

# MINUTES OF MEETING

## ENTERPRISE COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Enterprise Community Development District was held Wednesday, December 10, 2008, at 4:00 p.m. at 851 Celebration Avenue, Celebration, FL 34747.

Present and constituting a quorum were:

Matt Kelly	Chairman
Russell Stokes	Vice Chairman
Lance Montague	Supervisor
Pat Wasson	Supervisor

Also present were:

Brenda Burgess	Moyer Management Group
Tucker Frazee ( <i>by phone</i> )	Attorney: Hopping Green & Sams
Chuck Bell	Engineer: PBS&J
Jim Parker	Walt Disney Imagineering
Brian Smith	Severn Trent, Management Division

### FIRST ORDER OF BUSINESS

### Roll Call

Mr. Kelly called the meeting to order at 4:50 p.m.

Ms. Burgess called the roll and stated a quorum was present for the meeting.

### SECOND ORDER OF BUSINESS

### Pledge of Allegiance

Mr. Kelly led the *Pledge of Allegiance*.

### THIRD ORDER OF BUSINESS

### Organizational Matters

#### A. Oath of Office for Newly Elected Supervisors

Mr. Kelly stated we administered the oath of office to Mr. Montague at the audit committee meeting. Welcome aboard.

#### B. Consideration of Resolution 2009-1 Canvassing and Certifying the Results of the Landowners Election

Ms. Burgess stated this Resolution canvasses and certifies the results of the landowners election, indicating that Mr. Hempel received 650 votes, Mr. Stokes and Mr. Montague each received 1,040 votes, such that Mr. Stokes and Mr. Montague will serve four-year terms and Mr. Hempel will serve a two-year term. We did speak with him and he is willing to serve another term. We will fill in the blanks in the Resolution.

On MOTION by Ms. Wasson, seconded by Mr. Stokes, with all in favor, approval was given to Resolution 2009-1 canvassing and certifying the results of the landowners election.

**C. Consideration of Resolution 2009-2, Election of Officers**

Mr. Kelly reviewed Resolution 2009-2 for the election of officers.

Ms. Burgess stated noted on the Resolution are those individuals who currently serve as officers. Mr. Kelly currently serves as Chairman. Mr. Sakaske served as Vice Chairman, so the Board can entertain a nomination for Vice Chairman. Currently Mr. Stokes and Ms. Wasson serve as Assistant Secretaries.

Mr. Kelly stated I would like to nominate Mr. Stokes as Vice Chairman. We will add Ms. Wasson, Mr. Montague and Mr. Hempel as Assistant Secretaries.

On MOTION by Ms. Wasson, seconded by Mr. Stokes, with all in favor, approval was given to Resolution 2009-2 indicating the structure of officers.

**FOURTH ORDER OF BUSINESS**

**Public Comment Period**

There being none, the next order of business followed.

**FIFTH ORDER OF BUSINESS**

**Consent Agenda**

**A. October 15, 2008, Regular Meeting and November 19, 2008, Landowners Meeting**

**B. Check Registers**

Mr. Kelly reviewed the items on the Consent Agenda and requested any additions, deletions or corrections to the minutes.

On MOTION by Mr. Stokes, seconded by Ms. Wasson, with all in favor, approval was given to the Consent Agenda.

**SIXTH ORDER OF BUSINESS**

**Audit Committee**

**A. Audit Firm Ranking and Recommendation**

**B. Authorization to Enter into a Three-Year Engagement with Selected Auditing Firm**

Mr. Kelly stated we have a recommendation from the audit committee regarding the audit for the next three years.

Ms. Burgess stated the recommendation of the committee is to rank the top three firms as Grau & Associates #1, Hoyman Dobson #2, and Harvey Covington #3. the motion we will be asking the Board to enter is to approve that ranking, and to authorize staff to enter into negotiations with the #1-ranked firm, making sure they fully understand the scope, they are honoring the price and we can get a successful engagement letter from them, with the understanding that we have no doubt that we will come back with a

successful engagement letter. If not, we request the motion includes going to the #2 and #3 rankings if we need to.

On MOTION by Ms. Wasson, seconded by Mr. Stokes, with all in favor, approval was given to rank the auditing firms Grau & Associates #1, Hoyman Dobson #2, and Harvey Covington #3, authorizing staff to negotiate with the #1-ranked firm.

**SEVENTH ORDER OF BUSINESS**

**District Manager Report**

**A. Financial Statements**

Ms. Burgess stated Mr. Moyer apologizes for not being here today. He is a Supervisor on another CDD that meets at this time. I want to welcome Mr. Montague to the Board. Mr. Moyer generally makes a few opening comments for you. We are your staff and we are here to assist however we can. There are a couple things you need to be aware of as a Board member. You are now a public official in the State of Florida, so you have some guidelines to follow. I will provide those written materials to you. There are two things you need to remember. You need to follow the Sunshine Law and the public records law. The public records law means that everything we have related to this District is public information and is open to the public. Typically they will come to our office or the attorney's office if any member of the public has a request. But if anyone knows that you are a member of this Board and they know that you keep those records, they can come to you and you simply have to show them your records and you cannot ask why. On that basis, you are not required to keep anything, but any records that you keep, we suggest that you keep them separate from your business records.

Ms. Wasson stated I tell them I do not have anything.

Ms. Burgess stated that is correct, and then you can direct them to the District Manager's office. That generally is the easiest thing to do. We encourage people to come to the manager's office or the attorney's office. The other important item is the Sunshine Law. We do business in the Sunshine in the State of Florida. We have the broadest laws related to public records and the Sunshine Law. That means that no two members of this Board can meet outside of a meeting that is noticed for the public participation to discuss District business. All that has to happen among yourselves in a meeting like this. You may talk with staff member and anyone from the public but you cannot talk to anyone on this Board about District business. People in the state of Florida take that very seriously.

Ms. Burgess introduced the members of staff for Mr. Montague.

Ms. Burgess reviewed the financial statements, included in the agenda packet, which are available for public review in the District Office during normal business hours.

Ms. Burgess stated I have an update regarding the rate study that the Board commissioned several months ago. We have provided all the information except for a couple pieces. We met with them yesterday. The rate consultants are asking for a workshop in January. They are working on all the information to complete their analysis. They are almost completed but it is too early to tell anything. They would like to present that information to you in a workshop early in January so that if you feel you want to go through rulemaking to adjust the utility rates, we can still do that at the February meeting. They are well on their way to coming up with their report. On a related matter, the utility review committee met yesterday. The Board previously approved the evaluation criteria, and we went out for bids for the utility system. We received one bid. The committee met, that committee consisting of Mr. Stokes, Mr. Parker and Mr. Bell. They reviewed the bid. The committee still had some questions that staff is working on. We need to provide some additional information to them. They do not have a recommendation to you at this time. They continued their meeting to next week. In order for this Board to take any action with regard to their recommendation, we would like you to continue your Board meeting to a time and date after they have met, so that you can take action at that time.

Ms. Tucker stated the committee continued their meeting to Wednesday, December 17, 2008, at 3:30 p.m., so perhaps everyone is available that same day at 4:00 p.m.

Ms. Wasson stated my Board meeting begins at 3:00 p.m. and goes until 5:00 p.m.

Mr. Kelly stated I am out all week but you do not need me for a quorum.

Ms. Burgess stated if Mr. Kelly is comfortable with the Board taking action on this issue in his absence, we can provide information to him in advance and he can submit any comments to the manager that we will raise on his behalf at the meeting. The meeting should be very short. The committee is a very skilled, educated committee and they will come to the meeting with their recommendation.

Ms. Wasson stated if you think that meeting will be very short, I can step out of my meeting for a few minutes. Go ahead and pick a date and time and if you need me for a quorum, I will step out of my meeting.

Ms. Burgess stated regarding the rate study workshop, we are contemplating Tuesday, January 13, 2009, or Thursday, January 15, 2009. We will confirm that date with all of you later.

**B. Field Operations**

Mr. Smith stated we continue to work with Toho Water Authority on the odor control issues. We met with them and I have received prices from Premier Chemical, who is doing their current treatment at the master lift station. Toho Water Authority is looking at doing a scrubber system and getting away from the chemicals. The prices over a period of time justify doing a scrubber. They may be doing a scrubber at ours and looking to us to help fund it, rather than us paying for the chemicals that we are paying for through Premier. I think that is probably the best product to use. I will wait to see what portion of that Toho Water Authority wants us to pay.

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

There being none, the next order of business followed.

**B. Engineer**

There being none, the next order of business followed.

**C. District Representative**

There being none, the next order of business followed.

**NINTH ORDER OF BUSINESS**

**Other Business**

There being none, the next order of business followed.

**TENTH ORDER OF BUSINESS**

**Supervisor Requests**

There being none, the next order of business followed.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Montague, seconded by Ms. Wasson, with all in favor, the meeting was continued to Wednesday, December 17, 2008, at 4:00 p.m.

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Gary L. Moyer, Secretary

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Matt Kelly, Chairman