
MINUTES OF MEETING

**LUCAYA
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Lucaya Community Development District was held on **Thursday, August 17, 2017 at 9:01 a.m.** at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912.

Present and constituting a quorum:

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| Richard Werner | Board Supervisor, Chairman |
| David Westbrook | Board Supervisor, Vice Chairman |
| Kathleen Gough | Board Supervisor, Assistant Secretary |
| Stephen Reiter | Board Supervisor, Assistant Secretary |
| Richard Klavas | Board Supervisor, Assistant Secretary (via speaker phone) |

Also present were:

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| Belinda Blandon | District Manager, Rizzetta & Company, Inc. |
| Mike Eckert | District Counsel, Hopping Green & Sams P.A. |
| Wes Kayne | Barraco & Associates, Inc. |
| Audience | |

FIRST ORDER OF BUSINESS

Call to Order

Ms. Blandon called the meeting to order and read roll call.

Ms. Blandon asked for a motion to allow Mr. Klavas to participate in the meeting via speaker phone.

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| On a Motion by Mr. Werner, seconded by Mr. Westbrook, with all in favor, the Board Allowed Mr. Klavas to Participate in the Meeting via Speaker Phone, for the Lucaya Community Development District. |
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SECOND ORDER OF BUSINESS

Public Comment

Ms. Blandon opened the floor for public comment. Comments from the public were entertained.

Mr. Davis encouraged the CDD Board to clean out and identify the water valves outside of the units. Mr. Weaver provided input regarding the clean out of the water valve boxes. Discussion ensued. Ms. Blandon inquired regarding moving this item to the District Engineer report. The Board agreed.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the Audit Committee Meeting held on May 18, 2017

Ms. Blandon presented the minutes of the Audit Committee meeting held on May 18, 2017. She asked if there were any questions or comments. There were none.

On a Motion by Mr. Westbrook, seconded by Ms. Gough, with all in favor, the Board Accepted the Minutes of the Audit Committee Meeting held on May 18, 2017, for the Lucaya Community Development District.

FOURTH ORDER OF BUSINESS

Consideration of the Minutes of the Board of Supervisors Meeting held on May 18, 2017

Ms. Blandon presented the minutes of the Board of Supervisors meeting held on May 18, 2017. She asked if there were any questions, comments, or changes. There were none.

On a Motion by Mr. Werner, seconded by Mr. Westbrook, with all in favor, the Board Approved the Minutes of the Board of Supervisors Meeting held on May 18, 2017, for the Lucaya Community Development District.

FIFTH ORDER OF BUSINESS

Consideration of the Operations and Maintenance Expenditures for the Months of May, June, and July 2017

Ms. Blandon presented the Operations and Maintenance Expenditures for the period of May 1-31, 2017 in the amount of \$9,357.68, for the period of June 1-30, 2017 in the amount of \$16,925.47, and for the period of July 1-31, 2017 in the amount of \$16,340.98. She asked if there were any questions regarding any item of expenditure. There were none.

On a Motion by Ms. Gough, seconded by Mr. Westbrook, with all in favor, the Board Approved the Operations and Maintenance Expenditures for the months of May, June, and July, 2017, for the Lucaya Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Audit for Fiscal Year End September 30, 2016 as Prepared by Grau & Associates

Ms. Blandon provided an overview of the Audit for Fiscal Year end September 30, 2016 as prepared by Grau & Associates and asked if there were any questions. There were none.

On a Motion by Ms. Gough, seconded by Mr. Werner, with all in favor, the Board Accepted the Audit for Fiscal Year End September 30, 2016, as Prepared by Grau & Associates, for the Lucaya Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Barraco & Associates
Proposal for Year 6, Cycle 3, Annual
Report**

Mr. Kayne provided an overview of the Barraco & Associates proposal related to the Year 6, Cycle 3, NPDES MS4 permit.

On a Motion by Mr. Westbrook, seconded by Ms. Gough, with all in favor, the Board Approved the Proposal by Barraco & Associates for the Year 6, Cycle 3 Annual Report, in the Amount of \$2,000.00, related to the NPDES MS4 Permit, for the Lucaya Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Earth Tech
Environmental Proposal for Vegetation
and Mangrove Semi Annual Maintenance**

Ms. Blandon reviewed the proposal for semi annual vegetation and mangrove maintenance in the amount of \$13,950.00. Ms. Blandon advised a walk through will be conducted prior to work commencing in order to identify the areas needing immediate attention. Mr. Eckert advised his office will prepare a contract for the work.

On a Motion by Mr. Westbrook, seconded by Mr. Werner, with all in favor, the Board Approved the Proposal by Earth Tech Environmental for Vegetation and Mangrove Semi Annual Maintenance, in the Amount of \$13,950.00, Subject to Review and Preparation of Contract by Counsel, for the Lucaya Community Development District.

NINTH ORDER OF BUSINESS

Consideration of Reserve Study Proposals

Ms. Blandon provided an overview of the proposals received for the preparation of a reserve study; she advised Custom Reserves, LLC provided a proposal in the amount of \$1,900.00 and Florida Reserve Study and Appraisal provided a proposal in the amount of \$2,900.00. Mr. Werner advised the Reserve Study is for the CDD itself and he believes it would not be valid until after buildout is complete as the dynamic of the CDD will be changing upon completion of buildout. Discussion ensued concerning tabling the reserve study. Mr. Kayne and Mr. Eckert provided input regarding the infrastructure in place and the amount of assessments collected. Further discussion ensued.

On a Motion by Mr. Werner, seconded by Mr. Westbrook, with four in favor and Ms. Gough opposed, the Board Accepted the Proposal from Florida Reserve Study and Appraisal, in the amount of \$2,900.00, for the Lucaya Community Development District.

TENTH ORDER OF BUSINESS

**Discussion Regarding Taylor Morrison
Action to Quiet Title**

Mr. Eckert provided an overview of the Quiet Title Action as well as the correspondence provided by his office to the Board. He spoke regarding the District's options: engaging in litigation or sign a quit claim deed over to Taylor Morrison, as well as advising of a fifteen day time frame for a response. Discussion ensued. Mr. Eckert advised engaging in the litigation process would be

costly to the District. Mr. Werner inquired as to what the District would be gaining with the easement. Discussion ensued. Mr. Reiter clarified that Taylor Morrison wants to obtain a clean title. Mr. Reiter declared a conflict and completed a Form 8B.

On a Motion by Ms. Gough, seconded by Mr. Klavas, with all in favor, the Board Directed Counsel to Order a Title Search to Confirm Ownership of the Strip of Land and if Owned by Taylor Morrison Counsel to Work with Chairman to get Confirmation that Nothing will be Built There, If Lucaya CDD Owns the Land then the Board Directed Counsel to Give Up Easement Rights and get out of Litigation at Lowest Cost Possible, for the Lucaya Community Development District.

ELEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2017-06,
Designating Primary Administrative
Office**

Ms. Blandon provided an overview of the resolution advising the Primary Administrative Office will be designated as the Office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912

On a Motion by Mr. Werner, seconded by Mr. Westbrook, with all in favor, the Board Adopted Resolution 2017-06, Designating a Primary Administrative Office, for the Lucaya Community Development District.

TWELFTH ORDER OF BUSINESS

**Consideration of Resolution 2017-07,
Adopting Fiscal Year 2017/2018 Meeting
Schedule**

Ms. Blandon provided an overview of the meeting schedule being presented advising the schedule is set to quarterly meetings, with meetings being held on the 3rd Thursday of the month starting at 9:00 a.m. Discussion ensued.

On a Motion by Mr. Werner, seconded by Mr. Reiter, with all in favor, the Board Adopted Resolution 2017-07, Designating a Meeting Schedule for Fiscal Year 2017/2018, for the Lucaya Community Development District.

THIRTEENTH ORDER OF BUSINESS

**Public Hearing to Consider the Adoption
of the Fiscal Year 2017/2018 Budget**

Ms. Blandon provided an overview of the public hearing process and asked for a motion to open the public hearing.

On a Motion by Mr. Westbrook, seconded by Mr. Werner, with all in favor, the Board Opened the Public Hearing to Consider the Adoption of the Fiscal Year 2017/2018 Budget, for the Lucaya Community Development District.

FOURTEENTH ORDER OF BUSINESS

Presentation of the Proposed Final Budget for Fiscal Year 2017/2018 Budget

Ms. Blandon provided an overview of the proposed final budget for Fiscal Year 2017/2018, advising the total general fund budget is \$303,000.00.

Ms. Blandon opened the floor for public comments. Questions and comments from the public were entertained.

On a Motion by Mr. Westbrook, seconded by Mr. Werner, with all in favor, the Board Closed the Public Hearing to Consider the Adoption of the Fiscal Year 2017/2018 Budget, for the Lucaya Community Development District.

FIFTEENTH ORDER OF BUSINESS

Consideration of Resolution 2017-08, Annual Appropriations and Adopting the Final Budget for Fiscal Year 2017/2018

Ms. Blandon provided an overview of the resolution advising the total general fund budget is \$303,000.00, and the debt service budget is \$151,398.71, making the total budget \$454,398.71. She asked if there were any questions. There were none.

On a Motion by Mr. Werner, seconded by Mr. Westbrook, with all in favor, the Board Adopted Resolution 2017-08, Annual Appropriations and Adopting the Final Budget, in the Amount of \$454,398.71, for Fiscal Year 2017/2018, for the Lucaya Community Development District.

SIXTEENTH ORDER OF BUSINESS

Public Hearing to Consider the Imposition of Operations and Maintenance Special Assessments, Adoption of an Assessment Roll, and the Levy, Collection, and Enforcement of the Same

Ms. Blandon provided an overview of the public hearing process and asked for a motion to open the public hearing.

On a Motion by Ms. Gough, seconded by Mr. Westbrook, with all in favor, the Board Opened the Public Hearing to Consider the Imposition of Operations and Maintenance Special Assessments Adoption of an Assessment Roll, and the Levy, Collection, and Enforcement of the Same, for the Lucaya Community Development District.

SEVENTEENTH ORDER OF BUSINESS

Presentation of the Assessment Lien Roll for Fiscal Year 2017/2018

Ms. Blandon presented the Assessment Lien Roll for Fiscal Year 2017/2018.

Ms. Blandon opened the floor for public comments. There were none.

On a Motion by Mr. Werner, seconded by Mr. Westbrook, with all in favor, the Board Closed the Public Hearing to Consider the Imposition of Operations and Maintenance Special Assessments Adoption of an Assessment Roll, and the Levy, Collection, and Enforcement of the Same, for the Lucaya Community Development District.

EIGHTEENTH ORDER OF BUSINESS

Consideration of Resolution 2017-09, Making a Determination of Benefit, Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll

Ms. Blandon provided an overview of the resolution and asked if there were any questions. There were none.

On a Motion by Mr. Westbrook, seconded by Mr. Reiter, with all in favor, the Board Adopted Resolution 2017-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll, for the Lucaya Community Development District.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel
Mr. Eckert advised he had no report.

B. District Engineer
Mr. Kayne advised the Hamilton II and III construction, a preconstruction meeting was held with Taylor Morrison, their Engineer, and Contractor; he advised work began on the Hamilton II lake bank and there were concerns with turbid water leaving the site, the contractor was put on notice and they installed additional barriers. The Contractor has moved to the Hamilton III area with the focus to complete the work in that area as soon as possible and Barraco & Associates has had observation personnel onsite two to three times per week. Mr. Westbrook inquired regarding filling in part of the lake and the installation of erosion control measures. Mr. Kayne advised that to his knowledge the lake bank erosion control measures have not yet been installed.

Ms. Blandon advised that regarding the valve boxes, it would be appropriate for the Board to provide direction to the District Engineer to move forward with obtaining estimates to have the valve boxes reviewed and come back to the Board with a plan of action to clean the boxes to make them accessible. Mr. Werner advised the boxes don't necessarily correspond to the units they serve and he would like to have the valves identified as well. Discussion ensued. Mr. Kayne suggested hiring a contractor to reestablish the boxes and valves as well as exercising the valves to ensure all are in proper working order. Mr. Reiter suggested having an as-built survey created. Discussion ensued.

- C. District Manager
Ms. Blandon advised the next meeting of the Board of Supervisors is scheduled for Thursday, November 16, 2017 at 9:00 a.m.

TWENTIETH ORDER OF BUSINESS

Supervisor Requests and Comments

Ms. Blandon opened the floor for Supervisor Requests and Comments. There were none.

Ms. Blandon opened the floor for public comment. There were none.

TWENTY-FIRST ORDER OF BUSINESS

Adjournment

On a Motion by Ms. Gough, seconded by Mr. Reiter, with all in favor, the Board adjourned the meeting at 10:04 a.m., for the Lucaya Community Development District.


Secretary/Assistant Secretary


Chairman/ Vice Chairman