

**MINUTES OF MEETING
LIBERTY COVE
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Liberty Cove Community Development District held a Public Hearing and Regular Meeting on July 26, 2023, at 1:00 P.M., at the Nassau County Chamber of Commerce, 961687 Gateway Blvd., Suite 101-G, Fernandina Beach, Florida 32034.

Present at the meeting were:

Gregory Matovina	Chair
Chris Wood	Vice Chair
Matt Roberts	Assistant Secretary
Brendan Moran	Assistant Secretary

Also present were:

Ernesto Torres	District Manager
Wes Haber	District Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Torres called the meeting to order at 1:04 p.m. Supervisors Matovina, Roberts, Wood and Moran were present. Supervisor Howell was not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

**Public Hearing on Adoption of Fiscal Year
2023/2024 Budget**

- A. **Proof/Affidavit of Publication**
- B. **Consideration of Resolution 2023-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Torres presented Resolution 2023-05 and briefly reviewed the proposed Fiscal Year 2024 budget. This is a Landowner-contribution budget.

On MOTION by Mr. Matovina and seconded by Mr. Wood, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Matovina and seconded by Mr. Wood, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Matovina and seconded by Mr. Wood, with all in favor, Resolution 2023-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Consideration of Fiscal Year 2023/2024 Budget Funding Agreement

On MOTION by Mr. Matovina and seconded by Mr. Wood, with all in favor, the Fiscal Year 2023/2024 Budget Funding Agreement, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Designating the Primary Administrative Office and Principal Headquarters of the District; Designating the Location of the Local District Records Office; and Providing an Effective Date

This item was deferred.

SIXTH ORDER OF BUSINESS

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

A. Affidavit of Publication

- B. RFP Package
- C. Respondents
 - I. Berger, Toombs, Elam, Gaines & Frank
 - II. Grau and Associates
- D. Auditor Evaluation Matrix/Ranking

Mr. Torres reviewed the Auditor Evaluation Matrix form that will be used to rank/score the respondents. In response to a question, Mr. Torres stated Berger, Toombs, Elam, Gaines & Frank (BTEGF) failed to meet the audit submittal deadline of June 30th for some of Management's clients. The Board scored and ranked the respondents, as follows:

- | | | |
|----|---------------------|------------|
| 1. | Grau and Associates | 100 points |
| 2. | BTEGF | 90 points |

- E. Award of Contract

On MOTION by Mr. Matovina and seconded by Mr. Wood, with all in favor, ranking Grau and Associates as the #1 ranked respondent to the RFP for Annual Audit Services and awarding the contract for Audit Services to Grau and Associates, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-06, Directing the Chairman and District Staff to Request the Passage of an Ordinance by Nassau County, Florida, Amending the District's Boundaries, and Authorizing Such Other Actions as are Necessary in Furtherance of that Process; and Providing an Effective Date

Mr. Haber recalled that, at the last meeting, the Board discussed authorizing a boundary amendment. Since then, Staff has been working on filing a petition in Nassau County and one of the exhibits to the petition is Resolution 2023-06, which authorizes Staff to coordinate with the Chair to file the petition to amend the CDD's boundaries. The parcel to be added is four-tenths of an acre. He responded to questions regarding who will pay the filing fee, a boundary amendment funding agreement and filing costs.

On MOTION by Mr. Matovina and seconded by Mr. Wood, with all in favor, Resolution 2023-06, Directing the Chairman and District Staff to Request the Passage of an Ordinance by Nassau County, Florida, Amending the District's Boundaries, and Authorizing Such Other Actions as are Necessary in Furtherance of that Process; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Discussion Items

A. Construction Bidding

Mr. Matovina stated he reviewed the bid package documents that Mr. Haber sent him and thinks it would be beneficial to start with private sector bids with the agreements assigned to the CDD. He asked if there are any conditions that are inviolable, such as the requirement for the bidders to post a \$30,000 bond to bid, and about the sales tax.

Mr. Haber stated he has seen Developers taken by surprise that contractors must provide a performance bond in the amount of the contract, once a contract is assigned to a CDD. If the Board wants to assign a contract to the CDD, Staff needs to see that competitive proposals were obtained in order to prepare documents that must be executed by the contractor, the Developer and the CDD approving the assignment of the contract and amendments to the contract to include provisions related to public records, sovereign immunity and indemnification. Regarding the CDD's sales tax exemption, the CDD can take advantage of it but a direct purchase provision must be included in the amendment. Mr. Haber will email Mr. Matovina a sample addendum that has provisions stating the Developer reserves the right to assign a project to the CDD and, if it gets assigned, the provisions then become effective.

B. Bond Financing

Mr. Matovina stated the plan is to proceed with covering Phases 1 and 2 with the initial bond issue and Phase 3 later. Mr. Haber noted a CDD meeting must be held to authorize bond issuance and then it takes four weeks to market the bonds and approve all bond documents.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2023

On MOTION by Mr. Matovina and seconded by Mr. Wood, with all in favor, the Unaudited Financial Statements as of June 30, 2023, were accepted.

TENTH ORDER OF BUSINESS

Approval of May 24, 2023 Regular Meeting Minutes

On MOTION by Mr. Matovina and seconded by Mr. Wood, with all in favor, the May 24, 2023 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Kutak Rock LLP*

B. District Engineer (Interim): *Prosser, Inc.*

There were no District Counsel or District Engineer reports.

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

- **NEXT MEETING DATE: October 25, 2023 at 1:00 PM**
- **QUORUM CHECK**

The next meeting will be held on October 25, 2023, unless canceled.

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Member comments or requests.

THIRTEENTH ORDER OF BUSINESS

Public Comments


There were no public comments.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Matovina and seconded by Mr. Wood, with all in favor, the meeting adjourned at 1:26 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair