

MINUTES OF MEETING
STONEBROOK SOUTH
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Stoneybrook South Community Development District was held Monday, April 5, 2021 at 10:00 a.m. at Oasis Club at ChampionsGate, 1520 Oasis Club Blvd., ChampionsGate, Florida.

Present and constituting a quorum were:

Basan Nembirkow	Chairman
Robert DiCocco	Vice Chairman
Chris Manjourides	Assistant Secretary
Terry Siron	Assistant Secretary by phone
Julia Dan	Assistant Secretary

Also present were:

George Flint	District Manager
Vivek Babbar	District Counsel by phone
Dave Reid	District Engineer by phone
Alan Scheerer	Field Manager

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order. Four Board members were physically present and one member was attending on the phone constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Flint: Hearing no public comments, we will move on to organizational matters.

THIRD ORDER OF BUSINESS

Business Administration

A. Approval of Minutes of the February 1, 2021 Meeting

Mr. Flint: We have approval of the minutes from the February 1, 2020 Board meeting. Did the Board have any comments or corrections to those? Hearing none,

On MOTION by Mr. Nembirkow, seconded by Mr. DiCocco, with all in favor, the Minutes of the February 1, 2020 Board Meeting, were approved.

B. Consideration of Check Register

Mr. Flint: Next is the check register. This is from January 25th through March 29th, for the General Fund and the Board payroll. It totals \$239,499.64. The detailed register is behind the summary that shows the individual checks amounts and vendor names. Are there any comments or questions on the check register?

Mr. Manjourides: I have a small question. When you pay us there's an amount of like \$16 that goes to Social Security or something like that?

Mr. Flint: It's FICA and whatever the payroll taxes are.

Mr. Manjourides: So is that in a different line item?

Mr. Flint: It's netted out of that check.

Mr. Manjourides: It's listed at \$184.70.

Mr. Flint: Right. The check amount is \$184.70

Mr. Manjourides: So where does the other money come from?

Mr. Flint: There is a FICA line item in the budget. It's FICA expenses.

Mr. Nembirkow: I have one correction; my last name is spelled correctly except for the checks and that's been going on for a while.

Mr. Flint: Oh really? I noticed Terry's last name was.

Mr. Nembirkow: And Manjourides is spelled correctly so my should be easier than that.

Mr. Flint: I see that I apologize. We will get that corrected.

Mr. Nembirkow: That's not a problem, I'm just pointing that out.

Mr. Flint: Just turn the W upside down. Alright, are there any other comments or questions? Hearing none, the next item followed.

On MOTION by Mr. DiCocco, seconded by Mr. Nembirkow, with all in favor, the Check Register totaling \$239,499.64, was approved.

C. Balance Sheet and Income Statement

Mr. Flint: Next is the un audited financial statements through February 28, 2021. There is no action required on the financials. If you have any questions on the financial statements we can discuss those. We are pretty well in line with our budget items. Our insurance is over. I think our

budget was understated and that's partially why that's showing as being over, but that's a one-time expense at the beginning of the year. I believe our electric is trending to be over and part of that is the new fountains that have come online. We've got two that are in place that have been added, and we have two more that are in the process of being installed. So that will impact that line item. The capital outlay item that is over, that's the fountains. They weren't included in the adopted budget, but they were approved subsequent to the beginning of the fiscal year. Any other questions on the financials? Hearing none,

FOURTH ORDER OF BUSINESS

Business Items

A. Review and Acceptance of Fiscal Year 2020 Audit Report

Mr. Flint: The CDD as a government entity is required to have an annual independent audit performed. The Board went through a selection process for the independent auditor per the statutes and selected Berger Toombs as the District's independent auditor. We've provided you with the annual financial report as of September 30, 2020. If you refer to the Management letter that starts on page 33, if there were any findings or recommendations by the auditor they'd be reflected in the Management letter. You can see that this is a clean audit, that there are no current or prior year findings and recommendations. We've met all the conditions that they are required to review under the rules of the Auditor General in the state of Florida. So, it is a clean audit. If there are any questions we can discuss those, if not I would ask for a motion to accept the audit and authorize it to be transmitted to the State of Florida.

On MOTION by Mr. Nembirkow, seconded by Mr. Siron, with all in favor, the Fiscal Year 2020 Audit Report and Authorization for Transmittal to the State, was approved.

B. Ratification of E-Verify System Memorandum of Understanding

Mr. Flint: I think in a prior meeting we explained the new E-Verify requirements that the CDD is now subject to as of January 1. This was a legislative change last year requiring that state agencies and other government entities in the State of Florida have to comply with the E-Verify system, which previously only applied to the federal government. The legislative change requires that the District, as a government entity even though we don't have employees, register through the E-Verify System. It also requires any contractors that we enter into contracts with after January 1, also have to comply with E-Verify. This has to do with proving that an individual is authorized to work in the United States. The I-9 Form that is filled out as a part of payroll is an example of

the verification process that the individuals can legally work in the United States. Part of the registration of the E-Verify System is that the District has to enter into a Memorandum of Understanding with the Department of Homeland Security. You already authorized us to do this, we are just bringing it back for ratification. If there are any questions we can discuss it, if not I'd ask for a motion to ratify the Memorandum of Understanding.

Mr. DiCocco: I have a question. Each of our subcontractors fill out this particular form, right?

Mr. Flint: Our contractors do. We haven't entered into any new agreements that would fall under this since this went into place. This doesn't apply retroactively, it's after January 1. But any agreement that we enter into after January 1, there's some required language that would be inserted into the agreement.

Mr. DiCocco: Well, whenever a contract expires it comes up for renewal, that contractor has to register in that E-Verify System at that point, right?

Mr. Flint: Correct. As part of that language in their contract, they have an obligation to ensure that their subcontractors are complying.

Mr. DiCocco: Does the state have a system to check on this?

Mr. Flint: I believe it's the Department of Homeland Security that would be the enforcement agency. We don't have a proactive obligation other than they have to provide us evidence when we enter into the agreement that they registered. We don't have an obligation to go out and police them to make sure their compliant.

Mr. DiCocco: I made my comments last meeting pretty clear about the whole issue of the immigration and the relations to all of this. Public entities are only responsible.

Mr. Nembirkow: What they do is they audit you.

Mr. DiCocco: Yes, I understand that.

Mr. Nembirkow: The IRS. It's \$1,000 per I-9 violation.

Mr. Flint: Yes.

Mr. Nembirkow: And the I-9 if it's not filled out exactly correct, it's in violation. It's like, if your name is Robert H. DiCicco and they put in there Robert DiCicco, it's a violation. A \$1,000 per I-9, that's the fine.

Mr. DiCocco: Having us all on the books is wonderful, we have lots of laws that aren't enforced. This seems to me the biggest is the books. It's on the books, we are covered. Enforcing is a whole other issue.

Mr. Flint: Yes, and we are not going to go out and check. If for some reason we become aware then we do have a duty, but we don't have to go out and pry.

Mr. DiCocco: It is a liability for us.

Mr. Flint: No, other than if we would become aware and not do something.

Mr. DiCocco: I understand that, once we become aware we have to do something.

Mr. Flint: Or if one of the contractors we entered into an agreement with is not complying, and for some reason we become aware, then we do have an obligation to terminate that contractor and take some action. We are just complying. This is not something we really have control over. The only action that would be required would be to ratify the Memorandum of Understanding that has already been executed. Is there a motion to that effect?

On MOTION by Mr. DiCocco, seconded by Mr. Siron, with all in favor, the E-Verify System Memorandum of Understanding, was ratified.

C. Consideration of Resolution 2021-06 Providing for Removal and Appointment of Treasurer and Appointment of Assistant Treasurer

Mr. Flint: Next is Resolution 2021-06 and we are asking the Board to consider removing Mr. Ariel Lovera as Treasurer and appoint Ms. Jill Burns as Treasurer. We are also asking that you appoint Teresa Viscarra as an Assistant Treasurer. Ariel has recently left GMS due to health reasons, so we are asking the Board to remove him and then appoint Jill Burns, who is in my office.

On MOTION by Mr. Nembirkow, seconded by Mr. Manjourides, with all in favor, Resolution 2021-06 Providing for Removal and Appointment of Jill Burns as Treasurer and Appointment of Teresa Viscarra as Assistant Treasurer, was approved.

Mr. Flint: That will allow us to get the signature cards changed on the bank account.

D. Consideration of Resolution 2021-07 Approving the Proposed Fiscal Year 2022 Budget and Setting a Public Hearing

Mr. Flint: Next is Resolution 2021-07. This resolution approves what's called a proposed budget. It's really the start of the annual budget process. The statutes require the Board approve a

proposed budget and set the date, place, and time for a hearing at least 60 days before the actual hearing. Then we have to send a copy of the proposed budget to the local governing entities. They have review ability, but no adoption or any formal approval authority. I've never had a city or county actual comment on a proposed budget, but it's part of the statutory process we have to follow. This budget is not binding on the District, it's really just a matter of approving this and setting the hearing, then the actual adoption of the budget would be at the August 2nd Board meeting. That's where the public hearing will take place if you approve the resolution. The proposed budget, some of the main changes you'll see is we've increased our insurance line item in our administrative budget and that covers your general liability and your public officers liability insurance. I think the current year budget was understated and then we are allowing for a minor increase between this year and next year of about \$600. We've also increased the electric line item, and that's primarily due to the fountains we discussed. There are two that are in place now, and there are going to be two added. We put a little cushion in there in the event that more could be added.

Mr. Scheerer: There's one more pond down here on Westside Boulevard should the Board choose to put a fountain down there at some point.

Mr. Flint: We've just put a cushion in there in the event you do that. What we are also recommending is we create a capital reserve fund so you will see a transfer out of capital reserve of \$1,048,583. What we are suggesting is that you create a capital reserve fund and you transfer out any funds above what our estimated operating reserve would be into that capital reserve fund. Then it's kind of a renewal and replacement fund or capital expenses. So anything like the fountains or storm water repairs could be expensed out of the capital reserve fund rather than that money just sitting on your balance sheet right now. It's not appropriated. It gives the Board a better idea of how much funds are available to appropriate for capital. You can always move the money back into the general fund, if you move it into capital reserve you are not really tying your hands. It's just really a better way to track the available money.

Mr. Manjourides: So it really gives you an eye for eye budgeting dollars per spent.

Mr. Flint: Yes, without going to the balance sheet and trying to figure it out. If somebody asks you how much money do we have in reserves, well right now you can't really tell because we don't appropriate those funds. They just sit on the balance sheet. If the Board changes their mind

and you don't want to do that for some reason, we can always change that between now and August.

Mr. Nembirkow: It's just good business practice.

Mr. Flint: Yes.

Mr. Nembirkow: It's good to have a reserve.

Mr. Flint: It's better to have it appropriated so you can track it. Those are the main changes that you will see. There's quite a bit of detail in the narrative on the utility lines that show the individual accounts, etc. Are there any questions on the proposed budget?

Mr. Manjourides: Are we running on a deficit?

Mr. Flint: We are running at a slight deficit. We are using part of the carry forward balance right now. But because you had a million and a half in your State Board of Administration investment account, we've not recommended you have a rate increase. At some point you are going to want to true-up your current expenses to current revenue. The reason you have such a large reserve is that there were impact fee credits. The Developer constructed some utilities that bond funds were used on and the CDD was entitled to the impact fee credits that came back on that. So, they didn't go back to Lennar they came back to the District and into the general fund and so that created a fairly healthy reserve. It's not like you own a clubhouse, we don't even own the roads. So you don't have to reserve for repaving the roads, you don't have to reserve for things like roofs, things like that. We're maintaining storm water system, inlets, outfalls, ponds, you might have pond bank erosion and things like that. That's why we've been balancing it with your available funds rather than increasing your assessment. You are going to need to look at that in the next year or two.

Mr. DiCocco: When that number in that reserve gets down to critical mass point probably we should start. In the interim I think there's a lot of money there, we're not spending a lot of money other than sidewalk repair and

Mr. Flint: Right, I think sidewalks and your fountains and other than that, monuments.

Ms. Dan: I actually like the fact that you increased the budget of the irrigation repairs to \$10,000. I have been running every morning and there are a number of places that the irrigation is broken.

Mr. Scheerer: Depending on where it's at, it could be us or could be one of the HOA folks too.

Mr. Flint: Or the golf course.

Ms. Dan: It's mainly on the Oasis Boulevard. There were a couple of pipes that are literally facing the sidewalks. So it's good that you take account of that.

Mr. Flint: As the system ages that line item typically goes up. Early on it might be \$5,000/\$6000 a year. Our contract does have monthly irrigation checks I believe.

Mr. Scheerer: That's correct.

Mr. Flint: So every month they have an irrigation technician that runs every. It's not to say if there's a sprinkler had broken and they were going to wait a month to fix it, but they do have to go through once a month and cycle through every controller in every zone. Are there any other questions or comments on the proposed budget? If not is there a motion to approve?

On MOTION by Mr. Nembirkow, seconded by Mr. DiCocco, with all in favor, Resolution 2021-07 Approving the Proposed Fiscal year 2022 Budget and Setting a Public Hearing, was approved.

FIFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Flint: Do you have anything for the Board, Vivek?

Mr. Babbar: Just two quick updates for the Board. The first one was George had forwarded to me a foreclosure complaint that named the District as an additional defendant. I actually don't believe it's part of the District's boundary. I reached out to the attorney's office, left them a voice mail and a follow-up email. I've not heard back from them. I followed up this morning as well, but I am confident we will get dismissed from that case and we won't have to incur a lot of additional expenses. It's a nuisance that you have to deal with time to time, but it's pretty easy to get dismissed. The second item is that we are monitoring the election cycle, and it's going to end April 30th. One bill that has already passes, you may have already read about it, is with respect to Senate Bill 72, which is COVID protection for government and business. This was signed by the Governor last week, and is effective immediately and it puts a lot of burden of responsibility on to anyone claiming that they got COVID on someone else's property, a business or governmental entity. The other bill that we are monitoring really impacts website notice requirements, it is House Bill 35 and it's got kind of a counterpart in the Senate, Bill 402. It's path from the House and for now the Senate, we'll see if they actually take it off. They have not taking it off in the past, but we

are hoping they consider it this year. That's all I have for the Board. If we work on anything else, we will answer any questions anybody might have.

Mr. Flint: Are there any questions for Vivek? Hearing none,

B. District Engineer

Mr. Flint: Dave, are you still on?

Mr. Reid: Yes, I am. I have nothing new to report this month.

Mr. Flint: Okay, are there any questions for District Engineer? Hearing none,

C. District Manager

Mr. Flint: I have nothing other than what was on the agenda.

D. Field Manager

Mr. Flint: We have the Field Manager's report from Alan.

Mr. Scheerer: Good morning. In your agenda is the field report for the April 5th meeting. The Architectural Fountain is working, lights are on, and irrigation inspections are ongoing. Archway lights at the top of the inspection are all working. We do have one fountain down on the north side of Highway 27. We tried re-setting it a couple of times, we've called for service from Lake Fountains, so hopefully they will get out and take care of that for us. We actually had 16 down for a while and it was a bad capacitor so it wasn't a big deal, we got that fixed. Annuals are scheduled for the 7th and the 8th. We received the permits for the new fountains on 18 tee and 18 green. I was out there this morning and the electricians already have all the equipment boxes on the 18th tee box in place, they were working on the ones for the 18th green. Once all that's in place, hopefully they will be able to get the new electric ran to the transformers in the locations that were identified as part of this project. I spoke with Chris Russell on a couple spots along the 18th fairway that we had to pothole to make sure when they were running the conduits that they weren't hitting any irrigation on the golf course, but that was all coordinated directly with the golf team as well as the electricians for Lake Fountains. We continue to meet with Down to Earth each week, we did get the new Podocarpus installed on 15 and 16 in front of the equipment racks as was requested by the Board. All the new trees have been ordered, I believe they are already on-site and they were moving the one last dead one on Double Eagle and the installation of new palm trees will be this week. There is some seasonal cutbacks. The hibiscus, flax lilies, and African Iris throughout the

community. Some of that is just to bring it down and some of it's to incorporate new growth with the spring. Obviously we're having some lack of rain problems, so you might see the irrigation run periodically more often during the day.

Mr. Flint: Any questions for Alan?

Mr. Scheerer: I'll be happy to answer any questions you might have or if Chris wants to talk about the alligator.

Mr. Manjourides: I found the reason why that fountain on 27 was down is we have an alligator that likes to sit on the fountain. It's pretty big too and makes the whole fountain like tilt to one side.

Mr. Scheerer: I've never seen him, I'm out here.

Mr. DiCocco: I've seen him sitting on the rim, yeah.

Mr. Scheerer: If they trip we reset the fountain, if he stays he stays, and if it goes back in the water it's not going to hurt it.

Mr. Manjourides: It's mating season now, so there's probably babies around. The fountain in the roundabout there.

Mr. Scheerer: The architectural fountain?

Mr. Manjourides: Yes, it seems like there's not a lot of water being pumped through there.

Mr. Scheerer: I noticed the pressure was down a little bit today.

Mr. Manjourides: A lot.

Mr. Scheerer: Cascade will probably be out to a checkup.

Mr. Manjourides: They were here about two weeks ago, I was watching them clean it and they pump stuff out and vacuum, they were cleaning it pretty good. It didn't really seem to alleviate the problem. I know there's two pumps there right?

Mr. Scheerer: Yes.

Mr. Manjourides: So maybe one's down.

Mr. Scheerer: I'll take a look after the meeting. We will get with Tom over at Cascades. They are pretty responsible. They respond quickly as well. I'll take a look as soon as the meeting is over.

Mr. Flint: Alright, anything else?

Mr. DiCocco: I have one proposal basically, or one to start looking into. We put the little cart path between 18 and Dove Valley Way, which is great everybody uses it. Now in the

roundabout behind the plaza there where Palmetto Dunes terminates. That's hole 11 right across from it. A lot of us use that to get on the golf course because we live right there. So we drive across the grass onto the cart path and then down 11 and then to the clubhouse. Noticeably because of lack of rain and everything's dry, we are wearing a path through there.

Mr. Scheerer: We may just have to between the sidewalk and the golf will have the rest.

Mr. DiCocco: Not likely, I think there's probably a set back there for us. An easement from the sidewalk actually into them. I'd like to start looking at that.

Mr. Scheerer: Have we identified the exact location?

Mr. Manjourides: You know where the circle is behind the plaza, where the trees are at?

Mr. Nembirkow: The last house is on the 11th hole is there. Right by that circle there, I cut across there all the time.

Mr. Scheerer: Maybe after the meeting I can go out there, could anyone go with me?

Mr. DiCocco: Yes, I'll give you my phone number before I leave. I live one block over from it.

Mr. Scheerer: We will take a look.

SIXTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Flint: Are there any other Supervisors requests or business the Board would like to discuss before you adjourn?

SEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. DiCocco, seconded by Mr. Nembirkow, with all in favor, the meeting was adjourned.



Secretary/Assistant Secretary



Chairman/Vice Chairman