

MINUTES OF MEETING

OSCEOLA CHAIN OF LAKES COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Osceola Chain of Lakes Community Development District was held Wednesday, July 11, 2018, at 1:30 p.m. at the District office, 313 Campus Street, Celebration, FL 34747.

Present and constituting a quorum were:

Anthony Iorio	Chairman
Ryan Kahn	Vice Chairman
Nihit Patel	Assistant Secretary

Also present were:

Gary Moyer	Manager: Moyer Management Group
Tucker Mackie	Attorney: Hopping Green & Sams
Nicole Stalder	Engineer: Dewberry

FIRST ORDER OF BUSINESS

Call to Order

Mr. Iorio called the meeting to order at 1:35 p.m.

SECOND ORDER OF BUSINESS

Roll Call

Mr. Iorio called the roll and stated a quorum was present for the meeting.

THIRD ORDER OF BUSINESS

Public Comment Period

There being none, the next order of business followed.

FOURTH ORDER OF BUSINESS

Administrative Matters

A. Appointment to Fill Unexpired Terms of Office for Seat 5 (November 2019)

Mr. Iorio stated we do not have anyone to nominate, so we will keep this on the agenda for a future meeting.

B. Oath of Office for Newly Appointed Supervisors

This item not being considered, the next item followed.

C. Consideration of Resolution 2018-42, Amending Designation of Officers

This item not being considered, the next order of business followed.

FIFTH ORDER OF BUSINESS

Approval of Minutes of May 2, 2018, Regular Meeting and June 25, 2018, Special Meeting

Mr. Iorio reviewed the minutes, which are included in the agenda package and are available for public review in the District Office during normal business hours or on the website, and requested additions, corrections, or deletions.

Ms. Mackie stated Ms. Sarah Sandy in my office reviewed them and her comments have been incorporated into the May minutes but not this version of the June minutes, and I am not sure what they are.

On MOTION by Mr. Kahn, seconded by Mr. Patel, with all in favor, unanimous approval was given to accept minutes of the May 2, 2018, regular meeting as presented and to table consideration of minutes of the June 25, 2018, special meeting.

SIXTH ORDER OF BUSINESS

Public Hearing to Adopt the Proposed Budget for Fiscal Year 2019

A. Proposed Fiscal Year 2019 Budget

Mr. Moyer stated the Board previously approved the budget for the purpose of setting this public hearing. It primarily is an administrative budget to cover the costs of administration of the District, but we added a category for field, which will deal with landscaping expenses and anything else that will be done in the interim before we have to start maintaining assets. For budget purposes, we listed \$50,000. That does not mean we are going to spend \$50,000; it all depends on what is out there and what the landowners want us to maintain. This is not an authorization to spend money but a line item in the budget. The total general fund budget including administrative and field categories is \$166,647.

On MOTION by Mr. Kahn, seconded by Mr. Patel, with all in favor, unanimous approval was given to the budgets for fiscal year 2019.

B. Consideration of Resolution 2018-41, Annual Appropriations Resolution for Fiscal Year 2019

Mr. Moyer read Resolution 2018-41 into the record by title.

Mr. Moyer stated this is documentation based on the fact that the Board adopted the budget and we are putting that in certain categories for operations and maintenance, and debt service.

On MOTION by Mr. Patel, seconded by Mr. Kahn, with all in favor, unanimous approval was given to Resolution 2018-41, the annual appropriations resolution for fiscal year 2019.

C. Consideration of Developer Funding Agreement for Fiscal Year 2019

Mr. Moyer stated we are in the position currently where the developer will pay a vast majority, if not all, of these fees. Rather than putting it on the tax bill and paying the property appraiser and tax collector to do that, we are direct funding this. We will send funding requests to the developer for costs incurred.

Ms. Mackie stated this funding agreement has also been forwarded to Mr. Andrew Orosz. We have not received comments, so I will ask approval of this agreement be subject to confirmation the developer has no changes.

On MOTION by Mr. Patel, seconded by Mr. Kahn, with all in favor, unanimous approval was given to the developer funding agreement for fiscal year 2019, subject to confirmation the developer has no substantive changes.

D. Consideration of Resolution 2018-43, Certifying Debt Assessments for Fiscal Year 2019

Mr. Moyer read Resolution 2018-43 into the record by title.

Ms. Mackie stated we are not levying a non-ad valorem assessment on the tax bills for payment of the operations and maintenance expenditures. However, the District has issued bonds, and we need to certify for collection the debt portion of the assessment that was levied at the time the bonds were issued. We are just showing the roll we are using to certify for collection, and we are collecting these directly, as well as the general fund expenditures. They will not be on the tax roll to avoid the cost of doing so.

Mr. Iorio stated I appreciate all the explanations. Some of our Supervisors are new to CDDs, so we appreciate when staff provides some of the reasons for certain documents and activities.

On MOTION by Mr. Patel, seconded by Mr. Kahn, with all in favor, unanimous approval was given to Resolution 2018-43, certifying debt assessments for fiscal year 2019.

SEVENTH ORDER OF BUSINESS

Matters Related to Engineering Services

A. Approval of Agreement with Dewberry for General Engineering Services

Mr. Moyer stated Ms. Stalder provided this agreement, which basically outlines in general terms the engineering services and identifies by personnel category the fees they will charge as they provide these services. This is the master agreement for future engineering.

Mr. Iorio stated it would be helpful as the project moves along and things are acquired, especially from a stormwater standpoint, to show what has been turned over. I have done this on other projects, which was very helpful when residents asked what areas were still under District control and ownership versus the developer. For example, as we go through the first initial phases, we will have a map that is colored showing what the District owns and what is owned by other entities.

Ms. Stalder stated yes, I will do that.

Mr. Iorio stated it was very successful in other projects where we had 100 different lakes. We do not have that many in this District, but it is helpful. We are working with an engineer who is very familiar with CDDs. Their appropriate personnel costs have been reviewed by the manager and seem in line.

Mr. Moyer stated yes.

On MOTION by Mr. Patel, seconded by Mr. Kahn, with all in favor, unanimous approval was given to the agreement with Dewberry for general engineering services, as presented.

B. Approval of Work Authorization #2018-01 with Dewberry for Fiscal Year 2018

Mr. Moyer stated this work authorization is to provide general engineering services to the Board by attending these meetings and things of that nature.

On MOTION by Mr. Patel, seconded by Mr. Kahn, with all in favor, unanimous approval was given to work authorization #2018-01 with Dewberry for fiscal year 2018.

EIGHTH ORDER OF BUSINESS

Items for Approval

A. Consideration of Acquisition of Phase 1 Stormwater Improvements

Mr. Iorio stated we have certification on phases 1 and 2 stormwater, and we are working with the County to get a letter, which I have participated in as the developer to make sure it moves forward. I understand the documents will be in the County's hands late today or tomorrow for the as-builts. Conversations have been had with County officials to get a letter of acceptance from them that will complement the one from the District. We will be able to provide that to the engineer and legal counsel. Our goal is to have all that in place. Based upon receipt of everything, we will be able to submit for the request for funds.

Ms. Mackie stated I believe at the last meeting where this was considered, you authorized it in advance of receipt of all the documents that Mr. Iorio was referencing, in addition to contracts, bills of sale, and so forth. This Board authorized a not-to-exceed amount to acquire those improvements. It is my understanding the amount might exceed that prior authorization. I will ask the Board to entertain a motion to approve the acquisition of phase 1 stormwater improvements in a not-to-exceed amount of \$2,750,000, subject to receipt and review of all required documentation under the acquisition agreement by legal counsel, engineer, and manager. If everything is signed off between now and the next meeting, we can process the requisition and then ratify it at the next Board meeting. I think it is a slight excess in terms of costs, and we want to be sure we have the full amount of authorization from the Board.

On MOTION by Mr. Patel, seconded by Mr. Kahn, with all in favor, unanimous approval was given to acquisition of phase 1 stormwater improvements in an amount not to exceed \$2,750,000, subject to receipt and review of all required documentation under the acquisition agreement by legal counsel, engineer, and manager.

B. Ratification of Requisition #2 to Dewberry for Phases 1 and 2 Conservation Mitigation Fees

Mr. Moyer reviewed requisition #2 to Dewberry for phases 1 and 2 conservation mitigation fees in the amount of \$333,500.

Mr. Iorio stated we approved this at our previous meeting, so we are just ratifying it today.

Ms. Mackie stated as a point of clarification, Requisition #1 was paid to HLC Edge Holdings, as authorized.

On MOTION by Mr. Patel, seconded by Mr. Kahn, with all in favor, unanimous approval was given to ratify requisition #2 to HLC Edge Holdings, LLC, for phases 1 and 2 conservation mitigation fees in the amount of \$333,500.

C. Approval of Requisition #3 to Hopping Green & Sams for Project Construction Legal Fees

Mr. Moyer reviewed requisition #3 to Hopping Green & Sams for project construction legal fees in the amount of \$4,026.23.

On MOTION by Mr. Patel, seconded by Mr. Kahn, with all in favor, unanimous approval was given to requisition #3 to Hopping Green & Sams for project construction legal fees in the amount of \$4,026.23.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Tucker stated a prior authorization for acquisition for offsite utilities was approved in the amount of \$200,000. I think actual costs are coming in at \$200,131. We will exceed the amount we have in construction costs with the stormwater acquisition. I will ask if the Board would like to authorize the additional \$131 for this acquisition. It is at the desire of the Board since most of the amounts will be assumed by the stormwater acquisition.

The Board declined to authorize the additional \$131.

Ms. Mackie stated as a point of update, the District is required to comply with Title II of the Americans with Disability Act (ADA). It does not mean much for this District, given the types of facilities that it owns, operates, and maintains. However, recently some litigation has been filed against cities, counties, and special districts within the State of Florida for alleged ADA violations with respect to website accessibility. The District is now required under Chapter 189, Florida Statutes, to maintain a website that posts certain information related to the District. Allegations for other districts have been that they have not complied with ADA in making those sites and documents accessible to people with disabilities. That litigation has not played out as to whether or not cities, counties, and special districts have to comply with the ADA because it is relatively silent on websites. It was last adopted and revised in the 1990s, so websites were not very common at that time. We are looking into it and making sure we are taking the necessary steps to protect the District. To the extent the cost is minimal, our advice is to make the recommended changes that a website accessibility consultant might provide to the District. Holistically, the manager is providing to a consultant the website form he utilizes for most districts and is asking them to comment on what steps the District should take in order to comply. We are in the middle of that process right now, so I have nothing for the Board to approve as far as any costs for consultants or otherwise. I wanted to make sure the Board is aware staff is working on this issue. Because of the ability for a suit to be filed and

access to the website is open and available to everyone, we want to make sure we are taking this into consideration fairly quickly.

Mr. Iorio asked how complicated is the transition?

Ms. Mackie stated from what I understand, the more basic your website is, the less there is to do. The issue has more been regarding pdfs and everything we are required to upload and the level of accessibility for those who are visually or hearing impaired and how those things are conveyed to the public. For example, if you are visually impaired, you are responsible for owning the type of software that could make communication between the website and your software responsive. But a district might be required to provide a highway to get that information to the users.

Mr. Iorio stated if we have a pdf that cannot be read with voice recognition, we might have to put it in Word or other format so it can be read.

Ms. Mackie stated yes. Some pdfs are more advanced and you can edit them, as opposed to the very basic ones. I think that is the difference in the type of pdf you are posting. The consultants are looking into this. We may be relying on them in the future. EGIS is one of the predominant insurers for special districts, cities, and counties, and they are holding a forum next week. They are making suggestions as how best to make some of these implementations and protect the District from a suit.

Mr. Iorio stated legal counsel will bring information to us as Tallahassee develops new potential legislation that could affect our District. It is helpful that they are in Tallahassee. During my career on CDD Boards, they have been helpful in getting a future vision of the potential impacts that legislation could have on our districts.

B. Engineer

There being nothing to report, the next item followed.

C. Manager

i. Financial Statements and Check Register *(May 31, 2018)*

Mr. Moyer reviewed the financial statements, which are contained in the agenda package and available for public review on the website or at the District office during normal business hours.

ii. Check Register

Mr. Moyer reviewed the check register, which is contained in the agenda package and available for public review on the website or at the District office during normal business hours.

ii. Approval of Funding Request #6

Mr. Moyer reviewed funding request #6, which is contained in the agenda package and available for public review on the website or at the District office during normal business hours.

On MOTION by Mr. Patel, seconded by Mr. Kahn, with all in favor, unanimous approval was given to the check register and to funding request #6 in the amount of \$18,029.06, as presented.

iv. Number of Registered Voters – 0

Mr. Moyer stated we have to track this number until we get to 250 registered voters and the District is six years old, at which time, we change how Board members are elected.

TENTH ORDER OF BUSINESS

Other Business

There being none, the next order of business followed.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests

There being none, the next order of business followed.

TWELFTH ORDER OF BUSINESS

Adjournment

- The next meeting is scheduled for September 5, 2018, at 1:30 p.m.

On MOTION by Mr. Patel, seconded by Mr. Kahn, with all in favor, the meeting adjourned at 1:55 p.m.

Gary L. Moyer, Secretary

Anthony Iorio, Chairman