

# **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, March 3, 2021, at 1:30 p.m. at the District office, 313 Campus Street, Celebration, FL 34747.

Present and constituting a quorum were:

Anthony Iorio	Chairman
Jason Lonas	Vice Chairman
Douglas Beasley ( <i>via Zoom</i> )	Assistant Secretary
Tim Tassone ( <i>via Zoom</i> )	Assistant Secretary
Kimberly Locher	Assistant Secretary

Also participating either in person or via Zoom Video Communications were:

Gary Moyer	Manager: Moyer Management Group
Sarah Sandy	Attorney: Hopping Green & Sams
Nicole Stalder	Engineer: Dewberry
Brenda Burgess	Moyer Management Group
Angel Montagna	Inframark
Steve Orosz	Hanover Capital Partners

### **FIRST ORDER OF BUSINESS**

#### **Call to Order**

Mr. Iorio called the meeting to order at 2:15 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. Oath of Office for Newly Elected Supervisors**

Mr. Moyer stated the District had a landowner meeting on November 3, 2020, at which time three seats were up for election. The Supervisors who were elected at that meeting are Mr. Lonas, Mr. Tassone, and Ms. Locher. Terms for Mr. Lonas and Mr. Tassone are four years, and Ms. Locher's term is two years, based on the number of votes they received. Since Mr. Tassone is participating via Zoom, the next time you are available to attend a meeting, I will administer the oath of office to you, unless you can find a Notary to be sworn in prior to the next meeting.

Mr. Iorio stated we have Notaries in our office, and that can be accommodated.

Mr. Moyer stated for the record, I am a Notary of the State of Florida, and as such, I can administer oaths of office.

Mr. Moyer administered the oath of office to Mr. Lonas and Ms. Locher.

Mr. Moyer distributed the written oaths to Mr. Lonas and Ms. Locher to be signed, which was also notarized.

**B. Consideration of Resolution 2021-01, Canvassing and Certifying the Results of the November Landowner Meeting**

Mr. Moyer read Resolution 2021-01 into the record by title.

Mr. Moyer stated I entered into the record earlier what the Resolution states. It memorializes what happened at that election.

On MOTION by Ms. Locher, seconded by Mr. Lonas, with all in favor, unanimous approval was given to Resolution 2021-01 canvassing and certifying the results of the November landowner election.

**C. Consideration of Resolution 2021-02, Election of Officers**

Mr. Moyer read Resolution 2021-02 into the record by title.

Mr. Moyer stated Mr. Iorio currently serves as Chairman, Mr. Lonas as Vice Chairman, I serve as Secretary and Treasurer, and the remaining Supervisors serve as Assistant Secretaries. If you desire to keep the same structure, you can do that by motion, or you can go through them one at a time.

On MOTION by Mr. Iorio, seconded by Mr. Lonas, with all in favor, unanimous approval was given to Resolution 2021-02, election of officers keeping the same structure with Mr. Iorio as Chairman; Mr. Lonas as Vice Chairman; Mr. Moyer as Secretary and Treasurer; and Mr. Beasley, Ms. Locher, and Mr. Tassone as Assistant Secretaries.

**FIFTH ORDER OF BUSINESS**

**Approval of the Minutes of the August 5, 2020, Regular Meeting and the November 3, 2020, Landowner Meeting**

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

Ms. Burgess stated Ms. Sandy had an opportunity to review both sets of minutes, and what is included in the agenda package incorporates her comments.

On MOTION by Mr. Lonas, seconded by Ms. Locher, with all in favor, unanimous approval was given to accept the minutes of the August 5, 2020 regular meeting and the November 3, 2020, landowner meeting, as presented.

**SIXTH ORDER OF BUSINESS**

**Business Matters**

**A. Acquisition of Series 2020 Project Improvements – Phase 4 Right-of-Way and Utility Improvements**

**i. Bill of Sale – Phase 4 Right-of-Way**

**ii. Bill of Sale – Phase 4 Utilities and Electrical**

Ms. Sandy stated the acquisition documents included in the agenda package are for the Phase 4 right-of-way improvements as well as utilities and electrical. Included in the agenda package are the bills of sale for both of those improvements. One set of the bills of sale is from the developer to the District, and the other set is from the District to the City of Saint Cloud (“City”). The City will be taking both the right-of-way and the utilities but not the electrical. We have been working closely with the developer in getting the documentation together, and I think we are close to having the City sign off on all the improvements and having all the documentation executed. Ms. Stalder is reviewing the backup documentation that was provided by Hanover Lakes. The acquisition costs in total are just over \$2.4 million. Costs are \$765,103.58 for utilities and electrical, and right-of-way is about \$1.64 million, which total about \$2.4 million. We will use bond proceeds in order to acquire these improvements from the developer. About \$1.8 million is available in bond funds, so we will have a delta of receiving more in improvements than we will be able to pay from bond proceeds. For the balance between those two numbers, the developer has asked that once we have acquired these improvements that we recognize the difference as an infrastructure contribution, which the developer is required to meet under the bond documents and the infrastructure contribution agreements we have for both the Series 2018 bonds and the Series 2020 bonds. I am happy to answer any questions the Board may have in regard to the actual improvements and the status of where we are in terms of getting the documentation together to transfer them from the developer to the District and then to the City. If there are no questions, I will ask for the Board to consider a motion to approve the Phase 4 acquisition in an amount not to exceed \$2.5 million, subject to receipt and review by legal counsel of documentation required pursuant to the acquisition agreement.

On MOTION by Mr. Lonas, seconded by Ms. Locher, with all in favor, unanimous approval was given to the acquisition of Series 2020 project improvements for Phase 4 right-of-way and utility improvements, as described, in an amount not to exceed \$2.5 million, subject to receipt and review by legal counsel of documentation required pursuant to the acquisition agreement.

Mr. Iorio stated I appreciate Ms. Sandy's help in preparation of the documents. Mr. Andres Arvelo also did a great job in preparing the documents, and thanks to Ms. Stalder for the review and preparation. The facilities are built. We are just waiting for our certificate of completion with some punchlist items that were generated from last week's walk-through. They are physically on the ground and constructed.

**B. E-Verify Memorandum**

Ms. Sandy stated the Florida Legislature last year enacted a new requirement for special districts that requires special districts that are public employers enroll in the Department of Homeland Security's E-Verify system. It also requires us to use the E-Verify system for any employees we have. This District does not have any direct employees, so it does not have as much of a direct impact. However, we included this in the memorandum included in the agenda. For any new contracts going forward, it requires us to use contractors that have enrolled in the E-Verify system, as well. We will start including in any new agreements with third parties the requirement stating that they recognize the requirement to use the E-Verify system and that they agree to do that. At this time, we are looking for direction from the Board to direct the manager to enroll the District in this system.

On MOTION by Mr. Lonas, seconded by Ms. Locher, with all in favor, unanimous approval was given to enroll the District in the Department of Homeland Security's E-Verify system, as discussed.

**SEVENTH ORDER OF BUSINESS**

**District Manager Report**

**A. Financial Statements** (*January 2021*)

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

Mr. Moyer stated we emailed the financial statements earlier today. The things the District has direct control over, other than the acquisitions we just discussed, deal with the general fund.

Ms. Burgess stated the first page is the balance sheet. The second page is the income statement for the general fund. Through January 31, 2021, we have collected all our assessments through the tax collector except for five properties. I do not know which properties those are, so I did a percentage putting some in the general fund and some in the debt service fund. It shows we are about 98% collected on those assessments collected by the tax collector. Under expenditures, we are doing fine in all the categories. It looks like I didn't budget appropriately for the professional fees for the tax collector, but again those were all done on a percentage. They do not give me a list of which properties have paid their taxes; they just send the non-ad valorem assessments in one lump sum. At the end of the year, everything should fall into line. I am not too concerned about the numbers shown on our expenditures so far.

Mr. Moyer stated where we are in terms of expenses, we are \$27,267 under budget through the first third of our fiscal year. They are broken down into administrative and field expenses, which are the two components of our general fund.

On MOTION by Ms. Locher, seconded by Mr. Lonas, with all in favor, unanimous approval was given to the financial statements, as presented.

**B. Check Register**

Mr. Moyer reviewed the check register contained in the agenda package and available for public review at the District office during normal business hours.

Ms. Burgess stated each agenda package starts with the next check number, and I separated the check registers by fiscal year, which is why they are on two pages.

On MOTION by Mr. Lonas, seconded by Ms. Locher, with all in favor, unanimous approval was given to the check register, as presented.

**C. Ratification of Fiscal Year 2021 Meeting Schedule**

Mr. Moyer reviewed the meeting schedule contained in the agenda package and available for public review at the District office during normal business hours.

Mr. Moyer stated to the extent we have nothing to come before the Board, we will cancel meetings, but the schedule is to meet every other month.

On MOTION by Ms. Locher, seconded by Mr. Lonas, with all in favor, unanimous approval was given to ratify the fiscal year 2021 meeting schedule, as presented.

**D. Consideration of Resolution 2021-03, Amending the Debt Service Budget for Fiscal Year 2021**

Mr. Moyer read Resolution 2021-03 into the record by title.

Mr. Moyer stated we ended up collecting more revenues than budgeted, and that change is shown in the amendment, which shows a net zero change to the overall budget.

Ms. Burgess stated I included a note at the bottom of the amendment. We collected more because I made an error with two of the properties. I consulted with Ms. Sandy when we certified the roll last year. The budget the Board adopted is on the left, but I wanted my numbers to match. So we certified what we are asking you to amend as shown in the right column so that all the properties are correct.

On MOTION by Mr. Lonas, seconded by Ms. Locher, with all in favor, unanimous approval was given to Resolution 2021-03 amending the debt service budget for fiscal year 2021, as presented.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

**i. Hopping Green & Sams Notice Regarding Rate Adjustment**

Ms. Sandy reviewed the notice regarding a rate adjustment contained in the agenda package and available for public review at the District office during normal business hours.

Ms. Sandy stated this is a notice regarding an annual rate adjustment pursuant to our engagement agreement with the District. We annually review our rates and make adjustments accordingly to keep in line with the market and inflation. Also pursuant to the agreement, we are required to provide notice and let the Board know if you have any questions, we are available to answer them. We enjoy working for the District and look forward to a continued partnership.

On MOTION by Ms. Locher, seconded by Mr. Lonas, with all in favor, unanimous approval was given to the annual rate adjustment from Hopping Green & Sams.

Mr. Iorio stated I want to also congratulate Ms. Sandy and wish her the best with her new baby on the way.

**B. Engineer**

Mr. Iorio stated thank you again for your help in reviewing the acquisition documents, and for assisting Mr. Arvelo in the close-out of our funding.

There being nothing to report, the next order of business followed.

**NINTH ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next order of business followed.

**TENTH ORDER OF BUSINESS**

**Other Business**

Mr. Moyer introduced Ms. Montagna to the Board who has joined the Inframark team. As you may be aware, in the not-too-distant future, I plan to retire. She will be available to assist in the management of the District and its infrastructure. She comes from Tampa and has seven years of experience managing districts in Tampa, which is a very active special district area. She comes with several years of experience.

Mr. Iorio asked will it be a slow transition or soon?

Mr. Moyer stated it will probably be within the next three to six months.

**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 May 5, 2021, at 1:30 p.m.

On MOTION by Ms. Locher, seconded by Mr. Lonas, with all in favor, the meeting was adjourned at 2:40 p.m.

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Gary L. Moyer, Secretary

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Anthony Iorio, Chairman