

**MINUTES OF MEETING  
HERITAGE OAK PARK  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Heritage Oak Park Community Development District was held on Thursday, September 19, 2019 at 10:00 a.m. at the Heritage Oak Park Lodge, 19520 Heritage Oak Boulevard, Port Charlotte, Florida.

Present and constituting a quorum were:

Brian Bitgood	Chairperson
Paul Falduto, Jr.	Vice Chairperson
Olin Earl Bell	Assistant Secretary
Edward Carey	Assistant Secretary
Linda Nadelin	Assistant Secretary

Also present were:

Robert Koncar	District Manager
Michelle Egan	Project Manager
David Jackson	District Attorney
Robert Dvorak	Proposed District Engineer
Residents	

*The following is a summary of the minutes and actions taken at the September 19, 2019 regular meeting of the Heritage Oak Park CDD Board of Supervisors.*

**FIRST ORDER OF BUSINESS** **Call to Order and Roll Call**

- Mr. Bitgood called the meeting to order and Mr. Koncar called the roll.
- Mr. Koncar introduced Mr. David Jackson of the District Attorney's office.

**SECOND ORDER OF BUSINESS** **Pledge of Allegiance**

- The Pledge of Allegiance was recited.

**THIRD ORDER OF BUSINESS** **Audience Comments on Agenda Items**

- There not being any, the next item followed.

**FOURTH ORDER OF BUSINESS** **Approval of Consent Agenda**

- A. Approval of the Minutes of the August 15, 2019 Meeting**
- B. Financial Statements and Check Register**
- C. Proposed Meeting Schedule for Fiscal Year 2020**

Mr. Carey MOVED to approve the Consent Agenda and Ms. Nadelin seconded the motion.

- A correction was made on page 2 of the August 15, 2019 minutes and will be incorporated into them.

On VOICE vote with all in favor the prior motion passed as amended.

**FIFTH ORDER OF BUSINESS** **Old Business**

- There not being any, the next item followed.

**SIXTH ORDER OF BUSINESS** **New Business**

- There not being any, the next item followed.

**SEVENTH ORDER OF BUSINESS** **Staff Reports**

**A. Attorney**

- There being no report, the next item followed.

**B. Engineer**

- Mr. Koncar noted we have our new District Engineer in attendance.
- Mr. Dvorak noted he commented at the last meeting and since the last meeting we contracted work with a professional services vendor and hammered out the details.

**C. Manager**

- Mr. Knocar noted at the last meeting, the Board requested changing the language into the rulemaking for rental of the Lodge giving discretion to the Board in how they rented it, or who they rented it to and could the Board waive fees.
- Mr. Koncar spoke with District Attorney, Andy Cohen, and came up with language where we can change some of the fees.
- Mr. Koncar read from the language Mr. Cohen recommended:
  - “The Board of Supervisors reserves the right to approve or disapprove any application of use of the District Lodge facilities. The approval/disapproval process includes waiving applicable fees for use of the facilities if the Board so votes.”
  - Mr. Koncar noted because of advertising requirements for rulemaking it will be at the November meeting.

- Mr. Koncar noted we need to adopt the meeting schedule for Fiscal Year 2020.
- He noted we have the regular meeting schedule, except the December meeting, because of the Christmas holidays, is scheduled for December 12, 2019, which is the second week in December.
- He asked for a motion to accept to advertise the meeting schedule.

On MOTION by Mr. Bell seconded by Mr. Carey with all in favor the meeting schedule for Fiscal Year 2020 was approved.

- Mr. Koncar discussed financials. In the agenda package you have the Financials for August 2019. On page 15, you see your Operating Reserves of \$159,621, Abor \$2,500, Recreational Facilities, \$7,088, Roads and Streetlights \$279,994, Roof \$8,000, Swimming Pools \$23,975 and Unassigned \$50,080.
- Your year-to-date assessments are at 100%.
- At this time, Mr. Bitgood had some questions for District Attorney Jackson.
- Mr. Bitgood noted we have had questions in the past regarding ethical behavior and fiduciary responsibilities for the Board members. He asked Mr. Jackson for an overview.
- Mr. Jackson noted he would address specifically the issues related to the selection processes, procuring management contracts and that type of thing.
- He understood the Board voted to move forward in a certain direction during that process and at a subsequent meeting, a Board member took an action that was contrary to that direction. Mr. Cohen and he looked at this issue and it does not quite rise to the level of anything illegal. It is on the edge of unethical, but it does not rise to an ethics violation.
- It certainly is not recommended practice and is contrary to the ability of this Board to do its business and fulfill the fiduciary duty to the residents here.
- He understands you had to table the approval of the District Management Contract because it came out of left field, so it got delayed. That is not good practice.
- In addition, Mr. Jackson encouraged everyone that this is a forum where you meet regularly and if there are differences of opinion, this is where they need to be discussed and aired. Once you reach a consensus by majority vote, with the will of the Board, that is how you need to move forward. At the next meeting, you can continue to say why you

think, “this is wrong or right”. You cannot act contrary to what direction the Board has taken.

- To that end, he took note, you made a motion in 2017, all actions related to contracts, discussions through the District Attorney, are to go through the District Manager or the Chairperson. He does not know if that is a procedure that was formalized in your operating rules. That may be a good step to formalize that policy. It would make it clear to all Board members, current and future, that that is the way business is to be conducted.
- There were no comments from any Board member.
- Mr. Bitgood noted the Board voted on this policy. It is in the minutes.
- Mr. Koncar noted he will bring to the Board the minutes of January 2017 where this was discussed.
- Mr. Jackson suggested it may be good to formalize that and have as part of your operating rules.
- Mr. Bitgood asked Mr. Dvorak if he had anything else to report on the pool.
- Mr. Dvorak noted he had one of his inspectors to look at the pool. He reviewed the pool contract sent to him by Ms. Egan.
- In answer to Mr. Bitgood’s question, Mr. Dvorak discussed acoustics in the building.

**NINTH ORDER OF BUSINESS**

**On-Site Administration Report – Project Updates**

- Ms. Egan gave her On-Site Administration Report.
- She updated the Board on the pool.
- Regarding the street lights: FPL set up a date, however, the day before we had the hurricane. At this time, it has been completed and “good to go”.

**TENTH ORDER OF BUSINESS**

**Supervisor Requests**

- Mr. Carey commented the only request was when we turn the light on at Red Oak that the head beam be rotated approximately 10 degrees clockwise, so it is aligning with the S-curb on the road.
- Mr. Bell noted we have had the same auditor company. He wanted to look at different auditing companies.

- Mr. Koncar noted there is a specific process you go through with the auditors. If you want, you can make a motion to authorize staff to develop an RFP and we can advertise and get proposals from auditing firms and we can bring that back to the Board.

On MOTION by Mr. Bell seconded by Mr. Falduto with all in favor advertising for auditing firms' proposals, was approved.

- Mr. Falduto reminded everyone the pizza party is next week; coffee next Monday, and we are having a Monster Mash Halloween Party on October 31<sup>st</sup> with a real good band. He encourages everyone to buy a ticket to come and have fun.

**ELEVENTH ORDER OF BUSINESS**

**Audience Comments**


- Audience comments were received.

**TWELFTH ORDER OF BUSINESS**

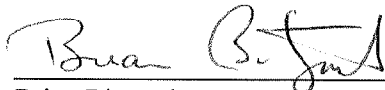
**Adjournment**

- There being no further business,

On MOTION by Ms. Nadelin seconded by Mr. Falduto with all in favor the meeting was adjourned.



Secretary



Brian Bitgood  
Chairman