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**MINUTES OF MEETING
K-BAR RANCH
COMMUNITY DEVELOPMENT DISTRICT**

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The recessed meeting of the Board of Supervisors of the K-Bar Ranch Community Development District held on July 13, 2011 was reconvened on Tuesday, July 26, 2011 at 10:00 a.m. at the offices of Stantec/ Wilson Miller, 2205 North 20th Street, Tampa, Florida.

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FIRST ORDER OF BUSINESS – Roll Call

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Mr. Daugirda called the meeting to order.

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The Board members introduced themselves for the record.

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Present and constituting a quorum were:

Jamie Goodman	Chairperson
Leonard Johnson	Vice Chairperson
Sasha Goodman	Supervisor
Vanderlyn Brown	Supervisor

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Also present were:

John Daugirda	Manager
Gina Grimes	District Counsel
Tonja Stewart	Engineer
Mike Metropolis	Resident
Biff Craine	SHBC Attorney
Steve Sanford	Bond Counsel
Maik Aagaard	DPFG
Jon Kessler	FMS Bonds
Beth Driggs	US Bank

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Mr. Daugirda established a quorum of the Board was present.

SECOND ORDER OF BUSINESS – Continuation of Public Hearing on Bond Financing

Mr. Daugirda stated at the July 13 meeting, the Board held the public hearing on the imposition of special assessments for the recreation bond series, and adopted Resolution 2011-9. The Board continued the public hearing for the bond financing.

1 Mr. Johnson stated I am recusing myself from the bond financing portion due to
2 my holding an officer position of the entity that owns the parcel of land where the
3 amenity is constructed.

4 Ms. Grimes stated we have been made aware of a situation yesterday dealing with
5 the notice of the assessment roll. Today was intended to be a pre-closing, and we were
6 going to review the various bond documents and agreements for Board approval.
7 Apparently, the roll we used was the one provided by the property appraiser, which is
8 what we are required to do by statute prior to approving the resolutions which initiate the
9 entire special assessment process. We did obtain the proper roll, and I did verify that
10 with DPFG. Prior to adoption of the first resolution stating the Board's intent to levy
11 special assessment, a developer related entity transferred property to two builders of
12 approximately 8 to 12 lots. A question has arisen as to whether or not; the CDD should
13 have notified those property owners by individual mailed notice of the special assessment
14 process. At this stage, I have done some preliminary research that has not been
15 conclusive. I still need to do more, as to whether that individual mailed notice was
16 required to be mailed to the new property owners not on the assessment roll, but who the
17 developer should have known to send the notice to those owners.

18 I want to put on the record that the procedures we were following are set forth in
19 Chapter 170. Chapter 170.07 of that Statute provides for the notice and the publication.
20 We did use the proper assessment roll certified to us by the tax collector. There are two
21 types of notices required. One is a mailed notice, and a newspaper publication. The
22 newspaper publication was made and conducted in accordance with the statute and we
23 have verification. There is this discrepancy on the assessment roll, and whether the
24 developer and its representative should have notified the CDD of updating the roll to
25 reflect those properties. There is a provision that says, "Provided that failure to mail said
26 notice or notices shall not invalidate any of the proceedings hereunder." There seems to
27 be a provision in the statute that indicates that it is not mandatory. It is required, but not
28 mandatory, and is not fatal to the validity of the proceedings if it is not done.

29 After reviewing all of these documents in relation to the issuance of the bonds, I
30 will have to issue a District Counsel opinion on behalf of the CDD that opines that the

1 District followed all the proper procedures. I am not certain at this point, if I can issue an
2 unqualified opinion to that effect.

3 My recommendation to the Board is that we can proceed today, with review and
4 approving and executing these documents, if that is what you decide to do, with the
5 knowledge that I am not certain I can issue this unqualified opinion. I do not believe the
6 bond purchaser will purchase the bonds without that opinion.

7 There are several ways to handle this situation. We can obtain waivers of notice
8 for anyone that you made aware of that did not receive a mailed notice. We can re-
9 initiate the public hearings stating your intent to levy the special assessments, and
10 sending 30 day mailed notices again, and hold the hearings again.

11 Mr. Metropolis stated this happened to some homeowners, and I brought this up
12 several times during all of the meetings. I read the statutes, and everyone got the notice
13 by newspaper or by mail. The Board has done everything it possibly could by the
14 statutes. Holding up the purchase and sale past August 1st is detrimental to the
15 community, whether it is developers who bought this property and saying the master
16 developer should have told us.

17 Ms. Grimes stated through all the workshops and meetings, this was brought up
18 by the homeowners and prompted us to review this and verify that what we used by the
19 property appraiser. Often times there are discrepancy from the tax collector rolls and the
20 property appraiser's rolls. I am not saying anyone did anything that was inappropriate or
21 improper. It has been made known to us, that a developer related property prior to us
22 adopting the first resolution noticing the Board's intent to levy assessments, transferred
23 some of the property to builders, and should we have revised the roll to reflect those
24 transfers.

25 Mr. Metropolis stated that is not a CDD issue that is a developer issue. If you
26 purchase something from me, and I fail to tell you that next week I am doing something
27 that is on me, not the CDD.

28 Ms. Grimes stated this happens a lot in municipalities, as homeowners sell their
29 homes and it may not hit the property appraiser or tax collector records during the
30 process. In this situation, the entity that transferred the property was a developer related

1 entity. When we adopted the roll, should the District have known to revise the roll to
2 reflect those transfers?

3 Mr. Johnson stated it is difficult for us to know what homes were sold, when and
4 to whom.

5 Ms. Grimes stated that is correct. The roll needs to be frozen at some point to
6 provide the notice. It is a given that when the roll is frozen and some transfers or selling
7 of properties may occur. The question is given it was the developer who transferred the
8 property, and the developer's representatives sit on this Board, should we have updated
9 the roll? Essentially "over notice" giving duplicate notice in an abundance of caution.

10 Mr. Johnson stated I can't see this being a problem with the new property owners,
11 but I can't speak to that.

12 Ms. Grimes stated getting a waiver of notice will cure any potential defect. As
13 various things may occur that may give us the level of comfort, and I can issue the
14 opinion that it is a valid imposed special assessment lien, you still have the potential of
15 anyone to challenge it. There is a potential cost and exposure to defend any action that
16 could be filed as a result.

17 Mr. Metropolis stated this is a clear-cut developer-to-developer issue, and has
18 nothing to do with the CDD.

19 Mr. Sanford stated the problem is the District is issuing the bonds secured by a
20 special assessment, and if they come in and challenge the validity of the assessments, the
21 bondholder will be hurt by the challenge. Even though it may be someone else's
22 problem, the District has an obligation because they are the ones borrowing the money.
23 It is up to Ms. Grimes as to how you go about fixing it. The attorney's opinion is the
24 bread and butter of the security of the bondholders.

25 Ms. Grimes stated another remedy is to escrow the funds for the 8 lots pending
26 receipt of the waivers and move forward.

27 Mr. Aagaard stated in my call with the property appraiser and tax collector a new
28 roll will not be updated in mid-August; and the plats we are discussing will not appear on
29 the tax roll until 2012.

30 Ms. Grimes provided an overview of what has taken place to Mr. Kessler who
31 joined the meeting.

1 After further discussion relating to the various remedies to the situation,
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3 On MOTION by Ms. Jamie Goodman, SECONDED by Ms. Sasha Goodman, WITH Ms.
4 Jamie Goodman, Ms. Sasha Goodman and Ms. Brown Voting Aye, and Mr. Johnson
5 recusing himself, the Board adopted Resolution 2011-13, Setting the Public Hearing on
6 September 12, 2011, at 10:00 a.m. at the offices of Stantec/Wilson Miller, based on
7 Resolution 2011-5, Intent to Levy Special Assessments; and CONTINUED the Public
8 Hearing to August 2, 2011 at 10:00 a.m. at Stantec/Wilson Miller.
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10 **THIRD ORDER OF BUSINESS – Business Administration Items:**

11 **A. Acceptance of Financial Statements as of June 2011**

12 **B. Approval of Requisitions 2011-79 and 2011-80**

13 Mr. Daugirda reviewed the financial statements, and requisitions 2011-79 and
14 2011-80.

15 Ms. Stewart stated Bassett Creek Estates Phase 2 is complete and the requisitions
16 are for the retainage and completion.
17

18 On MOTION by Ms. Brown, SECONDED by Mr. Johnson, WITH ALL IN FAVOR, the
19 Board approved the Financial Statements, and Requisitions 2011-79 and 2011-80.
20

21 Mr. Daugirda stated at the last meeting, the Board adopted the budget and there is
22 a line item for Field Manager's service. DPFG has given the District a discounted rate
23 for management, accounting, recording, and assessment work, but not field manager. We
24 are will to do it for you at the budgeted amount.
25

26 On MOTION by Ms. Jamie Goodman, SECONDED by Ms. Sasha Goodman, WITH
27 ALL IN FAVOR, the Board authorized the Expenditure of \$12,000 to DPFG for Field
28 Management Services.
29

30 **FOURTH ORDER OF BUSINESS – Business Items:**

31 **A. Discussion on Draft Rules for Recreational Amenities**

32 Ms. Grimes stated one item we were going to consider was the rules and fee
33 structure for use of the amenity center. As a public facility, it needs to be open to the
34 public, but we are permitted to impose a fee for use by non-owners. I have a Resolution,
35 and attached the rules and fee structure to get the process started for use of the facility,
36 and what is blank is the amount of the fee charged. Attachment A is the fee structure and

1 sets forth what the fees would be for the owners, and fee for non-owners. The fee for the
2 non-owners is based on an amount that includes the budgeted debt service, plus
3 operations and maintenance and a 20% surcharge for administration.

4 Mr. Metropolis stated basically a little more that what is yearly assessed to the
5 owners for use and the administrative cost.

6 Ms. Grimes stated Attachment B is the rules and regulations for the facility. It
7 talked about the members [the owners of the facility], house guests, renters and renters
8 guests. There is a section dealing with the ID cards and keys. This need to be decided
9 and costs associated. This is a draft document. It is intended to be discussed and
10 modified.

11 Mr. Metropolis stated we also need to discuss enforcement of the rules, and who
12 will be doing it.

13 Ms. Stewart stated there are different types of systems in place you can visit, and
14 decide what you want to do.

15 Ms. Grimes stated we can simplify this, and gain resident input, but we need to
16 hold a public hearing on the fees under Florida Statutes, and have a fee for non-owners as
17 this is a public facility.

18 Mr. Metropolis stated the residents also talked about a cooking area, grills and
19 rules for use.

20 Mr. Daugirda stated maybe the residents can form a committee to go through
21 these rules. I am all for resident input and guidance as to how they want to see this run.

22

23 **Acquisition and Completion Agreement**

24 Ms. Grimes stated I have put together a document similar to a purchase and sale
25 agreement. It requires a survey and environmental assessment. There was going to be a
26 retainage for the pool furniture of \$7,500; and the requirement for the survey to be
27 provided post-closing, and the title company to eliminate any exceptions it had for the
28 survey. We will have a full title commitment.

29 Mr. Metropolis stated it should not be up to the developer as to what type of
30 furniture the residents want. It may be easier for the Board to just buy it.

1 Ms. Grimes stated is the purchase price reduced by \$7,500, or does the developer
2 want to order the furniture and keep \$7,500 in escrow?

3 Mr. Johnson asked is this listed in the Improvement Plan.

4 Ms. Grimes stated in the appraisal there is a list of things not yet completed, and
5 he based the appraisal on those item being completed, and the first item is pool furniture
6 of \$7,500, and keys at \$1,500. It was anticipated that those items that were not
7 completed would be done when the facility was done.

8 Ms. Jamie Goodman stated the furniture we looked at is commercial grade.

9 Mr. Johnson asked how do we want to handle this.

10 Ms. Grimes responded any of these funds from the bond proceeds will need to be
11 used for these specific items. We can include on the closing statement a line item for the
12 payment of the pool furniture. I will clarify that section of the agreement. The other
13 issue is the retainage of the amount for the ADA compliance of \$6,000.

14 Ms. Brown stated we also need insurance.

15 Mr. Daugirda stated the pool area will be covered under property insurance and
16 general liability.

17 Ms. Grimes stated prior to closing Ms. Stewart will give an estimate of the
18 owner's proceeds, and when the improvements are ADA compliant then the money will
19 be released from escrow. He is given one year to complete those improvements, and if
20 not, the District will construct the improvements and the developer will have to pay the
21 District any increase to construct those improvements.

22 Ms. Stewart stated there is an issue with the playground surface, and the District
23 will have to replenish the engineered wood mulch as part of its operations and
24 maintenance costs next spring.

25 Ms. Brown asked is the gate ADA compliant?

26 Ms. Stewart responded we are dealing with accessibility guidelines as this is a
27 new facility. I will have to look into it, and follow up with you.

28 Mr. Daugirda stated the city has inspected the facility and our private inspection
29 will be done on Monday, prior to acquiring the property.

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1 **FIFTH ORDER OF BUSINESS – Staff Reports**

2 **A. Manager – Meeting Schedule for FY 2012**

3 Mr. Daugirda presented the meeting schedule for the third Wednesday of the
4 month at 10:00 a.m. at Stantec/ Wilson Miller. The library cannot book us for the entire
5 year; however, we can hold workshops and budget meetings at the library as needed.

6 Mr. Metropolis stated I can attend the meetings, and keep everyone in the loop. I
7 agree we need to hold the workshops and budget meetings at a larger venue.

8
9 **On MOTION by Ms. Sasha Goodman, SECONDED by Ms. Jamie Goodman, WITH**
10 **ALL IN FAVOR, the Board approved the Meeting Schedule for Fiscal Year 2012, as**
11 **presented.**

12
13 **B. Attorney – Status Report on Annexation**

14 There being no report, the next item followed.

15
16 **C. Engineer – Construction Update**

17 There being no report, the next item followed.

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19 **SIXTH ORDER OF BUSINESS – Supervisors Requests and Audient Comments**

20 Mr. Metropolis stated I am trying to help the community understand the
21 difference between a CDD and HOA question. I need some guidance. We are also trying
22 to find out who is on the HOA Boards. Who would they contact? Who will get results to
23 the questions?

24 Ms. Jamie Goodman stated I drove the property, as we were quite concerned over
25 Peter's questions. The next day we sent one of our maintenance guys over there. A
26 gutter is needed. Water is flowing down and is causing the dirt and residue on his
27 building.

28 Mr. Metropolis stated some residents think it is an HOA's responsibility rather
29 than owner responsibility. If an alarm is going off, it is not the HOA's issue.

30 Ms. Brown stated the property is not abandoned. She is in Brazil. Lloyd called
31 the police, and there is nothing they could do.

32 Mr. Metropolis stated I am trying to get information to the residents. If a home is
33 in foreclosure and it is an eyesore, then someone needs to get a hold of the bank. It is not
34 a CDD question. There have been several complaints with Greenacre Properties as they

1 were supposed to give the residents a portal, so they could post their complaints on line.
2 The residents feel Greenacre is giving them the run around, and they need access to the
3 HOA Boards' to send their complaints to them too.

4 Ms. Brown stated if Lloyd is not doing his job, then I would call Jeff, Lloyd's
5 boss.

6 Ms. Jamie Goodman stated the stucco discoloration issue that was brought up at
7 the last meeting has been taken care of.

8 Mr. Metropolis stated I can ask the community to form a committee regarding
9 pool furniture purchase to get the ball rolling.

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11 **SEVENTH ORDER OF BUSINESS – Adjournment**


12 There being no further business,
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14 On MOTION by Ms. Jamie Goodman, SECONDED by Ms. Brown, WITH ALL IN
15 FAVOR, the meeting was CONTINUED to August 2, 2011 at 10:00 a.m. at Stantec
16 Wilson/Miller.

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18 **These minutes were prepared in summary format.*

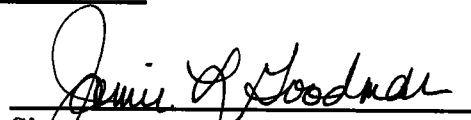
19 **Each person who decides to appeal any decision made by the Board with respect to any*
20 *matter considered at the meeting is advised that person may need to ensure that a*
21 *verbatim record of the proceedings is made, including the testimony and evidence upon*
22 *which such appeal is to be based.*

23
24 Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a
25 publicly noticed meeting held on October 19, 2011.

26
27 
28 _____
29 Signature

30 John DAUGIRDA
31 _____
32 Printed Name

33
34 Title:
35 Secretary
36 Assistant Secretary
37

26
27 
28 _____
29 Signature

30 JAMIE L. GOODMAN
31 _____
32 Printed Name

33
34 Title:
35 Chairperson
36 Vice Chairperson