

**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, **August 20, 2024** at 9:00 a.m. at Circle Square Commons, 8395 SW 80th Street, Ocala, FL.

Present and constituting a quorum:

John Gysen
Cynthia LaFrance
Terry Solan
Bob Hutson

Chairman
Vice Chairperson
Assistant Secretary
Assistant Secretary

Also present were:

George Flint
Robert Szozda
Rachel Wagoner
Robert Stepp
Andy Jorgenson

District Manager
Field Manager
District Counsel
Colen Built
OTOW

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: Do we have any members of the public that wants to provide comment to the Indigo East Board? Hearing none,

THIRD ORDER OF BUSINESS

Approval of Minutes of the May 21, 2024 Meeting

Mr. Flint: We have approval of the minutes from May 21, 2024. Did the Board have any comments or questions to those?

Mr. Gysen: No.

August 20, 2024

Indigo East CDD

On MOTION by Ms. LaFrance, seconded by Mr. Gysen, with all in favor, the Minutes of the May21, 2024 Meeting, were approved.

FOURTH ORDER OF BUSINESS**Public Hearing**

Mr. Flint: Next are the public hearings to consider adoption of the 2025 budget and imposing the related assessments. Is there a motion to open the public hearing?

On MOTION by Mr. Solan, seconded by Mr. Hutson, with all in favor, Opening the Public Hearing, was approved.

A. Public Comment Period

Mr. Flint: The hearing is open. The Board previously considered a proposed budget and you set today as the date for the public hearing for its final consideration. You will see in the agenda Resolution 2024-03 approving the budget for Fiscal Year 2025 which starts on October 1st and attached to that is the proposed budget. It contemplates that the per unit assessment amounts would remain the same at \$587 per unit. The generated revenue from that is the same as the prior year. The admin expenses are going up slightly and that is the result of a proposed increase in the management fee and insurance primarily. It is going up about \$2,000 overall. The operating and maintenance is fairly flat. It is going up \$300 from the prior year. We have reduced the transfer out to capital reserve slightly. If you look at the current year under transfer out to capital reserve, you can see that we have a budgeted amount in the current year of \$25,000 and we are actually projecting that we are going to transfer out \$80,630. The reason we are doing that is we are calculating what the needed three-month operating reserve is in the fund and anything above the three-month operating reserve, we are recommending you move out into your capital reserve fund. After that \$80,000 transfer out in the current, you would still have the equivalent of three months of operating reserves. The capital reserve fund on page 10 you will see the estimated carryforward going into next fiscal year would be \$436,395 that is including the \$80,000 that we would transfer this year and then we would add another \$22,608 next year. We do not have any expenses indicated there but we anticipate they will be the next phase of the paving. At some point, we will be getting quotes for that. The fact that we don't have dollars in here doesn't prevent you from doing that. We also on landscape maintenance for the current year although the Board had awarded the

August 20, 2024

Indigo East CDD

contract to law enforcement which we are going to talk more about under a separate item, we kept the amount and unrelated to the contract at the same as it was in 2024. A portion of that \$188,000 is the landscape maintenance and a portion is the pine straw. Any questions on the resolution or proposed budget? Is there any public comment on the budget? Hearing no public comment.

B. Consideration of Resolution 2024-03 Adopting the Fiscal Year 2025 Budget and Relating to the Annual Appropriations

Mr. Flint: Is there a motion to approve Resolution 2024-03?

On MOTION by Mr. Hutson, seconded by Ms. LaFrance, with all in favor, Resolution 2024-03 Adopting the Fiscal Year 2025 Budget and Relating to the Annual Appropriations, was approved.

C. Consideration of Resolution 2024-04 Imposing Special Assessments and Certifying an Assessment Roll

Mr. Flint: This actually imposes the annual assessment related to the budget that you just approved. The budget that you just approved is attached as Exhibit ‘A’ and the assessment roll is Exhibit ‘B.’

On MOTION by Mr. Gysen, seconded by Mr. Solan, with all in favor, Resolution 2024-04 Imposing Special Assessments and Certifying an Assessment Roll, was approved.

Mr. Flint: Is there a motion to close the hearing?

On MOTION by Mr. Gysen, seconded by Ms. LaFrance, with all in favor, Closing the Public Hearing, was approved.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2024-05
Declaring Vacancies in Certain Seats**

Mr. Flint: Seat 1 and Seat 4 have terms that expire in November and no one qualified to run for those seats. Seat 1 is currently held by Ms. Ziino and seat 4 by Ms. LaFrance. When a seat is up for election and no one qualifies, the Board is required to declare those seats vacant as of the second Tuesday after the election. What you are doing by adopting this resolution is your

August 20, 2024

Indigo East CDD

indicating those seats will be vacant as of November 19th. At that point, the Board will have the ability to appoint whoever occupies those seats. They just have to be a qualified elector which means they have to reside within Indigo East and be registered to vote with that address. Any questions on the resolution? Is there a motion to approve it?

On MOTION by Mr. Solan, seconded by Mr. Hutson, with all in favor, Resolution 2024-05 Declaring Vacancies in Certain Seats, was approved.

SIXTH ORDER OF BUSINESS

Consideration of Proposals for Median Tree Replacement

Mr. Flint: The next item is dealing with the oak tree. Unfortunately, that oak tree had to be removed. The Board previously was provided with an arborist report indicating that the tree could not be saved, it would not survive and was actually a health safety issue. You approved its removal; I think it was \$2,400 to remove that tree. We are bringing back proposals for the replacement of the tree. Obviously, we are not going to be able to replace it with anything near what was there and we have some proposals for 8 inch and 10 inch trunks. The current landscape provider, Earthscapes Unlimited provided pricing for 8 and 10 inches. They are providing a one-year warranty on the tree which is fairly standard. We are estimating irrigation costs NTE \$1,000 to get bubblers to the tree. You can see an 8 inch tree is \$6,187 plus the irrigation cost would be \$7,187. The 10 inch tree would be \$8,104.61 plus the \$1,000 for irrigation which would be \$9,104.61. Juniper provided a price for a 10 inch. They are only providing a six-month warranty and irrigation is included in their price. It was \$9,171.19. Lawn Enforcement provided a price for a 10 inch with a one-year warranty and irrigation included for \$11,880. MHS only provided pricing for an 8-inch tree, estimating irrigation at \$500 and provided a price for the 8-inch tree of \$6,250 and no warranty so a total of \$6,750. I think we want to do the 10-inch tree. I don't know that you want to consider the 8-inch. When you look at the quotes, Lawn Enforcement is high. I don't think we would recommend using them anyway. The price between Juniper's warranty is only six months versus the one year and your current provider EarthScapes Unlimited looks like the most favorable. Andy, do you have any comments?

Mr. Jorgenson: I would follow the recommendation with EarthScapes. The smaller tree is going to survive a little bit better than the bigger tree. However, when you are talking between an

August 20, 2024

Indigo East CDD

8 inch and 10 inch, there is not much of a difference. I need to look to see if those are container or basket grown or box grown because there are benefits of one versus the other as well. I believe the Earthscapes one, I will have to confirm, but it's a roots plus grown tree which has better benefit coming from the farm.

Mr. Flint: It doesn't look like it specifies in the proposal. You could approve it subject to verification.

Mr. Jorgenson: Ideally timewise, we would want to wait until later this fall or in the spring for cooler weather.

Mr. Flint: This won't be planted exactly where the existing tree is because even though you stump grind, it's going to be shifted over I think eight feet behind it.

Mr. Scheerer: On EarthScapes, it looks like they are combining an 8 and 10 inch on their total contract or are those going to be separated?

Mr. Flint: They will be separated. It will be whatever you end up approving, one or the other. They just set it up in their proposal as if it was both just to provide the pricing. If you approve the 10 it would only be the \$8,104 plus any irrigation cost which is estimated. It could come in less than the \$1,000.

Mr. Hutson: I recommend EarthScapes once Andy finds out what the ball is.

On MOTION by Mr. Hutson, seconded by Mr. Gysen, with all in favor, the Proposal for Median Tree Replacement, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Agreement with Lawn Enforcement for Landscaping Services

Mr. Flint: At your last meeting, we had brought forward proposals. The existing agreement with EarthScapes Unlimited expires on September 30th and at the last meeting we brought forward proposals from Lawn Enforcement, EarthScapes and MHS. The Board made a decision to award the contract to Lawn Enforcement Agency so we prepared an agreement with them that is on the agenda that would go into effect on October 1st. However, I think there are some concerns about their performance on some other contracts within On Top of the World so we don't believe it would be prudent at this point to award additional work to them until there is some improvement seen on some of their other contracts. At the time you awarded this to them, they were brand new. There was no experience with them. Since that time, there has been some more experience with

August 20, 2024

Indigo East CDD

them so there are some concerns about their ability to perform. If you went back and looked at the pricing that was provided, they were significantly lower than the other bids. MHS came in around where our current contract is and then EarthScapes went up by about \$30,000. They indicated the primary reason for their increase was the increase in the frequency of trimming the Viburnum. The current contract has once a year and the new scape had three times a year. In talking with Andy, we think the best approach and he has spoken with EarthScapes and they have agreed to continue to maintain the landscaping on a month-to-month basis while we go out and rebid the contract. There are some other providers that did not respond the first time that Andy believes we can get pricing from. Our recommendation at this point rather than awarding this agreement to lawn enforcement would be to authorize us to continue on a month to month with EarthScapes and then rebid the landscape maintenance. Any thoughts or discussion from the Board? It is not ideal but I think it is the right thing to do. In discussion with Andy, it has just been over the last week that really the discussion has come up.

Mr. Hutson: Does EarthScapes even though they are doing it right this minute, was already planned and done to take on other work elsewhere so will they be able to keep up with our work?

Mr. Jorgenson: They would love to continue with you guys indefinitely. She even mentioned on the phone last night, they would be okay with continuing. It would revert back to the original specifications. The reason why we went to three times a year on the viburnums was we were getting complaints mostly from the residents along 80th Street about how the Viburnums don't get trimmed often enough so we changed it from one to three times a year in this RFP. They would agree if we go back to the last specifications which is the one time per year, that they would like to continue with just a minimal CPI increase annually. They definitely want to try to keep the contract if they can.

Mr. Flint: That is another option to extend the current contract with a CPI adjustment under the current scope but I know there are concerns about the frequency of trimming the hedges. You can decide that, we can go out and get the pricing and then when we bring that back, one option would be stay with the current vendor with the inflation adjustment. You would just have the benefit of other pricing as well when you make that decision.

Ms. LaFrance: Would it be worth checking into seeing what it would be like to trim the viburnums twice a year.

August 20, 2024

Indigo East CDD

Mr. Jorgenson: Absolutely. We can bid it out with a one time per contract trimming and then have them price it as a supplemental cost if we want to do it twice or three times, it would just be an additional work for them. You guys can decide whether you want to do it two or three times.

Mr. Gysen: Putting it out for bid right now for the other people that we don't really know much about, maybe consider keeping the current.

Mr. Flint: You might want the option. I know Juniper and Down to Earth are two of the other ones. Andy has experience with the other ones too. There are no stars out there right now. No one is setting the world on fire including the existing vendor. If this existing vendor was performing at the top of their game there would be no reason to make a change. I think everyone is struggling right now. I don't think you are eliminating the option of staying with EarthScapes and doing the inflationary adjustment by getting additional pricing. They have agreed to stay on month to month while we go through this process. We can ask them to rebid with the one time and the optional, under the new pricing schedule too maybe they will reconsider their pricing.

Mr. Solan: I think we should rebid it and go from there.

On MOTION by Mr. Solan, seconded by Mr. Gysen, with all in favor, Authorizing Staff to Rebid the Landscaping and Prepare an Extension of the Existing Contract on a Month-to-Month Basis, was approved.

EIGHTH ORDER OF BUSINESS

Ratification of Dewberry Work Authorization for Annual Engineer's Report

Mr. Flint: The Trust Indenture for the District's bond issue requires that an annual inspection be performed of the District's infrastructure and also review the budget and insurance policies. Because of the timeframe to get that completed I had to execute this back in April and I am asking the Board to ratify my action in doing that. Is there a motion to ratify the work authorization?

On MOTION by Ms. LaFrance, seconded by Mr. Gysen, with all in favor, the Dewberry Work Authorization for Annual Engineer's Report, was ratified.

August 20, 2024

Indigo East CDD

NINTH ORDER OF BUSINESS

Approval of Fiscal Year 2025 Meeting Schedule

Mr. Flint: Each year you are required to adopt an annual meeting notice so we prepared one based on your current practice of meeting four times a year in November, February, May and August at this location at 9:00 a.m. You can approve this or we can change it, whatever the Board wants to do.

Mr. Gysen: I make a motion to approve as it is written.

On MOTION by Mr. Gysen, seconded by Mr. Hutson, with all in favor, the Fiscal Year 2025 Meeting Schedule, was approved.

TENTH ORDER OF BUSINESS

Review and Acceptance of Annual Engineer's Report – ADDED

Mr. Flint: This is related to the work authorization for the Engineer that you just ratified. The engineer did complete their inspection of the stormwater system and have provided this letter that was handed out gets provided to the Trustee. The first paragraph says based on their inspection and their knowledge of the community the portions of the infrastructure being maintained is in reasonably good repair. The second paragraph indicates they have reviewed the budget and it seems to be appropriate to enable the District to maintain the facilities and the third one deals with the insurance coverage. That meets the indenture requirement. Any questions on that? If not, is there a motion to accept it?

On MOTION by Mr. Gysen, seconded by Ms. LaFrance, with all in favor, the Acceptance of Annual Engineer's Report, was approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Flint: Next is the Attorney's report.

Ms. Wagoner: I have nothing to report today.

B. District Manager

i. Adoption of District Goals and Objectives

Mr. Flint: The legislature now requires all Special Districts to adopt goals, objectives, and performance measures and those have to be done initially by October 1st of this year and it would

August 20, 2024

Indigo East CDD

be reported on December 1st of next year and then each year it would need to be readopted. We came up with some recommended goals and objectives and performance measures that we believe meet the spirit of the legislation. We have broken those up into three categories, community, communication and engagement, infrastructure and facilities maintenance and then financial transparency and accountability. Under each one of those areas, we have developed goals and measures so under community, communication and engagement we address public meetings and also address compliance with meeting notices and also access to public records. We hit on the main three items. On infrastructure and facilities maintenance, we cover site inspections and then the Engineer's annual inspection. Under financial transparency and accountability, we have one goal dealing with the budget, one goal dealing with the unaudited financials, and one dealing with the annual audit report. Any questions on those?

Mr. Gysen: Is it something we have to fill out every year?

Mr. Flint: We basically every year by December 1st indicate if we have met these goals and objectives and publish that on the website. We have listed what the standard is that has to be met and then yes or no. We would take the same form, update it for whether it has been achieved or not and then repost it on the website. Any questions on the proposed goals and objectives?

On MOTION by Mr. Hutson, seconded by Mr. Solan, with all in favor, the Adoption of Goals and Objectives, was approved.

ii. Approval of Check Register

Mr. Flint: You have approval of the check register from May 8th through August 5th. This covers the general fund and Board compensation for \$47,725.30. The detailed register is behind the summary. If you have any questions, we can discuss those. Is there a motion to approve the check register?

On MOTION by Ms. LaFrance, seconded by Mr. Gysen, with all in favor, the Check Register, was approved.

iii. Balance Sheet and Income Statement

Mr. Flint: You have the unaudited financials through June 30th. If you have any questions, we can discuss those but if not, there is no Board action required.

August 20, 2024

Indigo East CDD

TWELFTH ORDER OF BUSINESS

Other Business

Mr. Flint: Any other business? Hearing none.

THIRTEENTH ORDER OF BUSINESS

Supervisors Requests

Mr. Flint: Any Supervisors requests?

Ms. LaFrance: This is my last meeting. I think everyone knows here that I am relocating to Massachusetts in two weeks so this is my resignation today. I just want to say it has been my honor and pleasure to serve on the Board.

Mr. Flint: Thank you for all of your service. We are sorry to see you go. I know you resigned once and then got reappointed. We were happy that you got back on the Board but we obviously wish you well moving closer to your family.

Ms. LaFrance: I really wish the Board all the luck in the world. It has been a great experience. I am glad I had the opportunity to do this. I want to thank Mr. Colen for the wonderful properties that you run. This has been a great experience.

Mr. Flint: It would be in order then for the Board to consider a motion to accept Ms. LaFrance's resignation. You will need to file a Form 1F which is the Final Disclosure Form. Our office will email you with the information on that. Your seat is up in November so likely the Board will just deal with that issue at the next meeting.

On MOTION by Mr. Hutson, seconded by Mr. Gysen, with all in favor, the Acceptance of Ms. LaFrance's Resignation, was approved.
--

Mr. Hutson: Since we are going on a month-to-month contract, do we have to notify the other company that starts October 1st on the landscaping?

Mr. Flint: Yes, we will have to let them know that they were not awarded. We had sent an award letter so will just have to send them another letter saying that we are rebidding and they are entitled to submit a new proposal. We don't have an executed contract with them and we have less than six weeks before their contract. We will notify them this week and then move forward with getting new bids.

Mr. Gysen: The sidewalks and gutter cleaning. They are working on the gutters. The sidewalks have not been done yet so may need to follow up on that.

August 20, 2024

Indigo East CDD

Mr. Flint: I will check on the status of that. We have \$18,000 budgeted for the pressure washing to do both the North and the South. Anything else? Hearing none.

FOURTEENTH ORDER OF BUSINESS

Adjournment

Mr. Flint: Is there a motion to adjourn?

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

DocuSigned by:

George Flint

B61B5DF431644AD...

Secretary / Assistant Secretary

Signed by:

John Gysen

C48DDF3D34884B7...

Chairman / Vice Chairman