

**MINUTES OF MEETING  
BANNON LAKES  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Bannon Lakes Community Development District was held on Wednesday, **November 4, 2020** at 1:00 p.m. at the World Golf Village Renaissance Hotel, 500 S. Legacy Trail, St. Augustine, Florida.

Present and constituting a quorum were:

Art Lancaster	Chairman
Linda Scandurra	Supervisor
Chris Hill	Supervisor
Chris d'Aquin	Supervisor

Also present were:

Jim Oliver	District Manager
Wes Haber <i>via phone</i>	District Counsel
Brian Stephens	Operations Manager, RMS
Bre Meeks	Amenity Manager, RMS

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Oliver called the meeting to order at 1:00 p.m. Three members of the Board were present constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Public Comment**

Mr. Oliver asked that the public keep their comments for this portion of the meeting focused on items on the agenda, adding that they would have a chance at the end of the meeting to provide comments on any CDD matters. There being no public comments at this time, the next item followed.

**THIRD ORDER OF BUSINESS**

**Affidavits of Publication**

Mr. Oliver noted that this meeting was advertised in the St. Augustine Record.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of the July 29, 2020 Meeting**

Mr. Oliver presented the minutes of the July 29, 2020 meeting. He asked for any additions, corrections, or deletions to the meeting minutes. The Board had no changes to the minutes.

On MOTION by Mr. Lancaster seconded by Mr. Hill, with all in favor, the Minutes of the July 29, 2020 Meeting, were approved.

**FIFTH ORDER OF BUSINESS**

**Organizational Matters**

**A. Consideration of Candidates for Appointment to Seat 4**

Mr. Oliver noted that Seat 4 is vacant because a previous supervisor resigned, and the Board directed staff to seek candidates to fill this seat. Letters of interest were received from three different candidates: Chris d'Aquin, Jim Carrado, and Stephen Commorato. The process for filling the vacancy is broadly mentioned in Florida Statutes and the majority of the Board will decide who fills the vacancy. Once a Board member makes a nomination and if it gets a second, the Board will vote on the nomination and by majority that person will be selected to fill the vacancy.

Mr. Lancaster reported that he had the opportunity to meet Mr. d'Aquin at a function he had helped put together and thought he did an outstanding job and showed leadership. He then made a motion to name Mr. d'Aquin as the person to fill the empty seat.

On MOTION by Mr. Lancaster seconded by Ms. Scandurra, with all in favor, Appointing Chris d'Aquin as the Candidate for Appointment to Seat 4 and, was approved.

**B. Oath of Office for Newly Appointed Supervisor**

Mr. Oliver administered the Oath of Office to Mr. d'Aquin.

**C. General Information for New Supervisor**

Mr. Oliver noted that Mr. d'Aquin is now a public official subject to Florida's Sunshine Law. CDD Board members can only have conversations or other communications with other members regarding District matters at a noticed meeting. Florida has a very broad Records Law regarding access to public records. It is advised that CDD records maintained by supervisors are kept segregated other business or personal records. Mr. Oliver stated that his office keeps the official records of the District, so it is not necessary for you to retain records already maintained

by the District. It is also recommended that a separate email account is used for the District matters. Social media postings and text messages are also subject to public records. If discussions of District business are posted or exchanged, a screen shot should be taken and saved by the Supervisor. It is important to be careful with the many modes of communication that are available. As a member of a governmental organization, a Statement of Financial Interest must be submitted. The Form 1 needs to be completed and provided to the St. Johns County Supervisor of Elections within thirty days of taking the oath of office. As a Board Member, you may receive \$200 per meeting per Florida Statutes. Mr. Oliver will also provide a fact sheet regarding CDDs, a copy of the Florida Commission on Ethics Guide to the Sunshine Amendment and Code of Ethics for Public Officials. Lastly, he will provide a copy of Chapter 190 of Florida Statutes.

**D. Consideration of Resolution 2021-01, Election of Officers**

Mr. Oliver noted this is to appoint Mr. d'Aquin as an Assistant Secretary, so he is an officer of the District.

On MOTION by Mr. Lancaster seconded by Mr. Hill, with all in favor, Resolution 2021-01 Electing Mr. d'Aquin as an Assistant Secretary, was approved.

**SIXTH ORDER OF BUSINESS**

**Consideration of FY20/21 Funding Agreement with RREF III-P-EP Bannon Lakes JV, LLC**

Mr. Oliver summarized that this a deficit funding agreement, in which the developer provides funding of budget shortfalls. This is approved each year when the budget is adopted. At the July meeting, this was approved in substantial form. There is a need for a motion of approval of the final version of the document..

On MOTION by Mr. Lancaster seconded by Mr. Hill, with all in favor, the FY20/21 Funding Agreement with RREF III-P-EP Bannon Lakes JV, LLC, was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Renewal of Services for Lake Maintenance with Lake Doctors, Inc.**

Mr. Oliver stated that this is for the same amount that was adopted budget for FY21.

On MOTION by Mr. Lancaster seconded by Mr. Hill, with all in favor, Consideration of Renewal for Lake Maintenance with Lake Doctors, Inc., was approved.

**EIGHTH ORDER OF BUSINESS****Consideration of Partial Release of Recorded 2016 Assessment Documents**

Mr. Haber reported that in 2016 the District issued a series of bonds that are secured by a certain stage of development within the project. At the time the bonds were issued certain portions of that stage were not yet developed or sold, so the assessments securing the bonds were allocated across all of the developable property within the District with the understanding that as the property was sold and development rights were allocated with those sales, that the assessments would be allocated to the property that was sold and would no longer be allocated to the remaining property within the District. Counsel for the Developer has provided copies of agreements showing that all of the property to be sold to secure the 2016 bonds have been sold and development rights for all of the units that are necessary to secure the 2016 bonds have been allocated and conveyed to the purchasers of that property. The true-up agreement for all of the units to secure the 2016 bonds have been signed by all the new property owners within that area. In light of all those actions, by law the 2016 assessments are no longer on the property but there are agreements that were recorded in the public records that unless the supplemental information was received, it may be interpreted that the agreements that were recorded in the public record still impact the property outside the area that secures the 2016 bonds. This document identifies the document that are recorded against the remaining property, mainly the true-up agreement, a collateral assignment, and a consent to jurisdiction, and provides for the partial relief that those documents as it relates to the property identified on the partial relief, which is property that falls outside the 2016 assessment area. The document has been reviewed and counsel is comfortable with it that it is appropriate in light of the terms of the various bond agreement that are connect to the issuant of the bond.

On MOTION by Mr. Lancaster seconded by Mr. Hill, with all in favor, the Partial Release of Recorded 2016 Assessment Documents, was approved.

**NINTH ORDER OF BUSINESS****Ratification of Memo of Understanding with the St. Johns Property Appraiser**

Mr. Oliver stated that there is a lot of information on the property tax roll that is confidential. For example, names and addresses of law enforcement officers, judges, military, and some other residents are exempt from public records request. The St. Johns Property Appraiser Office has reached out all county CDDs saying they will not provide an assessment roll until they receive an approved and signed agreement stating the assessment roll is not for general distribution. If someone were to make the request, Wes Haber, District Counsel should be notified of the records request. A determination should be made with the property appraiser's office.

On MOTION by Mr. Hill seconded by Mr. Lancaster, with all in favor, the Memo of Understanding with the St. Johns Property Appraiser, was ratified

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

#### **Ratification of FY 20 Audit Engagement Letter with Grau & Associates**

Mr. Oliver noted Grau & Associates is a CPA firm that this Board selected through the RFP process that is required by Chapter 218 of Florida Statutes. The fee for the FY20 audit is \$3,900 and that is the amount that was budgeted. As a unit of government in Florida, the CDD is required to have an independent financial audit conducted each year.

On MOTION by Mr. Lancaster seconded by Mr. Hill, with all in favor, the FY 20 Audit Engagement Letter with Grau & Associates, was ratified.

**ELEVENTH ORDER OF BUSINESS**

**Ratification of First Amendment to the Agreement for Landscape and Irrigation Maintenance Services with Landcare Group, Inc.**

Mr. Oliver stated this is the group that has been out there working already. This incorporates the new areas. This has already been executed so they could begin their FY 20 services.

On MOTION by Mr. Lancaster seconded by Mr. Hill, with all in favor, the First Amendment to the Agreement for Landscaping Services with Landcare Group, Inc., was ratified.

**TWELTH ORDER OF BUSINESS**

**Consideration of Revision to Amenity Policies**

Mr. Oliver asked the Board to table this for the day. Ms. Meeks and Mr. d'Aquin, as the resident supervisor, to take a look at the policies and fine tune them due to some discrepancies with some of the language. The group will sit down sometime before the next meeting to bring back some recommendations to the Board.

**THIRTEENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel**

Mr. Haber went into further detail on the Sunshine Law and the Public Records Law and stated it is important to note that commenting about issues that may be taking place in a neighborhood on social meeting should be refrained from. Verbal, written, email, social media, and text are all considered communications for purposes of the Sunshine Law.

**B. District Engineer**

There being none, the next item followed.

**C. District Manager**

Mr. Oliver stated that they will continue to try to secure the airport facility where previous meetings have been held. As the February meeting approaches, communication will be shared on where the meeting will be if it can't be at the airport facility.

**D. Field Services – Operations Memorandum**

Mr. Stephens noted there were a couple additions to the operations memorandum. A date has been scheduled for the pool gates for the week of November 16<sup>th</sup>. The parking lot lights have been adjusted for daylight savings. The holiday decorations are scheduled to start installation next week. Typically, they will be lit the day after Thanksgiving. The Board thought as soon as they were installed, they should be turned on, and Mr. Stephens complied. Mr. Stephens continued that the community issues with the trees is being worked on.

**E. Amenity Report – Amenity Report**

Ms. Meeks stated that the clubs are still active and meeting on a weekly basis in the clubhouse. The residents know to clean up after themselves and to practice social distancing. Same with the fitness center which wipes are provided. Food trucks are coming onto the property two or three times a week, per resident's request. There was a 'Dancing in the Street' event on September 5<sup>th</sup> with a live band, food trucks, bounce houses, and it was a big hit for residents. She then reported that First Coast Athletics will come weekly, on Thursdays for the kids. The Halloween festivities were canceled due to her absence.

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

There being none, the next item followed.

**SIXTEENTH ORDER OF BUSINESS****Audience Comments**

A resident asked what he is receiving from the CDD that he is paying for as he is new to the State.

Mr. Oliver answered that the CDD is established so the District can issue tax exempt bonds as a governmental entity. Bond proceeds are used to construct the infrastructure such as the road system, surface water management system, underground utilities, common areas, entry

monumentation and the amenities facilities, field and dog park. Debt service for payment of principal and interest on the bonds is by assessments collected by the tax collector on the annual property tax bill. In addition, operations and maintenance costs are funded by the assessments.

**SEVENTEENTH ORDER OF BUSINESS      Financial Reports**

**A. Balance Sheet as of September 30, 2020 and Statement of Revenues & Expenditures**

Mr. Oliver stated that the balance sheet can be found in the agenda package as of September 30, 2020, which is the end of the Fiscal Year. The engagement letter was approved, and the audit will begin.

**B. Assessment Receipt Schedule**

Mr. Oliver noted that it shows they are fully collected for FY 20 and will start the process all over again. The tax collector mailed out the property tax bills on November 1.

**C. Approval of Check Register**

Mr. Oliver noted that the Check register required Board approval.

On MOTION by Mr. Lancaster seconded by Mr. Hill, with all in favor, the Check Register was approved.

**D. Approval of Construction Funding Request No. 22 & 23**

Mr. Oliver noted that these are construction related matters tied to IGP. The money is fronted by the developer through construction funding requests.

On MOTION by Mr. Lancaster seconded by Mr. Hill, with all in favor, Approval of Construction Funding Request No. 22 & 23, were approved.



**EIGHTEENTH ORDER OF BUSINESS**

**Next Scheduled Meeting – February 3,  
2020 at 1:00 p.m. at the Northeast  
Regional Airport Conference Center 4730  
Casa Cola Way, St. Augustine, FL 32095**

Mr. Oliver stated the next scheduled meeting is February 3, 2021 at the Northeast Regional Conference Center, and if something changes advanced notice will be given. The Landowner's Election will be held on November 24, 2020, at 10:00 a.m.

**NINETEENTH ORDER OF BUSINESS**

**Adjournment**

The meeting was adjourned at 1:52 p.m.

On MOTION by Mr. Lancaster seconded by Mr. Hill, with all in favor, the Meeting was adjourned.
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Secretary / Assistant Secretary

  
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Chairperson / Vice Chairperson