MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

TARA COMMUNITY DEVELOPMENT DISTRICT 1

PLEDGE OF PUBLIC CONDUCT
WE MAY DISAGREE, BUT WE WILL BE RESPECTFUL OF ONE ANOTHER
WE WILL DIRECT ALL COMMENTS TO ISSUES
WE WILL AVOID PERSONAL ATTACKS

The regular meeting of the Board of Supervisors of the Tara Community Development District 1 was held on Tuesday, February 26, 2013 at 10:02 a.m. at the Tara Community Center, located at 7340 Tara Preserve Lane, Bradenton, Florida 34203.

Present and constituting a quorum:

John Schmidt                                Board Supervisor, Chairman
Joe Mojica                                   Board Supervisor, Vice Chairman
Dan Powers                                   Board Supervisor
Beth Bond                                    Board Supervisor
Mike Dyer                                    Board Supervisor (via Skype)

Also present were:

Matt Huber                                   Rizzetta & Company, Inc.
John Vericker                                District Counsel, Straley & Robin (via Speakerphone)
Rick Schappacher                             District Engineer, Schappacher Engineering
Audience

FIRST ORDER OF BUSINESS                      Call to Order

Mr. Schmidt called the meeting to order and asked Mr. Huber to conduct roll call. Mr. Huber proceeded to perform the roll call. The Board recited the Pledge of Allegiance.

SECOND ORDER OF BUSINESS                     Consideration of Hiring Mr. Jim Kaluk to the Position of Field Manager

Mr. Schmidt made a motion to hire Mr. Jim Kaluk effective immediately as the Field Manager for Tara Community Development District 1. Mr. Powers seconded the motion. Mr. Schmidt asked for discussion from the Board. Ms. Bond asked that Mr. Schmidt provide a summary of Mr. Kaluk’s experience. Mr. Schmidt advised that Mr. Kaluk was present and could provide the overview. He invited Mr. Kaluk to speak to his experiences. Mr. Kaluk provided an overview of his experiences and qualifications. Discussion ensued regarding Mr. Kaluk’s pay
rate. Ms. Bond asked that the Chairman discuss with Mr. Kaluk his after hours pay should he be called in by a Supervisor or for any emergency reason.

On a Motion by Mr. Schmidt, seconded by Mr. Powers, with all in favor, the Board hired Mr. Jim Kaluk as Field Manager, for the Tara Community Development District 1.

THIRD ORDER OF BUSINESS

Adoption of Agenda

Mr. Schmidt asked Mr. Huber to act as Secretary for the meeting; he then provided an overview of rules for the meeting. By general consent, Mr. Schmidt advised that privileges of the floor would be extended to all guests, with speaking privileges at the discretion of the Chair. Discussion ensued.

Mr. Schmidt asked if there were any changes to the agenda. There were none. Mr. Schmidt called for a vote to approve the agenda as provided. With all in favor, the Agenda for the February 26, 2013 meeting was approved.

FOURTH ORDER OF BUSINESS

Reading and Approval of the Minutes of the Board of Supervisors’ Meeting Held on January 22, 2013

Mr. Schmidt advised he would waive reading of the Minutes as each Supervisor received the Minutes in advance of the meeting, with time to review them prior to the meeting. He then asked if there were any revisions to the Minutes of the Board of Supervisors’ Meeting held on January 22, 2013. Mr. Dyer, Mr. Powers, and Ms. Bond reviewed the changes they had to be incorporated into the Minutes.

On a Motion by Ms. Bond, seconded by Mr. Mojica, with all in favor, the Board approved the Minutes of the Board of Supervisors’ Meeting held on January 22, 2013, as amended, for the Tara Community Development District 1.

FIFTH ORDER OF BUSINESS

Reading and Approval of the Minutes of the Continued Board of Supervisors’ Meeting Held on February 5, 2013

Mr. Schmidt asked if there were any revisions to the Minutes of the Continued Board of Supervisors’ Meeting held on February 5, 2013. Mr. Dyer, Mr. Powers, and Ms. Bond reviewed changes they had to be incorporated into the Minutes.

On a Motion by Mr. Mojica, seconded by Ms. Bond, with all in favor, the Board approved the Minutes of the Continued Board of Supervisors’ Meeting held on February 5, 2013, as amended, for the Tara Community Development District 1.
SIXTH ORDER OF BUSINESS  Reading and Approval of the Minutes of the Workshop Held on February 12, 2013

Mr. Schmidt asked if there were any revisions to the Minutes of the Workshop held on February 12, 2013. Mr. Dyer and Ms. Bond reviewed changes they had to be incorporated into the Minutes.

On a Motion by Ms. Bond, seconded by Mr. Mojica, with all in favor, the Board approved the Minutes of the Workshop held on February 12, 2013, as amended, for the Tara Community Development District 1.

SEVENTH ORDER OF BUSINESS  Consideration of the Operations and Maintenance Expenditures for the Month of January 2013

Mr. Huber presented the Operations and Maintenance Expenditures for January 1st through 31st, 2013, advising expenditures totaled $29,978.41. He asked if there were any questions. Questions were entertained regarding various invoices. Mr. Schmidt advised the AM/PM mailing service for the newsletter is a substantial savings. Mr. Powers asked when the new vacuum cleaner was purchased, as he cannot find it in the financials. Mr. Schmidt advised he purchased it on his credit card, but has not yet turned in his receipts for reimbursement. Discussion ensued regarding a debit card for the Field Manager.

Mr. Mojica made a motion to accept the Operation and Maintenance Expenditures for the Month of January 2013. Mr. Schmidt called for a vote. With all in favor and none opposed, the Operations and Maintenance Expenditures for the month of January 2013 were accepted.

EIGHTH ORDER OF BUSINESS  Reports

Officers

Mr. Schmidt advised he will be submitting receipts for reimbursement. He further advised there is a new field manager and the doors are complete. He advised he has additional items to bring up during Supervisor requests and comments.

Mr. Mojica advised he has items for discussion under new business.

Mr. Schmidt advised he and Mr. Mojica were away on vacation and during that time there was no officer to sign documents in their absence due to the other supervisors not accepting the title of Assistant Secretary. Discussion ensued. Ms. Bond advised she will serve as an Assistant Secretary, but would like to be titled in documents as “Board Supervisor”. Mr. Huber advised that is acceptable. Mr. Powers stated that whomever is the Supervisor on duty of that month has the authority, and that the title of Assistant Secretary carries no authority. Mr. Schmidt advised he agrees with what was said, however, no one other than the Assistant Secretary can sign off on minutes. Mr. Vericker was asked to provide his input. Mr. Vericker
advised the Chairman and Vice Chairman have the signatory authority. Mr. Huber agreed. Ms. Bond advised her intent was to serve as back up and would accept the title if needed, but would still like to be known as “Board Supervisor”. Discussion ensued. Ms. Bond advised she would like to withdraw her offer to be appointed an Assistant Secretary.

**District Manager**

Mr. Huber provided an overview of the monthly financial statements. Mr. Huber asked the Board when they would like to schedule the Budget Workshop, advising he believes that Wednesday, March 13, 2013 at 10:00 am was previously suggested. After discussion, the Board set the above date and time for the budget workshop.

Mr. Huber distributed copies of the current capital improvement schedule; advising some of the projects have been completed. Mr. Schmidt advised the capital improvement schedule should be brought up at the workshop. Mr. Dyer advised he requested copies of the schedule be distributed at this meeting for benefit of the Supervisors to review and see what has been done and what remains prior to the budget workshop. Mr. Schmidt ran through the list as to what has been completed and what is outstanding.

Mr. Huber advised the next regular meeting of the Board of Supervisors is scheduled for Tuesday, March 26, 2013 @ 10:00 am.

**District Counsel**

Mr. Vericker advised the letter to the County regarding the signage had been sent as directed by the Board. He also advised Richard Weller, the TMA Counsel, has contacted him related to changing the Comcast form; however the revised form had not been received prior to this meeting. Ms. Bond advised the Board that she will not be voting on the easements due to a possible conflict of interest. She advised the TMA is attempting to negotiate with Comcast, but stipulations agreed to have not been met. She advised she had been on the phone with Comcast all day Friday, and, in summary, it is ongoing and she will provide updates as they become available. Mr. Schmidt advised the TMA and Comcast are seeking an easement for the purposes of providing for a hot spot in the building for the Community Channel. Discussion ensued.

Mr. Dyer advised Mr. Vericker that although he didn’t hear from Manatee County Department of Transportation, the signs referenced in the letter have been removed.

Mr. Powers addressed Mr. Vericker, asking that everyone refer to the Minutes of the January 22, 2013 Minutes, page 3, referencing District Counsel. He provided an overview of the motions, noting that each motion was his motion. Mr. Powers asked if there was a problem with Florida Statutes or the Rules of Procedure as to the Board having input related to Counsel’s attendance at meetings. Mr. Vericker advised of his opinion related to the issue, indicating that the Chairman can contact the District Manager; however, the District Manager cannot take a vote from the Board.
Ms. Bond advised she has questions for Mr. Vericker once the Agenda item related to Landscape comes up. She advised she would like Mr. Vericker to participate in that conversation.

Ms. Bond asked if Mr. Vericker has provided an updated fee letter to the District. He advised he has provided it, and management can forward it to the Board. Ms. Bond advised she would like to review the credentials of Counsel. Mr. Vericker advised the firm’s website has that information. Mr. Schmidt advised Ms. Bond should formally direct that request through the District Manager.

Mr. Vericker asked if there were any further questions for him. Hearing none he asked if the Board would like for him to stay on the call. Mr. Schmidt advised they would like him to stay on the call.

Engineer

Mr. Schappacher advised that Ms. Syvret had asked him to attend the CDD meeting and to review the lakes and ponds ownership and permits. Mr. Schappacher provided a copy of a map to the Board, advising there are fifty-one lakes in the community; 21 are owned by the CDD and 31 are owned by the golf course. Mr. Schappacher noted that when you add those you get 52 because lake #39, which is the lake on the Southwest corner of the property along the 14th fairway, is split and partially owned by the CDD and partially owned by the Golf Course. Mr. Schappacher further indicated that there are multiple SWFWMD permits for the community. Mr. Schappacher explained that the CDD is responsible for the water quality for all of the lakes, however, they are not responsible for maintenance of all of the lakes aside from water quality. Mr. Schappacher advised there are two lakes that are not in the SWFWMD permit at all, those being lakes #8 and #15. Overall, he advised that the CDD has maintenance responsibility for 20-1/2 lake banks, and the Golf Course has maintenance responsibility for 30-1/2 lake banks. He advised he is happy to provide recommendations related to erosion, however the lakes belonging to the Golf Course should be the responsibility of the Golf Course, and the same goes for the SWFWMD re-certification.

Questions related to the permits that cannot be found were entertained. Mr. Schappacher provided background on the two lakes missing permits. Mr. Powers advised that if lakes #8 and #15 do not have recorded permits on file, it is likely to cause a problem, and, if need be, he makes a motion for the District Engineer to approach SWFWMD before it turns into something bigger. Ms. Bond advised she had asked Ms. Syvret to provide the permit summary as she has gone through the Aquagenix contract and what she found is upsetting, as it has not been renewed since 2005 and the contract states there are 43 lakes located within the CDD that the water quality is being monitored. She noted the contract started with 39 unnamed lakes, not tied to any permit, and then added four lakes within Cypress Strand which brings the total to 43. Discussion ensued regarding the contract terms. Mr. Schappacher advised reports should be sent to Management to determine which lakes are or are not being maintained. Mr. Schappacher advised he has been to all lakes that are owned by the CDD and they are all in good shape.
On a Motion by Mr. Powers, seconded by Ms. Bond, with all in favor, the Board directed the District Engineer to do an investigation with SWFWMD to find out about the validity of the permits for lakes 8 and 15 to determine the next course of action, for the Tara Community Development District 1.

On a Motion by Ms. Bond, seconded by Mr. Powers, with all in favor, the Board directed District Management Make Available a Listing of the 43 Lakes Under Contract with Aquagenix and a Listing of those not under contract for Water Quality, Aquagenix to Provide a Summary of All Work within the District, for the Tara Community Development District 1.

Ms. Bond advised, through the Chair, she would like to ask Mr. Vericker what to do with the situation related to the Aquagenix contract. Mr. Vericker asked Mr. Huber to forward the contract. Mr. Huber asked if Aquagenix should also provide a proposal for addition of any lakes that may not currently be in the contract. Ms. Bond advised the original contract is from 2001 with an Addendum in 2005. Mr. Vericker requested copies of each. Mr. Powers asked that Mr. Huber copy the current Field Manager on the e-mail of the contracts so that the Field Manager may compile a log related to the ponds and the service provided on those ponds.

Mr. Schappacher advised the lake in Cedar Hollow, lake #31, had an area that District Management requested he review for possible erosion. Mr. Schappacher indicated that there is some erosion near the head wall and he had obtained a quote for repair work in the amount of $150.00 from Mr. Bratcher. He advised it was his understanding this was approved and the repair will be completed next week.

Mr. Schappacher advised the District Manager had forwarded him a letter that was sent to the CDD regarding water use permit reporting, asserting that reporting is delinquent. Mr. Schappacher advised he was under the impression the reporting was done by the Golf Course. However, under further review, the permit was dated April 17, 2008 and was issued to the CDD for 35 acres and two wells; specifically for irrigation of landscape areas. He stated that in looking at the quantity, it is possible reporting should have been completed. He stated he was not aware whether the prior field manager had been doing the reporting at some point, and then stopped reporting, but is puzzled that it has not come up previously. Mr. Powers advised the field manager previously kept a report on the well use, though he is not sure where that report may be. Mr. Powers advised Mr. Kaluk may need to look into this and take the lead on it. Mr. Schappacher suggested contacting SWFWMD to see when the last report was done, and then go from there. Mr. Powers asked that the District Engineer follow up on the issue and provide the data to the Field Manager, who can then ensure the reporting is brought up to date and maintained.

Mr. Schmidt inquired as to what a littoral shelf is. Mr. Schappacher provided an overview of the purpose of a littoral shelf. Ms. Bond advised she has a map which she received from SWFWMD which shows each lake and where the littorals are located. She advised she will provide that map to the Field Manager, so that he can speak to the matter should a resident call. Mr. Powers added that a littoral shelf is typically 18" to 24" below low water level, and noted the distinction between a pond (up to 5 acres) and lake (over 5 acres). Discussion ensued regarding the littoral shelf located in the pond at Covey Court and various items relating to lake maintenance. Mr.
Powers advised lake/pond repairs, wetland repairs, and Aquatic plants need budget considerations during the budget process.

Mr. Schappacher left the meeting in progress at 11:55 am.

**Field Manager**

Mr. Schmidt thanked Ms. Mojica for her assistance when the CDD was between field managers, and the service he knows she will provide in the training of Mr. Kaluk. He further advised a procedures manual is being developed and there is a learning curve that will take place.

**NINTH ORDER OF BUSINESS**

Mr. Schmidt advised there have been comments in the past concerning the audience being asked to wait until the end of the meeting to provide their comments. As such, prior to moving to the business that must come before the Board, now is the time for Audience comments. There were no audience comments.

**TENTH ORDER OF BUSINESS**

Ms. Bond advised that based on her review of the existing contracts she has been able to take a look at, she does not believe that contracts have been competitively bid out. She advised that she believes it is the Boards’ fiduciary duty to get the best price for the scope of services, but also noted on the other side, the current vendors are well liked. Ms. Bond suggested that all contracts should be reviewed, but she would particularly like to ask Mr. Vericker, for general discussion purposes, about the legalities of opening a contract in mid term and where that leaves the District.

Mr. Schmidt asked that since Counsel is present, he would like to take up the conversation related to the contract in question. Ms. Bond advised it concerns the landscape contract with Florida Lawn Pros. Ms. Bond stated that from what she reviewed, the contract was entered into in 2010, in an amount of $13,575.00 per month, and it was a three year contract which could be cancelled at anytime. Ms. Bond indicated that she discovered two to three months ago, unbeknownst to her or the Board, the contract had been reopened by Management and the former Chair, and the compensation, duration of the contract, and other terms were changed. Ms. Bond asserted that this was not done by vote or authorization, and she was not aware of it until six months down the road. She asked Mr. Vericker for clarification as to whether the CDD was bound by those terms. Mr. Vericker advised that if there is a question about the Board being okay with the amendment, there is a 30 day out if the Board feels it should re-bid. Ms. Bond stated that is not the question, the question is it is legal for one Board member along with the District Manager to renegotiate the contract without the knowledge of Board. Mr. Vericker stated the Board would need to approve any amendment. Ms. Bond stated that did not think that occurred. Ms. Bond advised she indicated at the last meeting, and she restates, that she does not want any contract signed that Mr. Vericker has not looked at. She asked Mr. Vericker if he reviewed the landscape contract or was a part of the re-opening, re-negotiated, and execution. Mr. Vericker stated he did not participate in that process. Ms. Bond advised when you get into the bulk of the contract there are things that she
may want differently, noting that compensation was increased by several thousand dollars a month and according to management, one of the reasons was because we have more annuals. Ms. Bond stated that when she reads the language of the contract she can’t tell if we have authorized 3,000 per year or 9,000 annuals per year, and if it 9,000 annual a year she cannot imagine where they are at.

Mr. Schmidt advised his perception is two-fold. First, without going into previous administrations, over the last two meetings it has been decided contracts will not be handled like this in the future. Secondly, he also advised in order to look at the contracts that we have from a legal standpoint, that would involve a motion from the Board directing Ms. Syvrret to forward all contracts to Mr. Vericker for review. Mr. Powers advised he thought that was a standard procedure and inquired of Mr. Vericker. Mr. Vericker advised he only reviews the contracts that are sent to him and he is requested to sent to review. Mr. Schmidt advised the Board can make a motion to have Ms. Bond & the District Manager review all contracts and pick out the ones that need to be reviewed and have those contracts sent to Counsel for his review. Mr. Powers advised that is not necessary. Ms. Bond stated that looking forward, we can say we don’t want this happening again, as it appears that this contract was not legally promulgated. Mr. Schmidt suggested that, it may have been put to the Board in such a way that they may or may not have fully understood what was happening. Mr. Dyer advised he thought minutes had been researched. Ms. Bond advised she has researched the minutes, there is nothing in them, she has gone back three years, and nothing authorizes re-opening, making changes or authorizing the Chair to sign it. Mr. Dyer advised he thinks the dilemma is that the Board needs to hear from Counsel as to how to proceed forward. Mr. Vericker advised he sees two remedies, the Board can either ratify the actions or go out to re bid, and he thinks the best is to look prospectively. Discussion ensued concerning the annuals. Ms. Bond suggested the documents should be read and discussed as a Board, the Board should decide what it is they want, and maybe, after it is decided what the Board wants, they can ask Mr. Bratcher to re-open the contract. Mr. Vericker advised an addendum can be done. Discussion ensued. The Board asked that Mr. Bratcher attend the next workshop.

ELEVENTH ORDER OF BUSINESS
Discussion Concerning Policy for Pool Heating

Mr. Schmidt advised he has interesting facts relating to the pool heating issue. He advised he previously quoted the price of heating the pool at about $4 per day, but has found that is not true, and depending on the day, it can be substantially more than that. He provided handouts related to the heating. He explained that January came to approximately $24 per day, June is approximately $21 per day, and then in August it is almost $2, $3 or $4 per day. He advised the only problem he has in heating the pool when the air is below 60 degrees is that the pool is being heated for one person, however, if the Board chooses to heat the pool on those cold days, that is at the discretion of the Board. He does not believe a proposal was made related to the heating of the pool on specific days, so in the spirit of a recommendation at the prices set forth, he suggested the pool heater be kept on. The Board agreed.
TWELFTH ORDER OF BUSINESS

Discussion Concerning Current Year Capital Improvements

Mr. Dyer advised he had requested copies of the current year capital improvement schedule be brought to this meeting and distributed. He inquired whether the garbage disposal in the sink had been completed. He was advised it had not. He also inquired whether the kitchen hot plates were purchased. He was advised they had been. Mr. Dyer asked about the new community center locks. Mr. Schmidt advised they can do away with that project completely, as at a prior meeting he suggested they have the locks and keys changed out every two years, at a cost of about $400.00.

THIRTEENTH ORDER OF BUSINESS

Consideration of Landscape Related Matters

Mr. Huber advised that in the report provided by Florida Lawn Pros at the last workshop, under item H, the contractor suggested consideration of a procedure to allow for sod repairs on an ongoing basis as part of maintenance, perhaps providing authority to the contractor based on a dollar amount threshold with approval by the District Manager. Additionally, the contractor suggested moving from two to three weed applications, which he believed he could provide at no additional cost to the CDD, though he still wanted them to discuss it. Mr. Powers asked if that is outside the original contract. Mr. Huber advised he believes it is. Mr. Dyer notes the contractor was willing to move to a more expensive weed killer with extra applications at no cost. Discussion ensued. Mr. Mojica suggested holding this item until the Budget workshop. Mr. Powers advised he would like to see a contract that is not a la carte. Mr. Mojica advised the Bahia sod installation was done by someone else. Mr. Powers advised that with respect to the current sod project, the sod was put in dead, but the District Manager was notified and sent a letter to the sod vendor, Herrara Sod, who pulled out the dead sod and will replace it when good sod is available.

FOURTEENTH ORDER OF BUSINESS

Reconsideration of Supervisors Taking the Title of Assistant Secretary

This item was discussed previously in the meeting.

FIFTEENTH ORDER OF BUSINESS

Supervisor Requests

Ms. Bond advised the littoral shelf behind Covey Court is dry and covered in mud. She advised she met with Aquagenix who advised not much can be done, though some plants directly behind the homes could be taken out and one cluster of plants from the littoral shelf could be moved and put in place rather than installing broad leaf plants. She advised she asked Aquagenix to provide an estimate, which she is awaiting. It was noted that the resident that reported the issue has checked with the neighbors who lawn backs up the area and all are in agreement for the plants and to also have the algae sprayed. She has requested that Mr. Kaluk take up this project. A proposal will be brought to the Board. She also thanked the Board and her colleagues for the opportunity to discuss the issues and work with the group.
Mr. Dyer asked questions related to the January financials. He advised that handles to the news doors have scraped off the paint. Mr. Schmidt advised the doors would be repainted March 7th. Mr. Dyer asked who is responsible for the placement of cheesecloth when a freeze is expected. Mr. Schmidt advised it was previously left up to the Chairman. The suggestion was made that it should be the responsibility of Florida Lawn Pros. Discussion ensued. Mr. Schmidt asked the Field Manager to contact Florida Lawn Pros to inquire as to who is responsible for the placement of the cheesecloth. Mr. Dyer suggested a lock box for keys to the building. Mr. Dyer asked if the poker players cleaned up after themselves last night.

Mr. Powers addressed the Chairman related to residents contacting the Board, and that residents should follow the protocol of contacting management rather than the Supervisors. He further inquired whether Counsel could inquire as to why the CDD is responsible for payment of the electricity of the streetlights. Mr. Vericker advised the CDD can install and maintain streetlights. Discussion ensued concerning the electricity use by the CDD.

Mr. Mojica had no comments.

Mr. Schmidt advised there are procedures in place for use of the community center, one of which is having a minimum of eight people in the group. He noted that one group has consistently only had four persons and use the center twice a week. Mr. Schmidt advised he will send a letter to the group advising they need to increase the size of the group or lose the privileges afforded under the policy.

SIXTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Mr. Powers, seconded by Mr. Mojica, with all in favor, the Board adjourned the Board of Supervisors’ Meeting at 12:53 pm, for the Tara Community Development District 1.

[Signatures]

Secretary / Assistant Secretary

Chairman / Vice Chairman