

SWI Community Development District
Minutes of Meeting

The Board of Supervisors Meeting for the SWI Community Development District, was called to order 9:05 a.m. on Friday, September 28, 2018 at 149 South Ridgewood, Daytona Beach, Florida 32114.

Brian Fredley	Board Member
Sans Lassiter	Board Member

Also present were:

Jane Gaarlandt	Fishkind & Associates	
Mark Watts	Cobb Cole, P.A.	(via phone)
Renne Milza	CBL Properties	
Kristina Circelli	CBL Properties	
Vincent Lacerenza	ERMC	

FIRST ORDER OF BUSINESS

Roll Call

The Board of Supervisors meeting for the SWI Community Development District was called to order with Supervisors in attendance listed above.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Gaarlandt noted for the record that there were no public comments that this time.

THIRD ORDER OF BUSINESS

**Consideration of
Resignation from the Board
of Supervisors**

Ms. Gaarlandt stated that at this point in time the District has no quorum and asked Mr. Watts how to proceed. Mr. Watts suggested that District staff noted for the record that the District Staff received the resignation of Board of Supervisor Member, Wayne Bohl, and also received indication from the Landowner of their preference for a replacement Supervisor. Renee Milza was the Landowner's appointment to replace the former Supervisor. Mr. Watts reviewed the District's Rules of Procedure and noted that the two remaining Supervisors have the authority to accept the appointment that was recommended by the Landowner and appoint Ms. Milza to the Board. He noted that at that point in time the Board will have a quorum to continue with the meeting.

ON MOTION by Mr. Lassiter, and Second by Mr. Fredley, with all in favor, the Board of Supervisors for the SWI Community Development District accepted the nomination of Renee Milza as the new Member of the Board of Supervisors Replacing Wayne Bohl.

Ms. Gaarlandt administered the oath of office to Ms. Milza. Ms. Gaarlandt noted that she will email Ms. Milza the package for new Board Members and explained the Financial Disclosure form to Ms. Milza as well as some important parts of the Sunshine Law. Ms. Gaarlandt noted that she will also send Ms. Milza a W-9 form in case she wishes to receive compensation and stated if she has any questions, she can reach out to District Counsel or the District Manager.

Mr. Lassiter stated that in Mr. W. Bohl's resignation he named the District twice. Ms. Gaarlandt stated that all three Districts, SWI, CBL and PBR should have been listed. Ms. Gaarlandt will reach out to Mr. W. Bohl for clarification. Mr. Watts stated that the indication that he received from Mr. W. Bohl was that he was resigning from all three Boards.

FOURTH ORDER OF BUSINESS

Consideration of the Minutes from the May 25, 2018 Board of Supervisors' Meeting.

The Board Members reviewed the Minutes from the May 25, 2018 Board of Supervisors' Meeting.

ON MOTION by Mr. Lassiter, and Second by Mr. Fredley, with all in favor, the Board of Supervisors for the SWI Community Development District approved the Minutes from the May 25, 2018 Board of Supervisors Meeting.

FIFTH ORDER OF BUSINESS

Consideration of Fiscal Year 2018-2019 Meeting Schedule

Ms. Gaarlandt noted that the Board typically meets on the 4th Friday of the month and usually the District only meets twice meetings per year for the proposed budget and adopting the final budget for the year. Ms. Gaarlandt noted that a March meeting was added in case there was a need for an additional meeting The Board discussed that the

March meeting might be during spring break. Ms. Gaarlandt stated that the Board has the option to notice an individual meeting any time.

ON MOTION by Mr. Lassiter, and Second by Mr. Fredley with all in favor, the Board of Supervisors for the SWI Community Development District approved the Fiscal Year 2018-2019 Meeting Schedule.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution
2018-02, Rescheduling the
Public Hearing on the FY
2018-2019 Budget Adoption**

Ms. Gaarlandt explained that the original public hearing date on the adoption of the budget was scheduled for August 10, 2018. This resolution reflects the change in the public hearing date to today.

ON MOTION by Mr. Lassiter, and Second by Mr. Fredley with all in favor, the Board of Supervisors for the SWI Community Development District approved Resolution 2018-02, Rescheduling the Public Hearing on the FY 2018-2019 Budget Adoption.

SEVENTH ORDER OF BUSINESS

**Review of Public
Infrastructure Fee Fiscal
Year 2018 Summary**

Included in the agenda packet is a summary of the PIF collections for 2018. Ms. Gaarlandt noted that this is up to and including September. There was no action required by the Board.

EIGHTH ORDER OF BUSINESS

**Public Hearing on the
Adoption of an Annual
Budget; Consideration of
Resolution 2018-03,
Adopting a Budget and
Appropriating Funds for
the Fiscal Year 2018-2019**

Ms. Gaarlandt explained this public hearing was properly noticed and published. She requested a motion to open the public hearing.

ON MOTION by Mr. Fredley, and Second by Ms. Milza, with all in favor, the Board of Supervisors for the SWI Community Development District opened the Public Hearing.

There were no comments from the public so, Ms. Gaarlandt requested a motion to close the public hearing.

ON MOTION by Mr. Fredley, and Second by Ms. Milza, with all in favor, the Board of Supervisors for the SWI Community Development District closed the Public Hearing.

Mr. Lassiter asked if the budget was changing. Ms. Gaarlandt replied that the budget is not changing and it will be funded by a funding agreement on an incurred cost basis.

ON MOTION by Mr. Lassiter, and Second by Ms. Milza, with all in favor, the Board of Supervisors for the SWI Community Development District approved Resolution 2018-03, Adopting a Budget and Appropriating Funds for the Fiscal Year 2018-2019.

NINTH ORDER OF BUSINESS

**Consideration of Fiscal
Year 2018-2019 General
Fund Funding Agreement**

Ms. Gaarlandt noted that this is in a similar form as the Board has seen in previous years.

Mr. Watts stated that this is the agreement between the Landowner and the CDD whereby the Landowner agrees to fund the District's Budget as expenses are incurred.

ON MOTION by Mr. Lassiter, and Second by Ms. Milza, with all in favor, the Board of Supervisors for the SWI Community Development District approved the Fiscal Year 2018-2019 General Fund Funding Agreement

TENTH ORDER OF BUSINESS

Consideration of FY 2016-2017 Annual Financial Report

Ms. Gaarlandt noted that the Auditors identified approximately \$50,000.00 of interest expenses and the related payable that were not accrued on the District's financial statements as of September 30, 2017. The Auditors provided recommendations and District Staff has already taken further steps to insure that this oversight is avoided in the future. The report further states that the District did comply, in all material aspects, with the requirements for Fiscal Year 2017.

Mr. Watts clarified that it was one payment that was booked incorrectly.

ON MOTION by Mr. Lassiter, and Second by Mr. Fredley, with all in favor, the Board of Supervisors for the SWI Community Development District accepted the FY 2016-2017 Annual Financial Report and the recommendations contained therein.

ELEVENTH ORDER OF BUSINESS

Consideration of AVID Proposal

Ms. Gaarlandt explained that the report is a requirement per the Trust Indenture and noted that the proposal lump sum amount of \$5,000.00 is within the budgeted amount.

Mr. Lassiter asked if there is an upset limit the District would require on this. Mr. Watts stated that the Board could ask for one but there is not one in place for the PBR District and expenses were approved on an as incurred basis. Mr. Lassiter said that he thought there should be a limit. Mr. Watts stated that it is a \$5,000.00 lump sum for the onsite inspection portion of the agreement. Any repair or maintenance is billed hourly. The time the Engineer spends putting together recommendations based on the inspections is on an hourly rate that is not capped under this proposal and it would be subject to reasonableness.

ON MOTION by Mr. Lassiter, and Second by Ms. Milza, with all in favor, the Board of Supervisors for the SWI Community Development District approved the AVID Proposal.

TWELFTH ORDER OF BUSINESS

Ratification of Funding Request Number 115 - 121

Ms. Gaarlandt presented for the Board Members' review funding requests 115-121. They were previously approved by the Chair and funded. Ms. Gaarlandt stated that going forward the District Accountant will send these to Ms. Milza for approval.

Mr. Lassiter asked if all of these items have been accounted for in the total projected through September 30, 2018. Ms. Gaarlandt responded that they have not. Mr. Lassiter stated that some of these items are included in the range up to August 31, 2018, part of this would be covered by the actual through August 31, 2018, and part is yet to be spent. He noted that there is plenty of budget left to stay within budget.

ON MOTION by Mr. Lassiter, and Second by Mr. Fredley, with all in favor, the Board of Supervisors for the SWI Community Development District ratified Funding Request No. 115 – 121.

THIRTEENTH ORDER OF BUSINESS

**Review of District's
Financial Position**

The Board Members reviewed the statements of the District's Financial Position. The budget through the end of August had incurred just under half of the adopted budget in expenses. The District is under budget at this point in the fiscal year. There was no action required by the Board.

FOURTEENTH ORDER OF BUSINESS

**Staff Reports
Audience Comments
Supervisor Requests
Adjournment**

District Attorney - No Report

District Manager - Ms. Gaarlandt explained that Mr. W. Bohl was also the Chairman of the Board and suggested nominating a new Chairperson. Mr. Watts stated that Mr. Lassiter is Vice-Chair. As the District has a landowner Election scheduled in November, he suggested waiting to choose the slate of officers until the District has a full Board because another two Supervisors are expected to roll off the Board and be replaced by new people. Ms. Gaarlandt stated that today's

documents can be signed by the Vice-chair. The Landowners' Election is scheduled for November 16, 2018.

Ms. Gaarlandt updated the Board about the status of the District website and ADA compliance. There is a disclaimer on the website stating that the District is working on converting all the documents for the vision impaired so that their reader programs work. It will cost \$500.00 to update all the documents.

Mr. Watts explained that this comes out of some litigation last year related to a federal court case involving Winn Dixie, who got tagged on their website with regard to ADA compliance and accessibility. Since then there have been a number of suits that have tried to do the same thing on various other companies and public websites. Mr. Watts stated that the \$500.00 cost is well spent to avoid the potential liability that could be created by an ADA claim.

Mr. Lassiter asked about website graphics. Mr. Watts stated that everything is being done collectively by the consultant that District Management is working with to create ADA compliant alternatives; he is not sure how graphics are handled but they are being handled in a matter that is consistent with the ADA requirements.

Ms. Gaarlandt noted that it is a combined effort to make sure the District is in compliance. Mr. Watts stated that a question arose at another District about the insurance that is in place and whether it has coverage for these claims and if so, what the deductible is, and it was confirmed that the District is covered under the existing insurance policies for these claims without any deductible. He stated that protections are in place but recommended the additional upgrades on the website to be in compliance and avoid the liability.

Mr. Lassiter asked if it is a 1:1 ratio where all the information that is on the website for non-impaired people has to be in those converted formats or can the District have some kind of message that information can be sent if requested. Ms. Gaarlandt responded that it is all the information on the website that has to be converted. Mr. Watts agreed. The Board asked if graphics were excluded. Ms. Gaarlandt stated it is her understanding that they are converting graphics as well and it is quite comprehensive.

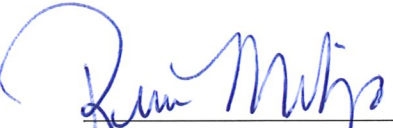
The board asked how it would translate pixels. Mr. Watts responded that he thinks if there is a reader it will describe that there are graphics included. Ms. Gaarlandt noted that there are

boundary maps that must be included and must be described and written out in a text format.

There were no further questions or comments. A motion to adjourn was requested.

ON MOTION by Mr. Lassiter, and Second by Mr. Fredley, with all in favor the Board of Supervisors' meeting for the SWI Community Development District was adjourned.


Secretary/Assistant Secretary


Chairman/Vice-Chairman