

**University Park
Recreation District**

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

MINUTES OF MEETING

**UNIVERSITY PARK RECREATION DISTRICT
BOARD OF SUPERVISORS MEETING
Tuesday, August 13, 2019 at 3:30 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	
Steve Ludmerer	Board Member	
Nancy Kopnisky	Board Member	
Bob Wood	Board Member	(via phone)

Also, Present:

Hank Fishkind	PFM
Mathew Barnebey	Blalock Walters Law Firm
Fred Moore	Blalock Walters Law Firm
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

Mr. Nadeau expressed surprise over Roosevelt and Cross engagement letter.

Mr. Wood joined the meeting in progress via phone.

Ms. Leffler read letter from a perspective purchaser who would not buy in the UPRD because the UPRD has unlimited assessment power.

Mr. Goldberg argues against settling with Garrett.

Mr. Garrett posed 7 questions he wants the Board to answer, attached to minutes under separate cover. He reiterated his first prior concerns. He admitted that he was the author of the latest Concerned Citizens Financing Plan.

Mr. Runo spoke in favor of Recreation District and that if it was not for the Garrett lawsuit the law interest rates could have been achieved by the Bond sale.

Mr. Wood criticized Mr. Garrett's lawsuit and the extra costs and impact on home prices.

FOURTH ORDER OF BUSINESS

Opening of the Attorney Client meeting on Richard Holcomb Garrett, et, al. v. University Park Recreation District, Florida Twelfth Judicial Circuit Case N. 2019-CA-512

- a) Public Excused- Private Session**
- b) Attorney-Client Meeting**

Attendees of the shade meeting are to be limited to University Park Board of Supervisors; Mr. Wood, Mr. Smith, Mr. Ludmerer and Ms. Kopnisky. District manager, Dr. Fishkind, District Counsel; Mr. Barnebey, and Fred Moore.

The purpose of the meeting is to discuss settlement negotiations and litigation strategy related to litigation expenses in the above case. Once the close session is completed the Board will reconvene and open session and may take appropriate action that that time.

The UPRD Board of Supervisors' Meeting was recessed and the Shade Meeting to be held in the Card Room commenced at 4:00 p.m.

FIFTH ORDER OF BUSINESS

Closing of the Attorney Client meeting on Richard Holcomb Garrett, et, al. v. University Park Recreation District, Florida Twelfth Judicial Circuit Case N. 2019-CA-512

The Board of Supervisors' Meeting was reconvened at 4:50 p.m.

Mr. Smith explained that in March the Board went through many negotiations and submitted a settlement offer which was given a 7 day window to respond and 5 minutes before the deadline it was responded to with a negative reaction and Mr. Garrett rejected the offer. That offer addressed key elements of what was to be accomplished in the proposal that Mr. Garrett is now putting on the table.

Vice-Chair announced that the Board rejected the settlement because;

1. The Board does not have the authority to change the Charter.
2. To Pursue settlements would drag matters into 2020
3. 12- weeks from court hearing.

Mr. Ludmerer stated that a settlement does not practical for procedural and operational means.

Ms. Koprinsky stated that the Board makes decisions that impact themselves and act on behalf of the residents.

ON MOTION by Mr. Smith, seconded by Mr. Ludmerer, with all in favor, the Board rejected Mr. Garrett's Settlement Agreement.

SIXTH ORDER OF BUSINESS

Discussion of the Purchase and Sale Agreement

Mr. Barnebey discussed the Purchase and Sale Agreement. He confirmed the water rights for the Recreation District. No action was required by the Board.

SEVENTH ORDER OF BUSINESS

Consideration of Roosevelt and Cross Engagement Letter

Mr. Smith discussed the Roosevelt and Cross Engagement Letter. He explained why a BAN is needed and extra costs.

Dr. Fishkind stated that Mr. Smith describes the structure correctly and correctly articulated the total cost not to exceed \$5,000.00. He explained that the engagement letter

is for underwriting the Bond Anticipation Note. He explained the termination clause. Mr. Barnebey also reviewed it and is in favor of it.

Mr. Ludmerer discussed the engagement letter. He supports it but also calls for renegotiation of extra costs of \$575,000.00.

Mr. Gilson was recognized by the Chair. Mr. Gilson asked about the Garrett lawsuit. Mr. Smith stated that the court hearing is set for September 3, 2019 regarding both of the current assessment of \$1,000.00 as well as the BAN.

Mr. Wood recommended approval of the engagement letter.

ON MOTION by Mr. Ludmerer, seconded by Mr. Smith, with 3 in favor and 1 opposed, the Board approved the Roosevelt and Cross Engagement Letter.

EIGHTH ORDER OF BUSINESS

Ratification of Payment Authorizations 3-5

The Board reviewed Payment Authorizations 3-5.

ON MOTION by Mr. Ludmerer, seconded by Ms. Kopnisky, with all in favor, the Board ratified Payment Authorizations 3-5.

Mr. Ludmerer heard some hearsay that certain residents have chosen to put their assessments into some sort of unnamed, unknown escrow fund. He asked District Counsel to comment. District Counsel commented that there is not an escrow agreement or escrow account to put money into. District staff does not recognize the escrow account and will look at that as being a default on the assessments.

NINTH ORDER OF BUSINESS

Public Hearing Related to the Adoption of a Fiscal Year 2019- 2020 Budget- Hearing Begins after 5:01 p.m.

- a) Public Comment**
- b) Board Comment**

**c) Consideration of Resolution
2019-36, Annual
Appropriations and Adopting
the Fiscal Year 2019-2020
Budget**

Dr. Fishkind requested a motion to open the public hearing on the Fiscal Year 2020 Budget.

ON MOTION by Mr. Ludmerer, seconded by Ms. Kopnisky, with all in favor, the Board opened the Public Hearing.

Mr. Ludmerer presented the Fiscal year 2020 Budget to the Board. The total amount of the Budget is \$535,000.00.

There were no public comments.

ON MOTION by Mr. Ludmerer, seconded by Mr. Smith, with all in favor, the Board approved Resolution 2019-36, Annual Appropriations and Adopting the Fiscal Year 2019-2020 Budget.

Dr. Fishkind requested a motion to close the public hearing.

ON MOTION by Mr. Ludmerer, seconded by Ms. Kopnisky, with all in favor, the Board closed the Public Hearing.

TENTH ORDER OF BUSINESS

**Consideration of the Minutes of
the Board of Supervisors Meeting
July 12, 2019**

The Board reviewed the minutes for the Board of Supervisors Meeting dated July 12, 2019. Ms. Kopnisky provided edits which have already been incorporated.

ON MOTION by Ms. Kopnisky, seconded by Mr. Wood, with all in favor, the Board approved the Minutes of the Board of Supervisors Meeting dated July 12, 2019.

ELEVENTH ORDER OF BUSINESS

Consideration of the Minutes of the Board of Supervisors Special Meeting July 23, 2019

The Board reviewed the minutes of the Board of Supervisors Special Meeting dated July 23, 2019

ON MOTION by Ms. Kopnisky, seconded by Mr. Wood, with all in favor, the Board approved the Minutes of the Board of Supervisors Special Meeting dated July 23, 2019.

TWELFTH ORDER OF BUSINESS

Discussion of the District's FY 2019-2020 Workshop Schedule

It was noted that October 2, 2019 is the second night of Rosh Hashanah. Dr. Fishkind requested to move the meeting on October 1, 2019 to a date that will work for the Board. Ms. Kopnisky asked about the workshop meeting on December 31, 2019.

ON MOTION by Mr. Smith, seconded by Ms. Kopnisky, with all in favor, the Board approved the District's FY 2019-2020 Workshop Schedule, as amended.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

District Counsel- Mr. Barnebey stated that there are two complaints filed against the District for actions taken before there was a District with the Florida Elections Commission. Both of those have been dismissed.

District Manager- Dr. Fishkind noted that he communicated to the Board a response to some of the issues raised by the Concerned Citizens about Bond sizing, interest rates, and the information suggesting that \$5,000,000.00 is available is not true.

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 adjourn the meeting.

ON MOTION by Ms. Kopnisky, seconded by Mr. Ludmerer, with all in favor, the Tuesday, August 13, 2019 Board of Supervisors' Meeting for University Park was adjourned.


Secretary / Assistant Secretary


Chairman / Vice Chairman