

MINUTES OF MEETING
BELLA COLLINA
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Bella Collina Community Development District was held Thursday, September 14, 2023 at 10:00 a.m. at the Bella Collina Clubhouse, 16350 Vetta Drive, Montverde, Florida.

Present and constituting a quorum were:

Randall Greene	Chairman
Duane Owen	Assistant Secretary
Andrew Gorrill	Assistant Secretary

Also present were:

George Flint	District Manager
Jan Carpenter	District Counsel
Andy Hatton	Field Manager
Steve Boyd <i>by phone</i>	District Engineer
Jim Boyd <i>by phone</i>	Environmental Engineer

FIRST ORDER OF BUSINESS

Roll Call

Mr. Flint called the meeting to order. Three members of the Board were present in person constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Mr. Flint: We just have Board members and staff here at this time.

THIRD ORDER OF BUSINESS

Approval of Minutes of the July 13, 2023 Meeting

Mr. Flint: Next is the approval of minutes from July 13, 2023 meeting. Are there any comments or corrections to the minutes?

Mr. Greene: I didn't have any changes.

On MOTION by Mr. Greene, seconded by Mr. Owen, with all in favor, the Minutes of the July 13, 2023 Meeting, were approved.
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FOURTH ORDER OF BUSINESS**Review and Acceptance of Fiscal Year 2022 Audit Report**

Mr. Flint: The next item is review and acceptance of the Fiscal Year 2022 Audit report. You hired Berger Toombs as your independent auditor. The management letter starts on page 39. There are no current or prior year findings and recommendations, and they've determined we've complied with the provisions of the Auditor General that they're required to review. It is a clean audit. If there are any questions, we can discuss those. If not, I would ask for a motion to accept it and ratify its transmittal to the state.

On MOTION by Mr. Greene, seconded by Mr. Gorrill, with all in favor, Accepting the Fiscal Year 2022 Audit Report, was approved.

FIFTH ORDER OF BUSINESS**Ratification of Revised Proposals for Water and Wastewater Plant Exhaust Fans**

Mr. Flint: Item five is ratification of revised proposals for the water and wastewater plant exhaust fans. Andy, do you want to take this item?

Mr. Hatton: Yes, you guys can see there are two proposals there from Apple Air Conditioning for the exhaust fans for the chlorine rooms at the water plants. Neither one of those are operating at this time. We've got the two bids from Apple, one for Hill Crest, one for Pine Island. George went ahead and approved those. We're just looking for the board to ratify. This is direct replacement for what's up there.

Mr. Greene: How much are they?

Mr. Hatton: The Pine Island is \$3,500. Hillcrest is a lot bigger fan, and that came in at \$7,200.

Mr. Flint: And we got multiple bids. It was very difficult getting bids for these. Apple ended up being the one we went with.

On MOTION by Mr. Greene, seconded by Mr. Owen, with all in favor, the Revised Proposals for Water and Wastewater Plant Exhaust Fans from Apple, was ratified.

SIXTH ORDER OF BUSINESS**Residential Irrigation
Improvements Project****Piping****A. Consideration of Developer Funding Agreement**

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Mr. Flint: We've got Jim Boyd on the phone. He's the Engineer that is responsible for designing this improvement project and also coordinating the bidding of the project. It was originally anticipated that the developer would construct these improvements and then the District would acquire them through a future bond issue. It's become necessary for the District to be the one that actually enters into the construction contract for various reasons. Jim, do you want to just give an overview? You don't need to go into a whole lot of detail, but just an overview of the project and the steps you took to bid it and your recommendation.

Mr. Jim Boyd: Yes, I'm happy to. There are three basic improvements that need to be accomplished in order to switch residential irrigation from groundwater to surface water from Lake Sienna, which is all required by the existing consumptive use permits for Bella Collina, one of which is drilling to backup wells. We actually already have a contract for that with the developer DCS Real Estate, and that project actually will get kicked off early next year. The second phase of the project is building the piping infrastructure that's necessary to make this happen. That's what we've bid out recently. We submitted invitations to bid to five different piping contractors, all of which were highly qualified, many of which I've worked with in the past. Three of them came to the pre bid meeting on site, and then two actually submitted bids, one of which was Carr & Collier, and the second entity was Felix Associates in Florida. The Carr & Collier bid came in at \$1.3 million and the Felix bid came in at \$2.6 million. It was obvious that Carr & Collier was the company that should be selected so I issued contract documents to them and the notice of award to them. When they responded back, saying that they thought that this was a government project, that their insurance wouldn't allow them to work for private entities, that's really perplexing to me because it was extremely clear during the whole process. We identified in the contract documents and in the plans, et cetera, that it was a DCS project, but nonetheless, they were declining to honor their bid. So at that point, I determined that, well, given the huge cost difference, it's in everybody's best interest to try to get around this issue by essentially switching the owner from DCS to the Bella Collina CDD, which makes sense anyway, because, as George indicated, eventually these assets will be owned by the CDD. So that's what we're essentially trying to do. Basically, we're just switching the owner from DCS to Bella Collina CDD. Based on some recent correspondence I've had with Carr & Collier; it appears that that will be acceptable to them. We haven't gotten final word from them yet, but hopeful that'll be the case. So that's why we're requesting this switch.

Mr. Flint: Was there a bid bond?

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Mr. Jim Boyd: No, there was not a bid bond. You know, George, it's so hard to get anybody to bid on anything.

Mr. Flint: I understand it's a double-edged sword.

Mr. Jim Boyd: I didn't want to create any issue. I wanted to try to get as many people to bid it as we could.

Mr. Flint: Have they been provided the other bid or asked for it?

Mr. Jim Boyd: Yeah, they are aware. It was a public bid opening. They're aware of the other bid.

Mr. Flint: Okay, we'll see. So at this point, for the Board, because we ultimately will own these improvements, we can contract to construct them. We just need a method to fund that. So District Counsel has prepared a funding agreement that you have in your agenda. If the Board approves that and that gets executed by both parties, we would be able to enter into a contract and you'd need to take action today also to accept Jim's recommendation and award that contract. Jan, anything you want to hit from a legal perspective?

Ms. Carpenter: We looked at the contract and had a couple provisions that Jim added to the contract to make sure and then drafted the funding agreement for DCS to reimburse the District. If we should issue bonds, they would reimbursement with the bond funds. It's pretty typical.

Mr. Greene: So did I understand, Jim, what he was saying correctly is that the contractors did not want to work for a private entity.

Mr. Flint: Yeah, that's what they said. The first item then is the funding agreement. I put that first because if the board isn't going to approve a funding agreement, obviously we can't enter into a construction contract. This is a fairly typical funding agreement and prepared by District Council that would be between us and DCS and I think there's already an acquisition agreement in place.

Ms. Carpenter: I think there is. We'll have to go back and double check.

Mr. Flint: So what will happen is we'll enter into the funding agreement, and then at some point the District will go through the process of issuing bonds and then be able to reimburse DCS at that point.

On MOTION by Mr. Greene, seconded by Mr. Gorrill, with all in favor, the Developer Funding Agreement, was approved.

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B. Review of Bids Received and Award of Contract

Mr. Flint: The next item is rewarding the contract to Carr & Collier per Jim Boyd's recommendation.

On MOTION by Mr. Greene, seconded by Mr. Owen, with all in favor, Awarding the Contract to Carr & Collier, was approved.

SEVENTH ORDER OF BUSINESS**Staff Reports****A. Attorney**

Mr. Flint: Jan anything?

Ms. Carpenter: No, just what we discussed.

B. Engineer

Mr. Flint: Steve, anything?

Mr. Steve Boyd: I don't have anything for the board.

Mr. Flint: Okay. We did have the question come up about the ownership of the stormwater system and the limits of what is ours and what is the POAs. Have you had a chance to look at that anymore?

Mr. Steve Boyd: I've looked into it. I'm going to need to probably pull some requisitions from your records, George, if that's possible. The dedications of the ponds aren't consistent, so I'm going to need to do a little bit of more digging into the actual files.

Ms. Carpenter: Okay, let us know if we need to do anything.

Mr. Flint: Yeah. The question originated about whether the CDD owns the inlets from the inlet to the pond or we just own the pond itself. In this case, we may have funded the piping and the inlets because we didn't fund the roads.

Mr. Steve Boyd: I'm going to have to go through the documents in detail and then probably sit down with George with you and Jan to review what I find, and then we can work on a report to the Board.

Mr. Flint: I think we've gone back and forth on that a little bit. It varies from community to community, depending on what the CDD actually paid for. A lot of times the piping and the inlets go with the ownership of the roadway, but there are instances where those are part of the stormwater system and owned by the entity that owns the ponds.

Mr. Gorrill: That's what I was under the impression of, is that the inlets were CDD.

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Mr. Steve Boyd: The broad understanding has been that HOA owns the roads, which they do, as well as the stormwater collection system in the roads, and that the ponds are all owned and maintained by the CDD. But there appears to be some inconsistencies in that. So that's what I've got to dig into and clear up.

C. District Manager's Report

i. Approval of Check Register

Mr. Flint: You have the approval of the check register from July 1, 2023 through August 31, 2023 totaling \$242,207.57. The detailed register is behind the summary. Are there any questions on the check register, if not asking for a motion to approve.

On MOTION by Mr. Gorrill, seconded by Mr. Greene, with all in favor, the Check Register Totaling \$242,207.57, was approved.

ii. Balance Sheet and Income Statement

Mr. Flint: You also have the unaudited financials through the end of August. There is no action required by the Board. If you have any questions, we can discuss those.

iii. SBA Florida PRIME Monthly Summary Report

Mr. Flint: Just for your information, we have included the report from Florida PRIME which is the investment pool run by the State Board of Administration that we have invested funds in. There is no action on this.

EIGHTH ORDER OF BUSINESS

Other Business

Mr. Flint: Any other business? Hearing no comments, we will move on to the next item.

NINTH ORDER OF BUSINESS

Supervisor's Requests

Mr. Flint: Any other items or Supervisor's requests? Hearing no comments, we will move on to the next item.

TENTH ORDER OF BUSINESS

Adjournment

Mr. Flint: Is there a motion to adjourn?

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On MOTION by Mr. Greene, seconded by Mr. Owen, with all in favor, the meeting was adjourned.

DocuSigned by:

George Flint

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Secretary/Assistant Secretary

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Chairman/Vice Chairman