

**MINUTES OF MEETING  
HERITAGE PINES  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Heritage Pines Community Development District held a Regular Meeting on July 9, 2019 at 2:00 p.m., in the Heritage Pines Country Club Meeting Room, 11524 Scenic Hills Boulevard, Hudson, Florida 34667.

**Present at the meeting were:**

Kathleen Lonergan	Chair
Neil Goulette	Vice Chair
Michael Walsh	Assistant Secretary
Jack Nelson	Assistant Secretary
Arthur Rhodes	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Carter Anderson (via telephone)	District Counsel
Steven Riggs (via telephone)	Carr, Riggs & Ingram
Tim Gatz	Golf Superintendent
Herb Hurley	General Manager
Deb Tribbey	Resident

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 2:01 p.m. All Supervisors were present, in person.

**SECOND ORDER OF BUSINESS**

**Public Comments: Agenda Items [3 minutes per person]**

Ms. Deb Tribbey, a resident, reported that she recently inventoried all trees and shrubs in Paleo Park, created a catalog reference library and would keep it updated.

**THIRD ORDER OF BUSINESS**

**Presentation of Audited Financial Statements for Fiscal Year Ended September 30, 2018**

Mr. Steven Riggs, of Carr, Riggs & Ingram (CRI), presented the Audited Financial Statements for Fiscal Year Ended September 30, 2018, noting the pertinent information found on each page. There were no improprieties, deficiencies, recommendations, findings or instances of noncompliance. It was a clean audit and an unmodified opinion.

Mr. Rhodes asked about the engagement letter dated August 27, 2018. Mr. Adams explained that, each year, the Board is required to renew an engagement letter with the selected auditor.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-04, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2018**

Ms. Lonergan presented Resolution 2019-04.

**On MOTION by Mr. Rhodes and seconded by Mr. Walsh, with all in favor, Resolution 2019-04, Hereby Accepting the Audited Financial Statements for the Fiscal Year Ended September 30, 2018, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2019-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2019/2020 and Providing for an Effective Date**

Ms. Lonergan presented Resolution 2019-05.

**On MOTION by Mr. Nelson and seconded by Mr. Goulette, with all in favor Resolution 2019-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2019/2020 and Providing for an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of May 31, 2019**

Ms. Lonergan presented the Unaudited Financial Statements as of May 31, 2019.

Mr. Adams responded to questions about the property tax bills, mowers, tractor, contract rates, billing, reclassifications, SOLitude contract increase, fee schedules, invoice payment process, Operation and Maintenance (O&M) budget and lake management.

**On MOTION by Mr. Nelson and seconded by Mr. Walsh, with all in favor, the Unaudited Financial Statements as of May 31, 2019, was accepted.**

**SEVENTH ORDER OF BUSINESS**

**Approval of June 11, 2019 Regular Meeting Minutes**

Ms. Lonergan presented the June 11, 2019 Regular Meeting Minutes. The following changes were made:

Line 143: Change "lighting" to "laying"

Line 172: Change "Gary Wint" to "Gary Wind"

Lines 185 and 186: Change "stumps" to "sumps" and "stump" to "sump"

**On MOTION by Mr. Walsh and seconded by Mr. Rhodes, with all in favor, the June 11, 2019 Regular Meeting Minutes, as amended, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Assignment of Duties/Board Member Reports**

**A. Golf Course Surrounding Areas: *Supervisor Goulette (West), Supervisor Walsh (East)***

Mr. Walsh stated Mr. Gatz submitted a \$30,000 proposal from Down to Earth (DTE). Ms. Lonergan recalled that Mr. Gatz was previously asked to obtain a proposal to address the retention ponds in and around the golf course, per Mr. Walsh and Mr. Goulette's investigation. The scope of work would include eliminating two larger beds in EDRA #44A and sod, removing the thin wheat grass on entire bank of EDRA#37B and re-sod, eliminating the three beds in EDRA #36 and sodding and removing thin wheat grass in two areas, one by the grate and one by the irrigation box in EDRA #52 and re-sodding. Discussion ensued regarding the proposal and whether to break down the price to complete each area individually or all at once.

**On MOTION by Mr. Walsh and seconded by Mr. Goulette, with all in favor, the Down to Earth proposal to treat EDRAs #44A, #37B, #36 and #52, in a not-to-exceed amount of \$30,000, contingent upon receipt of a more detailed breakout, was approved.**

**B. Finance Matters and Negotiations: *Supervisor Rhodes***

Mr. Rhodes stated that most of the CDD's contracts go back a long way and he felt it would be appropriate to update the contracts each year. Mr. Adams stated that the contracts are Continuing Service Agreements (CSA), except for the District Counsel engagement, which is at-will; generally, CSAs are not reviewed on an annual basis. Discussion ensued regarding the CDD's service contracts, fee schedules, flat fees and rate increases.

**C. Mosquito Control, Front Property: *Supervisor Nelson***

Mr. Nelson stated mosquitoes were not in abundance at this time but Pasco County sprays when they are.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *Bush Ross, P.A.***

Mr. Adams stated that Mr. Carter Anderson would call in to present a proposal that was previously emailed to the Board. Many years ago, Bush Ross' services were discontinued, as the District was undergoing money constraints and finalizing big projects such as a Lennar settlement and the Reclaimed Water Project. In a recent conversation with Mr. Anderson regarding verbatim minutes, Mr. Adams stated Bush Ross would like to be re-engaged by the CDD and attend meetings to obtain billable hours as the CDD's District Counsel.

**Mr. Anderson joined the meeting, via telephone.**

Mr. Anderson reviewed the emailed proposal dated July 3, 2019.

Ms. Lonergan asked if Bush Ross represented other CDDs in the area. Mr. Anderson stated Bush Ross has mainly been involved in facilitating bond transactions for CDDs over the years, such as refinancing or new money deals and, although Management was very efficient in handling the contracting and budget processes, he was not comfortable being passive; therefore, in order to perform due diligence, as District Counsel to the CDD, he would rather be an active participant in meetings. Regarding verbatim minutes, Mr. Anderson's opinion was that

the CDD complies with Florida law and is not required to transcribe verbatim minutes and/or have a verbatim copy for every meeting; furthermore, the audio recordings that Management keeps, in perpetuity, are public records that could be obtained through a public records request for a minimal fee. Ms. Lonergan stated that the Board would consider Mr. Anderson's proposal and relay a decision through Mr. Adams.

**Mr. Anderson left the meeting.**

The Board and Staff discussed Bush Ross' billing, engaging a different law firm, other CDD's arrangement with their District Counsel and at-will engagements. Mr. Adams stated that a smaller law firm could be engaged that would charge a \$500 flat fee and \$200 per hour with minimal participation. Proposal engagement letters could be obtained from a few firms and emailed to the Board; this matter could be included on the next agenda.

**B. District Engineer: *Stroud Engineering Consultants***

Ms. Lonergan requested an update on drainage easement maintenance. Mr. Adams stated that the Southwest Florida Water Management District (SWFWMD) approved the CDD mowing the area, with an abundance of caution so the meandering line is not crossed, and felt it appropriate for the CDD to have the area staked every 50'. Mr. Heath obtained a \$1,800 proposal for easement maintenance; the work could be scheduled within a week of approval and the project should be completed by the end the month. Mr. Adams suggested placing "Conservation Area" signage every 100', prior to removing the stakes, to designate where the line is, in perpetuity. He would engage a contractor, inquire about survey points and acquire signage to be placed every 100' to identify the demarcation.

**C. District Manager: *Wrathell, Hunt and Associates, LLC***

Mr. Adams stated that the Board is required to adopt Rules of Procedure, which are nothing more than an accumulation of statutes and administrative codes that the CDD must follow, as a governmental entity. The District has specific procurement responsibilities under Florida Statutes and is covered under the law. Since there are two sets of Procedural Rules, Mr. Adams recommended operating under the current Rules, reviewing the restated rules and informing him of any items that should be changed or added as an amendment to the original 1998 Rules. This item would be placed on the next agenda for discussion and consideration.

- **NEXT MEETING DATE: September 10, 2019 at 2:00 P.M.**

The next meeting will be held on September 10, 2019 at 2:00 p.m.

**D. Landscape Maintenance: *Down To Earth Landscape & Irrigation Supply***

A Board Member asked about the stumps and tree removal. Mr. Gatz stated that all stumps were treated; a proposal from A To Z was pending.

**E. HPCA General Manager: *Herb Hurley***

Mr. Hurley stated that the storm drains on Whitfield Loop need to be repaired and asked if these items should be presented for approval prior to being repaired. The cost would be \$200. A Board Member stated that the cement on the drain behind Hole #2 was broken and should be repaired. Mr. Hurley would investigate and facilitate the repairs.

**TENTH ORDER OF BUSINESS**

**Audience Comments: Non-Agenda Items [3 minutes per person]**

In response to a question regarding the District Counsel assignment in relation to disaster response, Mr. Adams stated that hurricane recovery involves the District Engineer more than District Counsel and the CDD would prefer engaging an attorney who is willing to be passive until needed.

Discussion ensued regarding Bush Ross and a memorial service for a departed resident.

**ELEVENTH ORDER OF BUSINESS**

**Supervisors' Requests**

There being no Supervisors' requests, the next item followed.

**TWELFTH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Nelson and seconded by Mr. Walsh, with all in favor, the meeting adjourned at 3:38 p.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair