

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

The Board of Supervisors of the Liberty Cove Community Development District held a Continued Public Hearing, Public Hearing and Regular Meeting on August 28, 2024 at 1:00 p.m., at the Nassau County Chamber of Commerce, 961687 Gateway Blvd., Suite 101-G, Fernandina Beach, Florida 32034.

Present:

Gregory Matovina
Matt Roberts
Patrick "Alden" Howell

Chair
Assistant Secretary
Assistant Secretary

Also present:

Ernesto Torres
Wes Haber (via telephone)
Justin Williams (via telephone)

District Manager
District Counsel
District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Torres called the meeting to order at 1:00 p.m. Supervisors Matovina, Roberts and Howell were present. Supervisors Wood and Morgan were not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

**Continued Public Hearing on Adoption of
Fiscal Year 2024/2025 Budget**

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2024-09, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Torres presented Resolution 2024-09. At the last meeting, the Board decided to amend the proposed Fiscal Year 2025 budget to include Field Operations and the Amenity Center. All assessments are off roll for Fiscal Year 2025; the maximum amount of Operation & Maintenance (O&M) assessment was noticed at \$750.

Mr. Matovina stated that some lots will likely be platted before the end of the year.

Discussion ensued regarding the timing of placing lots on the assessment roll.

Mr. Haber stated that lots must be platted in order for them to be placed on the assessment roll and District Management must provide the assessment roll to the County. If lots are not on the roll and they are directly collected, those O&M and Debt assessment amounts can be prorated and included on the closing statement associated with the sale. Assessments would be based on an invoice created by District Management, rather than based on amounts reflected on the tax bill.

Discussion ensued regarding the Estoppels to be issued by District Management upon lot closings, calculation of the amount to be collected from DR Horton and the amendments to the proposed Fiscal Year 2025 budget.

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

No affected property owners or members of the public spoke.

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

On MOTION by Mr. Matovina and seconded by Mr. Roberts, with all in favor, Resolution 2024-09, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2024/2025, Pursuant to Florida Law

- A. **Proof/Affidavit of Publication**
- B. **Mailed Notice(s) to Property Owners**

These items were included for informational purposes.

- C. **Consideration of Resolution 2024-12, Providing for Funding for the FY 2025 Adopted Budget(s); Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Haber presented Resolution 2024-12, which allows the CDD to impose and collect the assessments utilizing the services of the Property Appraiser and Tax Collector and/or via direct bill to fund all or a portion of the budget just adopted.

Discussion ensued regarding Developer funding, Landowner contributions, lots anticipated to be sold and the assessments to be levied. The consensus was that the Revenue section of the budget will be adjusted to limit the assessment levy to 100 lots, with the remainder comprised of Landowner/Developer contribution. Mr. Torres stated that the Revenue section will be modified and a new assessment table created for off-roll assessments; the remainder will be Landowner/Developer contribution.

Mr. Matovina stated that the assessments should be levied on 100 townhomes and 50 single-family units.

Mr. Torres stated that the revenue section of the proposed Fiscal Year 2025 budget will be amended to reflect off-roll contributions of \$112,525 and Developer contributions of \$340,575. The assessment tables will be updated accordingly.

On MOTION by Mr. Matovina and seconded by Mr. Roberts, with all in favor, Resolution 2024-09, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2024 and Ending September 30, 2025, as amended subject to the revisions to the Revenue section and the Assessment Table(s); Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

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

No affected property owners or members of the public spoke.

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

Mr. Haber presented Resolution 2024-12. This Resolution will levy the actual assessments, as reflected in the budget; in this case, the assessment of \$750.17 will be levied on the 150 lots as identified in the budget, as just amended. The remainder of the amount needed to fund the budget will be pursuant to a Developer Funding Agreement. Per Mr. Matovina, the Developer Funding Agreement will obligate the Developer to pay only those amounts needed to fund the budget, with a not-to-exceed amount of a portion of the budget that is not funded with assessments.

On MOTION by Mr. Matovina and seconded by Mr. Howell, with all in favor, Resolution 2024-12, Providing for Funding for the FY 2025 Adopted Budget(s); Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Fiscal Year 2024/2025 Budget Funding Agreement

Mr. Torres presented the Fiscal Year 2024/2025 Budget Funding Agreement.

On MOTION by Mr. Matovina and seconded by Mr. Howell, with all in favor, the Fiscal Year 2024/2025 Budget Funding Agreement, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Acquisition for Clearing and Earthwork for Phase 1

Mr. Haber presented the documents related to the Acquisition for Clearing and Earthwork for Phase 1, previously approved and executed by the Chair.

On MOTION by Mr. Matovina and seconded by Mr. Howell, with all in favor, Acquisition of the Clearing and Earthwork for Phase 1, in the amount of \$1,608,989.35, was ratified.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-13, Approving the Acquisition of Work Product; Providing General Authorization; and Addressing Severability, Conflicts and an Effective Date

Mr. Haber presented Resolution 2024-13.

On MOTION by Mr. Matovina and seconded by Mr. Howell, with all in favor, Resolution 2024-13, Approving the Acquisition of Work Product; Providing General Authorization; and Addressing Severability, Conflicts and an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Discussion: Potential Assignment of the Existing Agreement with Burnham Contractors, Inc.

A. For a Portion of the Phase 1 Water, Sewer, Drainage and Roadway Contracts

Mr. Williams stated two Agreements were necessary since the Developer had to commit to making certain improvements to the apartment parcel, which is not within CDD boundaries. A bond was required and the Developer did not want to unnecessarily bond the entirety of the improvements. The smaller contract related to the apartments is well underway; however, as draws are incurred on the contract, the attorney funds those from the Escrow Agreement, which does not state that the draw could be paid and reimbursed from the Escrow account.

Mr. Haber stated that, based on the objections raised, he is unsure how the Agreement could be transferred to the CDD. However, once the improvements are complete, the CDD can acquire those improvements.

B. For the Balance of Phase 1 Work

Mr. Williams stated that the balance of Phase 1 work, in the total amount of between \$9 million and \$10 million, has not yet begun. He suggested the contract be signed and assigned to the CDD. Mr. Haber stated, in order to do so, the Developer would need to sign the Agreement. He will work with Mr. Roberts in this regard and requisitions for payment will be processed from the bond construction account.

On MOTION by Mr. Matovina and seconded by Mr. Howell, with all in favor, accepting Assignment of the Existing Agreement with Burnham Contractors, Inc., and authorizing the Chair or Vice Chair to execute, was approved.

NINTH ORDER OF BUSINESS**Discussion: Investment of Bond Proceeds**

Mr. Haber stated restrictions apply to approved, conservative investment vehicles for investment of bond proceeds. He suggested delegating authority to Mr. Matovina to work with District Management and the Trustee to review those options and instruct the Trustee to take advantage of the options that seek to maximize returns, while ensuring the flexibility needed.

On MOTION by Mr. Matovina and seconded by Mr. Roberts, with all in favor, authorizing Mr. Matovina to work with District Management and the Trustee to review investment options and instruct the Trustee to take advantage of the options that seek to maximize returns while also ensuring the flexibility needed, was approved.

TENTH ORDER OF BUSINESS**Consideration of Goals and Objectives Reporting [HB7013 - Special Districts Performance Measures and Standards Reporting]**

Mr. Torres presented the Memorandum explaining the new requirement for special districts to develop goals and objectives annually and develop performance measures and standards to assess the achievement of the goals and objectives. Community Communication and Engagement, Infrastructure and Facilities Maintenance, and Financial Transparency and Accountability will be the key categories to focus on for Fiscal Year 2025. He presented the Performance Measures/Standards & Annual Reporting Form developed for the CDD, which explains how the CDD will meet the goals.

On MOTION by Mr. Matovina and seconded by Mr. Howell, with all in favor, the Goals and Objectives and the Performance Measures/Standards & Annual Reporting Form, were approved.

ELEVENTH ORDER OF BUSINESS**Consideration of Resolution 2024-01, Designating the Primary Administrative**

**Office and Principal Headquarters of the
District and Providing an Effective Date**

This item was deferred.

TWELFTH ORDER OF BUSINESS

**Consideration of Resolution 2024-02,
Designating the Location of the Local
District Records Office and Providing an
Effective Date**

This item was deferred.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

There was no report.

B. District Engineer: Connelly & Wicker

Mr. Williams stated that construction is well underway and going well. Storm sewer and sanitary sewer are being installed; all ponds have been dug.

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

- **NEXT MEETING DATE: October 23, 2024 at 1:00 PM**
 - **QUORUM CHECK**

FOURTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Matovina thanked Mr. Haber and Mr. Torres for their assistance with the acquisition and the budget.

FIFTEENTH ORDER OF BUSINESS


Public Comments

No members of the public spoke.


SIXTEENTH ORDER OF BUSINESS

Adjournment

<p>On MOTION by Mr. Matovina and seconded by Mr. Howell, with all in favor, the meeting adjourned at 1:40 p.m.</p>



Secretary/Assistant Secretary



Chair/Vice Chair