

MINUTES OF MEETING
NARCOOSEE
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Narcoossee Community Development District was held Tuesday, July 28, 2020 at 3:06 p.m. via Zoom Video Conferencing, pursuant to Executive Orders 20-52, 20-69, 20-112, 20-150 and 20-179 issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 29, 2020, June 23, 2020 and July 30, 2020 respectively, and any extensions or supplements thereof, and pursuant to Section 120.54(5)(b)2., *Florida Statutes*.

Present and constituting a quorum were:

Jeffrey Smyk	Chairman
Steve Giercyk	Vice Chairman
James Gregoire	Assistant Secretary
Peter Wong	Assistant Secretary

Also present were:

Jason Showe	District Manager
Roy Van Wyk	District Attorney
Rey Malave	District Engineer
Alan Scheerer	Field Manager

FIRST ORDER OF BUSINESS

Roll Call

Mr. Showe called the meeting to order at 3:06 p.m. and called the roll.

SECOND ORDER OF BUSINESS

Public Comment Period

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the May 19, 2020 Meeting

On MOTION by Mr. Wong seconded by Mr. Giercyk with all in favor the minutes of the May 19, 2020 meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Public Hearings

On MOTION by Mr. Smyk seconded by Mr. Giercyk with all in favor the public hearing was opened.

A. Consideration of Resolution 2020-05 Adopting Amended and Restated Rules of Procedure

Mr. Van Wyk stated in our previous agenda package was a memorandum that outlined the changes. What we have in our rules of procedure is a codification of all the statutes we have to follow and puts them in one place and gives us a procedure to follow when we are implementing those statutory requirements. There were some bigger changes, you are allowed to contract for five years instead of three years. We were limited in the past. There are some increased dollar values that we are allowed to contract without going to bid and those were adjusted and are adjusted annually based on the CPI. We updated the protest procedures, some of the public meeting and hearing procedures that you have in your rules and basically, cleaned up all the things that changed including reference to statutes that may have changed or been modified. There is nothing new and it brings us up to date. They have been in place for 20 years and we update them frequently to make sure that we are staying up to date and providing the residents a clear path on what they need to do if they want to participate in our Board meetings.

Mr. Smyk asked are there any new rules concerning the quorum for a meeting not in person? I know we are dealing with a governor's order, but is there anything addressed in these new rules of procedure addressing that?

Mr. Van Wyk responded no, nothing like that. We are still acting under the orders of the governor. The current order, which waives in person quorum requirements is set to expire at the end of this month. We are hoping that will be extended another 60 days. There was a lot of discussion on Thursday with the governor's general counsel's office trying to get that extended, that was specifically left out of the most recent extension of the emergency order. They are aware of it, they know how important it is to us and to cities and counties to operate and hold their Board meetings and I suspect we should get one pretty soon at least a day or so before the expiration.

There are no members of the public on the call to provide public comment.

On MOTION by Mr. Gregoire seconded by Mr. Wong with all in favor Resolution 2020-05 Adopting Amended and Restated Rules of Procedure, was approved.

B. Consideration of Resolution 2020-06 Adopting the Fiscal Year 2021 Budget and Relating to the Annual Appropriations

Mr. Showe stated the next public hearing is to approve your Fiscal Year 2021 budget and the resolution and budget were included in the agenda package. The assessments remain level, we don't expect any contract increases.

Mr. Van Wyk stated can you confirm that we did publish notice of this public hearing and put the budget on our website?

Mr. Showe responded yes. I have not received any comments from the public on the budget.

On MOTION by Mr. Wong seconded by Mr. Gregoire with all in favor Resolution 2020-06 Adopting the Fiscal Year 2021 Budget and Relating to the Annual Appropriations, was approved.

C. Consideration of Resolution 2020-07 Imposing Special Assessments and Certifying an Assessment Roll

Mr. Showe stated Resolution 2020-07 levies the assessments on the tax bill. Attached to this resolution will be the final adopted budget that you just approved as well as the assessment roll that lays out the assessments on each property in accordance with the budget you just approved. We have received no public comments and have no members of the audience on the call to provide comment.

Mr. Wong asked is the word "special assessment" the normal wording or is that to differentiate it from regular assessment?

Mr. Van Wyk stated there are a lot of names for the same thing; special assessment, assessments, operation and maintenance special assessments. The term is used in a couple sections of the Florida Statute and it has different names, but it is really the same thing. Sometimes they are called benefit special assessments, it is really the same thing. An assessment is different from a tax in that assessments have to provide a benefit to the property, a tax can be a general collection or general fee for operation purposes. When you look at our resolution there are findings on page 2 and you will see that we call those out, that there is a benefit to the

property from the funding of the budget, which is essentially what we are doing; we are levying special assessments or benefit special assessments or O&M special assessments, same thing, to fund the budget, that the operations from the budget are a benefit on the lands and part 2 of a special assessment is that those assessments be fairly and reasonably apportioned. You are making a determination that the different sized lots get a different size benefit if that is the case or if there are different benefits based on area, like we have broken up for different landscaping costs and different lighting costs, that those are all benefiting those parcels at a different degree than other parcels within the District. Those are your two main findings in this resolution, which are the two requirements for valid special assessments. Section 3 is you are certifying them for collection so we have to notify the tax collector that we are going to go on the roll then we certify the assessments that we are imposing for collection via Chapter 197, which is the tax collector statute. Alternatively, if we wanted to just send out a bill we are allowed to collect them directly. We are also certifying for collection the annual installment of the debt service special assessments, which are to pay off the bonds. Assessment is a generic term and then there is a benefit special assessment, which is the same thing as your operation and maintenance special assessment or maintenance special assessment under Chapter 170, your debt assessment is the same thing, it is just for that specific purpose of paying off the debt. Again, it is a special assessment, it has to have a benefit and it has to be fairly and reasonably apportioned.

Mr. Wong asked if we raise the assessment over 25% that requires some additional public hearings? Is that also called a special assessment or is that a different term?

Mr. Van Wyk stated it would still be called special assessment. You do have a unique requirement in that the enabling legislation, the local ordinance that established the District, does have a cap in there that we are not supposed to go over that cap or a percentage. They are all special assessments, they all have to meet the same criteria, they have to be a benefit, they have to be fairly and reasonably apportioned.

Mr. Van Wyk stated if you want to do a tax you can do that because you are authorized by law to do a tax. That is different and is based on millage and that would be based on valuation.

On MOTION by Mr. Smyk seconded by Mr. Giercyk with all in favor Resolution 2020-07 Imposing Special Assessments and Certifying an Assessment Roll, was approved.
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On MOTION by Mr. Gregoire seconded by Mr. Wong with all in favor the public hearing was closed.

FIFTH ORDER OF BUSINESS

Consideration of First Amendment to Landscape Maintenance Services Agreement with SSS Down to Earth Opco, LLC

Mr. Showe stated the next item is an extension of the Down to Earth contract. There is no additional increase and this is just a continuation of the term through the end of next fiscal year. Just because you are extending their contract it is not a guaranteed contract and you still have all the termination provisions that applied to the original contract.

Mr. Wong asked Alan, do you have any feedback in terms of their performance in general?

Mr. Scheerer stated I think they are performing well under the current situation. Most all of our landscapers have experienced some sort of COVID isolation for various crew members so they have had some challenges. I know they have been working extra days and extra hours, I know they have missed a couple of spots, which I have had emails, calls and text messages on but I believe they responded as quickly as they could to correct that. I think they are performing under their agreement and unfortunately with the COVID situation they have lost some crews, they have had to stand down some crew members and isolate the people, but so has every other landscaper we are using. I don't have any issues with them personally.

Mr. Giercyk stated in general they do a good job, the only areas that could use a little more attention might be a weed whacker along the edge of the lake and some weeding on the beds at the entrance to the community.

Mr. Scheerer stated I know that lake is one they missed a couple times and they need to string trim all the way to the edge of the water, but we meet every week and we will continue to do so.

On MOTION by Mr. Giercyk seconded by Mr. Smyk with all in favor the First Amendment to the Landscape Maintenance Agreement with SSS Down to Earth Opco, LLC was approved.

SIXTH ORDER OF BUSINESS

**Acceptance of Audit Committee
Recommendation and Selection of #1 Ranked
Firm to Provide Auditing Services for Fiscal
Year 2020**

Mr. Showe stated the audit committee met and recommended Berger Toombs as the number one ranked firm.

On MOTION by Mr. Smyk seconded by Mr. Giercyk with all in favor the recommendation of the Audit Committee of Berger, Toombs, Elam, Gaines & Frank as the number one ranked firm was approved and District staff was authorized to obtain a contract for services for Board approval.

SEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Van Wyk stated we are trying to get the Zoom meetings extended so that we can continue for another 60 days at least. As soon as we hear something, we will let the District manager know.

Mr. Wong stated it is very helpful to have the agenda books ahead of time in order to be able to review it. I think moving forward if it is possible if we do have in person meetings if we can have these ahead of time it would be very helpful.

Mr. Showe stated I think it was at the request of the Board to go with the iPads but we can do that individually and if you would like to continue to get the agendas that is no problem we can continue to produce those.

Mr. Gregoire asked is it legal and possible to get these in a PDF format so that we can look at them on our personal iPad or computer?

Mr. Showe responded yes, we have done that in a lot of our Districts. We can email out a PDF and bring an iPad to the meetings that has the full agenda on it. We can make it a Board policy or do it individually.

Mr. Wong asked isn't there a requirement in our rules that the agenda and information be available seven days ahead of the meeting? Mr. Showe responded the new rules that were just approved was that you have to have the short form of the agenda available on the website and that is the one-page form, but we would typically email the entire agenda to the Board as soon as it is ready.

Mr. Van Wyk stated seven days is for posting it so we have the agenda outline on the website.

B. Engineer

Mr. Malave stated as we do every year, we do an inspection of all the facilities that are operated and maintained by the District, most of which are the stormwater ponds. A report was done, we found certain areas that need to be cleaned up a little bit and Alan has that report and is coordinating that work. There is nothing out of the ordinary that will not let our systems work as permitted and a certification was sent to the trustee based on that. That work is complete.

I understand that Alan and Steve met with Barry Roy to review the fence and they are adding additional pieces to it based on the conversations out there and replacement of one gate and when those materials come in they will finalize the fence.

Mr. Wong stated I saw two payments to fence company. This additional work or modification is that going to be an additional charge?

Mr. Malave stated my understanding is that there is a portion that will be based on the length of linear feet. Alan, is that correct?

Mr. Scheerer stated I'm not aware of any additional charge for the fence panels. I think they were just going to put the panels in place. I'm not expecting any charges, I know we agreed to a prorated payment because the majority of that is correct, but the rest won't be paid until the project is complete and it is re-inspected by everybody.

Mr. Malave stated there is going to be a third payment on that.

C. Manager

i. Approval of Check Register

On MOTION by Mr. Giercyk seconded by Mr. Gregoire with all in favor the check register was approved.
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ii. Balance Sheet and Income Statement

A copy of the balance sheet and income statement were included in the agenda package.

iii. Approval of Fiscal Year 2021 Meeting Schedule

Mr. Showe stated the meeting we have scheduled for November 24th is the week of Thanksgiving and we may want to consider moving that. We moved the location to the GMS office and will no longer use the library and that will save the District some money in terms of room rental.

It was the consensus of the Board to move the November Board meeting to November 17th.

On MOTION by Mr. Giercyk seconded by Mr. Wong with all in favor the Board adopted the following meeting schedule for Fiscal Year 2021: November 17, 2020, January 26, 2021, March 23, 2021, May 25, 2021, July 27, 2021 and September 28, 2021.

iv. Field Manager

Mr. Scheerer stated the Mirabella project was complete last week and hopefully, the Italian Cypress will be out this week.

EIGHTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

NINTH ORDER OF BUSINESS

Supervisors Requests

Mr. Smyk stated thanks for getting the one homeowner to remove the debris.

Mr. Scheerer stated there is one oak tree back there that we are going to trim that is real close to the fence, but that is on the CDD to do and debris won't be left.

Mr. Gregoire stated that was a team effort from both organizations and ultimately the homeowner removed the unauthorized debris. All the trees in the Nona Crest Community have been trimmed so that job is done. Thank you for the reference on that job, it turned out real nice.

Mr. Scheerer stated keep an eye on this tropical depression, we will do whatever is necessary.

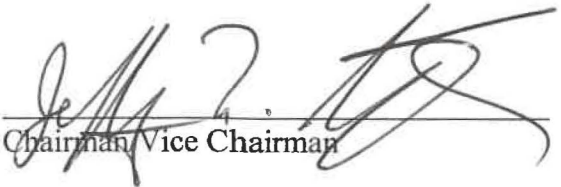
TENTH ORDER OF BUSINESS

Next Meeting Date – September 29, 2020

Mr. Showe stated the next meeting is scheduled for September 29, 2020. We will let you know how we are meeting before that time.

On MOTION by Mr. Smyk seconded by Mr. Giercyk with all in favor the meeting adjourned at 3:37 p.m.



Secretary/Assistant Secretary

Chairman/Vice Chairman