

**MINUTES OF MEETING
LIVE OAK LAKE
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Live Oak Lake Community Development District was held on Wednesday, **November 2, 2022** at 2:34 p.m. at the West Osceola Branch Library, 305 Campus Street, Celebration, Florida and via Zoom.

Present and constituting a quorum:

Scott Stearns
Andrea Stevens
Kimberly Locher

Chairman
Vice Chairperson
Assistant Secretary

Also present were:

Tricia Adams
Sarah Sandy
Nicole Stalder *by Zoom*
Jarrett Wright
Clayton Smith
Ned Bowman

District Manager/GMS
District Counsel, Kutak Rock
District Engineer, Dewberry
Assistant Field Services Manager, GMS
Field Operations Manager, GMS
Elected as Supervisor

FIRST ORDER OF BUSINESS

Roll Call

Ms. Adams called the meeting to order. Three Supervisors were present in person constituting a quorum.

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Adams opened up the public comment period. There were no comments from the public.

THIRD ORDER OF BUSINESS

Organizational Matters

A. Notification of Letter of Resignation of Supervisor from Seat 5

Ms. Adams stated there was a letter of resignation within the packet for seat #5 from Kimberly Locher.

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On MOTION by Mr. Stearns, seconded by Ms. Stevens, with all in favor, the Letter of Resignation for Seat #5 from Kimberly Locher, was approved.

B. Administration of Oath of Office for Supervisor Elected to Seat 3

Ms. Adams stated Kimberly Locher has been appointed to the Board of Supervisors from the Landowner's election for Seat #3 which will be a four-year term. She administered the oath of office to Ms. Locher.

C. Consideration of Resolution 2023-01 Canvassing and Certifying Results of the LO Election

Ms. Adams stated the results of the Landowners' election held early today reflected 336 votes for Kimberly Locher in Seat #3.

On MOTION by Mr. Stearns, seconded by Ms. Locher, with all in favor, Resolution 2023-01 Canvassing and Certifying Results of the Landowners' Election, was approved.

D. Consideration of Resolution 2023-02 Electing Officers

Ms. Adams stated the Board may want to defer the election of officers due to the general election to be held next week on November 8, 2022. She added that 2 seats that have transitioned to the general election. This will allow the new Board members to attend the meeting and the election of officers can be held at that next meeting. She noted the current slate of officers was Scott Stearns as Chair, Mr. Moore as Vice-Chair, Ms. Stevens as Assistant secretary, Ms. Burns as secretary. She asked the Board if they wanted to elect or defer. The Board wanted to elect today. She also asked the Board if they wanted to consider individually or consider a slate of officers. She added the Vice Chair seat is open. The newly elected officers will be Scott Stearns as Chair, Andrea Stevens as Vice Chair, Kimberly Locher, other Board members, and Tricia Adams as Assistant Secretary, and Ms. Burns as Secretary.

On MOTION by Ms. Stevens, seconded by Ms. Locher, with all in favor, Resolution 2023-02 Election of Officers with Scott Stearns as Chair, Ms. Stevens as Vice Chair, Ms. Locher, Mr. Lee Moore and Ms. Adams as Assistant Secretaries, Ms. Jill Burns as Secretary, was approved.

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FOURTH ORDER OF BUSINESS**Approval of Minutes of the September 7, 2022
Board of Supervisors Meeting**

Ms. Adams presented the September 7, 2022 Board meeting minutes and asked if there were any comments or corrections. Hearing no changes from the Board, Ms. Adams asked for a motion to approve.

On MOTION by Ms. Stevens, seconded by Ms. Locher, with all in favor, the Minutes of the September 7, 2022, Board of Supervisors Meeting, were approved.

FIFTH ORDER OF BUSINESS**Presentation of Arbitrage Calculation Report**

Ms. Adams stated this report is for Series 2016 bonds. She explained that the District must prove that they are not earning more interest than they are paying. Ms. Adams noted that if the District did have an arbitrage issue, there is an IRS penalty. The report is in the agenda packet for Board review. She noted that the report shows there is no arbitrage issue.

On MOTION by Mr. Stearns, seconded by Ms. Stevens, with all in favor, Accepting the Arbitrage Calculation Report for Series 2016, was approved.

SIXTH ORDER OF BUSINESS**Consideration of Engagement Letter for
Arbitrage Services – LLS Tax Solutions Inc.**

Ms. Adams stated this attached letter is for arbitrage services with LLS Tax Solutions Inc, for \$550. She added this is consistent with the budgeted amount.

On MOTION by Mr. Stearns, seconded by Ms. Locher, with all in favor, the Engagement Letter for Arbitrage Services with LLS Tax Solutions, Inc. for \$550, was approved.

SEVENTH ORDER OF BUSINESS**Ratification of Landscape and Maintenance
Agreement with Juniper Landscaping**

Ms. Adams stated that at the last meeting the Board considered different proposals for landscaping services. Ultimately the Board ranked as the preferred landscape provider and authorized staff to prepare an agreement. That agreement was prepared effective October 1, 2022

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with the terms that the Board previously approved based on the proposal that Juniper provided. In the agenda is the final form of the agreement for Board review.

On MOTION by Ms. Locher, seconded by Ms. Stevens, with all in favor, the Landscape and Maintenance Agreement with Juniper Landscaping, was ratified.

EIGHTH ORDER OF BUSINESS**Consideration of Resolution 2023-03
Authorizing the Use of Electronic Document
Signatures**

Ms. Adams noted that this allows them to use electronic signatures on routine agreements and District documents. Ms. Sandy noted that this has been implemented at a lot of Districts and it has been very helpful. Ms. Sandy recommended approval.

On MOTION by Ms. Stevens, seconded by Ms. Locher, with all in favor, Resolution 2023-03 Authorizing the Use of Electronic Document Signatures, was approved.

NINTH ORDER OF BUSINESS**Ratification of Developer Deficit Funding
Agreement**

Ms. Adams noted that the Board saw this agreement at the prior meeting, and they approved it in substantial form. This agreement sets a cap for the contribution and the contribution is commensurate with the amount that the Board adopted in the Fiscal Year 2023 budget. District counsel worked on finalizing the agreement. Ms. Sandy stated that she worked with Developer's counsel on finalizing the agreement. She noted that they added if the amount of the O&M deficit is less than the amount funded by the developer, the District would reimburse the developer for that for any overpayment.

On MOTION by Ms. Stevens, seconded by Ms. Locher, with all in favor, the Developer Deficit Funding Agreement, was ratified.

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TENTH ORDER OF BUSINESS**Ratification of Fountain Maintenance Agreement with SOLitude**

Ms. Adams stated that at the last meeting the Board reviewed a proposal and approved the terms of the proposal and authorized staff to prepare the form of the agreement. This will ratify the agreement.

On MOTION by Ms. Stevens, seconded by Ms. Locher, with all in favor, the Fountain Maintenance Agreement with SOLitude, was ratified.

ELEVENTH ORDER OF BUSINESS**Appointment of Audit Committee**

Ms. Adams stated that the District is required to have an annual independent audit for the District's financials. The Board has the ability to enter into an audit agreement for up to five years. Typically each year there will be an audit engagement letter presented to the Board for approval. The current audit agreement has expired, so they need to have an Audit Committee meeting. Ms. Adams noted that the Board appoints the Audit Committee and typically management suggests that the Board appoint themselves as the Audit Committee. The Audit Committee is schedule immediately following the Board meeting.

On MOTION by Ms. Stevens, seconded by Ms. Locher, with all in favor, Appointing the Board of Supervisors as the Audit Committee, was approved.

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

Ms. Sandy had nothing further to report to the Board.

B. Engineer

Ms. Stalder stated she had nothing further to report to the Board.

C. Field Manager's Report

Mr. Wright reviewed the field manager's report in the agenda and summarized the completed items for the Board.

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i. Presentation of Pond Maintenance Services Contract with SOLitude

Mr. Wright reviewed the agreement with SOLitude for aquatic maintenance services.

On MOTION by Ms. Stevens, seconded by Ms. Locher, with all in favor, the Pond Maintenance Services Contract with SOLitude, was approved.

ii. Consideration of Proposal of Restocking with GMS

Mr. Wright noted that this would be for 6,000 gambusia and 3,000 shrimp.

On MOTION by Mr. Stearns, seconded by Ms. Stevens, with all in favor, the Proposal of Gambusia Fish and Ghost Shrimp Stocking with GMS, was approved.

iii. Consideration of Proposal of Sable Palm Replacement on Nolte Road – Juniper Landscaping

Mr. Wright presented the sabal palm replacement for the palm that died along Nolte Road.

On MOTION by Mr. Stearns, seconded by Ms. Stevens, with all in favor, the Proposal of Sable Palm Replacement on Nolte Road – Juniper Landscaping, was approved.

iv. Consideration of Proposal of Japanese Blueberry Removal and Palm Replacement – Juniper Landscaping

Mr. Wright reviewed the Japanese Blueberry removal and palm replacement proposal. The Board discussed if all Japanese Blueberries would be removed or just the reclining trees.

v. Proposal to Replace Japanese Blueberry Trees with Sod – Juniper Landscaping – Added

Mr. Wright reviewed the proposal to replace the Japanese Blueberry Trees with sod.

On MOTION by Ms. Stevens, seconded by Mr. Stearns, with all in favor, the Proposal of Japanese Blueberry Removal and Palm Replacement – Juniper Landscaping Not to Exceed \$3,270.06 for sod and \$6,000 for landscape replacement and Direction for Staff to work with Vice Chairperson Andrea Stevens regarding plant selection, was approved.

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D. District Manager's Report**i. Review of Insurance Property Schedule**

Ms. Adams noted that is best practice to present this to Boards once a year to review the property schedule. She stated that they don't have any property that is insured, for this District they have liability insurance and public official's liability insurance. The District doesn't own anything that would require property insurance.

ii. Check Run Summary

Ms. Adams noted that the check run summary was included in the agenda package.

On MOTION by Ms. Stevens, seconded by Ms. Locher, with all in favor, the Check Run Summary, was approved.

iii. Combined Balance Sheet

Ms. Adams stated that the financials were included in the agenda package. There was no action needed on this item.

THIRTEENTH ORDER OF BUSINESS Other Business

Ms. Sandy noted that the boundary amendment was approved at the October 17, 2022 Osceola County meeting. The ordinance was effective October 25, 2022. Ms. Sandy noted that they recorded a Notice of Boundary Amendment against all the property in the District so that landowners will have notice in their title work. They are still waiting on the county for the Interlocal Agreement.

**FOURTEENTH ORDER OF BUSINESS Supervisors Requests and Audience
Comments**

Mr. Stearns stated that as a bookkeeping matter, they need to finish off some of the bills of sale for the infrastructure that is being completed actively. Phase 2C is done, as well as 2D. Mr. Stearns stated that Phase 8 is completed as well and those three need to be addressed. He noted that Phases 7 and 4 are actively under construction and will be completed in the next quarter at the end of March.

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FIFTEENTH ORDER OF BUSINESS

Adjournment

The meeting was adjourned.

On MOTION by Mr. Stearns, seconded by Ms. Locher, with all in favor, the meeting was adjourned at 3:30 p.m.

Tricia Adams
Secretary / Assistant Secretary

Scott Stearns
Chairman / Vice Chairman