

**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 20, 2024** at 9:23 a.m. at Circle Square Commons, 8395 SW 80th Street, Ocala, FL.

Present and constituting a quorum:

John Gysen	Chairman
Cynthia LaFrance	Vice Chairperson
Terry Solan	Assistant Secretary
Bob Hutson	Assistant Secretary

Also present were:

George Flint	District Manager
Rachel Wagoner	District Counsel
Gerald Colen	District Counsel
Robert Stepp	Colen Built
Bryan Schmalz	BLCCDD

FIRST ORDER OF BUSINESS

Roll Call

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

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Flint: Public comment. Are there any members of the public?

Resident Mr. DiPiero (7988 SW 83rd PL): I just wanted to say that you guys get lots of moans and groans and gripes, especially about the landscaping and the appearance, etc. of the community, but I have to tell you I have been here for 15 years, and this is the best this place has looked in the entire time that I have lived here. I think it is Earthscapes that does the main on 79th Terrace Road.

Mr. Flint: Yes.

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Resident Mr. DiPiero (7988 SW 83rd PL): I believe it's Earthscapes. Well, they're doing a really good job. One of the things that used to get me aggravated was the hedges. They would trim the sides of the hedges, but not the tops, and they were getting big and overgrown. This crew that did this, they actual had this stick that measured the heights, and it was even all the way throughout. So, I just wanted to say my compliments to the Board and Earthscapes and whoever from on top of the world overlooks them because they just did a great job.

Ms. LaFrance: Thank you, Frank.

Mr. Flint: Thank you, Frank. Any other public comments?

THIRD ORDER OF BUSINESS

Organizational Matters

A. Review of Letter(s) of Interest/Resume(s) for Board Vacancy in Seat #1

Mr. Flint: You had a resignation, and we have a current vacancy for Seat #1. Any time a vacancy is created during the term of an office, the Board appoints the replacement for the remaining term of that office. That seat's term is up in November of 2024. So, you would be appointing someone between now and November 2024 election. They obviously have to be a full-time resident of Indigo East and registered to vote with that address. At this point, we did receive a letter of interest. There is no specific process you have to follow. It is really up to the Board how you want to handle it. We've received a letter of interest from Ms. Marla Ziino and she is here today in the audience. If you want to have Ms. Ziino say anything we can do that. If there is anyone else that you want to nominate, you can do that as well. I will defer to the Board on how you want to hand it.

B. Appointment of Individual to Fulfill the Board Vacancy

Mr. Hutson: I nominate Marla to fill the position.

Mr. Gysen: I second it.

On MOTION by Mr. Hutson, seconded by Mr. Gysen, with all in favor, Appointing Marla Ziino to the Board of Supervisors for Seat #1, was approved.

C. Administration of Oath to Newly Appointed Board Member

Mr. Flint: Ms. Ziino, congratulations.

Ms. Ziino: Thank you.

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Mr. Flint: If you want to come forward. Here is an oath of office form and a general information sheet. I will go ahead and administer the oath now. If you wouldn't mind signing it I can notarize that for you, and you can take a seat.

Ms. Ziino: Thank you.

Mr. Flint: Welcome aboard.

Mr. Flint: Ms. Ziino, you heard some of the discussion. As a Board member, you are a public official similar to a city commissioner or county commissioner or school board member. In Florida they have financial disclosure requirements. Annually, as a Board member, you are required to file what is called the Form 1 financial disclosure. You need to do that within 30 days of taking office today and then it gets filed annually. In the past, I've handed you a hard copy of that form, but as you've heard the discussion, now the Commission on Ethics is dealing with it directly and it's all online. So, we will be emailing you a link that you can use to access their website to fill the form out.

Ms. Ziino: Alright.

Mr. Flint: It doesn't ask for a specific dollar amount. It's looking at sources and really the reason is for conflicts of interest. If you had an ownership interest in a company that is providing the landscape maintenance, for example, that would be something that would show up there, that is the purpose. There has been some controversy about what is called Form 6, which county commissioners are required to fill out now. It is a new requirement that does actually require you to list all your assets in dollar amounts and the form one doesn't. There is also the annual ethics training we talked about, and we will go into that a little bit more. As a public official also a couple of the main things you want to make sure you are aware of is in Florida, we have something called the Sunshine Law. That Sunshine Law requires that public officials do not discuss public business outside of a Board meeting. So, you and other Board members should not be communicating with each other outside of these Board meetings regarding CDD business. That means emails, texts, verbally, through third parties, which are called conduits. You can't go to someone and say, "Hey, go tell Cynthia." That is the same thing as talking directly. Sunshine Law is very important. Next is the Public Records law, anything that is in your possession that is CDD related could be considered a public record and subject to a public records request. We always suggest that you keep the CDD stuff separate from your personal files. To the extent I have a copy of it like that agenda book, you are not required to keep it. In most cases, we recommend you just dispose of it

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and that way if there is a public records request, you don't have to produce anything because I already have that document. If you did have something that I don't have, you may be required to produce that. Alright anything else from Counsel on Sunshine or Public Records?

Mr. Colen: I think what I would add that you have to understand that everything you say, you might see again sometime in a situation where you don't want to see it. So, just keep that in mind.

Mr. Flint: Right.

D. Election of Officers

Mr. Flint: Okay, election of officers. Each time you appoint somebody we need to consider election of officers and I think the predecessor to Ms. Ziino was an Assistant Secretary. If you want, you can designate her an Assistant Secretary or we can consider the resolution in your agenda that has all the offices. If you don't want to make any other changes, you could designate Ms. Ziino as an Assistant Secretary. We could modify the resolution accordingly. Or if you want to consider all offices, we can do that as well. What is the Board's preference?

Mr. Solan: I will move that the officers remain the same and that we add Marla as an Assistant Secretary.

Mr. Flint: Alright.

E. Consideration of Resolution 2024-01 Electing Officers

Mr. Flint: There is a motion by Mr. Solan to keep all officers the same and make Ms. Ziino an Assistant Secretary.

Mr. Hutson: I second it.

On MOTION by Mr. Solan, seconded by Mr. Hutson, with all in favor, Resolution 2024-01 Electing Officers to Stay the Same with Addition of Ms. Marla Ziino as Assistant Secretary, was approved.

Ms. Ziino: Is there a specific responsibility for Assistant Secretary?

Mr. Flint: No. Secretaries and Assistant Secretaries can attest the signature of the Chair or Vice Chair.

Ms. Ziino: Alright.

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Mr. Flint: The Chair’s only real authority, they don’t have the ability to make decisions outside of meetings. They can run the meetings, they have certain power during the meetings, they would be typically authorized to execute contracts and documents on behalf of the District. The Vice Chair, in the absence of the Chair, can do whatever the Chairman can do. On the Secretary, as the District Manager, I typically would attest the signature of the Chair or Vice Chair, but the Assistant Secretaries can as well. So, there is no specific duties related to that.

Ms. Ziino: Thank you.

FOURTH ORDER OF BUSINESS

Approval of Minutes of the November 21, 2023 Meeting

Mr. Flint: We have approval of the minutes from November 21, 2023. Did the Board have any comments or questions on the minutes?

On MOTION by Ms. LaFrance, seconded by Mr. Gysen, with all in favor, the Minutes of the November 21, 2023 Meeting, were approved.

FIFTH ORDER OF BUSINESS

Ratification of Proposal from Geo-Tech for Repair of Drainage Retention Area No. 8

A. Surface Depression Remediation Report

Mr. Flint: Next is ratification of a proposal from Geo-Tech related to the repair of a sinkhole in Retention Area No. 8. We had some significant rain. I think Mr. Hutson emailed me a picture of this depression. We retained Geo-Tech, which is a geo-tech engineering firm that is familiar with this area. They’ve assisted in the past. They came out and assessed the area and then came up with a remediation plan. And then, they also were involved in the actual inspecting during the repair and then afterwards to make sure it was done correctly. I am just asking the Board to ratify my actions in executing the agreement with them. Any questions? This one is blank, but there is a signed version of it.

On MOTION by Mr. Gysen, seconded by Ms. LaFrance, with all in favor, the Proposal from Geo-Tech for Repair of Drainage Retention Area No. 8., was ratified.

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SIXTH ORDER OF BUSINESS

Ratification of Proposal from Florida Fine Grading for Sinkhole Excavation and Backfill

Mr. Flint: Next is ratifying the proposal from Florida Fine Grading for the actual repair and it was \$4,500. It was overseen by Geo-Tech and inspected after. A lot of times in these situations, you don't want to take a whole lot of time getting multiple bids, but we know based on the past when we have solicited more than one proposal that this company has historically been the most competitive on a price basis. Is there a motion to ratify the proposal from Florida Fine Grading?

Mr. Hutson: I make a motion to ratify.

Mr. Flint: Is there a second?

Mr. Solan: Yes.

On MOTION by Mr. Hutson, seconded by Mr. Solan, with all in favor, the Proposal from Florida Fine Grading for Sinkhole Excavation and Backfill, was ratified.

SEVENTH ORDER OF BUSINESS

Consideration of Proposals for Pressure Washing Services

A. MHS Companies, Inc.

B. Facility Resources, Inc.

Mr. Flint: Annually, we pressure wash the roadway curbs and sidewalks that are CDD owned, and we budget for that. We budgeted 15. Actually, the adopted budget is 18. Yes. We increased it to 18. Last year we had 15 and when we actually did the work, it came in higher, so we increased the budget slightly. We received two proposals. One is from Facility Resources, Inc. and you can see that lines up pretty close with the budget. We also got a proposal from MHS Companies, Inc. and it came in lower at \$15,000. MHS does do work around the area, and they do quality work and we're comfortable that they would do a good job.

Mr. Hutson: Are they the same people that do our yard waste pickup?

Mr. Flint: I think they do. The quotes were solicited by onsite staff. But I know we've used this company before, and they are in the area.

Mr. Hutson: Okay.

Mr. Flint: So, I think based on the cost of \$15,000 versus \$18,000, I would recommend you approve the proposal from MHS companies.

Mr. Hutson: Also, last year we only got one bid last year, right?

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Mr. Flint: Yes. I think we presented one bid.

Mr. Hutson: I think having more bids like that keeps the price down a little bit.

Mr. Flint: Well, I think Facility Resources, they may think twice next time when they submit. Are there any questions on these or is there a recommendation to approve MHS Companies, Inc.?

Mr. Gysen: I make a motion that we approve MHS Company to do our pressure washing.

Ms. LaFrance: I second that motion.

On MOTION by Mr. Gysen, seconded by Ms. LaFrance, with all in favor, the Proposal from MHS Companies, Inc. Totaling \$15,000 for Pressure Washing Services, was approved.

EIGHTH ORDER OF BUSINESS

Presentation of Arbitrage Rebate Calculation Report

A. Series 2016

B. Series 2022A

Mr. Flint: Next is the arbitrage rebate calculation report. You have the report for the Series 2016 and the 2022A. These reports are required by IRS to demonstrate that we're paying more interest than we are earning. And so, you can see that we have a negative rebateable arbitrage of \$18,501 and then a negative \$2,411 on the other. Any questions on the arbitrage rebate calculation reports? If not, is there a motion accept them?

Mr. Solan: I would move to accept them.

Mr. Hutson: I second it.

On MOTION by Mr. Solan, seconded by Mr. Hutson, with all in favor, Accepting the Arbitrage Rebate Calculation Report, was approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Flint: Next is the Attorney's report. Anything from Counsel?

Mr. Colen: I have nothing.

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B. District Manager

1. Approval of Check Register

Mr. Flint: You have the check register from November 8th, 2023 through February 6th, 2024. It includes the general fund for \$40,787.95 and the payroll for \$41,542.05. The detailed register is behind the summary. Are there any questions?

Mr. Gysen: No pine straw on this one.

Mr. Flint: No. We got a credit.

Mr. Gysen: Didn't we get a credit on the pine straw to reimburse the overpay of \$348?

Mr. Flint: Yes. I think that tied to the other one. Alright, any questions on the check register? Is there a motion to approve it?

Ms. LaFrance: I make a motion we approve the check register.

Mr. Gysen: I second it.

On MOTION by Ms. LaFrance, seconded by Mr. Gysen, with all in favor, the Check Register, was approved.
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2. Balance Sheet and Income Statement

Mr. Flint: You have the combined balance sheet and income statement and the statement of revenue and expenditures. Are there any questions on the financials? These are unaudited. There is no action required on these.

3. Presentation of Information Regarding Ethics Training and Financial Disclosure

Mr. Flint: The next item the Board heard when we were talking with the Candler Hills East Board that there is a change in the process for your annual Form 1 filing. Those now get filed online directly with the commission on ethics. The Supervisor of Elections is not involved. In the past, you have been able to hand deliver it to them or call their office and get information. They are no longer involved in the process, but you should have received an email from the Commission on Ethics. If you haven't, they are still in the process of sending those out. They are not due until July 1 like they have been in the past. The new Board member has within 30 days. She has to file for the Form 1, but otherwise, the other Board members have a July 1 deadline.

Mr. Gysen: George, do we know what the link looks like because if it is not in my address book, it goes into junk and there it goes.

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Mr. Flint: Right.

Mr. Gysen: Can you send the right link to us, to me?

Mr. Flint: We will reach out.

Mr. Gysen: Yes.

Mr. Flint: And we will indicate that you guys haven't received it. It could have gone into your junk mail. They may not have gotten to this District yet because there is over 1,000 special Districts and then you have all the cities, counties, school boards, judges, whoever else is required. They are still working through it. And then, you've got the ethics training. There is a new requirement that during each calendar year you have to have four hours of training. That goes into effect this calendar year 2024 and you will report it on your 2025 Form 1. So, you have until the end of the calendar year to do the four hours. There is a couple of links here of some free resources and you can do that at your leisure. When you're checking that box, you're self-reporting that you've done the four hours. As other opportunities come forward, we will forward those onto the Board. There is some other opportunities out there, some have a cost to them, some you have to go to a class. Getting free and online is nice. These are free and online.

Mr. Gysen: The only problem we have at times with our internet stops and there you go. You are sitting in the middle of the class and then you're disconnected. What do you do next?

Mr. Hutson: Well, this one here you can pause it. I did the first one and it's two hours and you can pause it and go have lunch and then you can come back.

Mr. Gysen: Okay.

Mr. Hutson: I had no trouble on it, and I got the same as you.

Mr. Gysen: Yes. I know. So, you did the two-hour one?

Mr. Hutson: Yes, but over a four-hour period. I couldn't keep listening to it.

Mr. Flint: Okay. If you have any questions on that, feel free to reach out to our office. We serve as the disclosure coordinator, so basically we're the go-between between you and the Commission on Ethics. You can always reach out to the Commission on Ethics directly if you want to, but we are happy to facilitate.

TENTH ORDER OF BUSINESS

Other Business

Mr. Flint: Alright any other business or Supervisors Requests?

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ELEVENTH ORDER OF BUSINESS

Supervisors Requests

Mr. Gysen: The only other request that I have if it is still possible to redo our yellow striping in Indigo. We did it about six years ago.

Mr. Flint: The only thing you want to be careful about is redoing the striping and then turning around and paving the next year.

Mr. Gysen: Yes, but it is mainly on the main road to 78.

Mr. Flint: Okay.

Mr. Gysen: And then they were at the stop signs when you come out.

Mr. Flint: Stop bars.

Mr. Gysen: Yes. The wide stripes. The yellows ones are almost faded.

Mr. Flint: We can get a price.

Mr. Hutson: Coming out of Section Two, I have had several people, including myself coming out of there, it's very hard when you are making the left turn, the shrubbery is kind of all overgrown there. It's getting out of hand. You can't even see the cars and if you are turning into them, they are almost on top of you.

Mr. Flint: When you say Section Two, Phase Two?

Mr. Scheerer: 83rd Place and 79th Terrace.

Mr. Gysen: Yes. 83rd Place. I am surprised they missed that.

Mr. Hutson: I got some pictures. I can send you some pictures.

Mr. Flint: Okay.

Mr. Hutson: If they can look at it, maybe they can figure a way to trim them up.

Mr. Flint: Okay. I will drive by there after the meeting too.

Mr. Hutson: That's it for me.

TWELFTH ORDER OF BUSINESS

Adjournment

Mr. Flint: Is there a motion to adjourn?

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

DocuSigned by:
George Flint
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Secretary / Assistant Secretary

DocuSigned by:
John Gysen
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Chairman / Vice Chairman