

MINUTES OF MEETING  
WESTSIDE  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Westside Community Development District was held Tuesday, April 6, 2021 at 11:00 a.m. at the offices of Hanson Walter & Associates, 8 Broadway Avenue, Suite 104, Kissimmee, Florida.

Present and constituting a quorum were:

Tom Franklin	Chairman
Scott Stewart	Vice Chairman
Connie Luong	Assistant Secretary
Robert Bagwell	Assistant Secretary

Also present were:

Jason Showe	District Manager
Kristen Trucco	District Counsel
Mark Vincutonis	District Engineer
William Viasalyers	Field Manager

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Showe called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next item followed.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Acceptance of Resignation of Brooks Tolbert**

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor Brooks Tolbert's resignation was accepted.
--

**B. Appointment of Individuals to Fill Seats 1, 2, 3 & 5**

Mr. Showe stated we have four seats that could be filled. We provided you with Mr. Bagwell's agenda by email and he is here and can be appointed to any of the seats. It would be our recommendation to appoint him to seat no.1 with a term ending November 2024.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor Robert Bagwell was appointed to fill the unexpired term of office of seat no. 1.

**C. Administration of Oath of Office for Newly Appointed Supervisors**

Mr. Showe being a Notary Public of the State of Florida administered the Oath of Office to Mr. Bagwell.

Mr. Showe stated the first document behind the Oath of Office form is the Form 1 Statement of Financial Interests and you are now a public official and will need to fill out this form and provide it to the Supervisor of Elections of Osceola County within 30 days of today. We recommend you get a stamped copy or some verification when you drop it off. Next is the Final Statement of Financial Interests that needs to be provided to the Supervisor of Elections within 60 days of leaving the Board. As a Board member, you are eligible to receive up to \$200 per meeting. Do you accept that compensation?

Mr. Bagwell responded yes.

Mr. Showe stated you will need to fill out the W-4 and I-9 forms and return them to my office. Behind that is the guide to the Sunshine Amendment and code of ethics for public employees. As a government official and a member of the Board you are subject to the Sunshine amendment, which means you can't speak to other Board members about things that may come before the Board for a vote outside of a publicly noticed meeting of the Board. That applies to all forms of communications including email, texts, and phone calls. When you receive emails from our office if it has other Board members on it, it will say, please do not reply to all. That way you don't inadvertently start a conversation with other Board members. You are not required to keep any records of any of these meetings, that is our job as District Manager; we keep the official records. If you do keep any records and this applies to emails too, we recommend that you keep it in a separate file so that if there is a public records request, your personal files are not intermingled with District files. A lot of people have set up a special CDD email address so all of your CDD emails will go to the same place. Some people also set up a folder in their email and all CDD emails go into that folder. If you have any questions, you can always contact my office. If something happens onsite that you think the other Board members should know, you can contact me and we can distribute to the other Board members.

**D. Election of Officers Resolution 2021-04**

Mr. Showe stated we can add Mr. Bagwell as an Assistant Secretary and Ariel Lovera who used to serve as Treasurer is no longer with GMS and we will appoint another Treasurer. I will read into the record the officers as follows: Tom Franklin Chairman, Scott Stewart Vice Chair, Jason Showe Treasurer, Katie Costa Assistant Treasurer, George Flint Secretary, Ms. Luong, Mr. Showe and Mr. Bagwell Assistant Secretaries.

On MOTION by Mr. Stewart seconded by Mr. Franklin with all in favor Resolution 2021-04 was approved reflecting the above referenced officers.

**FOURTH ORDER OF BUSINESS****Approval of the Minutes of the August 25, 2020 Meeting**

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor the minutes of the August 25, 2020 meeting were approved as presented.

Ms. Trucco joined the meeting at this time.

**FIFTH ORDER OF BUSINESS****Ratification of Resolution 2021-01 Amending the Fiscal Year 2020 Budget**

Mr. Showe stated Resolution 2021-01 was signed by Mr. Stewart in November, which was the deadline to have the resolution amending your prior year budget approved. The resolution recognized additional carry forward funds that was put in the General Fund and transferred to your Capital Reserve Fund.

On MOTION by Mr. Stewart seconded by Mr. Franklin with all in favor Resolution 2021-01 was ratified.

**SIXTH ORDER OF BUSINESS****Consideration of Resolution 2021-02 Approving the Conveyance of Real Property**

Mr. Showe stated several years ago when the SPE took over properties there was a piece that should have been deeded to the CDD and now that the bonds have been refinanced that SPE no longer exists. It is conservation land that should be in the name of the District, so Counsel drafted the resolution to convey that property from the SPE to the CDD.

Ms. Trucco stated the District is already the permittee on the South Florida Water Management District permit. Our role is not changing at all, we just want something to memorialize that title is in our name to own and maintain. This was contemplated by the original development plans that we would be the subsequent owner of that parcel. We have a Special Warranty Deed, which will transfer the real property from the SPE to the District and an Owner's Affidavit as well verifying that there are no encumbrances on the actual parcel that would hinder our ability to own and maintain it.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor Resolution 2021-02 was approved.

#### **SEVENTH ORDER OF BUSINESS**

#### **Ratification of Agreement with Berger Toombs Elam Gaines & Frank to Provide Auditing Services for Fiscal Year 2020**

Mr. Showe stated next is ratification of the agreement with Berget Toombs to provide auditing services for Fiscal Year 2020. We signed the agreement so they could begin work on the audit and it is in line with the agreement the Board previously approved.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor the engagement letter with Berger Toombs to perform the Fiscal Year 2020 audit was ratified.

#### **EIGHTH ORDER OF BUSINESS**

#### **Ratification of Data Sharing and Usage Agreement with Osceola County Property Appraiser**

Mr. Showe stated this is ratification of the data agreement with the Osceola County property appraiser for assessment services, so that we can put our assessments on the tax roll. We enter into this agreement every year.

On MOTION by Mr. Stewart seconded by Mr. Franklin with all in favor the data sharing and usage agreement with the Osceola County Property Appraiser was ratified.

#### **NINTH ORDER OF BUSINESS**

#### **Consideration of Proposals for Sod Replacement**

Mr. Viasalyers stated the first proposal from Yellowstone is \$2,859.75 and second is for \$1,324.88 and following are the locations of the areas impacted that we would like to get

removed and replaced. Some of it is failing turf and some areas have been run over by large vehicles and things like that and we would like to get those areas touched up and enhanced.

I have another one for the center median between Monaco and Goodman from Exclusive Landscaping for \$16,510 to remove declining material, add sod, shorten the beds, and enhance that area.

Mr. Showe stated there is \$30,000 in the budget for landscape replacement.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor the proposals from Yellowstone for sod replacement in the amounts of \$2,859.75 and \$1,324.88 and the proposal from Exclusive Landscaping in the amount of \$16,510 were approved.

#### **TENTH ORDER OF BUSINESS**

#### **Consideration of Resolution 2021-03 Ratifying Enrollment in E-Verify System and Execution of Memorandum of Understanding**

Mr. Showe stated Resolution 2021-03 ratifies enrollment in the E-Verify System and executing the Memorandum of Understanding.

Ms. Trucco stated the Florida Legislature passed a law at the end of last year that requires all public employers to verify the immigration work authorization of any new employees that they hire. As part of that we had to enroll in the E-Verify System, which has been done and we are seeking ratification of that enrollment. This resolution also delegates authority to the chair, vice chair and District staff in the future to take any actions that they need to ensure compliance with this new law. In any agreements that we draft we have some compliance language as well to protect the District so that the contractor is on the hook and understands that they are responsible for enrolling in the E-Verify System.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor Resolution 2021-03 was ratified.

#### **ELEVENTH ORDER OF BUSINESS**

#### **Ratification of Termination of Lerner Reporting Services, Inc. as Dissemination Agent**

Mr. Showe stated Lerner Reporting Services previously provided dissemination reports for the Series 2005 and 2007 Bonds at a cost of about \$6,000 per year. Because those bonds were refinanced and there is only one property left within those series of bonds we felt that GMS

could take over the reporting on that one property at no additional cost to the District. We are providing dissemination services for the other bond issues.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor termination of Lerner Reporting Services, Inc. as dissemination agent was ratified.

**TWELFTH ORDER OF BUSINESS****Consideration of Resolution 2021-05  
Approving the Proposed Fiscal Year 2022  
Budget and Setting a Public Hearing**

Mr. Showe stated this resolution approves the proposed budget, sets the public hearing for August 3, 2021 and authorizes staff to transmit the approved budget to Osceola County as well as post it on the District website in accordance with Florida Statutes.

The proposed budget is not a lot different from what you have normally seen. Your assessments will remain the same and there is no assessment increase. As of this year you have paid the last of the Jr. Davis payments per the settlement agreement. Based on site review and William's recommendation the oak trees down the median and sides of the road are in need of maintenance. We have allocated about \$25,000 to trim about one-third of the oak trees to start a regular maintenance program. Depending on the cost we may try to do more towards the end of the year.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor Resolution 2021-05 approving the proposed Fiscal Year 2022 budget and setting the public hearing for August 3, 2021 was approved.

**THIRTEENTH ORDER OF BUSINESS****Staff Reports****A. Attorney**

There being none, the next item followed.

**B. Engineer**

There being none, the next item followed.

**C. Manager****i. Approval of Check Register**

On MOTION by Mr. Stewart seconded by Mr. Franklin with all in favor the check register was approved.

**ii. Balance Sheet and Income Statement**

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

**iii. Discussion of Direct Bill Status**

A copy of the direct bill status was included in the agenda package.

**iv. Presentation of Arbitrage Rebate Calculation Reports**

Mr. Showe stated this is a required test that we have to do every year. There is a statutory limit on how much interest we can earn on bond funds and based on the current interest rates that would be impossible, but we are required to have the calculation done each year. We are presenting this report to the Board for documentation.

**FOURTEENTH ORDER OF BUSINESS      Supervisor's Requests**

There being none, the next item followed.

**FIFTEENTH ORDER OF BUSINESS      Other Business**

There being none,

On MOTION by Mr. Stewart seconded by Mr. Franklin with all in favor the meeting adjourned at 11:36 a.m.

  
\_\_\_\_\_  
Secretary/Assistant Secretary

  
\_\_\_\_\_  
Chairman/Vice Chairman