

**MINUTES OF MEETING  
OAKSTEAD COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors meeting of the Oakstead Community Development District was held on Wednesday, September 7, 2005 at 6:30 P.M. at the Oakstead Clubhouse, 3038 Oakstead Boulevard, Land O'Lakes, Florida.

Present and constituting a quorum were:

Robert Thurston	Chairman
Barbara Feldman	Vice Chairman
Donna Consenzo	Assistant Secretary
Ken Jones	Assistant Secretary

Also present were:

Scott Brizendine	Rizzetta & Co.
Audience	

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Robert Thurston called the meeting to order and the roll was called.

**SECOND ORDER OF BUSINESS**

**Business Administration**

There being no discussion, the next item followed.

**THIRD ORDER OF BUSINESS**

**Consideration of Revising Fiscal Year  
2005/2006 Final Operating Budget**

Mr. Thurston stated there are two ways we can do this. There has been a great deal of effort put into this paper. We are very happy to say we came up with a reduction in the figure given to us in July. The first page is a consolidation-spread sheet, which shows where the money was spent this past year. We have gone through it very carefully and determined things that are probably not likely to reoccur. We also anticipated expenses because of storms, mechanical failures, gates, additional ponds, etc. At the time that I gave information about the pond maintenance, we thought it was going to be \$27,000 it's probably going to be nearer to \$30,000 so go ahead and change that \$27,000 to \$30,000 that is on your second page under pond maintenance item 4605. To keep everything in balance, we went back and anticipated the District Engineer has completed the heavy work of mapping and surveying. We are dropping that from \$20,000 to \$17,000. The difference makes a change in the total you see in the column on page 2. We will give you time to look at this. I want to bring your attention page 4. The bar graph

shows the operating expenses for this time of year are about \$7,000 more than the year we are just finishing up. That will be in line with inflation. The additional bars, the \$150,000, has to do with the amount of money required to take us from October 1 through December when we have no monies coming in until the County tax assessments come to us. If we do not do this, we will be borrowing somewhere between \$3,500 and \$4,000 every year. It sounds like a reasonable expense but when you start adding it up over the years, it is money we rather not spend.

Mr. John Witmer stated the budget for next year is a no frills budget in terms of no substantial improvements being made over the notes. There is a \$25,000 capital improvement line item in here and then there is a contingency fee of another \$20,000, which totals \$45,000. If you want to replace some of the fencing or want to remodel the clubhouse, expand the office or any type of roadwork or anything significant, you have about \$45,000 to get it accomplished within the next year. Within the budget there is \$20,000 for plant, tree and shrub replacement that is not part of that \$45,000. If you want to spend more than \$20,000 on landscaping to improve the looks, it is either going to come out of that \$45,000 or it will be deferred until the next year. The \$45,000 is capital improvements and specific things that have not been identified as an integral project but the Board will, during the course of the year, make a statement as to what has to priority and what does not. The \$135,000 represents the shortfall in income in the current year plus the extra money that was spent over and above the budget in the current year. There are two different situations. The budget said that we were going to have \$701,000 worth of income and \$701,000 worth of expense this year, which should have netted out to \$0. We did not get \$701,000 worth of income. There was a problem on the billing on your property tax bill in November 2004 and, as a result, they under billed it approximately \$72,000. We had a revenue shortfall there. In addition to that, we said that we were going to spend \$701,000 during the year but ended up spending closer to \$770,000 that includes the estimates for August and September and there is an overspend there of \$69,000, a revenue shortfall of about \$66,000 so that should add up to \$135,000. That money was actually paid out during this current year. We do not have the money. The Board has had to go to the bank and obtain a loan in order to continue operating the CDD for the months of August and September and that same loan will also sustain the Board for October, November and December. When the tax revenues come in December, the Board will then have the funds to pay back that loan. So that \$135,000 is basically being covered by the loan that we currently have.

Mr. Thurston stated in past years, the developer has taken care of that shortfall. We found out, to our dismay, that this past year he loaned us or arranged for us to get \$41,000 which nowhere near covers the expenses for the three months' gap. So that accounts for at least part of the problem. At this time, if you could do it one at a time, I would be more that willing to listen to, well we would all like to hear your comments. Mr. Sites is the only one that came to sign up on the sheet up here but if you want to use the podium I would be happy to hand you the microphone.

Mr. Sites stated we are dealing here with a government entity, not a quazie government entity. As much a government entity as is the County. In as such, it operates under state control specifically Florida Statute 190 which establishes how CDD's are set up, established and all the rules and regulations that apply to their operation. Within the section 190 there is a section, specifically 190.008, which deals with budgets. It is a page long. It gives you a general idea of how the budget process is supposed to work. The important words in this are that the Board shall estimate all necessary expenditures of the District for the ensuing fiscal year. I do not think we have to define necessary but let us talk about a couple of the others. Expenditure means you are going to spend money. You are not going to pile it up somewhere. So the budget is a working budget that says we need X dollars; at the end of the year we spent X dollars. We hope your balance is essentially \$0 or a small enough amount so that you do not have to close your bank account. A fiscal year is 12 months, not 14, not 16, but 12. This fiscal year begins October 1 and ends September 30. The budget we have in front of us is an increase of nearly 58%. Now that is a bit hair-raising. One item they call a funding gap reserve is \$150,000. That is the one that is going to cause us to not have to borrow funds to cover them from October 1 to roughly the first part of December. That means that this money will essentially never be spent. They will spend \$150,000 to cover that period; they get their big check from the County that repays this \$150,000 so that \$150,000 is then dropped in the bucket and kept all year, for the next 9 or 10 months, until it's time to use it again. You want to borrow \$150,000 over 60 days – no, 70 or 2 1/2 months – whatever that is – that averages out to about \$75,000 at 6.5%. The interest cost will be around \$1,100, -\$1200, if you borrowed that money. Would you rather be taxed on \$1,100 or \$150,000? Granted, the \$150,000 may be a one-time deal; presumably, that's the idea. But, the statute calls for money in the budget to be expenditures. This thing is not an expenditure because at the end of the year it is in your bucket. So it is never really spent. The second item is \$135,000 in make-up money, which I can understand the need for that from the

description that the gentleman gave us. However, once again, this is not a budget item for the fiscal year and should not be part of the operating budget for the fiscal year. This is a one-time need in order to get caught up on loans and if you are going to try to correct them, it should be collected in the form of a one-time specific assessment, not the annual budget. I talked to a lawyer and he concurred with me, neither one of them is legal. I do not know what kind of legal advice you had or if they have gotten expert advice from someone who knows Statute 190 in and out, but it occurred to me that very little attention has been paid to the legal aspects of what we are doing here. This is your first budget and I understand how scary that can be. You have not been through this before. However, it is also to be expected, that perhaps you will seek very competent advice on exactly what you can do. My admonition is this, what you cannot do and how to go about it. I thank you very much for the opportunity this evening.

Mr. Thurston stated there is about \$6,900 more in the actual budget this coming year over the year we are just finishing up. As far as the legality, we had the management company and our District Counsel reviewing this at the last July meeting. He signed away at that time. There has been case after case where the condominium associations have been allowed to do what we are asking. Bringing their accounts in line, and referring to the money as never going to get spent, that is not quite true. That money remains in the coffers until it is used up and then it is replenished the following year. This is a one-year, one time budget. That would be a carry over from October 1 to December 31.

Mr. Sites stated you mentioned condominiums but that is a whole different statute.

Mr. Thurston stated this has been very carefully reviewed.

The budget discussion continued.

Mr. Thurston stated I hope everybody will keep a copy of the budget in their house so that they can check with us from time to time. We are very open. There will no longer be any records kept in hiding. They will be available for any citizen, any resident, to see on demand. The important thing is that we have looked at and condensed all the expenses for the past year that appear on the sheet and identified the areas we can do without or probably would not reoccur. We are going to be governed by the line item budget. After a while, people can become very comfortable and know that if it is \$447 for a particular item it will be spent and it won't be spent for only that item.

Mr. Lynch asked how can we get in touch with you? I have not been able to find anything on the CDD, who is running it, who is president? I have not been able to find a website or anything that says here is how I can contact you.

Mr. Thurston responded I do not go on Oakstead.org enough to find out what people are thinking. My name and telephone number are well published. I'll give it to you right now. It is 948-4075. I am Bob Thurston, Chairman of CDD. I have sought out people on the website that I could only identify by their handle. You would be surprised at the reaction they have when I track them down and call them to answer their question. I will go out of my way to answer questions.

Mr. Ken Jones stated regarding the \$150,000 being deposited in our account; we do not have an account. There is an account for the Oakstead CDD. This Board sets, passes and makes decisions on behalf of the community. We do not have access to that money. It is there so when your gates do not work there is money in the budget to cover it. If the money is not there the gates do not work. One of the major purposes of having a CDD as an instrument, as opposed to having a bank loan out there to take care of the full maintenance of this community and of the any other community, is the fact that it is designed in such a fashion as to try and present the best possible community that we can present in the terms of the aesthetics and the appearance. I have heard a lot of comments from this group. Some of you have been here through the years, would like to see more and more landscaping. All you have to do is pay the money and it will be there. Looking around the room, it does not appear to me there is anyone here under 21, there is no such thing as a free lunch. We want to approach this budget from the point of view of trying to manage it and not let it get out of line but when you want to have improvements, it is going to cost us more money. The Board has been very receptive to your comments. I appreciate you being here. I am quite pleased to see this good turnout.

Mr. Bill Pain asked what controls are in place to keep the line items of the budget under control from the contractor and suppliers that serve them to us? There will be exceptions and rules that allow for some variance within the budget.

Mr. Thurston stated we now have three major committees; finance, clubhouse and landscape. The landscape is a very big chunk of that; actually \$187,000 and ponds are another \$30,000. No other checks are going to be cut for any contractor unless they have actually preformed the work. That is why we have a field supervisor, Mario, and Brian, they have a list of the contractors they work with and if the deliveries are not made or if work is not performed

then they do not get paid. Right now, we are holding back money from the landscaper for certain work he has not done. When he gets ready to do the work, we will make sure he gets paid. This is exactly the way the construction field has been running for years and years. You just do not give a blank check to people.

Mr. Steve Wolick asked since Rizzetta created the shortfall, do we have an accounting of what they spent for those days?

Mr. Jones responded yes.

Mr. Wolick asked since they overspent, do we have any recourse to that?

Mr. Jones responded I do not know how to go about doing that.

Mr. Wolick stated I also do not know how to do it. It might hurt this Board. Rizzetta did not care how they spent our money.

Mr. Thurston stated that part of the problem came because the previous Board approved a budget and, somewhere in the County, no one knows exactly how this happened, but less money was collected than was actually called for in the budget. That was one of the shortages right there.

Mr. Jones stated having seen this work of the finance committee. I was pleased to see the workflow. Obviously, a lot of thought went into it and I think it is a fine final of what was a good budget. A lot of time, thought and effort went into it. The fact that we could extract another \$43,000 out of the budget because we had budgeted pretty tight already. Thank you for your efforts. This is the first year that these committees have been functioning and we are already seeing the results. You are doing a good job in that regard.

Mr. Swaviach asked is there really is \$1,200 in software upgrades and website development for another \$1,200? Why wouldn't that be combined?

Ms. Consenzo responded because they are a line item buildup and the standard monthly amount does not change. What they like to do is, say they buy a big a software package that maybe costs, I am just going to throw a number out there, \$30,000 and they divide that cost over all the communities they have and it is always a certain amount every month.

Mr. Swaviach stated a line item, Gate Phone \$2,500 and then later on Gate Phone (including gate phone) is listed for another \$7,500.

Mr. Witmer responded Gate Phone was zeroed out and the gate phone is included in the \$7,500.

Mr. Swaviach asked is the landscaping good for the year? Do we have a contract with them?

Ms. Feldman responded we have a one-year contract.

Mr. Swaviach asked after that year, do they get a new bid?

Mr. Thurston responded yes. Do the phones now include the cell phones we now have for our maintenance field people?

Mr. Witmer stated I cannot answer that yet because I have not seen the new bills.

Ms. Consenzo stated the last time saw cell phones bills were when Mr. Bobby Fox was still here.

Mr. Swaviach asked do all of you live here? Are you all residents?

A male Board member responded that one Board member is missing; two do not live here and three do. The community has a majority vote on the Board right now.

Mr. Bruce Boar stated those of you who know me, know I am probably not the biggest fan of this Board. You should know I am pretty critical of this budget and I feel I have got to say that the amount is obscene. It is a horrible amount, but that it is a great budget. It is a great budget because it answers the problems we have. What I would like to do is ask a couple of quick questions and hope you can answer them in the next four minutes. Does the Board know our financial strength? Can they tell us how much money we have in the bank that is not borrowed money but is actually money left over from the budget? What is the dollar figure amount?

Mr. Witmer responded a wild guess is that at the end of July, it was somewhere around \$20,000.

Mr. Boar stated at the end of July, we had \$20,000 and running \$60,000+ a month but by the second week of August we were already in the negative. If anybody can follow that, we have to pay all the way through, we are going to owe money when we close our gates. This number is obscene because we need to recognize #1, we approved the budget last year saying we were going to collect \$100,000 but we collected \$79,000 and we follow that by saying it was a mistake and I will come back to that in a minute because we are letting people off, being a little to soft on that mistake. If we already owe that money, we will constantly be without the dollars to see it through because we have four or five more months to get through and we are flat broke. That is what everybody has to realize that this budget is. If you take \$60,000 times 4 or 5 months there is \$200,000 to \$300,000 they are taking out right now. If we, as a community, hold

them accountable, than next year there is no reason we should not be somewhere around an \$800,000 to \$830,000 budget. It must go up. Insurance is going to go up after Katrina. We are going to have all sorts of issues going up. If you look at the budget from that point of view, we went from a \$701,000 approved last year to an actual expenditure of close to \$770,000 this year, to a budget that is well below the cost of living index. What we are working with is a Board that has got a learning curve that needs to speed up a little bit so we do not have any more things approved that should not be approved. We are a poor community right now; we have overspent. It surprises me that we just bought a cell phone. We may need it, but could we have gotten by with two \$39 radios from Radioshack for less? We do not have that kind of money to spend \$30 or \$20 a month. It is our responsibility to come back to the Board and remind them of that. Everybody makes mistakes. I do not mean to be critical but if, in my company, someone made a \$70,000 mistake I do not give them three months notice to leave. I would kick their butt out of the office that day because they cost me my money. That is what I would ask the Board. Get straight. Get tight. Get mean. You need purchase orders. Put controls on our money because it is our money. Be a little tougher about it. Every dollar counts. I am not asking you in front of these people, I do not mean to be critical about this budget. I think it is good. I am trying not to be critical of the Board but be tough. We need that in this community.

Mr. Eric Mills stated somebody asked if we have any recourse or a choice in the fact that we went over budget on the prior year. Your answer was, you do not really know how to go beyond that. Rather than leaving it at that, what would the correct step be from here to pursue that a little bit further and more aggressively? We are not going to end up with anything but at least whoever is witnessing this whole event will then be a little bit more careful with this year's budget. I hate the fact that we all are not in sync. We really do not know the answer. That is ok as long as we hire somebody, or consult with somebody who can give us a straight answer on why it is the way it is. It just seems like that is not happening.

Mr. Thurston responded had the monies been collected by the County, each homeowner would have dished out more than \$559. After all the smoke clears, I want to sit down with everybody involved and collect at least the interest monies. That would be the least that could happen in good faith.

Mr. Mills stated maybe he did not ask the question right. What I am looking for is the true legal recourse in terms of asking somebody who is familiar with these circumstances. Somebody who has experience with other CDD's or similar circumstances, where he can quote

the law by statute and say yes, in cases like this there is really no legal binding you can do, whatever the lingo is. Or he could end up saying yes, this is your recourse and it will cost you 100 times more than what you are going to get back and do not do it. Just something other than, we will talk about it.

Mr. Jones responded what I would suggest, he is not here this evening invariably, I guess the counsel who is normally at these meetings, I would suggest that we ask him to look in the statutes and we look at the specifics of why the shortfall existed and determine what recourse we might have, if any, and if there is reason to believe that we can pursue that recourse, than obviously we should pursue it. If not, then as I said a moment ago, we need to suck it up and move on.

Mr. Campbell stated I agree but whether we get something out of this monetarily or not, it is a learning experience. When you talk to the County Commission, or the City of New Port Richie or City Council, anytime you posed a question to a Board member they worked hard to stay on task. If they did not have the answer by the next meeting they would have it in a month or the City Attorney or Manager. I am just afraid the comment you made earlier was the end of that discussion and I would just like to see, even if it results in nothing, somebody get the ball rolling and we have something next month to talk about.

Mr. Jones stated I think your assumption is false. Just because counsel is not here does not mean he is not going to be privy to what we talked about. He will get the minutes of this meeting and we will ask him to look at that. In my company, we have a philosophy that if there is a question and you do not ask it, you know the answer. That is what I am hearing you say. We need to turn that rock over and see what there might be.

Ms. Barbara Feldman responded we are going to the next CONA meeting. CONA includes all of the communities and they have legal counsel there. If we can present it, I will. I will bring this issue up and see how many of the other communities, I have experienced something like this. They have separate legal counsel there. I will try to come back next month with an answer.

Mr. Campbell stated the end of the minutes should state there is a follow up item or action item on this issue.

Ms. Feldman stated I will definitely bring back whatever answer I get from CONA, all of its members and the legal counsel there.

Mr. Thurston stated these minutes should appear in the October meeting.

Mr. Kubick stated I attended the meeting when the Board was discussing the new school and a question was asked about Lake Patience Road being finished. I am not sure I understand this but contractually, was not Mr. Buck supposed to finish Lake Patience Road? The answer I got was the one that Larry gave to us. Mr. Buck's comment was, as far as I am concerned I am doing his job. If it is contractually, it is written down. Is it a legality that we can force him to do what he says in the contract?

Mr. Thurston responded the County has assured us they will not come to CDD for the funds to finish the road. It is up to the County to make Mr. Buck keep to his word. They are the ones back in 1999 that came up with the original requirement for the road to fall in this community. It is up to them. We will let them know this has not taken place, but it is up to them to enforce it. We have no police power.

Mr. Kubick stated I did not know if it was the kind of thing where we needed to hire a lawyer to go after Mr. Buck to make him do this. It sounds like the County needs to hire a lawyer to enforce it.

Mr. Thurston stated right now we are being very careful to use the money (it is a budget item) for both the District Engineer and District Counsel. We try to use it very wisely. I know when I call Mr. Mark Straley or Mr. Robin, who works with him, they will answer my questions, produce the letters we asked for, and review contracts for us. I have three contracts that are going down to him tomorrow to be reviewed for his comments. They will get penciled in and get retyped. We try to have the Board members given a copy of the contracts ahead of time so they can review them. That was one of the problems in the past, we were presented with check registers and a lot of information that day and expected to act on it. It is not a good way to operate. As Mr. Boar mentioned, there is a learning curve, but we are also taking steps to tighten the ship.

Mr. Scott Bagusole stated back on the shortfall, I know we learn from the past and we make mistakes. We presented the age-old numbers to the County and said this is what we need. Should they not be held accountable? They should bite the bullet, not us. I speak for my mother. I do not own my mother's house, but I know that if there is a general management firm there they help control what comes in and what goes out and if they screw up, they bite the bullet. I am sure many people here would agree that we should not have to eat that. That is not our responsibility. They made the mistake.

Mr. Thurston responded if they had not made the mistake then you would have had to pay the extra. You got by this time.

Mr. Bagusole stated if they could not add the numbers together they should be responsible for it. If we got off, we got lucky.

Mr. Thurston stated here again we are making the assumption it was Rizzetta's fault. We do not know that yet and are still investigating. We are taking one thing at a time and making sure we are on solid footing when we do it.

Mr. Witmer asked in response to the question, if the mistake was made the other way, and they over billed you \$100 per person, would you say then that you get to keep that money?

Mr. Thurston responded no it would be a refund.

Mr. Witmer stated if Rizzetta pays for the negative we do not just get to keep the positive side. It was our responsibility to pay it. We did not have to and are paying it this year.

Mr. Jones stated you get what you pay for.

A resident asked didn't anyone notice after it was submitted that the budget was short? Didn't anyone see that four months ago? It took till this year to see we are short some \$100,000 from last year?

Mr. Jones responded we saw it last year but the developer stepped up funded a portion of that last year. Going forward, we saw that if we did not do something now, we will have this problem again. We can either bite the bullet and borrow or we can sit down and have that problem once again this year.

A resident stated you could have done a special assessment and have everybody do an SW2.

Ms. Feldman responded we talked about that and we figured out there are some people who might be able to pay the special assessment all in one shot but there are others who live on a fixed income and they pay it monthly.

Ms. Feldman responded yes, you will pay it in the long run and the other way you pay it all in one shot? Some people cannot pay it.

Ms. Consenzo stated another thing on special assessments is if you put it through the tax bill, the County does all of that. If you put it on a special assessment, the management will charge us a fee to do that; on top of the \$71. It is actually cheaper to put it through the City tax bill.

Ms. Consenzo stated we have a percentage of people that do not pay their tax bill and then you have a special assessment on top of that it is a pretty big bite.

A resident asked does the CDD get the money if the delinquent taxpayer does not pay the County? Do we get the money anyway or does the County withhold it?

Ms. Consenzo responded no, we do not get it.

A resident asked we do not get it unless the County sells it back to us, then we get the money for that or how does that work?

Ms. Consenzo responded I do not know exactly how that works all the way through. The County does not have the money to give us to fill the gap.

A resident asked do we have a problem with that?

Ms. Consenzo responded of course we do. We have people who have not paid.

A resident asked do we have a gross percentage?

Ms. Consenzo responded I have the percentage as of the end of April.

A resident asked for their names and addresses, is it part of the public record?

Mr. Grasso stated most of you know me. I see a lot of my neighbors here, Sheila, Phil , Ralph. You know what I do for the community. My heart is really in the place. You see what I have been doing here and now I am going to step up in the field and take care of the field managers. So far Stewart is not even going to get paid. It has not been approved. I do not like what they are doing. I have put in a new call to them but would like to call your attention to another thing. First of all, to all the Board members, you are all good guys. Our three Board members are our neighbors too. They are not going to do anything that is going to hurt us because if they do, it is going to hurt them too. I hope that when Mr. Jones' time comes to step down, and Mr. Mark Sifford, we have more people up here to appoint. We need you to get involved. It is hard to do this alone. I talked to Steve and Bruce and we had everything from soup to nuts we talked about. A lot of good things could happen to this place. We have to work together and talk about things. Everyone has something really great to offer in this room and we are all neighbors. In unity, there is strength in numbers. We could fight this thing. We are fighting with gas. The prices right now are going to go crazy. We are trying to do everything we can do. What I am doing here, (even late in the hour when I go out at night patrolling) I am worried about what I have to do the next day. I am looking at whose lights are out and whose has to get replaced. Joann will attest to this because she has been assisting in the office now and

I run around the place so much that she has to track me down on the radio. I went up to the battle zone today to assist with the gate repair.

A resident asked about the landscaping crew.

Mr. Grasso responded our new company is starting October 1. I have the invoice from the previous company and I am not signing off on it. They are not getting one dime. They were supposed to do the mulching in August. What is today's date, the 7<sup>th</sup>? They are not going to get paid. They were supposed to replace plants at the front; they just did it yesterday, a little shabby. They did some sodding that had to be redone. I am not going to sign off on that yet either because there are some particulars I do not like. I see pieces of brick nearby. I see where they were swinging their hatchets so they knocked one of the bricks down. It is no big deal but I am going to ask what happened there too. I think one of the irrigation sprinklers is broken too and they were supposed to check and they are not doing it. So you can rest assured, if I am alive and I am out there, they are not going to get away with it. This new company that is coming in is very eager and they are very excited about starting something new here and they want to develop a good relationship with us. They know what our need is so I think they are going to deliver but I am not going to stop watching.

Ms. Consenzo stated I would like to make a point to Bruce's question before about controls. This is part of the controls you have been asking about. It is between the committees that we set up to try and have oversight to look over things that we are doing and keep people in place and focus as fast as we can. Bison had all the bills going directly to Bebco in the past which they were paying not knowing what they were doing because no one was watching. Now that Mario is watching, we have set it up so that he has to sign off on every invoice and see that the work was done before Rizzetta ever cuts a check or whoever the new company will be. So this is part of the controls, I think, that you are looking for.

A resident responded it is a great first one or two step, absolutely.

Ms. Consenzo stated obviously this is our biggest budget item so we have to continue from here and do the same type of thing with all our other vendors.

A resident stated at the last meeting with the HOA, they voted on having Rampart be the management company. Is the CDD a separate entity? Who is that going to be? Do you have any idea?

Ms. Feldman responded it is probably going to be Severn Trent.

Mr. Thurston stated you are all more than welcome to come next week. We will have an agenda published by Monday. I know it is only a day early.

Ms. Feldman stated to add to your question, we were told officially there are actually three large managing companies that can take communities or developments like ours. One Rizzetta, two I believe is CDD District Management and Severn Trent. There is only really three and we do not have Rizzetta so there is really only two to choose from.

A resident asked when you go to that CONA meeting, can you kick that around too and see what people are happy with?

Ms. Feldman responded I will do that although CONA will be right after our meeting.

**FOURTH ORDER OF BUSINESS**

**Staff Reports**

A. Attorney

There being none, the next item followed.

B. District Engineer

There being none, the next item followed.

C. District Manager

There being no report, the next item followed

**FIFTH ORDER OF BUSINESS**

**Supervisor's Requests and Audience Comments**

Mr. Thurston asked are there any questions or comments from the audience.

Ms. Jackie Braswell asked about the recreation center fairway.

Mr. Thurston responded after the meeting, please get together with Ms. Feldman?

Ms. Feldman stated I welcome you to come and talk to me. I was just assigned to the clubhouse committee. I could not tell you what happened before. I could only tell you what we can start doing from now on, working together.

Mr. Thurston stated CDD Board members that are on the committees are not the chairmen of those committees. They each have their own chairmen.

Mr. David Evans asked who views the Oakstead website? The majority of the people here do that. The Board can post on the website some of the different things you have discussed so we can be more informed or does the law forbid you from doing that?

Mr. Thurston responded I am not sure anything forbids us from doing that.

Mr. Evans stated I just wanted to be able to get more information because at the meetings, I know when we originally elected everyone, we were going to try and set up all daytime, not daytime, but evening meetings instead of daytime. What is going on with that as well?

Mr. Thurston responded that is going to be voted on next week. It will be discussed and voted on next week.

Mr. Evans stated the other thing I wanted to ask is in part do you know who responds? I know I have sent emails before to the Board that do not get returned, answered. What happens? What is the general process?

Ms. Feldman asked to the Community Development District Board? You are writing them to the Board directly?

Mr. Evans responded yes.

A resident interjects he thinks Mr. Evans is writing to Community Development District@Oakstead.org that gets forwarded to each one of your email addresses.

Mr. Evans stated yes that is where he is sending them.

Mr. Thurston responded I have had your phone number and I have tried calling you. I have been pretty successful in reaching people and to answer your question, you in particular have about five or six questions I have been just waiting to answer for you.

Ms. Feldman responded, to answer your question, when I am here I answer. I believe there are some who can say that I do answer them when I am here. I am not always here. When I do come back or I pick them up from wherever I am, I do answer. If someone else is answering it on the Board, I figure ok, you are getting, not to bombard people with answers.

Mr. Evans stated I think this idea of everyone coming together and not breaking into groups helps us to get established. I am sure all of you have seen my exchange with Larry. What is really lacking is there is a lot more activity on the website today than there was just three or four months ago.

Mr. Thurston responded anyone that knows me knows that if I am being attacked I just turn them off. If they want to come to me they can just pick up that phone and tell me who they are and they can pour their heart out to me. They can vent all they want, face to face or on the phone. To do it on the website, I do not even answer any of those emails. Do not expect me to. It is just not my nature.

Mr. Jones stated in regard to the memo John sent for his budget changes for today's meeting he said in his letter that he was unable to reach Mark or myself. I can not speak for Mark, I do not know, and under the Sunshine Law I am precluded from talking to Mark or Donna or Bob or anybody else during the course of the month about anything pertaining to CDD business. That is against the law.

A resident stated I think that you are the only one that knows that. I do not think anybody else on this Board knows that.

Mr. Jones stated we are going to address that issue too at the next meeting. Scott can jump right in and give you a little short discourse if he chooses to do so I cannot pick up the phone and call Bob. He and I cannot even discuss this issue. Well, I can but that is a violation of the law. My point to John was as far as I know, I have not had any message, phone message, email message whatever else about the fact that you guys wanted to get together with me and the finance committee and talk to me about this meeting prior to the time that I got your email that came at 10:37 on Monday. So we have communication problems. At least I am suggesting. I cannot answer for Mark. But the point is I think you are going to find, Mark can speak for himself, I am speaking for myself, if you have issues, you have questions. I am not a resident here. My background, just in case you don't know, I do not where a sign around discussing it but my experience is in the rock and building field, which I have done for the last 30 years. And all that gets you is the fact that with that and \$3 you can get a cup of coffee at Starbucks. I do not mean to suggest that makes me an authority or an expert in any field. One thing that I have learned through the years, the older I get I find out how little I know about anything. I am a good listener. I will listen to what you have to say and if I can react to it and add something positive to it, I will. I am on the Board because I was appointed to be on this Board. There will come a time when I am going to go off the Board and it will be you or you or one of you that is going to be sitting here. Hopefully, if there is anything I can bring to this Board it is a little bit of experience and background in the field of development. I do not own a share of stock in Devco, never have, do not desire to. I have my own development company. Mark, on the other hand, has more hands-on experience probably with issues that evolve around the brain of this clubhouse and so forth, aside from Mr. Grasso and maybe one other person in this room. Mark is a variable asset to you. You will find that Mr. Grasso is more than willing and able to offer input and respond to your questions if you have any. If I can respond and help you in any way I

will. If I cannot, I am going to be very direct and tell you I am not your guy. Now I would like to turn it over to Mr. Grasso or John or Bob. Do you want to speak to the Sunshine Law?

Mr. Witmer stated in terms of replying to any emails, sometimes the law does not address anything like that. While Mr. Jones had mentioned earlier, the Sunshine Law deals directly with supervisor communication one on one, or if the entire group got together and they discussed any CDD issues, that is when the Sunshine Law comes into play. Now if you are sending an email to an individual Board member, that individual Board member can reply but if you are sending an email to all of the Board members they can reply individually. They do not want to reply and then copy one of the other supervisors. They need to make sure that everything is one on one communication. That is, basically, the Sunshine Law is designed so that these public Board members, they are set up just like the County administrators, City Council, so they are not doing anything outside of your view. They are not in closed rooms and they are not doing any business without you knowing about it. All these meetings are public meetings. All the documents related to the Community Development District is all public information that can be provided by anyone with any request. So basically the Sunshine law is designed so that the supervisors do not have communication one on one outside of these public meetings.

A resident asked on this website where anything you post is publicly viewable, if Mr. Thurston decided to answer a question about a pending Community Development District issue or just a general budget question and there was some discussion with that resident and then someone else got online and then responded in part to the comments or to Mr. Thurston's original posting, would that be a violation of the Sunshine Law?

Mr. Witmer responded technically it would probably be discouraged to do something like that but, of course, I am not a lawyer.

Ms. Feldman responded we went to that seminar that CONA had where different lawyers spoke up and that came up. I believe her name is Rita Law, she is a lawyer for CDD's, I believe she is the CEO of that and she is familiar with the Sunshine Law. It is a gray matter but we might be considered in violation if we started doing that. It is a fine or go to jail and then there is a fine line.

Mr. Thurston stated there are lots of times when there is information that other Board members really should have in front of them so that they come well prepared and they are informed. Answering the phone myself to make sure it is in the files in the office here so they

can check it from time to time or I will see to it that Mr. Grasso or someone gets the information out. I know John contacted as many people on the Board as he could with the budget.

Mr. Grasso stated regarding an issue, I will not spend money unless I compare. I had to call each Board member up individually so throughout the course of the day I got consensus from all of them saying it was an ok thing for to do. I did not let them know what the other person said but I just ran it by them and then said ok fine, we have the ok.

Mr. Thurston stated ladies and gentleman the time has come, we are going to have to vote here as a Board and I am calling for an end to public comment. I will entertain a motion to accept this budget as published.

On MOTION by Mr. Jones seconded by Ms. Feldman with all in favor the budget for Fiscal Year 2006 was approved as amended.


Mr. Thurston stated I appreciate your participation and your free discussion. Our remaining meetings may have to be more rigid as to the time period but this is something that is very close to our hearts and we are looking forward to having your oversight on this budget. I hope each one of you carries home a copy of the budget and keeps it handy. If you see something out of line let us know. As I said, you have already got my phone number.


**SIXTH ORDER OF BUSINESS**

**Adjournment**

There being no further business,

On a MOTION by Mr. Thurston seconded by Ms. Consenzo with all in favor the meeting was adjourned.

  
Ken Jones  
Assistant Secretary

  
Robert Thurston  
Chairman