

MINUTES OF MEETING VIERA STEWARDSHIP DISTRICT

The regular meeting of the Board of Supervisors of the Viera Stewardship District was held Wednesday, May 12, 2021, at 9:30 a.m. at the offices of The Viera Company, 7380 Murrell Road, Suite 201, Viera, Florida.

Present and constituting a quorum were:

Todd J. Pokrywa	Chairman
Amy Mitchell	Vice Chairman
Amanda Carl	Secretary
Christopher Wright	Assistant Secretary

Also present, either in person or via communications media technology, were:

Gary Moyer	Manager: Moyer Management Group
Jennifer Kilinski	Attorney: Hopping, Green & Sams
Lauren Gentry	Attorney: Hopping, Green & Sams
Hassan Kamal	Engineer: BSE Consultants
Bill Lites	Environmental Professional: Zev Cohen
Brenda Burgess	Moyer Management Group
Jay A. Decator, III	The Viera Company
Paul Martell	Treasurer
Eva Rey	Community Manager
Ben Wilson	The Viera Company

FIRST ORDER OF BUSINESS

Call to Order

Mr. Pokrywa called the meeting to order at 9:30 a.m.

SECOND ORDER OF BUSINESS

Roll Call

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

Mr. Pokrywa stated Ms. Tiffani Bissett's father passed away on Saturday after a long illness. She was his primary caregiver, and she is unable to join us today. Please keep her and her family in your thoughts and prayers.

THIRD ORDER OF BUSINESS

Public Comment Period

There being no comments, the next order of business followed.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the February 25, 2021, Regular Meeting

Mr. Pokrywa reviewed the minutes, which are included in the agenda package and are available for public review in the District's local records office during normal business hours, and requested additions, corrections, or deletions.

<p>Ms. Carl made a MOTION to accept the February 25, 2021, minutes, as presented. Mr. Wright seconded the motion.</p>

Mr. Pokrywa stated I had a couple comments for staff to confirm that were included in the minutes. Page 6, Ms. Burgess was going to contact the District's insurer to confirm the insurance policy includes the coverages required for turnover documents involving Brevard County and FPL. Would you update us on the status of that?

Ms. Burgess stated yes, I worked with staff and emailed to legal counsel what our coverage sheet shows and the limits we have, which met all the requirements in those agreements. We were okay to get those executed.

Mr. Pokrywa stated page 8, we had some discussion about the \$88,500 accounts payable item for A. Duda & Sons. Would you provide clarification on that? You were going to confer with Mr. Wilson offline.

Ms. Burgess stated I put the entire work authorization dollar amount as a payable, but they invoice us quarterly. I removed that from the list of payables. It is not outstanding, and they will invoice us every quarter. We paid for quarter 1. I will show those as payables every quarter when I receive those invoices, instead of the full work authorization amount.

Mr. Pokrywa stated page 13, the Board approved the Ecor Industries proposal for midge sampling in Adelaide for this month. We discussed back and forth with Mr. Mike Sullivan relative to some of the information we promised. He also provided us with additional information. Do you have an update as it relates to the sampling?

Ms. Burgess stated yes, Mr. Mike Garoust from Ecor emailed me this morning and said they are sampling on Friday. He will have a report for me on Monday. He did provide some details on how all this works. I will forward that information to everyone. You probably do not want to listen to his whole paragraph at this time, but it is working and doing what it is supposed to be doing. They will have some solid numbers on Friday, and I will receive the results on Monday.

Mr. Pokrywa stated we understand we are taking an environmental stewardship approach, and it is a process, rather than an event.

Ms. Burgess stated that is correct.

Ms. Mitchell stated page 7, for the assignment and assumption agreement with Brevard County, we said the County had already included their comments but there might be some input from FPL. Have we seen anything or not?

Mr. Wilson stated those items have been finalized.

On VOICE VOTE, with all in favor, unanimous approval was given to the minutes, as presented.

FIFTH ORDER OF BUSINESS

Presentation of the Fiscal Year 2022 Budget

A. Proposed Fiscal Year 2022 Budget

Mr. Moyer stated Ms. Burgess emailed this budget but in some cases, it did not reach some of the Board members. Does everyone have a copy of it?

Mr. Pokrywa stated yes, all the Board members have a copy of the budget.

Mr. Moyer stated Ms. Burgess worked on this budget with Mr. Lites in terms of identifying some of the work programs, not so much under administrative, but under the maintenance categories. The Board needs to determine if you want to use fund balance in the amount of \$88,792.04 to balance the budget, or if we want to proceed and before August have a hearing, in which we notice the landowners of the fact that their assessment will be increasing to cover that amount. That is an open item for discussion by the Board.

Mr. Pokrywa asked what is our current fund balance?

Mr. Martell stated I believe it is over \$500,000.

Mr. Pokrywa stated that is what I recall after looking at the agenda package.

Ms. Burgess stated for now, that balance is correct.

Mr. Moyer stated it is \$507,000 currently, but keep in mind that we have six months of our fiscal year left, in which we may end up using some of that against the 2021 budget that we are currently operating under.

Mr. Wright asked what is the total deficit?

Mr. Moyer stated it looks to be about \$88,000 or \$89,000 dollars.

Mr. Pokrywa stated in the current fiscal year, we budgeted to use fund balance, as well. My recommendation is to use fund balance for the budget for fiscal year 2022.

Mr. Moyer stated then the budget in front of you reflects the use of fund balance and is applicable for the Board to consider as part of the approval process – not adoption – to permit us to set a public hearing for adoption of the budget in July or August.

Mr. Pokrywa asked is that a date we need to select today?

Mr. Moyer stated yes, those blanks are in the Resolution, and we will need to fill those in. Historically we have worked through numbers with the property appraiser all the way into August, so I suggest you consider setting the public hearing for a date in August. If the Board can choose a date, we will complete the Resolution and provide the budget to the County, as we are required to do.

After a brief discussion, the Board selected Thursday, August 12, 2021, at 9:30 a.m. at the Viera Builders Design Studio.

B. Resolution 2021-05 Approving the Proposed Budget for Fiscal Year 2022 and Setting a Public Hearing Thereon

Mr. Moyer read Resolution 2021-05 into the record by title.

<p>On MOTION by Mr. Wright, seconded by Ms. Mitchell, with all in favor, unanimous approval was given to Resolution 2021-05 approving the proposed budget for fiscal year 2022 and setting a public hearing thereon for Thursday, August 12, 2021, at 9:30 a.m. at the Viera Builders Design Studio.</p>
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SIXTH ORDER OF BUSINESS

Ratification of Acquisition Documents

Ms. Kilinski stated Ms. Gentry is on the phone and has been working very closely with the Viera team to get all the acquisition documents complete and in line with the acquisition agreement the Board previously approved. You should see the memorandum in your agenda package that summarizes the list of documents, which are plentiful. The memorandum should provide some context to the holistic list of documents you received.

Ms. Gentry stated as the memorandum explains, these are projects the Board has already considered and approved in substantial form. We worked behind the scenes to carry out what the Board approved. The documents are executed, and we are bringing them back for ratification. There are usually minor language changes that might need to be made in order to get these finalized, but you will see in the memorandum that we provided a summary of all the documents that are executed as well as the total value of those improvements. There were two documents the Board had not previously seen before that are still part of the same acquisition process you authorized. One is a deed from the District to Brevard County for a tract of land the County is intended to own, and the other is a deed from the community association to the District for a portion of the land that the forcemain improvements are located on. We are requesting ratification of the

documents that have been executed, and approval to proceed with finalizing those two new documents.

On MOTION by Ms. Mitchell, seconded by Mr. Wright, with all in favor, unanimous approval was given to ratify the acquisition documents that have been executed, and to approve the deeds from the District to Brevard County and from the Central Viera Community Association to the District, as provided and discussed.

Mr. Pokrywa stated thanks to Ms. Kilinski and Ms. Gentry, as well as Mr. Wilson for their efforts on this process.

SEVENTH ORDER OF BUSINESS

Consideration of Proposals for District Management Services

- A. Governmental Management Services (“GMS”)**
- B. Inframark Infrastructure Management Services (“Inframark”)**
- C. Wrathell, Hunt and Associates (“Wrathell Hunt”)**

Ms. Kilinski stated it is with regret we were notified that Mr. Moyer intends to retire at some point in the future, perhaps by the end of this calendar year. Because of the size of the District and the length of time Mr. Moyer has been in service to the District, I thought it was prudent to solicit proposals for district management services. We recognize the transition will not be a quick one. We want to make sure it is as seamless as possible for District operations, given Mr. Moyer’s tenure with the District. These proposals are not required to go through any specific bidding process, as other services are. The informal process is something we typically do. We received three proposals in response to the request for proposal packages. We took the liberty of summarizing those proposals, and included that summary in the agenda package. One of the reasons we provided the summary is because we wanted to get a comparison as close to apples-to-apples as possible, in terms of pricing and what was included in the proposals because it is an informal process. The proposals we received are not necessarily up to date with the information we subsequently received and included in the table for the Board’s review. We, as staff, have been working with the Chairman in review of the proposals, including soliciting additional information to make sure we have an equal comparison, knowing how important this decision is to the Board. I know he may have some considerations to present to the Board, as well. I am happy to answer any questions as the Board moves through this process. It is not necessarily imminent, but our goal in this transition process

will be to have the firm you select as your new management partner to work with Mr. Moyer through this budget process to make sure they are fully up to speed on District operations and what has been happening behind the scenes so that the goal start date of October 1, 2021, would be met without any bumpy roads in District operations.

Mr. Pokrywa stated I am prepared to make a recommendation for a selection of a management company. Before I do that, I want to ask the other Board members if they have any questions or comments. Not hearing any, I want to thank Mr. Moyer and Ms. Burgess. They have been a key part of our team and have done an outstanding job as the District manager. I am sad to see Mr. Moyer go, but it comes to all of us at some time. I look forward to continuing to work with Mr. Moyer until his retirement later this year, and in working with him as we transition to a new management company. Mr. Moyer, a genuine thanks. We are truly grateful to you for everything you have done for this District and what you will be continuing to do through your retirement date.

Mr. Moyer stated thank you. It has been my pleasure. I have enjoyed working with all of you over the past number of years. I will miss you, but I am sure you will do fine.

Mr. Pokrywa stated we received three proposals. As Ms. Kilinski described, a summary of those proposals is outlined with the salient terms that are proposed by each of the companies. They are all well experienced management companies. They could all do a very fine job as the manager for this District. My recommendation to the Board, based on review of the proposals and discussion with staff, is to select Wrathell Hunt as the management company. My reasoning for this recommendation includes several points. They prepared the assessment methodology report for the recent bond validation process. They have extensive experience in bond issuance and district management, including other Chapter 189, Florida Statutes, stewardship districts. Among the districts they are the manager for include Babcock Ranch CISD and the East Nassau Stewardship District. In addition, they have local experience as the manager for the Emerald Lakes CDD in Brevard County, which is just over 1,500 acres. They have a very strong accounting shop in their office. Mr. Craig Wrathell, who worked with the District on the assessment methodology report for the bond validation, would be the manager who is designated. In the summary, you will see they proposed a reduced rate for management services up until the time the District issues bonds, so it will be half that cost. It will be \$24,000 plus reimbursables. Currently the District is budgeting just over \$52,000 for

management services, but we are not incurring that currently. This amount will still be less than what we are projecting for this fiscal year. I appreciate all the submittals we received. These are all well-experienced management companies. My recommendation to the Board is to select Wrathell Hunt.

On MOTION by Mr. Wright, seconded by Ms. Carl, with all in favor, unanimous approval was given to the proposal from Wrathell, Hunt and Associates to provide District management services commencing October 1, 2021, authorizing the Chairman to work with staff to negotiate and execute a contract in substantial compliance with the terms outlined in the summary.

Mr. Pokrywa stated I look forward to working with Mr. Moyer and Wrathell Hunt as we transition over the course of the next several months.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Manager

i. Financial Statements (*March 2021*)

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

Mr. Moyer stated we are halfway through our fiscal year. Total assessment levy for the fiscal year in terms of all revenue sources, including special assessments, interest, and the use of fund balance, was \$611,000. We have currently collected \$525,000. We are a little ahead of the proration. In terms of collection of our non-ad valorem assessments on platted lots within the District, the prorated budget is \$407,114, and we have collected \$399,000 of that, so we are about \$8,000 outstanding. Those assessments that have not been paid after March 31 will become delinquent, but generally, I expect we will receive all those assessments that are collected by the tax collector. On the operation and maintenance expenses, we are \$17,000 under budget for administrative fees, we are a little over budget in terms of maintenance on platted lots by \$3,470, and we are well under budget in terms of the maintenance of the environmental part of our operations by about \$89,000. Total expenditures for all categories are under budget by \$103,979 through the first six months of our fiscal year.

ii. Approval of Check Register and Invoice Summary

Mr. Moyer reviewed the check register and invoice summary, which are included in the agenda package and available in the District Office for public review during normal business hours.

Ms. Mitchell made a MOTION to approve the financial statements, and the check register and invoice summary as of March 31, 2021, as presented.
Ms. Carl seconded the motion.

Ms. Mitchell stated I would like to make a suggestion. I love the way the statement of revenues is presented. I was wondering if the balance sheet could have a column going forward to show the balances from the prior fiscal year end for comparison purposes.

Mr. Moyer stated yes, we can provide that.

Upon VOICE VOTE, with all in favor, unanimous approval was given to the financial statements, and the check register and invoice summary as of March 31, 2021, as presented.

iii. Number of Registered Voters – 3,997

Mr. Moyer stated I need to enter into the public record a letter that we received from the Brevard County supervisor of elections. We go through this every year where we monitor the number of registered voters in the District. The reason we do that is the District will transition from landowner votes to registered voters according to a schedule that is in the enabling laws for this District. We monitor that so when we trigger certain thresholds, then we will know what seats will be available to be elected by registered voters. Through April 15, 2021, we have 3,997 registered voters. That will be made part of the minutes of this meeting for the public record.

Mr. Pokrywa asked do we need to take any action on that letter?

Mr. Moyer stated no.

B. Attorney

Ms. Kilinski stated the Board should be receiving our weekly *Capital Conversations* updates regarding legislation that may affect the operation of special districts. Session ended on April 30, and we are continuing to monitor which bills have been signed into law. The Governor has taken action on a handful of the bills we were monitoring, including the legal notices bill. Generally speaking, the few bills that passed which could potentially affect District operations include the special district accountability bill. That

bill will largely affect your auditors and management companies in terms of what they need to report. The new requirements require reporting construction projects that exceed \$65,000 in the upcoming fiscal year, as well as reporting a list of contractors and employees of the District. It is not something the Board has to take action on, but it will become part of the auditing requirements that need to be collected on an annual basis. There is also a public works bill that came very late, 48 hours before Session concluded. An amendment passed that now requires special districts and units of government to develop stormwater management plans if we are providing stormwater or wastewater services to have a 20-year plan developed. We are not yet exactly sure what that means because it was brought on so late. Our firm represents the National Water Association and other water jurisdictions that are part of a professional organization that have now been charged with developing guidelines and essentially regulatory rules that will provide the framework for what needs to be reported. They are supposed to start meeting in the next couple months. My partner, Mr. David Childs, has been instrumental in some of that work. As soon as we get more understanding of exactly what is going to need to be developed by way of a five-year plan for stormwater, we will certainly share it with the Board. It was a latecomer, but we will likely have some reporting obligations for the District that will change. There are a couple construction-related bills that passed that will result in additional addenda to the extent the District actually procures its own contractors. It is nothing that is exceptionally ominous, but we have a few addenda regarding doing business with countries of concern. The number of countries on the concern list has grown. The legal notices bill that came out of the Legislature passed and was signed by the Governor. It is extremely confusing the way the bill was written. What it boils down to is, the District among other units of government will be allowed to provide publication of public notices by website; however, it is only websites that meet the requirements set forth in the new Florida Statute, which is consistent with the general circulation requirements of newspaper publications and can only be newspaper websites. Then those websites can only be used upon a finding by the Board at a noticed public hearing that the website publication notices will not impede upon your local jurisdiction's access to those public notices, and newspapers can still charge the same amount they charge for print ads. It really did not get us too far down the road, but we will potentially be able to use newspaper websites as the primary means for our routine notices, aside

from assessment notices. I think the only advantage to the District compared to what we are doing now is that maybe we can get them published a little faster than some of the lead times in larger jurisdictions. In terms of cost and work, it is going to be essentially the same. We had hoped something a little more user friendly would pass. The Governor has 60 days to sign the bills that are before him, so we will continue to monitor those that passed and provide a final update in the next 30 days or so.

C. Engineer

Mr. Kamal stated I have an update on the work authorization that we are doing regarding the stormwater system. I want to give the Board an update on our progress since the last meeting. We have gathered and updated our master plan of the District facilities to represent some of the new construction that has been completed over the past several years, since the last update of that plan. We have compiled the as-built information for some of the stormwater structures and major outfall control structures that we are looking to evaluate and modify. We will complete site visits and evaluations to make sure that as-built information is still current since it was first taken. Our next steps will be to meet with local and State jurisdictional agencies to discuss potential modifications to those structures, both fixed modifications such as modifying the weir structures, as well as discussing the potential for an operational-type schedule that will allow adjustment of overflow elevations prior to potential major rainfall events. We are hoping we can get those meetings scheduled for the early part of June to be able to report on that to the District at the next meeting.

D. Environmental Professional

Mr. Lites stated A. Duda & Sons is working hard to manage Viera Wilderness Park Stage 2, and they are making good progress. In the budget, we tried to get an increase this year because this is the period of time when we are trying to manage Stage 2 to get it into compliance with the Army Corps of Engineers (“ACOE”) individual permit conditions. We kept the same budget because they are still making good progress, and we will see. We are getting ready to start our second annual monitoring of the ACOE this month, and we will look at the Viera burrowing owl preserve also at the same time while we are out there. We have updated the annual utilization program, and we will distribute it fairly soon for review by the Board.

E. Community Association Manager

Ms. Rey stated not much is going on. We are still communicating and coordinating with Mr. Sullivan on the midge issue and the District area for Adelaide. He grouped together with some other Adelaide residents and formed a water committee. They have also raised some money to start working on a project that another vendor he selected could do some studies on the lake. The first activity is mapping. The amount is about \$3,400, but the residents raised that money themselves. They will be doing that at the end of this week when they will start that process. We are continuing to dialogue with Mr. Sullivan on the midge concerns in Adelaide. The only other District issue that has come up is the wild boar in PCT areas in Strom Park. Mr. Lites has spoken with the trapper to get an update on his activities within the PCT areas. Right now, we are on hold to see if anymore family units come back, but it is quiet right now.

Ms. Mitchell stated I would like some clarification on the midge issue where the residents raised funds.

Ms. Rey stated we have been communicating with Mr. Sullivan that we are focused on environmental stewardship direction for treating the midges, and we want to monitor the success of the fish that were added. He does not feel that is aggressive enough, so they formed a water committee consisting of residents. He has identified a vendor that he wants to work on the issue. They are raising money to pay for that. They provided insurance certificates naming all the ownership parties as additional insureds for the work they will be doing, but it will be paid for directly from the residents to this vendor he wants to work with.

Ms. Burgess stated as I reported earlier in the meeting, Ecor Industries will be doing their midge sampling on Friday. I do not want there to be any conflict with two entities being out in the same pond. I do not know what is involved in either one, but I did not want one to affect the other.

Ms. Rey stated I can reach out to Mr. Sullivan and let him know the sampling will be done on Friday to make sure it does not cause a conflict. I am not sure what mapping actually entails. It is probably more sonar related versus getting out and doing anything physical. It could be drone work. I am not certain, but I will let him know that Ecor will be out on Friday to make sure there is no conflict.

NINTH ORDER OF BUSINESS

Other Business

There being no further business items, the next order of business followed.

TENTH ORDER OF BUSINESS

Supervisor Requests and Comments

There being none, the next order of business followed.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Wright, seconded by Ms. Carl, with all in favor, the meeting was adjourned at 10:15 a.m.

Amanda Carl, Secretary

Todd J. Pokrywa, Chairman