

## **MINUTES OF MEETING**

### ***UNIVERSITY PARK RECREATION DISTRICT ORGANIZATIONAL MEETING***

***Wednesday, September 26, 2018 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
Lisabeth Bertsch	Board Member
Bob Wood	Board Member
Steve Ludmerer	Board Member

Also, Present:

Hank Fishkind	Fishkind & Associates, Inc.
Carol Harris	Fishkind & Associates, Inc.
Mark Barnebey	Blalock Walters Law Firm
Jennifer Davis	Blalock Walters Law Firm
Debbie Burris	Phone
Roger Dowdell	Public
Gary Chase	Public
Walter Shepard	Public
Richard Tenenbaum	Public
Bill Solegardens	Public
Barbara Romick	Public

### **FIRST ORDER OF BUSINESS**

### **Call to Order and Roll Call**

The meeting was called to order at 1:00 p.m. Those in attendance are outlined above.

Dr. Fishkind lead the group in the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS**

**Administration of the Oath of Office to New members of the Board of Supervisors**

Ms. Jennifer Davis administered the oath of office to Mr. Smith, Ms. Bertsch, Mr. Wood, and Mr. Ludmerer.

Dr. Fishkind suggested that for the purpose of this meeting the Board adopt Roberts Rules.

On MOTION by Mr. Smith, seconded by Mr. Wood, with all in favor, the Board Accepted Roberts Rules.

Dr. Fishkind and Mr. Barnebey wanted to give the Board a brief introduction. Dr. Fishkind explained that he started working with the planning group more than a year ago to assist them as they sorted through various options and it gave rise to some information that he helped to provide that went into the referendum that was part of the foundation for the vote. Thereafter, the planning group asked Dr. Fishkind to assist in organizing the potential meeting. Before these Supervisors decided to become available and put themselves up for vote, he met with them and answered their questions about how Districts operate and what might be expected of them as potential Supervisors if they chose to become Supervisors, once they were chosen Dr. Fishkind spoke to each one of them individually concerning today's meeting to brief them about what to expect.

Mr. Barnebey stated that Dr. Fishkind is a very well-respected Economist throughout the State and he is very experienced in handling organizations such as this. Mr. Barnebey stated that he is with the Blalock Walters Law Firm and has been doing local government work for 35 years including Municipal County and Special District work. He represents another Special District and he was working with the planning group as well and that is how he got to know those who are now Supervisors. He asked the Board to confirm that they have not had discussions with each other regarding any District business. The Board unanimously responded that is correct.

**THIRD ORDER OF BUSINESS**

**Overview of the Florida "Government in the Sunshine" Regulations and other Board Member Responsibilities**

- a) **Statement of Financial Interest, Form 1**
- b) **Board Member Compensation**

Mr. Barnebey explained that now that the laws in the State are designed to protect the public. He explained the Sunshine Law to the Board. He suggested that if someone gives a Board member an item related to the University Park Recreation District, that they send it to Dr. Fishkind or to Ms. Harris to ensure that they have it on file. Mr. Barnebey explained public records requests. He stated that breaking the Sunshine Law could cause Board Members to reverse a decision that they might make and it would also make the Board Members subject to potential civil and criminal penalties. Mr. Barnebey asked if there were any questions about Sunshine Law or public records.

Ms. Bertsch asked if a Board Member is asked a question by a member of the public, are they expected to document the conversation or leave a note that they had a conversation. Mr. Barnebey responded that they do not have to do that but if they do that he suggests that they send it to Dr. Fishkind. Mr. Barnebey brought up some issues with potential text messages. He stated that if the Board Members receive a text regarding District business that they take a picture of it and send it to the Records Custodians. He stated that it gets tricky when using social media. He advised them not to talk about District business via Facebook. He stated that if they do it becomes a public record.

Another Board Member asked if conversations regarding District business should go to Dr. Fishkind. Mr. Barnebey said to bring questions to himself or to Dr. Fishkind.

**FOURTH ORDER OF BUSINESS**

**Public Comment Period**

Mr. Dowdell, 7804 Sloane Gardens Court, demanded to see the notary powers of the honorable lady (Ms. Jennifer Davis) that swore the Board of Supervisors into office. He stated that according to the Florida law and Statutes, he needs to see a copy of their candidate oath according to Florida Statute 99.021, the voter registration oath, elector oath as required by the Florida Constitution Oath 1965 Article 6 Section 3, the oath of office as required by the Constitution of the United States Article 6 Clause 3, the oath of office as required by the Constitution of the State of Florida Article 2 Section 5B, the oath of office as required by 5 USC 3331, and oath required by Florida Statute 876.05. he stated that until and unless those oaths are produced the Members of the Board are not in office. He stated that in addition he needs to see a certified copy of the Assurety Bond as required by

Florida Constitution Article 2 Section 5B and he needs to see their unencumbered property in Manatee County as required by Florida Statute 113.071.

Mr. Gary Chase, 6910 Stanhope Place, asked the Board how far in advance the of the Bond referendum does the Board plan to divide the following things; the complete written sales agreement between the Recreation District and the owners, the Bond issue plan required of the Charter including the annual amount of repayment due from each homeowner. He stated that all of the conversations up until now have said that the Bond referendum would be voted on by residents and owners. He said that if the Board actually intends to let anyone other than an owner, as defined in Section 28452F for the Charter, vote in this referendum would the Board supply a legal opinion explaining why they believe that the Board can ignore the requirement that such referendum be limited to owners that requirement being set off in Section <sup>2-8-15(b)</sup> ~~28459B~~ of the Charter and Article <sup>vii</sup> ~~7~~ Sections 9 and <sup>12(a)</sup> ~~12A~~ of the Florida Constitution. 2-B-15(f)

Mr. Shepard, the acting neighborhood Chair for Virginia Water. He was asked to ask the Board for a commitment to have audited financial statements un-redactive of golf course operations and the schedule of required maintenance and how much money the District is setting aside. He also stated that several people have told him that they are not convinced that the allocation for the homeowners for the dividing of the course is fair and they suggested that it would be based solely on the value as put forth by the Manatee County Property Assessor.

There were no other public comments so, Dr. Fishkind closed the public comment period.

Dr. Fishkind stated that the first few questions were for Mr. Barnebey to assist in responding. Mr. Barnebey stated that this is the District's first meeting and he is confident that the Members of the Board have been sworn in appropriately by law. He stated that if Mr. Dowdell has a list the District will work on getting such documents exist because his was a public records request and the District will work on getting that information to him if the District has them.

Mr. Barnebey stated that in regard to Mr. Chase's comments, this is the first meeting and there has not been a sales agreement as of yet by the District nor Bond issues planned. He stated that some of the documents to start the process is in the agenda today and the District will have an opportunity to discuss those and there will be opportunities to move forward with the process.

Mr. Barnebey stated that he will let Dr. Fishkind address Mr. Shepard's comments. Mr. Barnebey stated that the District will comply with the law in regard to any referendum and in regard to complying with issues. He stated some of the things

that Mr. Shepard brought up are matters that will come forward as the District moves forward with the process and some of them will not come up today but it will be an opportunity and this is why the District has public comments.

Dr. Fishkind stated that later in the agenda District staff will discuss a workshop that the District is going to hold about the financing and the assessments and the allocations to give everybody lots of opportunity to discuss and to debate and for the Board to have the benefit of all that information.

**FIFTH ORDER OF BUSINESS**

**Consideration of the Minutes of  
the General Election,  
September 17, 2018**

Dr. Fishkind stated that these are the minutes that he took contemporaneously with that meeting. He requested a motion from the Board to approve the minutes of the General Election dated September 17, 2018.

On MOTION by Mr. Smith, seconded by Mr. Wood with all in favor, the Board Approved the Minutes of the General Election, September 17, 2018

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-01, Ratifying the Results  
of the General Election**

Dr, Fishkind explained that the results of the General Election were announced at the General election and documented under Tab 4 which was under the minutes that were just approved.

Mr. Wood requested a correction to the minutes indicating a misspelling of his last name.

On MOTION by Mr. Smith, seconded by Mr. Wood, with all in favor, the Board Approved Resolution 2018-01, Ratifying the Results of the General Election, As Amended.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-02, Appointing District  
Officers**

Dr. Fishkind stated that the Board can appoint District officers by acclimation or recommendation from the Board. He explained that the District needs Chairman and a Vice Chairman. Dr. Fishkind would like to serve as the District's Secretary.

Mr. Ludmerer stated that he is not sure if a Member of the Board should serve as treasurer of the District. Dr. Fishkind responded that the Board will be considering that office position next.

On MOTION by Mr. Smith, seconded by Mr. Ludmerer, with all in favor, the Board Approved Resolution 2018-02, Appointing District Officers as follows: Mr. Wood as Chair, Mr. Smith as Vice-Chair, Dr. Fishkind as Secretary, Ms. Harris as Assistant Secretary, and the remaining Board Members will serve as Assistant Secretaries.

**EIGHTH ORDER OF BUSINESS**

**Consideration of resolution  
2018-03, Designating Treasurer  
and Assistant Treasurer**

Mr. Ludmerer suggested that there is a normal separation of powers that the District would like to see and he stated that he believes that there should be some oversight with a Member of the Board of Supervisors serving as treasure and stated that it could be a co-role with the Chairman or Vice-Chairman or another Member of the Board. Dr. Fishkind asked if Mr. Ludmerer had a suggested nominee for Treasurer. Mr. Ludmerer nominated himself. Dr. Fishkind asked the Board to nominate him as the Assistant Treasure so he could work under Mr. Ludmerer's supervision and control.

On MOTION by Mr. Wood, seconded by Mr. Smith, with all in favor, the Board Approved Resolution 2018-03, Designating Mr. Ludmerer as Treasurer and Dr. Fishkind as Assistant Treasurer.

Dr. Fishkind asked Mr. Wood if he would like to run the balance of the meeting or if he would like Dr. Fishkind to run the meeting today. Mr. Wood allowed Dr. Fishkind to continue to run the meeting.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-04, Appointing District  
Manager and Financial Advisor  
a) District management and  
Financial Advisory Proposal**

Dr. Fishkind explained that the District Manager manages the administrative affairs of the District under the control, guidance, supervision of the Board. He stated that the fees suggested are consistent with the fees that other District Management company's charge across the State. He thinks that the fees are fair and equitable and would stand up to all scrutiny.

He explained Fishkind is a registered financial advisor with the MSRB and the SEC and in that role, they can render independent financial advice to the Board concerning the assessments and concerning any financing that the District might consider. He noted that the fee is a fixed fee not to exceed \$1,000.00 and then they would negotiate particular scopes of work such as if the District tasks Fishkind & Associates to draft an assessment report. There would be a fixed fee to do that work and he would discuss it with the Board, outline the scope and that is how the Financial Advisor would proceed with any further charges above the \$1,000.00.

Mr. Smith asked about item 2.1 under compensation there is a chart or matrix that outlines inactive resident-controlled website. He asked for clarification on the website maintenance fee between regular and premium. Dr. Fishkind responded that it depends on how fancy the website would be and how many additional pages, how colorful it would be, and how interactive it would be. Dr. Fishkind suggested that this District start with the basic website (regular) and Dr. Fishkind will bring back the Board options on the expanded website and the Board can increase the quality of the website at that point in time. Mr. Smith asked if all information would be available to the residents and the public at large. Dr. Fishkind responded yes. He asked Dr. Fishkind to explain the base fee and the fee per Debt Issue. Dr. Fishkind explained the Dissemination to the Board. He stated that if a public body issues debt then they have to make regular reports to the MSRB. He proposes to provide that service to the District and that fee is the standard fee in the industry.

Mr. Ludmerer asked if the Assessment Consultant refers to the Financial Advisory role. Dr. Fishkind responded yes. Mr. Ludmerer subjected that the language should be adjusted for clarity purposes. He stated that for Financial Advisory Consultant

there is a rate shown of \$450.00 per hour but it does not specify if that is for a principle, and associate, a clerical, or other personnel. He stated that he would appreciate a schedule of fees in that regard. Dr. Fishkind stated he would be happy to do that and clarified that they are not going to charge by the hour. His proposal to the District is strictly by scope of work so the District would have a fixed fee for a scope of work. He noted that the hourly fees are just charged against the \$1,000.00 not to exceed figure and that is for Dr. Fishkind's rate.

Mr. Ludmerer commented on Section 4.4 and suggested that the District consider mandatory mediation prior to litigation. Dr. Fishkind will take those edits and comments.

On MOTION by Mr. Wood, seconded by Mr. Smith, with all in favor, the Board Approved Resolution 2018-04, Appointing Fishkind & Associates as District Manager, and Financial Advisor, as amended by the Board.

**TENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-05, Designating the Primary Administrative Office and Principle Headquarters, and Local District Office**

The Board reviewed Resolution 2018-05.

On MOTION by Mr. Smith, seconded by Mr. Ludmerer, with all in favor, the Board Approved Resolution 2018-05, Designating the Primary Administrative Office, Principle Headquarters, and Local District Office.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-06, Appointing District Counsel**  
**a) District Counsel Retainer Letter**  
**b) District Counsel Agreement**



Dr. Fishkind stated that Mr. Barnebey is here from the Blalock Walters Attorneys at Law and has been very kind on a pro bono basis to give the District great support. Dr. Fishkind presented Mr. Barnebey's proposal to the Board and stated that his fees are very reasonable.

Mr. Smith asked if Mr. Barnebey ever does work on a fixed fees basis similar to Fishkind & Associates. Mr. Barnebey responded that he does and he stated that before the District discusses next year's budget he is going to suggest that the District work on a fixed fee basis. He suggested working on an hourly basis for this year and then work toward a fixed fee basis for future years. He stated that he prefers a fixed fee basis. A Board member asked about his \$25,000.00 fee for the year which is approximately \$2,080.00 per month and asked if that is a reasonable estimate of what he thinks his fees will be. Mr. Barnebey stated that he does not think that is out of line from where he expects them to be and he is hoping his fees will be in that area. He noted for the record that \$235.00 per hour is a highly discounted fee from his normal fee.

On MOTION by Ms. Bertsch, seconded by Mr. Smith, with all in favor, the Board Approved Resolution 2018-06, Appointing Mr. Barnebey with Blalock Walters Attorneys at Law., as District Counsel.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-07, Designating  
Registered Agent & Office**

Dr. Fishkind stated that since he is the Secretary he suggested that the District make him the Registered Agent and office.

On MOTION by Mr. Smith, seconded by Mr. Wood, with all in favor, the Board Approved Resolution 2018-07, Designating Dr. Fishkind as the Registered Agent & Office.

**THIRTEENTH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-08, Annual Meeting  
Schedule**

Dr. Fishkind explained the purpose of approving an annual meeting schedule. He stated that Mr. Barnebey has asked if the District can move the November 2, 2018 meeting to one week later to November 9, 2018. It would also be convenient for District staff because if the District has the workshop it is planning in October and the District wishes to move forward with Special Assessments under Chapter 170 of the Florida Statutes then Dr. Fishkind would need enough time to send mailed notices and 30 days would not be enough.

Mr. Smith stated that it is important to see the best day of the week to hold the meeting and the location of the meeting. He noted that he spoke with Laurie and asked her what the best days of the weeks are and the best times. He suggested revisiting the entire schedule for the year a look at an alternative date that would be most conducive for the utilization of the facility. He stated Monday appears to be the best day of the week. He also received feedback from some of the residents that earlier in the day may not be the best time. Mr. Smith suggested Mondays at 3:00 p.m. but he noted that his preference is to keep it the way it is due to travel concerns. Ms. Bertsch stated that she can never make a Monday. Dr. Fishkind suggested tabling this for now, publish the next meeting and Dr. Fishkind will poll everyone and work with the Board and Laurie Evans, the Facility Manager, and that way the District can move it along in an economical fashion. Dr. Fishkind will bring this back to the next meeting.

Mr. Barnebey suggested that the Board determine the next meeting. Mr. Wood requested to defer the entire discussion.

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-09, Approving Fiscal Year  
2018/2019 Proposed Annual  
Budget and Setting a Public  
Hearing Date for Final Adoption**

Dr. Fishkind explained the budget process. He put a budget in place that would serve as a not to exceed set of ceilings for the District so the Board can pass it in preliminary form and it would give the District one month and time to publish and schedule a public hearing. He stated that the proposed budget is just in front of Tab 14 in the agenda package.

Mr. Ludmerer stated that the largest item in the budget is the District accounting and controllership line item. He asked Dr. Fishkind to give the Board a framework for how this compares to other Recreation Districts with 1,200 units. Dr. Fishkind stated that this will be less than the total accounting budget in Herons Glen. He spoke with Fishkind's accounting staff and they have a very large District at Port

St Lucie at Tradition. It does not have quite the complexity of the golf course operations but it has a lot of other complexities like administration of all of the cable TVs for 8,000 residents. The accounting staff ensured Dr. Fishkind that this budget could be a not to exceed figure which is what the authority would be. Dr. Fishkind suggested that the public hearing be scheduled for the same date and time as the November meeting and the District will publicize that once District staff polls the Board for that. Dr. Fishkind requested a motion to approve with the date of the public hearing to be determined based upon the Board's availability in November

On MOTION by Mr. Smith, seconded by Mr. Wood, with all in favor, the Board approved Resolution 2018-09, Approving Fiscal Year 2018/2019 Proposed Annual Budget and Setting the Public Hearing for a date TBD in November based on the Board's availability.

**FIFTEENTH ORDER OF BUSINESS**

**Consideration of Fiscal Year  
2018/2019 Budget Funding  
Agreement**

Dr. Fishkind stated that the District is in an awkward position related to timing. He expects to have monies for operations and maintenance using assessments but the District cannot do that this year because the District is too late into the budgetary season to be able to post an assessment roll with the Property Tax Assessor. He stated that the alternative is to bill everyone each month which he thinks is too expensive and not cost efficient. Dr. Fishkind spoke to Mr. Barnebey and both decided to defer their bills until the funding is arranged for the District. Dr. Fishkind proposed to explore the options for short term financing, go out for RFPs to make sure that the District has bona fide data and bring that back to the next meeting for the Board to review. Dr. Fishkind requested a motion to direct District staff to go out and get RFPs and bring back information.

On MOTION by Ms. Bertsch, seconded by Mr. Wood, with all in favor, the Board approved the Fiscal Year 2018/2019 Budget Funding authorized District staff to go out and get RFPs and bring back information to the Board.

**SIXTEENTH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-10, Setting a Public**

**Hearing on Adoption of Rules of Procedure**

- a) Rules of Procedure**
- b) Notice of Rule Development**
- c) Notice of Rulemaking**

Dr. Fishkind noted that Ms. Harris did an excellent job of reviewing some of the rules that the District Manager uses in many of their other District. He explained that even though this is a Recreation District is very similar to Community Development Districts and Stewardship Districts in terms of its governance. Dr. Fishkind proposed that the Board pass a Notice of Rulemaking and Notice to Adopt the Rules. That will give the Board time to make any adjustments or suggestions and it will give Mr. Barnebey and the general public time to review the rules. The District would then have a public hearing and address everything at that point in time and then the Board can adopt the Rules of Procedure. He proposed that the public hearing be set for the November meeting so that the other public hearings would be on the same day.

On MOTION by Mr. Wood, seconded by Ms. Bertsch, with all in favor, the Board Approved Resolution 2018-10, Setting the November TBD Date as the Date of the Public Hearing on Adoption of Rules of procedure.

**SEVENTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-11, Expressing the Intent of the District to Utilize the Uniform Method of Levy, Collection, and Enforcement of Non-Ad-Valorem Assessments and Setting a Public Hearing Date Thereon**

As a unit of local government, the board can require the Property Tax Assessor and Property Tax Collector to assess assessments and collect those assessment and disburse the assessments back to the district. Dr. Fishkind explained that difference between assessing and collecting via the Tax Collector's office vs. directly bill. He stated that using the Uniform Method creates a high-quality

security and means of paying Debt Service and operations and maintenance. Tax Assessor and Collector's fees and charges are limited by statute to 2% or the actual cost of the service they render, whichever is lesser amount.

On MOTION by Mr. Smith, seconded by Mr. Wood, with all in favor, the Board Approved Resolution 2018-11, Expressing the Intent of the District to Utilize the Uniform Method of Levy, Collection, and Enforcement of Non-Ad-Valorem Assessments and Setting the November TBD Date as the Public Hearing Date Thereon.

**EIGHTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-12, Setting Forth the Policy of the District with Regard to the Support and Legal Defense of the Board of Supervisors and District Staff  
a) Authorization to Obtain Liability Insurance**

Dr. Fishkind stated that the District will be getting insurance but the Board needs to pass this motion to support the legal defense of Board Members and District staff.

On MOTION by Mr. Smith, seconded by Ms. Bertsch, with all in favor, the Board Approved Resolution 2018-12, Setting Forth the Policy of the District with Regard to the Support and Legal Defense of the Board of Supervisors and District Staff.

**NINETEETH ORDER OF BUSINESS**

**Consideration of Resolution 2018-13, Providing for the Public's Opportunity to be Heard, Addressing Public Meetings, and Public Comment Period**

Dr. Fishkind explained that this enshrines the motion of the public's right to be heard during the comment period and establishes rules concerning public decorum and enforcement of those rules.

On MOTION by Mr. Ludmerer, seconded by Ms. Bertsch, with all in favor, the Board Approved Resolution 2018-13, Providing for the Public's Opportunity to Be Heard, Addressing Public Meetings, and Public Comment Period.

**TWENTIETH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-14, Adoption of Records  
Retention Policy; and Providing  
for Severability and Effective  
Date**

Dr. Fishkind explained that this is a rule of retention policy providing severability and date. She stated that the District must follow the rules of the State of Florida and tell the District staff to maintain the record.

On MOTION by Mr. Smith, seconded by Mr. Wood, with all in favor, the Board Approved Resolution 2018-14, Adoption of Records Retention Policy; and Providing for Severability and Effective Date.

**TWENTY-FIRST ORDER OF BUSINESS**

**Consideration of Resolution  
2018-15, Adoption of Travel  
Reimbursement Policy**

Dr. Fishkind explained that Travel Reimbursement is prescribed and limited by Statute in the State of Florida. Dr. Fishkind asked that the Board adopt the state's rules.

On MOTION by Mr. Wood, seconded by Mr. Ludmerer, with all in favor, the Board Approved Resolution 2018-15, Adoption of Travel Reimbursement Policy.

**TWENTY-SECOND ORDER OF BUSINESS      Consideration of Resolution  
2018-16, Adoption of Prompt  
Payment Act Policies, and  
Procedures**

Dr. Fishkind stated that the District is required under Florida law to pay promptly, within 30-45 days. He noted that Mr. Barnebey will not allow the District to enter into any contracts or obligations for which the District does not have funding.

On MOTION by Mr. Smith, seconded by Mr. Wood, with all in favor, the Board Approved Resolution 2018-16, Adoption of Prompt Payment Act Policies and Procedures.

**TWENTY-THIRD ORDER OF BUSINESS      Consideration of Resolution  
2018-17, Authorizing the  
Recording of Notice of  
Establishment**

Dr. Fishkind explained that this authorized Mr. Barnebey, on the Board's behalf, to file the Notice of Establishment that must be done within 90 days of when the District was established. Mr. Barnebey added that it puts buyers on notice that the District exists and he will file it if the Board approves Resolution 2018-17.

On MOTION by Ms. Wood, seconded by Mr. Ludmerer, with all in favor, the Board Approved Resolution 2018-17, Authorizing the Recording of Notice of Establishment.

**TWENTY-FOURTH ORDER OF BUSINESS      Consideration of District  
Website Agreement**

Dr. Fishkind suggested that the District start with the standard website and once they see and get it articulated they can readdress it if the Board desires. He stated that in order to meet the Florida Statutes, his firm got with an outside vendor and designed an efficient system to post everything to the website and get a bulk rate for its hosting. He noted that these are very discounted rates compared to what the District would get if they had to go out and do it separately.

Mr. Ludmerer stated that the basic website was limited to 100 members and would not be sufficient for long term utilization. Dr. Fishkind explained that 100 members means 100 different emails and typically the District has not gotten more than that but the District can upgrade the website and it would be modular so the District will benefit from the original formation of the site and it will just be expanded.

Mr. Ludmerer asked if he was correct in assuming if the District went with the Community Interactive website option, it can build off the existing core website without reinventing the entire process. Dr. Fishkind replied yes. He noted it would be incidental so the cost would be the difference between the two.

Mr. Ludmerer asked if the website be developed without any encumbrances to third-party software owners. Dr. Fishkind responded yes and that the District will own the site.

Ms. Bertsch stated that Dr. Fishkind mentioned 100 emails, so she asked who get the emails. Dr. Fishkind stated that the email addresses are beyond the 5 Board member emails. Dr. Fishkind stated that if people want to register for the site in the community and have their things pushed out to them then that would be how the District would be able to do that. She asked if the alternative is for the public to go to the website and pulling the information. Dr. Fishkind replied yes and that in his big District in Port St Lucie where there are 8,000 residents there were only 40 who wanted the District to push information out to them. He noted that most of the public just wants to access it directly. Ms. Bertsch asked what the cost is if the District wanted to increase that to a larger number. Dr. Fishkind responded that for about \$1,000.00 the District could probably have 1200 emails.

Mr. Ludmerer asked when the website would be operational. Ms. Harris stated that she received an email from the Web Master yesterday who informed her that the framework is up there and they are starting to put in the templates for the different sections so she is hoping that the website will be active within the next two weeks or so.

Ms. Bertsch asked about the turn around time for submitting documents to the District Manager to get it on the website. Ms. Harris stated that she has the capability of uploading her documents directly to the website. Is a third party required? No.

Mr. Smith suggested that the District Manager invest in tablets to bring to the meetings with the agenda package file loaded, for Board Member use. Dr. Fishkind stated that he would love to do that and he has been working with a couple of his Boards to try to find a few that would be willing to do exactly that. He noted that so far, he has no other District that would like to do that but if he would like to be the



first, Dr. Fishkind noted that he would be delighted to sponsor the tablets and have him help the District Manager to make a great system. Mr. Smith replied “so moved” and Dr. Fishkind responded that he will work in that direction.

Dr. Fishkind requested a motion to approve the Website Agreement.

On MOTION by Mr. Smith, seconded by Ms. Bertsch, with all in favor, the Board approved the District Website Option as Described by the District Manager.

**TWENTY-FIFTH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-18, Designating a  
Qualified Public Depository -  
Tabled**

Dr. Fishkind explained that a public depository must be banked with a net worth of more than \$100,000,000.00 and must be domiciled in the State of Florida. Dr. Fishkind suggested that the District use Florida Community Bank because they are cost effective and are interested in providing a line of credit or other credit facility to the Board. He stated that the District can always change later but this would get the District started and District staff recommends Florida Community Bank. He stated that the Board can fill in any qualified depository and tell District staff to bring back an RFP if they choose.

Ms. Bertsch made a motion to approve, seconded by Mr. Wood. When Dr Fishkind asked for comments, Mr. Ludmerer stated that the Board discusses earlier about soliciting RFPs for the availability of short-term funding and he was wondering if the opportunity to be the Depository of Record would be an inducement for other financial associations to come forward and he suggested that this be tabled until after the Board gets feedback on what the RFP might provide. Dr. Fishkind responded that he thinks that is an excellent suggestion. Dr. Fishkind requested that this be tabled and it will be part of the agenda when he comes back with the information.

**TWENTY-SIXTH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-19, Authorization to  
Establish Checking Account  
and Designation of Authorized  
Signatories for Operating  
Account(s) - Tabled**

Dr. Fishkind explained that this will be deferred because it is linked to the previous resolution.

**TWENTY-SEVENTH ORDER OF BUSINESS    Consideration of Resolution  
2018-20, Adopting Alternative  
Investment Guidelines**

Dr. Fishkind stated that the District staff wants to establish something that is very conservative. He stated explained that Section 1 limits any investment to government backed investments or well insured Certificates of Deposit.

On MOTION by Mr. Ludmerer, seconded by Mr. Wood, with all in favor, the Board Approved Resolution 2018-20, Adopting Alternative Investment Guidelines.

**TWENTY-EIGHTH ORDER OF BUSINESS    Consideration of Bond  
Financing Team Funding  
Agreement**

Dr. Fishkind explained that this will be deferred.

**TWENTY-NINTH ORDER OF BUSINESS    Consideration of Bond Counsel  
Agreement**

Dr. Fishkind explained that the District needs a Bond Counsel to help with the upcoming workshop that District staff will propose later on in this meeting and to begin to work on the Bond documents. Dr. Fishkind asked that BMO prepare some of this information and provide a proposal to the Board. He noted that BMO is the Bond Counsel for Lakewood Ranch among other Districts. He has found them to be very responsive, have excellent work product, and cost competitive. Dr. Fishkind stated that Bond Counsel gets paid only upon a successful finance. A Supervisor asked about the fee. Dr. Fishkind responded that the fee is \$60,000.00 and stated that Board can agree to it or negotiate it at the time of the Bond issue. Mr. Smith asked if Bond Counsel determines their fee based on the value of the Bonds that are being offered and or is it based on the time or a combination of both. Dr. Fishkind responded that it is a fixed fee of the time because there is a

fixed amount of time regardless whether the Bond issue is \$10,000,000.00 or \$100,000,000.00 and most of the documents are essentially the same. Dr. Fishkind stated that the fee they are charging is market rate.

Mr. Barnebey stated that he thinks the fee is also partly on the risk based on what BMO expects the issuance to be. Mr. Barnebey stated that he will have a similar rate but probably not that high for District Counsel payment because it is a third party.

On MOTION by Mr. Smith, seconded by Mr. Ludmerer, with all in favor, the Board Approved the Bond Counsel Agreement with BMO.

**THIRTIETH ORDER OF BUSINESS**

**Consideration of Resolution  
2018-21, Declaring Special  
Assessments- Deferred**

Dr. Fishkind stated that the District is not ready to declare special assessments. In his discussion with each of the Board Members individually, they thought it would be appropriate to have a workshop on these special assessments and at the close of that workshop the Board would consider whether they wish to move forward with special assessments both for the District's operations and maintenance and for the potential future acquisition of the County Club Facilities. There is no action required by the Board today.

**THIRTY-FIRST ORDER OF BUSINESS**

**Consideration of Resolution  
2018-22, Setting Workshop  
Meeting Date for Discussing  
Special Assessments**

Dr. Fishkind explained that this resolution would advertise and set a workshop to discuss the special assessments. Dr. Fishkind will present a report well in advance of the workshop. District staff will make a presentation then take public comment. At the end of that workshop period the Board will decide if they wish to move forward or not with special assessments for capital and operations and maintenance.

Mr. Wood asked if it would be at the regularly scheduled meeting. Dr. Fishkind stated that it would be done at the November meeting. Dr. Fishkind noted that the District does not have to do a workshop but he thinks it is a good idea and he would

appreciate the Board's interest in doing so. Dr. Fishkind explained that the Board would hold the workshop, consider special assessments, consider a report from Dr. Fishkind, consider the additional costs for deferred maintenance that the planning group would bring forward and certify to the Board, and then that material will be brought forward. Then the Board could start the assessment process under Chapter 170 of the Florida Statutes. Dr. Fishkind noted that that would then cause a mailed notice of the amount of the assessment to go to every single property owner. It would invite them to a public hearing in which each property owner could come and discuss their interests and concerns about those assessments. At the end of that the Board would sit as a Board of Equalization and equalize the assessments if they so choose and then implement them.

Ms. Bertsch asked who facilitates the workshop and is a workshop like an RD open Board meeting that Sunshine Laws apply that the Board is not allowed to discuss anything about what might go on in a workshop amongst the Board. Dr. Fishkind responded that the Board can only discuss what is going on at a workshop at a public meeting like the one today. Dr. Fishkind stated that the next meeting in October would be a great time for the Board to get further information from him and for the Board to give District staff future direction.

Dr. Fishkind proposed to bring to the Board at the October meeting, a draft of the Assessment Report. The instruction from the Board would be to instruct him to circulate it amongst all the potentially effected parties. He stated that when the Board opens up the workshop District staff will make presentations and then the Board would discuss and then the Board would open up the meeting but District staff can discuss that more at the October meeting.

Mr. Ludmerer asked if the workshop will be held prior to a regular meeting of the Board. Dr. Fishkind responded that he is requesting that the Board pass Resolution 2018-22 today and then advertise the workshop for the November regularly scheduled meeting once he gets to poll all of the Board members and they know what that date is that they would like to have it. He noted that this will give the District more than the 30 days and will give sufficient time to circulate any documents. Mr. Ludmerer asked if it would be the same date as the Board meeting. Dr. Fishkind responded yes and that it will be the same date as the November Board meeting and the Board will have all the various public hearings in November.

On MOTION by Mr. Wood, seconded by Mr. Smith, with all in favor, the Board Approved Resolution 2018-22, Setting Workshop Meeting Date for Discussing Special Assessments on the November Date TBD.

**THIRTY-SECOND ORDER OF BUSINESS      Consideration of Resolution  
2018-23, Bond Resolution**

Dr. Fishkind explained that the Board is not ready to consider this item but he wanted them to see it and what it will look like. He stated that if they wish to move forward with assessments and if they wish to position the Board to give the District the opportunity to issue Bonds and purchase the County Club assets they need to have a trust indenture. A trust Indenture is a contract between this Board and a trustee bank and it sets out all the rules, regulations and guidance concerning how debt will be handled for the long-term long debt. He stated that the District will need to get this in place in order to take the next step to allow the District to be able to issue long term debt which would be to be able to have a validation hearing under Chapter 75 of the Florida Statutes. Dr. Fishkind stated that once the District gets to the November meetings at that time the Board will discuss going out for the referendum as well because then the Board would have thought through the assessments and what they think the referendum might be or wait for the December meeting when the Board will finalize assessments to then determine the referendum. He explained that this is a foundation document but there is nothing required of the Board today.

Dr. Fishkind stated that the draft resolution has in brackets, and amount of \$30,000.00 which would be a not to exceed number. He stated that number is what District staff believes is more than sufficient to purchase the Club assets and do whatever refurbishments the Board wants to do and fit in with the assessment levels that were advertised to the community in support of the referendum.

**THIRTY-THIRD ORDER OF BUSINESS      Staff Reports**

**District Counsel** – Mr. Barnebey stated that the District received a complaint with the Florida Elections Commission. He stated that the District would like to be able to respond to that. He tried to get additional time for the District to respond and the Florida Elections Commission gave the District two weeks in which to respond and that fell about now. He stated that they told him that they cannot give the District any more time to respond because he is not authorized to talk to the Florida Elections Commission. Mr. Barnebey stated that at the time he talked to them there was not any Board to be able to appoint anyone to talk to the Florida Elections Commission. Mr. Barnebey stated that now that the District has had this meeting and he has been appointed as District Counsel he will respond to that

complaint. He wanted to make the Board aware of that and added that he does not think there is any basis in it but here will be an opportunity to review it. Mr. Barnebey will let the Board know how it goes.

**District Engineer – N/A**

**District Manager – No Report**

**THIRTY-FIFTH ORDER OF BUSINESS                      Supervisor Requests and Audience Comments**

Mr. Richard Tenenbaum Stanhill Chair – 751 Stanhill, asked asked Mr. Barnebey to discuss the basis of the complaint from the Florida Elections Commission.

Mr. Tenenbaum, if there will be notes or a transcription of this meeting which is going out to the residents of the community. Dr. Fishkind responded that there are published minutes and it is a requirement and the published minutes will also come back to the Board for approval.

Mr. Barnebey commented on the election’s complaint. He explained that there were a number of comments and he is not sure if any of them directly deal with the Florida Election Law. He stated that the five comments were related to proxy voting and who was allowed to vote in the election. This is what he will respond to in that regard. He noted that there is a very detailed and long list of responses to those comments but he does not think that there is any basis in those particular comment.

Mr. Bill Solegardens, (no address) stated that he wanted to bring the Board’s attention to a couple of serious issues and the issues are associated with the whole process that became the result of the Board being elected. He stated that there is a requirement in Article 1 Section 10 Clause 1 of the US Constitution that no law can be passed that impairs the obligation of contracts. He stated that he has a contract with UPCA and stated that the Board had no authority to break his contract or impair his contract. He stated that they are noticed that they are breaching the Constitution and that because they do not have the proper rules of office they are operating in their private capacity and therefore fully liable for everything that they do and they have no immunity because they are not properly sworn into office.

Ms. Barbara Romick, Grovenor, asked if something unfortunate happens to one of the Board of Supervisors, what is the process for replacing that person or persons.

Mr. Barnebey stated that all of the Supervisors for this particular year are elected for one year only and if there is a vacancy that occurs, the Board of Supervisors would replace them a vote for replacement.

There were no other public comments.

Dr. Fishkind opened the floor for Board of Supervisor requests.

Mr. Smith stated that he feels a great honor and privilege to represent the public and he takes his position incredibly seriously and it is something he is doing because he believes in the beauty of what the community has and he thinks that one of the real responsibilities that the Board has is to listen to everybody's comments and at the end of the day the Board wants to do what is in the community's collective best interest which is to protect the beauty that the public enjoys and the property values that they have, His commitment is to respect and value the public's input and let them know he takes it as a personal and professional responsibility. He and the rest of the Board will do everything they possibly can to make this the right thing for everybody. He asked the public to give the Board and District staff some creative solutions and options.


There were no other Board comments.

**THIRTY-SIXTH ORDER OF BUSINESS          Adjournment**

There were no other questions or comments. Mr. Fishkind requested a motion to adjourn.

ON MOTION by Mr. Wood, seconded by Mr. Ludmerer, with all in favor, the Wednesday, September 26, 2018 Organizational Meeting for University park was adjourned.

  
Secretary / Assistant Secretary

  
Chairman / Vice Chairman