop, August 6, 2019**
- b) **Consideration of Minutes of the Board of Supervisors' Special Meeting, August 13, 2019**
- c) **Consideration of Minutes of the Board of Supervisors' Special Meeting, August 28, 2019**
- d) **Consideration of Minutes of the Board of Supervisors' Workshop, September 6, 2019**

Mr. Barnebey provided edits to the Minutes of the Board of Supervisors' Special Meeting dated August 13, 2019.

ON MOTION by Ms. Bertsch, seconded by Ms. Kopnisky, with all in favor, the Board approved Minutes of the Board of Supervisors' Workshop, August 6, 2019, Board of Supervisors' Special Meeting, August 13, 2019, Board of Supervisors' Special Meeting, August 28, 2019, and the Board of Supervisors' Workshop, September 6, 2019, as amended.

FIFTH ORDER OF BUSINESS

Discussion of the One-time Special Assessment – Motion to Extend Payment Due Date (Dorian) & Address Late Fee Waivers

Mr. Ludmerer explained that 96% of residents are up to date on payment however 45 are outstanding. Several of these are international homeowners and did not receive their notices in a timely manner. As a result of Hurricane Dorian the Orlando office of the Recreation District was closed. He recommended the Board approve any monies received up to and through September 6, 2019 be considered timely. He recommended that the late fee be waived on any receipts through September 30, 2019 where the homeowner has stated that they did not receive a timely invoice from the District.

ON MOTION by Mr. Ludmerer, seconded by Ms. Kopnisky, with all in favor, the Board approved all one-time assessment received through September 6, 2019 be considered timely and that late fees be waived from any monies received by September 30, 2019 where a homeowner claims they did not receive a timely invoice.

SIXTH ORDER OF BUSINESS

Short Term Loan Repayment

Mr. Ludmerer explained the short term loan repayment.

ON MOTION by Mr. Ludmerer, seconded by Mr. Smith, with all in favor, the Board approved repayment of Short Term Loan.

Mr. Ludmerer suggested discussing RD Charter with Respect to Bonding 2-8-157 followed by the pros and cons of direct sourcing the Underwriting to Roosevelt and Cross and then considering the amended Roosevelt and Cross Engagement Letter.

SEVENTH ORDER OF BUSINESS

Discussion of the RD Charter with Respect to Bonding 2-8-157

- a) Details, Requirements and Idiosyncrasies with Respect to Municipal Bonds**
- b) Specific Issues Related to Pending/Upcoming Issuance of Municipal Bonds**

Dr. Fishkind explained the State Bond Charter and the State Bond Statute controls the financing. A Special District can either have a competitive sale where it would be bid or a negotiated sale where a District would negotiate with an Underwriter. All the Special Districts in the State of Florida used Special Assessments to pay Debt Service. All are negotiated sales because that type of transaction cannot be insurer rated.

Dr. Fishkind stated that the articulation of the UPRD Charter requires this District to pursue a competitive sale and if that competitive sale does not succeed then they would move to a negotiated sale. He stated that because the litigation has been settled and there is an unusual situation in this community he believes that the District's Bonds will be able to be

rated and insured. That will allow the District to have a competitive sale. He recommended a motion to move for a competitive sale.

Mr. Barnebey explained that the provision is unique to Chapter 418 Special Districts.

Dr. Fishkind answered various questions regarding the competitive bid process. Dr. Fishkind requested a motion from the Board to direct staff to pursue a competitive bid.

ON MOTION by Mr. Ludmerer, seconded by Ms. Bertsch, with all in favor, the Board directed District Staff to pursue a competitive bid.

EIGHTH ORDER OF BUSINESS

**Discussion of the Pros and Cons
of Direct Sourcing the
Underwriting to Roosevelt and
Cross**

- a) **Roosevelt and Cross
Competitiveness**
- b) **Residents Given the
Opportunity to Purchase
Bonds before Going to Market;
Minimum Investment?**

A discussion took place on the Pros and Cons of Direct Sourcing the Underwriting to Roosevelt and Cross. No action was required.

NINTH ORDER OF BUSINESS

**Consideration of Amended
Roosevelt and Cross Engagement
Letter**

Dr. Fishkind explained the Amended Roosevelt and Cross Engagement Letter. Their fee is 1.25% which is high. He recommended the Board approve the Amended Engagement Letter to ensure that the District can close of the Clubhouse Transaction by November 21, 2019 if the competitive sale falls through. Some members of the Board suggested tabling this decision for a week and holding a special meeting. A lengthy discussion took place.

Mr. Smith suggested a counter proposal with Roosevelt and Cross that their fee be .75% instead of 1.25% which compensates them \$180,000.00 for the insurance policy and work

done to date. Mr. Barnebey stated that the District must get all offering documents that Roosevelt and Cross has had prepared to date.

ON MOTION by Mr. Smith, seconded by Mr. Ludmerer, with 3 in favor and 2 opposed, the Board approved a counter proposal with Roosevelt and Cross that their fee be .75 basis points which compensates them \$180,000.00 for the insurance policy and work done to date.

Dr. Fishkind will go back to Roosevelt and Cross and make the counter offer to determine if that is acceptable. If it is the District will move forward and if not the Board will have another discussion if they want an insurance policy or not and what the District would be willing to pay. Dr. Fishkind requested that this meeting be continued in order to discuss this item if the counter offer is not accepted.

TENTH ORDER OF BUSINESS

Schedule/Timeline for Approving/Proceeding with Bonds

Mr. Wood asked Dr. Fishkind to provide a schedule for the Bond offering. Dr. Fishkind responded that the schedule is to have the Board approved the offering statement and authorize the competitive or negotiated bid sale at the October regularly scheduled meeting. The Board would sign final documents at the November meeting. No action was required.

ELEVENTH ORDER OF BUSINESS

Discussion of the Pros and Cons of One-Time Assessment Payment

Mr. Ludmerer stated that there were a few requests for people who might be interested in paying their 30 year assessment in one lump sum. He stated that homeowners could do this before the Bonds are issued or after the Bonds are issued. He discussed the pros and cons of residents paying off the Debt Assessment. He recommended that the District only permits prepayment after the Bonds have been issued. A discussion took place.

ON MOTION by Mr. Smith, seconded by Mr. Ludmerer, with all in favor, the Board approved entertaining prepayment of 30 year assessment after the Bonds are issued.

TWELFTH ORDER OF BUSINESS

Review of District Financial Position

Mr. Ludmerer provided the report on the District financials.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

District Counsel- Mr. Barnebey stated yesterday both litigation cases from Mr. Garrett against the District were dismissed. The District has an upcoming Bond hearing next week.

District Manager- Dr. Fishkind noted that a workshop is scheduled for September 24, 2019 and recommended delaying additional workshops. Mr. Ludmerer suggested that District staff survey District Management and their availability and schedule a workshop to be held in their absence if necessary. Mr. Wood expressed that the District has too many workshops scheduled. The workshops are public meetings and they cost the District a lot of money. The regular meeting is scheduled for October 11, 2019. Dr. Fishkind suggested that the Board consider delegating to the Treasurer the obligation to oversee the production so the Board does not have to go through every page of each document. District staff will support the decision of the Board. A discussion took place. Dr. Fishkind recommended recessing today's meeting to September 24, 2019. Mr. Wood suggested that at the September 24 meeting the Board can determine when to hold the next workshop.

Ms. Bertsch requested repaying residents their out of pocket litigation cost associated with their participation or subpoenas, specifically the neighborhood Chair's and the Planning Committee if they have not been already covered. There were questions regarding legality. She asked Mr. Ludmerer for an estimate of cost. Mr. Ludmerer stated that the HOA was involved and had legal representation for itself and its Chairs as well as Savn which had representation acquired for members of the Planning Group. The total expenses by Savn were \$22,000.00. He contended that the work they did was in support of the District's objectives to close on the sale of the recreational facilities and support created a legal issue for them. They incurred expenses and the District possibly provide reimbursement. The question is if it benefitted the District and not just certain members. He will talk to Savn about looking for precedent that would allow the District to move forward with reimbursement and recommended not support them at this time. The HOA has sufficient funds to defend its members. Mr. Wood requested a definitive opinion from District Counsel at the next meeting. Mr. Barnebey has not found precedent to this point for reimbursement but is willing to work with Savn to provide an answer to that question.

SAEVN

Mr. Wood provided comments about the Club and the Club management. The District will structure proper channels in order to express ideas to Club Management Personnel.

Supervisor Requests- There were no Supervisor requests.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There were no other questions or comments. Mr. Smith requested a motion to continue this meeting to September 24, 2019 at 10:00 a.m. in the Varsity Club.

ON MOTION by Ms. Kopnisky, seconded by Mr. Ludmerer, with all in favor, the Friday, September 13, 2019 Board of Supervisors' Meeting for University Park was recessed until September 24, 2019 at 10:00 a.m. in the Varsity Club.


Secretary / Assistant Secretary


Chairman / Vice Chairman