

**MINUTES OF MEETING
INDIGO EAST
COMMUNITY DEVELOPMENT DISTRICT**

The regular Meeting of the Board of Supervisors of the Indigo East Community Development District was held on Tuesday, **February 15, 2022** at 9:30 a.m. at Circle Square Commons, 8395 SW 80th Street, Ocala, FL.

Present and constituting a quorum:

John Gysen	Chairman
Cynthia LaFrance	Vice Chair
Terry Solan	Assistant Secretary
Harold Brouillard	Assistant Secretary
Bob Hutson	Assistant Secretary

Also present were:

George Flint	District Manager
Gerald Colen	District Counsel
Rachel Wagoner	Colen & Wagoner
Lynette Vermillion	Colen Built
Philip Hisey	On Top of the World

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order. Five members of the Board were present at the meeting, constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Flint: Are there any public comments at this point? Hearing none,

THIRD ORDER OF BUSINESS

Notice for Meeting

Mr. Flint: The notice of the meeting was provided in the agenda and the meeting was advertised in the Ocala Star Banner as required by statute.

FOURTH ORDER OF BUSINESS

Organizational Matters

A. Acceptance of Resignation of Frank DiPiero

Mr. Flint: Unfortunately, Mr. DiPiero submitted his resignation back in December, and any time a Board member resigns during the term of office, the remaining Board members appoint their replacement. I'll first ask for a motion to accept Mr. DiPiero's resignation.

On MOTION by Mr. Gysen, seconded by Mr. Brouillard, with all in favor, the Resignation of Frank DiPiero, was approved.

B. Review Letter of Interest

Mr. Flint: We did receive a letter of interest that was emailed to you under separate cover. It's from Mr. Bob Hutson, and I believe it is in your agenda package as well. There is no set procedure that the Board has to follow to appoint a replacement, so it is really up to the Board how you want to handle that.

C. Appointment of Individual to Fulfill Board Vacancy Ending November 2022

Mr. Flint: What I would like to do now is open the floor to nominations from the Board to fill the vacancy.

Mr. Gysen: I make a motion we appoint Mr. Hutson.

Mr. Flint: Okay, Any discussion? Hearing none,

On MOTION by Mr. Gysen, seconded by Mr. Brouillard, with all in favor, Appointment of Bob Hutson to Fulfill Board Vacancy Ending November 2022, was approved.

D. Administration of Oath of Office to Newly Appointed Board Member

Mr. Flint: Mr. Hutson if I could now have you come forward. As a citizen of the State of Florida and of the United States of America, and as an Officer of the Indigo East Development District, and a recipient of public funds, as such officer, do you hereby solemnly swear or affirm that you will support the Constitution of the United States and of the State of Florida?

Mr. Hutson: I do.

February 15, 2022

Indigo East CDD

Mr. Flint: Okay, if you wouldn't mind signing where it says, "Board Supervisor" and I can notarize that for you. Attached to the oath, there is just an informational sheet with your contact information that we will get from you. Behind that is the Form 1 statement of financial interests, and that form is required by the state of Florida to be filed within 30 days of today with the Supervisor of Elections in Marion County. Annually, you will be sent a renewal of that which has to be filed. You will usually get that towards the beginning of June, and that has to be filed by July 1st. Attached to that, as a Board member you are entitled under Chapter 190 to compensation as a Board member, therefore you have the I-9 form and the W-4 form. You are a public official, similar to a city or county commissioner. Because CDDs are special Districts, they are governmental entities. You are subject to the Sunshine Law, public records laws, and other ethics laws for public officials in the State of Florida. Under the Sunshine Law, you are not to communicate with other Board members regarding CDD business outside of publicly noticed meetings. If you have any concerns or issues, you can always bring those to my attention. Under the Public Records Law, anything that you have in your possession that is CDD related could be subject to a public records request, and to the extent we have a copy of it, you don't need to keep those documents but if you do then keep them separate from your personal documents.

E. Consideration of Resolution 2022-01 Electing Officers

Mr. Flint: We have the resolution in your agenda. Mr. DiPiero was Vice Chair, and you'd probably want to appoint someone else to that position.

Mr. Gysen: I make a motion that we appoint Cynthia LaFrance as the Vice Chair.

On MOTION by Mr. Gysen, seconded by Mr. Brouillard, with all in favor, Resolution 2022-01 Electing Officers, with Ms. LaFrance as Vice Chair, was approved.

Mr. Flint: Now we need to designate an office for Mr. Hutson. Previously, Ms. LaFrance was an Assistant Secretary. Do we want to put him in that spot?

On MOTION by Mr. Gysen, seconded by Ms. LaFrance, with all in favor, Resolution 2022-01 Electing Officers, with Mr. Hutson as Assistant Secretary, was approved.

FIFTH ORDER OF BUSINESS

Approval of Minutes of the November 16, 2021 Meeting

Mr. Flint: Those minutes are in your agenda package. Did the Board have any comments or corrections to the minutes? Hearing no changes to the minutes I would ask for a motion to approve them.

On MOTION by Mr. Solan, seconded by Mr. Brouillard, with all in favor, the Minutes of the November 16th, 2021 Meeting, were approved.

SIXTH ORDER OF BUSINESS

Review and Acceptance of Fiscal Year 2021 Audit Report

Mr. Flint: The CDD is required to have an independent audit performed, and you all selected Grau & Associates as your independent auditor. They have prepared this report, and I would refer the Board to the last 2 pages with the management letter and report to management. If there were any issues found in the course of the audit, they would be reflected in the report to management. As you can see there are no current or prior findings and recommendations, and that they have determined that we have complied with provisions of the Auditor General of the State of Florida. Are there any questions? Hearing none,

On MOTION by Mr. Gysen, seconded by Ms. LaFrance, with all in favor, the Fiscal Year 2021 Audit Report, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Proposal for Plant Replacement

Mr. Flint: Next we have a proposal from Earthscapes Unlimited, who is the landscape contractor for Indigo East. This is for plant replacement, and there were some concerns raised about some of the landscaping along the right-of-way between the sidewalk and the road failing. As a result of that, a request was made for a proposal to replant those areas. The proposal is for \$171 for Jasmine, \$98 perennial peanuts, and 13 bales of pine straw. There are some pictures and a map included in the agenda.

Mr. Hisey: I am here to answer any questions you have. It's a little hard to see on the map, but the area between the curb and sidewalk was the area we jumped on. Earthscapes did replace plants in those areas several times. One of the areas is a frequent turnaround spot for cars and golfcarts as well. They also put pines straw down last week, so any additional would be minimal at best.

Mr. Colen: Under the payment terms, there's a statement at the bottom of the first page that says, "The act of non-payment creates a lien in favor of the contractor and any and all equipment and property of client in the possession of the contractor..." Would they have any of our property in their possession?

Mr. Hisey: No sir. That is just the standard draft that they use.

Mr. Flint: They can't legally lien a government entity. So, there is a master agreement with Earthscapes, and my suggestion is that we prepare an addendum that indicates if there's a conflict between their terms and our terms, our terms prevail. We did have a budget for plant replacement of \$2,500, so this could be accommodated within the existing budget.

Mr. Hisey: Areas that are used for a turnaround probably should not have plants planted and instead just have some extra pine straw put down.

Mr. Flint: The Board can make an amount that's a not-to-exceed, and then authorize us to adjust the scope accordingly with no plants in high traffic areas and the pine straw could be adjusted.

On MOTION by Ms. LaFrance, seconded by Mr. Gysen, with all in favor, Proposal for Plant Replacement with Earthscapes Unlimited, with a Not-to-Exceed Amount of \$1,460.60, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Proposal for Signage

Mr. Flint: This is a combination of straightening and replacing some signs. There have been concerns about some of the signposts leaning and some of the signs needing to be replaced. John T. Crowder, LLC, who the District has used in the past for their regulatory signage went out and did a survey of all the areas and signs that needed to be adjusted. There is a map attached, and they determined that there were 40 posts that needed to be straightened, 2 quad signs replaced, and 1 curb sign replaced. These unit costs are very reasonable, and I would suggest that the Board approve.

Mr. Gysen: Can we add two more speed signs on the main road? We've only got two on both entrances on 80th and 90th, but there's nothing in between.

Mr. Flint: The Board had approved a work order with the same contractor for \$500 because there were two different speed limits. They eliminated one internal sign and then they made the speed limits consistent, posted at each entrance. If the Board wants to add two signs, I don't think that's a problem if they are the right size and height. If you want, I can bring a proposal back at the May meeting or we can add it to this proposal.

Mr. Gysen: Let's add it to this one.

On MOTION by Mr. Solan, seconded by Mr. Hutson, with all in favor, the Proposal for Signage, was approved as amended to include two speed limit signs.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Flint: Gerry, do you have anything from counsel?

Mr. Colen: No, I have nothing further.

Mr. Flint: Are there any questions for the attorney? Hearing none,

B. District Counsel

Ms. Wagoner: I just wanted to provide an update on the cleanup action that the Board had previously considered and approved. Counsel has reviewed the deeds and will be coordinating the signing of those deeds by March 2nd.

C. District Manager

1. Approval of Check Register

Mr. Flint: You have the approval of the check register. The total was \$67,223.47, and the detailed register is behind the summary. If the Board has any questions or comments I can answer them, otherwise we'd ask for a motion to approve.

On MOTION by Ms. LaFrance, seconded by Mr. Gysen, with all in favor, the Check Register, totaling \$67,223.47, was approved.

2. Balance Sheet and Income Statement

Mr. Flint: We have also provided you with the annual unaudited financial statements There is no action required by the Board, but if you have any questions, we can discuss those. Our expenses are in line with our prorated budget or the most part.

TENTH ORDER OF BUSINESS

Other Business

Mr. Flint: Were there any other business items the Board wanted to discuss that was not on the agenda?

ELEVENTH ORDER OF BUSINESS

Supervisors Request

Mr. Flint: Anything else? Hearing none,

TWELFTH ORDER OF BUSINESS

Adjournment

The meeting was adjourned.

On MOTION by Mr. Gysen, seconded by Mr. Solan, with all in favor, the meeting was adjourned.


Secretary / Assistant Secretary


Chairman / Vice Chairman