

MINUTES OF MEETING  
ELEVATION POINTE  
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Elevation Pointe Community Development District was held Friday, August 27, 2021 at 9:30 a.m. at the Offices of GMS-NF, LLC, 475 West Town Place, Suite 114, St. Augustine, Florida.

Present and constituting a quorum were:

Owais Khanani <i>by phone</i>	Chairman
Shaman Foradi	Vice Chairman
Michael Rich	Assistant Secretary
Jawaad Khanani	Assistant Secretary
Kristin Banks <i>by phone</i>	Assistant Secretary

Also present were:

Jim Oliver	District Manager
Sarah Sandy <i>by phone</i>	District Counsel
Brian Deitsch <i>by phone</i>	District Engineer

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Oliver called the meeting to order and called the roll. Three Board members were physically present constituting a quorum. Two members were present via phone.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

Mr. Oliver noted that only Board members and staff were present at the meeting. The next item followed.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Administration of Oaths of Office to Newly Elected Board Members**

Mr. Oliver stated that they would administer the oath to Supervisor Kristen Banks at a later time.

**FOURTH ORDER OF BUSINESS**

**Approval of Minutes of July 23, 2021 Meeting**

Mr. Oliver presented the minutes of the July 23, 2021 meeting and asked for any comments, corrections, or changes to the minutes. The Board had no changes to the minutes.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, the Minutes from the July 23, 2021 Board of Supervisors Meeting, were approved.

**FIFTH ORDER OF BUSINESS**

**Acceptance of Audit Committee Recommendation and Selection of #1 Ranked Firm to Provide Auditing Services for Fiscal Year 2021**

Mr. Oliver stated that the Audit Committee had ranked the proposal they had received, and he recommended that the Board make a motion to approve.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, the Audit Committee Recommendation and Selection of #1 Ranked Firm Grau & Associates to Provide Auditing Services for Fiscal Year 2021, was approved.

**SIXTH ORDER OF BUSINESS**

**Public Hearing**

Mr. Oliver stated that he would discuss the budget with the Board members before moving on to the Public Hearing. He presented the budget, starting with the general fund under tab #6, followed by the budget itself for a total of \$75,000 for Fiscal Year 2021 and \$122,000 for Fiscal Year 2022. He noted that the developer would fund what was executed, not the entire budget amount if the budget was not fully spent. He asked if there were any questions, and hearing none, Mr. Oliver asked for a motion to open the public hearing.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, Opening the Public Hearing, was approved.

Mr. Oliver asked for a motion to close the public hearing.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, Closing the Public Hearing, was approved.

**A. Consideration of Resolution 2021-33 Adoption the Fiscal Year 2022 Budget and Relating to the Annual Appropriations**

Ms. Sandy presented the budget and noted that the resolution provided for a mechanism to have the budget amended throughout the year. Mr. Rich asked if the leftover funds from the previous year rolled over automatically to the next fiscal year, and Mr. Oliver responded that the budget was maintained by the District and that there should not be any excess funds.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, Resolution 2021-33 Adoption of the Fiscal Year 2022 Budget and Relating to the Annual Appropriations, was approved.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Fiscal Year 2022 Budget Funding Agreement**

Ms. Sandy explained that the agreement was between the District and the developer. She noted that in lieu of levying assessments to fund the budget, the developer agreed to pay the actual cost of the District instead. She asked if there were any questions, and Mr. Foradi asked if the budget was self-funded once the bonds were issued, and Ms. Sandy responded that the bonds were intended to fund the capital improvement plan, but that in terms of the O&M budget, the costs were part of the District’s annual budget and would be funded through different mechanisms such as the funding agreement. She then asked for a motion to approve.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, the Fiscal Year 2022 Budget Funding Agreement, was approved.

**EIGHTH ORDER OF BUSINESS**

**Financing Matters**

**A. Consideration of Engineer’s Report**

Mr. Deitsch presented the Engineer’s Report, noting that the CDD included everything from townhomes to roadway improvements, utilities, amenities, and areas for future commercial property. He explained that at the time they recorded the estimates for the improvements, they were given soft costs. He also noted a table within the report that outlined the owner of maintenance of the different entities with a portion of the infrastructure being the CDD and St. Johns County, and other portions like amenities and hardscaping being the responsibility of the CDD. Ms. Sandy asked her required questions for the record, such as if the improvements provided

a special incentive to the lands within the District, if the costs of the projects were the size of the scope, to which he answered yes.

### **B. Consideration of Assessment Methodology**

Mr. Oliver highlighted the narrative section as well as the series of tables behind the narrative. He explained that the purpose of the report was to allocate the debt that was incurred by the District to the benefitting properties within the District. He also pointed out page 5 which listed the requirements of valid assessment methodologies, as well as page 7 which stated that the duty to pay the special assessments was fairly and reasonably apportioned. He turned back to the first page, presenting the series of tables including the development program, the infrastructure cost estimates, the bond sizing totaling a par amount of \$16.7 million, and the allocation of benefit. He asked if there were any questions, and hearing none, Ms. Sandy asked her required questions. She asked if the lands received special benefit based on the report, as well as if the assessment was reasonably and fairly allocated, to which Mr. Oliver answered yes.

### **C. Consideration of Resolution 2021-34 Levying Assessments**

Ms. Sandy presented the resolution, noting that it made certain findings regarding the District's authority to finance funds and establish capital improvements as well as the authority to levy and impose special assessments. She also noted it authorized the project in the Engineer's Report and equalized, confirmed, and levied the master assessments as laid out in the assessment report. She added that it laid out a true-up payment methodology as well. She asked if there were any questions, and hearing none, Mr. Oliver asked for a motion to open the public hearing.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, Resolution 2021-34 Levying Assessments, was approved.
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## **NINTH ORDER OF BUSINESS**

### **Consideration of Construction Funding Agreement**

Ms. Sandy presented the agreement providing that the developer would provide the funds to complete construction until the point in time that the District has the funding sufficient enough to cover construction costs, adding that all costs paid by the developer would be refunded through the bonds. She asked for a motion to approve.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, the Construction Funding Agreement, was approved.

**TENTH ORDER OF BUSINESS**

**Consideration of Assignment of Construction Contract**

Ms. Sandy presented the contract to the Board, noting that it was negotiated with the developer and was intended to be executed, as well as that it was intended that the developer would assign the contract over to the District so that the District could administer the contract. She asked for a motion to approve in substantial form.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, the Assignment of Construction Contract, was approved in substantial form.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2021-35 Direct Purchase Authorization**

Mr. Oliver noted that the resolution gave the District authorization to make purchases from suppliers on a tax-exempt basis.

Ms. Sandy presented the resolution, adding that the District needed to have certain policies and procedures ahead of making any direct purchases using the tax exemption, which were included in the agenda package. She asked if there were any questions, and hearing none, asked for a motion to approve.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor, Resolution 2021-35 Direct Purchase Authorization, was approved.

**TWELTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Sandy did not have anything further to report.

**B. Engineer**

Mr. Deitsch did not have anything further to report other than they were going through permitting with the County with pieces of the CDD.

**C. District Manager’s Report**

**i. Balance Sheet and Income Statement**

Mr. Oliver presented the unaudited financials through July 31<sup>st</sup>, 2021. No action was required, but Mr. Oliver offered to answer any questions from the Board.

**ii. Ratification of FY2021 Funding Request #7**

Mr. Flint noted that Funding Request #7 was transmitted to the developer under the funding agreement, with a total of \$7,289.37.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, the FY2021 Funding Request #7, was ratified.

**iii. Approval of Fiscal Year 2022 Meeting Schedule**

Mr. Flint stated that the schedule was on a monthly basis, noting that there were different dates and times for the November and December meetings. He also added that even though they had 12 meetings scheduled, they could always continue meetings or cancel meetings.

Mr. Foradi requested they move the November meeting to the morning, and the Board agreed to move the November 19<sup>th</sup> meeting at 9:30 a.m.

On MOTION by Mr. Foradi, seconded by Mr. Rich, with all in favor, the Fiscal Year 2022 Meeting Schedule, was approved.

**THIRTEENTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**FOURTEENTH ORDER OF BUSINESS**

**Supervisors Requests**

There being none, the next item followed.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

Mr. Flint adjourned the meeting.

On MOTION by Mr. Rich, seconded by Mr. Foradi, with all in favor,  
the meeting was adjourned.



Secretary/Assistant Secretary



Chairman/Vice Chairman