

**MINUTES OF MEETING
CYPRESS BAY WEST
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Cypress Bay West Community Development District held Multiple Public Hearings and a Regular Meeting on June 15, 2022 at 11:00 a.m., at Kays Bar-B-Que & Steaks, 1552 West King Street, Cocoa, Florida 32926.

Present at the meeting were:

William (Bill) Fife	Vice Chair
Robyn Bronson	Assistant Secretary
Roger Van Auker	Assistant Secretary
John Wiggins	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Andrew Kantarzhi	WHA
Jere Earlywine (via telephone)	District Counsel
Rey Malave (via telephone)	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 11:12 a.m. Supervisors Fife, Bronson, Van Auker and Wiggins were present, in person. Supervisor Tyree was not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Elected Board of Supervisors *(the following will be provided in a separate package)*

Mr. Kantarzhi, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Bronson. Ms. Cerbone noted Ms. Bronson is an experienced CDD Board Member.

- A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. **Membership, Obligations and Responsibilities**
- C. **Chapter 190, Florida Statutes**
- D. **Financial Disclosure Forms**
 - I. **Form 1: Statement of Financial Interests**
 - II. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. **Form 1F: Final Statement of Financial Interests**
- E. **Form 8B: Memorandum of Voting Conflict**

Ms. Cerbone and Mr. Earlywine discussed proper filing of Forms 1 and 1X, such as when there is a change of address.

FOURTH ORDER OF BUSINESS

Consideration of 2022-27, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date

Ms. Cerbone presented Resolution 2022-27 and recapped the Landowners’ Election results as follows:

Seat 1	Roger Van Auker	78 votes	4-Year Term
Seat 2	John Wiggins	77 votes	2-Year Term
Seat 3	Bill Fife	78 votes	4-Year Term
Seat 4	Chris Tyree	77 votes	2-Year Term
Seat 5	Robyn Bronson	77 votes	2-Year Term

On MOTION by Ms. Bronson and seconded by Mr. Wiggins, with all in favor, Resolution 2022-27, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-28, Designating Certain Officers of the District, and Providing for an Effective Date

Ms. Cerbone presented Resolution 2022-28. Mr. Fife nominated the following slate of officers:

Chair	Chris Tyree
Vice Chair	William (Bill) Fife
Secretary	Craig Wrathell
Assistant Secretary	John Wiggins
Assistant Secretary	Robyn Bronson
Assistant Secretary	Roger Van Auker
Assistant Secretary	Cindy Cerbone
Assistant Secretary	Jamie Sanchez

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Fife and seconded by Ms. Bronson, with all in favor, Resolution 2022-28, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Public Hearing Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District’s Jurisdictional Boundaries that May or Shall Be Subject to the Levy of District Non-Ad Valorem Assessments; Providing for Severability; Providing for Conflict and Providing for an Effective Date

A. Affidavit/Proof of Publication

The affidavit of publication was provided for informational purposes.

- B. Consideration of Resolution 2022-29, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Cypress Bay West Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date**

On MOTION by Mr. Wiggins and seconded by Ms. Bronson, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Ms. Bronson and seconded by Mr. Van Auker, with all in favor, the Public Hearing was closed.

Ms. Cerbone presented Resolution 2022-29 and read the title.

On MOTION by Mr. Van Auker and seconded by Ms. Bronson, with all in favor, Resolution 2022-29, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Cypress Bay West Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements

- *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*

- ***Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.***

These items occurred below.

A. Affidavit/Proof of Publication

The affidavit of publication was included for informational purposes.

B. Mailed Notice to Property Owner(s)

The Mailed Notice to property owners was included for informational purposes.

Ms. Cerbone stated that notices were sent to Waterstone Farms LLC, the property owners of record at the time of mailing, as well as Forestar, the current property owner, as discussed with Mr. Van Auken prior to the Landowners' meeting. Mailed Notices are sent to the mailing address on record at the Property Appraiser's office.

C. Engineer's Report (*for informational purposes*)

Ms. Cerbone recalled that the Engineer's Report was presented at the Organizational Meeting and asked if there were any questions or if the Board would like the Report to be presented again. The consensus was that it was not necessary to present it again.

D. Master Special Assessment Methodology Report (*for informational purposes*)

Ms. Cerbone recalled that the Master Special Assessment Methodology Report was presented at the Organizational Meeting and asked if there were any questions or if the Board would like the Report to be presented again.

Mr. Earlywine stated the Board's findings regarding assessments would be based upon the information included in these Reports. The Board Members reviewed the Reports. There were no questions.

On MOTION by Mr. Fife and seconded by Ms. Bronson, with all in favor, the Public Hearing was opened.

- ***Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.***

No members of the public spoke.

- *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.*

The Board, sitting as the Equalizing Board, did not make any changes.

On MOTION by Mr. Van Auker and seconded by Mr. Fife, with all in favor, the Public Hearing was closed.

- E. **Consideration of Resolution 2022-30, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date**

Ms. Cerbone presented Resolution 2022-30 and read the title.

On MOTION by Mr. Van Auker and seconded by Ms. Bronson, with all in favor, Resolution 2022-30, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes

A. Affidavits of Publication

The affidavits were included for informational purposes.

B. Consideration of Resolution 2022-31, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone stated the Rules of Procedure set forth the CDD's processes and procedures for meetings, officers, competitive bidding, etc., consistent with Florida Statutes.

On MOTION by Ms. Bronson and seconded by Mr. Van Auker, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Van Auker and seconded by Ms. Bronson, with all in favor, the Public Hearing was closed.

Ms. Cerbone presented Resolution 2022-31.

On MOTION by Mr. Van Auker and seconded by Mr. Wiggins, with all in favor, Resolution 2022-31, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2021/2022 Budget

A. Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2022-32, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date

Ms. Cerbone presented the proposed Fiscal Year 2022 budget, which is Landowner-funded. The proposed Fiscal Year 2022 budget was unchanged since it was presented at the Organizational meeting.

On MOTION by Mr. Van Auker and seconded by Ms. Bronson, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Ms. Bronson and seconded by Mr. Fife, with all in favor, the Public Hearing was closed.

Ms. Cerbone presented Resolution 2022-32.

On MOTION by Ms. Bronson and seconded by Mr. Van Auker, with all in favor, Resolution 2022-32, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2022-33, Approving a Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Ms. Cerbone presented Resolution 2022-33. She reviewed the proposed Fiscal Year 2023 budget, which will be Landowner-funded, with expenses funded as they are incurred. The increase compared to the Fiscal Year 2022 budget is due to the addition of field operations expenses. It will be necessary to obtain proposals for field operations and landscaping.

The following change was made to the proposed Fiscal Year 2023 budget:

Page 2: Delete "Field operations accounting" line item

On MOTION by Mr. Wiggins and seconded by Ms. Bronson, with all in favor, Resolution 2022-33, Approving a Proposed Budget for Fiscal Year 2022/2023, as amended, and Setting a Public Hearing Thereon Pursuant to Florida Law for August 17, 2022 at 11:00 a.m., at Kays Bar-B-Que & Steaks, 1552 West King Street, Cocoa, Florida 32926; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Response(s) to Request for Qualifications (RFQ) for Engineering Services

A. Affidavit of Publication

B. RFQ Package

The above items were included for informational purposes.

C. Respondent(s): Dewberry Engineers, Inc.

Ms. Cerbone stated that Dewberry Engineers, Inc. (Dewberry), the CDD’s Interim District Engineer, was the only respondent to the RFQ.

D. Competitive Selection Criteria/Ranking

Ms. Cerbone stated that, as the sole respondent, the Board could rank Dewberry as the most responsive and qualified respondent and rank them accordingly, as the #1 ranked respondent and allow Staff to enter into an Engineering Services agreement. The Board was in agreement with ranking Dewberry the #1 ranked responsive and qualified respondent.

E. Award of Contract

Mr. Earlywine stated Staff would prepare a form of Agreement and obtain pricing information and present a contract at the next meeting.

On MOTION by Mr. Wiggins and seconded by Mr. Van Auker, with all in favor, authorizing Staff to negotiate and prepare a Continuing Services Agreement with Dewberry Engineers, Inc., the #1 ranked respondent to the RFP for District Engineering Services, was approved.

TWELFTH ORDER OF BUSINESS

Consideration of Responses to Request for Proposals (RFP) for Annual Audit Services

A. Affidavit of Publication**B. RFP Package**

The above items were included for informational purposes.

C. Respondent(s): Berger, Toombs, Elam, Gaines & Frank

Ms. Cerbone stated that Berger, Toombs, Elam, Gaines & Frank (BTEGF) was the only respondent to the RFP.

D. Auditor Evaluation Matrix/Ranking

Ms. Cerbone stated that, as the sole respondent, the Board could rank BTEGF as the most qualified respondent and rank them as the #1 respondent. The District Manager's recommendation was to award BTEGF a total of 100 points. In her opinion, BTEGF does a good job and the firm is qualified to perform the audit; there does not seem to be any layer of complexity that would necessitate hiring one audit firm over another or readvertising the RFP. The BTEGF bid of \$3,125 annually, before bond issuance, and \$4,025 after bond issuance is comparable to other audit firms.

E. Award of Contract

Mr. Earlywine stated Staff will prepare a form of Agreement. He suggested including three optional one-year renewals based upon the pricing set forth in the proposal, with a 30-day termination provision and a penalty for late completion of the audit.

On MOTION by Mr. Van Auker and seconded by Ms. Bronson, with all in favor, acceptance of the District Manager's scoring and ranking of Berger, Toombs, Elam, Gaines & Frank as the #1 ranked respondent and the recommendation to award the Annual Audit Services Contract to Berger, Toombs, Elam, Gaines & Frank, and authorizing Staff to prepare the Audit Services Agreement, including the specifications set forth by District Counsel, and authorizing the Chair to execute, was approved.

THIRTEENTH ORDER OF BUSINESS**Ratification of Forestar (USA) Real Estate Group, Inc. Acquisition Agreement**

Mr. Earlywine presented the Forestar (USA) Real Estate Group, Inc. Acquisition Agreement.

On MOTION by Mr. Van Auker and seconded by Mr. Wiggins, with all in favor, the Forestar (USA) Real Estate Group, Inc. Acquisition Agreement, in substantial form, was ratified.

- **Consideration of Resolution 2022-14, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date**

This item, previously the Sixteenth Order of Business, was presented out of order.

Ms. Cerbone presented Resolution 2022-14.

The following would be inserted into the Fiscal Year 2022 Meeting Schedule:

DATE: Third Wednesday of each month

TIME: 11:00 AM

LOCATION: Kays Bar-B-Que & Steaks, 1552 West King Street, Cocoa, Florida 32926

On MOTION by Mr. Van Auker and seconded by Ms. Bronson, with all in favor, Resolution 2022-14, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date, was adopted.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolution 2022-34, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date

Ms. Cerbone presented Resolution 2022-34.

The following would be inserted into the Fiscal Year 2023 Meeting Schedule:

DATE: Third Wednesday of each month

TIME: 11:00 AM

LOCATION: Kays Bar-B-Que & Steaks, 1552 West King Street, Cocoa, Florida 32926

On MOTION by Mr. Wiggins and seconded by Mr. Van Auker, with all in favor, Resolution 2022-34, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date, was adopted.

FIFTEENTH ORDER OF BUSINESS

Consideration of Resolution 2022-07, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date

Mr. Van Auker stated the Mayor would like some CDD meetings to be held in Palm Bay, if possible. Ms. Cerbone noted the meeting room requirements and stated, if the City has a location available at the desired time, the Board can consider a change of venue.

This item was deferred.

SIXTEENTH ORDER OF BUSINESS

Consideration of Resolution 2022-14, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date

This item was presented following the Thirteenth Order of Business.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2022

Ms. Cerbone presented the Unaudited Financial Statements as of April 30, 2022.

On MOTION by Ms. Bronson and seconded by Mr. Van Auker, with all in favor, the Unaudited Financial Statements as of April 30, 2022, were accepted.

EIGHTEENTH ORDER OF BUSINESS

Approval of Minutes

Ms. Cerbone presented the following:

- A. April 6, 2022 Organizational Meeting**
- B. May 18, 2022 Landowners' Meeting**

On MOTION by Mr. Wiggins and seconded by Mr. Van Auker, with all in favor, the April 6, 2022 Organizational Meeting and the May 18, 2022 Landowners’ Meeting Minutes, as presented, were approved.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *KE Law Group, PLLC*

Mr. Earlywine stated the bond issuance was moved up; the hope is to issue bonds in September 2022.

B. District Engineer (Interim): *Dewberry Engineers, Inc.*

There was no report.

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

- **NEXT MEETING DATE: TBD**
 - **QUORUM CHECK**

The next meeting would be held on July 20, 2022.

TWENTIETH ORDER OF BUSINESS

Board Members’ Comments/Requests

A Board Member stated the Phase I streets are on the plat to be deeded to the HOA for the sub-association.

Discussion ensued regarding public versus private roads, gated versus ungated roads and roads to be maintained by the HOA versus the CDD.

Ms. Cerbone stated, if the CDD will own the roads, a reserve fund would be recommended.

TWENTY-FIRST ORDER OF BUSINESS

Public Comments

No members of the public spoke.

TWENTY-SECOND ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Fife and seconded by Mr. Van Auker, with all in favor, the meeting adjourned at 12:02 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair