

# MINUTES OF MEETING VIERA STEWARDSHIP DISTRICT

The regular meeting of the Board of Supervisors of the Viera Stewardship District was held Monday, June 14, 2010, at 4:00 p.m. at 7380 Murrell Road, Suite 201, Viera, Florida 32940.

Present and constituting a quorum were:

Jay A. Decator, III	Chairman
Mark Engwall ( <i>by phone</i> )	Vice Chairman
Annie Hrcir	Secretary
David Tomczak	Supervisor

Also present were:

Gary L. Moyer	Manager: Moyer Management Group
Jonathan Johnson ( <i>by phone</i> )	Attorney: Hopping, Green & Sams
Paul Martell	Treasurer

## FIRST ORDER OF BUSINESS

### Roll Call

Mr. Decator called the meeting to order at 4:05 p.m.

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

## SECOND ORDER OF BUSINESS

### Administrative Matters

#### A. Appointment of Supervisor to Fill the Unexpired Term of Office Vacated by Deborah Martell

Mr. Decator stated we discussed this briefly at our last meeting and I asked the Board to table the matter until this meeting. Unfortunately, I have not been able to give this much thought or to consult with other parties about who might be interested in filling this vacancy. If there is no objection from the Board, I would like to table this matter to the next meeting.

Mr. Engwall stated I have no objection.

#### B. Oath of Office for Supervisors Elected in the November 2008 Landowners Election

Mr. Moyer stated we had our landowners election in November 2008, at which time Mr. Engwall and Ms. Hrcir were elected. As an administrative matter, we need to administer an oath of office to them. Our records indicate that was not done at the meeting following that election, so we will take care of that at this meeting.

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

Mr. Moyer administered the oath of office to Ms. Hrcir.

Mr. Moyer stated since Mr. Engwall is participating by phone, I will administer the oath to him at the next meeting when he is present.

Mr. Johnson stated you can also send the oath to Mr. Engwall and he can have a Notary administer the oath to him in his office.

Ms. Hrnrcir stated I will bring one with me and one of my staff members is a Notary and can administer the oath to Mr. Engwall.

**THIRD ORDER OF BUSINESS**

**Approval of the Minutes of the November 4, 2008, Landowners Meeting, the August 5, 2009, Landowners Meeting, the August 5, 2009, Regular Meeting and the August 5, 2009, Continued Meeting**

Mr. Moyer reviewed the minutes as presented to the Board and requested additions, corrections or deletion.

On MOTION by Ms. Hrnrcir, seconded by Mr. Tomczak, with all in favor, approval was given to the minutes of the November 4, 2008, landowners meeting, the August 5, 2009, landowners meeting, the August 5, 2009 regular meeting and the August 5, 2009 continued meeting.

**FOURTH ORDER OF BUSINESS**

**Presentation of the Fiscal Year 2011 Budget**

**A. Fiscal Year 2011 Budget**

Mr. Moyer stated as we have done in the past years, we are considering the approval of a general fund budget, which does not include any field or capital projects budgets. This is simply items that are necessary to maintain the corporate existence of the District. The total is proposed to be \$109,375. The budget is not an authorization to spend money; it is a work program that outlines what we would expect to incur for a District that is doing something. To the degree that we are still in a holding pattern, waiting for additional permitting or entitlements, we only bill as we incur expenses to hold one or two meetings each year. Usually we are well under this budget. Our Stewardship District Act provides that we will provide this budget on or before July 15, 2010, and we are well in advance of that date. The Act asks the Board to approve this budget for the purpose of setting a public hearing, at which time the Board will again consider the budget, consider public input if there is any, and then I will ask the Board at that future meeting to adopt the budget. That budget hearing needs to be no less than 60 days from today.

Mr. Decator stated we have an item listed in the budget for insurance and I believe that this Board has made the determination that as long as it is dormant, there is no need to obtain insurance.

Mr. Moyer stated that is correct.

Mr. Decator stated it is my understanding that there is no insurance in place.

Mr. Moyer stated that is correct.

Mr. Decator stated there is no plan or intention to acquire insurance until the District undertakes activities within the District. I want to be sure the Board understands that.

Mr. Moyer stated similarly, since we are well under the threshold of spending that requires an audit, that is another item that we have not procured in the past.

Mr. Decator asked will there be the need for an audit this year?

Mr. Moyer stated we will still be under those limits.

Mr. Decator stated there is a Resolution later in the agenda dealing with the Habitat Management Plan and its implementation and administration in accordance with the Viera Wilderness Park, which is mandated by the newest Development Order adopted in connection with the Viera Development of Regional Impact (DRI). This item will have budgetary impacts, and the current proposed budget has no line item in connection with a management plan. The reason is that in the foreseeable future, the Viera Wilderness Park does not yet exist. It only comes into existence in accordance with the Development Order, and that will be after a specific series of approvals are sought and obtained by the developer, The Viera Company, who is the developer of the Viera DRI. Because of a variety of issues, not the least of which is the current economic condition, The Viera Company is behind in its plans to move those approvals forward. No expenditures are anticipated in connection with the Habitat Management Plan for this fiscal year. However, if that were to change and it became evident that there are going to be expenditures in implementing the Habitat Management Plan, it is my understanding that this Board can amend this budget.

Mr. Moyer stated that is correct.

**B. Consideration of Resolution 2010-01, Approving the Budget and Setting the Public Hearing**

Mr. Moyer read Resolution 2010-01 by title into the record.

On MOTION by Mr. Engwall, seconded by Mr. Tomczak, with all in favor, approval was given to Resolution 2010-01 approving the budget for fiscal year 2011 and setting a public hearing for Monday, August 30, 2010, at 4:00 p.m. at 7380 Murrell Road, Suite 201, Viera, Florida.

**FIFTH ORDER OF BUSINESS**

**Other Business**

**A. Consideration of Resolution 2010-02, District's Intent to Implement and Fund the Provisions of the Habitat Management Plan**

Mr. Decator reviewed Resolution 2010-02 regarding the District's intent to implement and fund the provisions of the Habitat Management Plan.

Mr. Decator stated this plan is in conjunction with the Viera proposed Wilderness Park. The Habitat Management Plan was approved by Brevard County after review and consultation with a variety of regulatory agencies. It was made a part of the latest Development Order that was approved for the Viera DRI on December 15, 2009. One of the prerequisites of the Viera Stewardship District is the long-term stewardship of environmental and conservation resources within the District through the comprehensive management of the District's ecosystem, including but not limited to the implementation and administration of habitat protection and a management plan approved by regulatory agencies having jurisdiction and local governing authority. The Act provides the District with special powers to implement, administer and fund any habitat management plan which shall be required or permitted to be undertaken by the District pursuant to any DRI Development Order. The plan was approved by Brevard County and will be the Habitat Management Plan that will govern the Viera Wilderness Park. The Viera Wilderness Park is an environmental resource that will come into existence only at some point in the future when The Viera Company, as the DRI developer, seeks and obtains approval for the first village that is authorized under the new Development Order. That will be lands that are currently undeveloped within the District, lying south of Wickham Road. The plans for obtaining that approval have been somewhat delayed by the current economic conditions as such, there are no plans and no expenditures are expected of the District this fiscal year. However, because of the regulatory permitting that is underway by The Viera Company, several regulatory agencies such as the U.S. Fish and Wildlife Service and the St. Johns Water Management District, have requested some sort of indication or evidence that the Stewardship District is aware of the Habitat Management Plan and fully intends to implement it in accordance with the Development Order. That is the genesis of why it

is necessary for this Board to take notice of the Habitat Management Plan and indicate its intent to implement it and administer the Viera Wilderness Park in accordance with its terms. Exhibit A is a copy of the Habitat Management Plan, including all exhibits to that plan. I am asking this Board to consider approving this Resolution to evidence its intent to administer and fund the goals, objectives and actions of the Habitat Management Plan, as detailed in Exhibit A. The Board will further authorize the District Chairman to sign or execute any additional evidence of such intentions on the District's behalf.

On MOTION by Ms. Hrcir, seconded by Mr. Tomczak, with all in favor, approval was given to Resolution 2010-02 regarding the District's intent to implement and fund the provisions of the Habitat Management Plan.
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**B. Consideration of Resolution 2010-03, Public Records Retention**

Mr. Decator reviewed Resolution 2010-03 regarding public records retention.

Mr. Johnson stated the genesis of this Resolution comes from rules promulgated by the State that now require all local government bodies, including this District, to have a records retention policy of some sort. In the interest of being cost effective, our office prepared this memorandum and two alternatives that we are presenting to our special District and Community Development District clients. It is certainly possible to do something other than one of these two suggested alternatives. We tried to narrow the focus and be cost effective, so we are presenting only two for your consideration. Option A, as outlined in the memorandum, is adopting the records retention guidelines promulgated by the State with some amendments to reflect what you would expect to see in typical bond documents if and when you issue bonds. Typically the trust indenture associated with the bond transaction will require us to keep some records longer than the State would otherwise require. Option B is a more simplistic approach that simply says to keep all the records indefinitely. I have differing recommendation for Districts in different circumstances. Given the limited activity level of this District, I think it is likely to be easiest on your management company and on the Board to simply adopt Option B at this point and request that your staff bring this issue back at such a time in the District's life when you are more active and, therefore, generating more of the kinds of records that need to kept pursuant to a retention schedule.

Mr. Decator asked what is Mr. Moyer's recommendation?

Mr. Moyer stated I concur with Mr. Johnson. At this point, it is easier for staff just to retain everything rather than have to monitor the destruction of records according to that schedule. Certainly, as we get more active and the records of the District become more voluminous, we may want to revisit this issue.

Mr. Decator stated the only comment I have on Option B is that it says you will retain the records on a permanent basis until the Board takes up the matter again. my concern is we forget to take up this matter again, and meanwhile, District staff is under the impression that we do not have to keep some of these records forever and some records are disposed in accordance with the time requirements, but not necessarily in accordance with Option B. as long as staff is confident that they can bring this matter to us at the appropriate time when you may want to start disposing of records legally, that is fine.

Ms. Hrcir stated I think Option B is more workable now. To address Mr. Decator's concerns, can we make this an ongoing agenda item?

Mr. Moyer stated we can certainly put this on every landowner's meeting agenda and discuss it at that time. The organizational meeting follows the landowners meeting, so that would be a good time.

Mr. Decator stated I will leave it to staff as to when this is brought to the Board, and I do not think we need to revisit it more than once a year. We should discuss it periodically so that we keep track of it so that we do not find that we have been doing something inconsistent within the adopted policy. I would like to discuss this on a yearly basis.

Mr. Engwall stated I think that plan is what I was trying to think of, and I concur.

Mr. Johnson stated that seems appropriate.

<p>On MOTION by Mr. Engwall, seconded by Ms. Hrcir, with all in favor, approval was given to Resolution 2010-03, alternate B related to the District's public records retention, retaining the District's records permanently, until changed by future action of the Board.</p>
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### **C. November 2010 Landowner Election Information**

Mr. Moyer stated the Board needs to announce in advance of the November election when the next landowners election will be, which will be November 2, 2010, since your enabling legislation requires all your landowners elections to be on the first Tuesday following the first Monday, which means we will have all your landowner meetings on Election Day. We are targeting 9:00 a.m. for that meeting.

Mr. Decator stated this is a landowner election, not a regular meeting, so the Supervisors do not need to be present.

Mr. Johnson stated that is correct. We will need a representative from Mr. Moyer's office and a proxy holder from the landowners. The Supervisors do not need to attend.

On MOTION by Mr. Engwall, seconded by Mr. Tomczak, with all in favor, approval was given to set the landowner's election for Tuesday, November 2, 2010, at 9:00 a.m.

**SIXTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Mr. Johnson stated I would like to add the rules of procedure for the Board's adoption at your August meeting. We will include those in the agenda package well in advance for your review.

**B. Manager**

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

**SEVENTH ORDER OF BUSINESS**

**Supervisor Requests and Comments**

There being none, the next order of business followed.

**EIGHTH ORDER OF BUSINESS**

**Audience Comments**

There being none, the next order of business followed.

**NINTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Engwall, seconded by Mr. Tomczak, with all in favor, the meeting adjourned at 4:35 p.m.

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Ann Hrcncir, Secretary

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Jay A. Decator, III, Chairman