

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.

**HERITAGE ISLE AT VIERA
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Heritage Isle at Viera Community Development District was held on **Tuesday, May 22, 2012 at 10:35 a.m.** at the Brevard County Government Center, located at 2725 Judge Fran Jamieson Way, Building C, Viera, FL 32940.

Present and constituting a quorum:

Jay Williams	Board Supervisor, Vice Chairman
Jim Brown	Board Supervisor, Assistant Secretary
Joe Fulghum	Board Supervisor, Assistant Secretary

Also present were:

Melissa Dobbins	District Manager, Rizzetta & Company, Inc.
Jere Earlywine	District Counsel, Hopping Green & Sams, P.A.
Hassan Kamal	District Engineer, BSE Consultants, Inc.
Darcie Madison	Representative, Leland Management

Audience Members

FIRST ORDER OF BUSINESS

Call to Order

Ms. Dobbins called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

**Consideration of the Minutes of the Board
of Supervisors' Meeting held March 27,
2012**

Mr. Brown noted that there are some revisions required to page 5 of the minutes, the revisions are the following: first paragraph needs to indicate that the bridges are built with no cross bracing, but are structurally sound; the word "suggested" needs to be removed from the Ninth Order of Business; the cost not to exceed in the Tenth Order of Business needs to indicate that the \$5,500 is for a one time cleaning and this must be reflected in the motion box as well. He also requested that on page 7 the words "trash bins" in the District Manager's report were replaced with the words "pet station receptacles".

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held March 27, 2012, as amended for Heritage Isle at Viera Community Development District.

THIRD ORDER OF BUSINESS

**Ratification of Operation and Maintenance
Expenditures for February 2012, March
2012 and April 2012**

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board ratified the operation and maintenance expenditures for February 2012 in the amount of \$72,338.24, March 2012 in the amount of \$30,986.43 and April 2012 in the amount of \$99,050.38 for Heritage Isle at Viera Community Development District.

FOURTH ORDER OF BUSINESS

**Ratification of Special Assessment Revenue
Bonds Series 2005, Requisitions #169
through #173**

REQUISITION NO.	PAYEE	AMOUNT
169	B.S.E. Consultants	\$1,752.70
170	B.S.E. Consultants	\$720.00
171	B.S.E. Consultants	\$95.00
172	Kirby Electric Co.	\$13,763.24
173	B.S.E. Consultants	\$401.40

On Motion by Mr. Brown, seconded by Mr. Williams with all in favor, the Board ratified Special Assessment Revenue Bonds Series 2005, Requisitions #169 through #173 for Heritage Isle at Viera Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Second Amendment
between Heritage Isle at Viera CDD and
Heritage Isle District Association for
Irrigation Operation, Maintenance and
Repair Services**

Mr. Earlywine reviewed the second amendment to the maintenance agreement with the District Association, stating that, per the second amendment the monthly fee would be increased to \$1,440 per month to more accurately reflect the actual contract cost for the irrigation maintenance. Additionally, the CDD would pay for the cost of the irrigation pump maintenance, starting in January 2013.

Discussion ensued.

On Motion by Mr. Brown, seconded by Mr. Williams, with Mr. Fulghum abstaining (Exhibit "A"), the Board approved the second amendment between Heritage Isle at Viera CDD and Heritage Isle District Association for Irrigation Operation, Maintenance and Repair Services for Heritage Isle at Viera Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Uniform Collection
Agreement with Brevard County Tax
Collector**

Mr. Earlywine explained that the Brevard County Tax Collector recently updated their agreement. Mr. Earlywine has requested one change to the agreement which added the language for the District to be updated by December 1st of each year of any fee increase that would occur for the following fiscal year.

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board accepted the Uniform Collection Agreement with the Brevard County Tax Collector, with the change described by District Counsel, for Heritage Isle at Viera Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of the Consumptive Use
Permit Transfer**

Mr. Kamal updated the Board of Supervisors that this authorization (Supplement #17) will allow the District Engineer to continue to work under the District Engineer contract to handle the transfer of the consumptive use permit.

He noted that the Water Management District agreed that the CDD could wait until the water usage data is received before turning in their official report in 2013/2014.

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board authorized Supplement #17 allowing the District Engineer to work under the District Engineer contract to handle the transfer of the consumptive use permit for Heritage Isle at Viera Community Development District.

EIGHTH ORDER OF BUSINESS

**Consideration of Proposal for Legacy Blvd.
Intersection Landscape Improvements**

Mr. Kamal received the proposal found under Tab 7 of the agenda package from Tropic-Care to improve about 95% of the intersections along Legacy Boulevard so there is more visibility. He recommends this approach first since it is a huge savings compared to improving or changing the sidewalks.

Mr. Earlywine recommends using a temporary agreement, which would include language that this work would be covered under terms of the original contract.

The Board of Supervisors approved the proposal for Legacy Boulevard landscape improvements, as amended.

On Motion by Mr. Brown, seconded by Mr. Williams, with all in favor, the Board approved the Proposal for Legacy Boulevard Intersection Landscape Improvements from Tropic-Care, as amended for Heritage Isle at Viera Community Development District.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2012-03,
Approving the Proposed Budget for Fiscal
Year 2012/2013 and Setting the Public
Hearing**

Ms. Dobbins reviewed Resolution 2012-03 and the budget exhibits. The Board of Supervisors set the public hearing for August 28, 2012 at 10:30 a.m. at the Brevard County Government Center located at 2725 Judge Fran Jamieson Way, Viera, Florida 32940.

On Motion by Mr. Williams, seconded by Mr. Brown, with all in favor, the Board approved Resolution 2012-03, Approving the Proposed Budget for Fiscal Year 2012/2013 and Setting the Public Hearing for August 28, 2012 at 10:30 a.m. at the Brevard County Government Center located at 2725 Judge Fran Jamieson Way, Viera, Florida 32940 for Heritage Isle at Viera Community Development District.

TENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Earlywine updated the Board of Supervisors that the Irrigation System Agreement has been finalized and executed by all entities except the CDD. Each entity will be invoiced to reimburse the CDD for paying for this upgraded system.

He also updated the Board that the Trustee requested a proposal from Lennar that would revise the true-up provisions. Currently the Trustee has instructed District Counsel to hold off on filing a foreclosure lawsuit.

Mr. Earlywine also noted that regarding the drainage issue on specific lots he was updated that Lennar is reviewing this at the moment and fixing them where necessary. He will keep the Board of Supervisors updated on any additional information.

B. District Engineer

No report.

C. District Manager

Ms. Dobbins noted that the next regularly scheduled Board of Supervisors meeting is June 24, 2012 at 10:30 a.m.

She also reviewed a memorandum she received from the Brevard County Supervisor of Elections stating that there are 1,448 registered voters as of April 15, 2012 within Heritage Isle at Viera CDD.

Ms. Dobbins noted that pressure washing started on April 23, 2013. The Board of Supervisors approved the proposal at a cost of \$5,500, but the vendor revised their bid after further review to a cost not to exceed \$8,065. This includes sidewalks, parks, drains at the end of streets, but not curbs (gutters). The Chairman approved this due to this vendor's amount still being less than the other bids. The Board of Supervisors ratified the agreement.

On Motion by Mr. Williams, seconded by Mr. Fulghum, with Mr. Brown opposing, the Board ratified the agreement for pressure washing services at a cost not to exceed \$8,065 for Heritage Isle at Viera Community Development District.

Ms. Dobbins provided an update that the District did receive \$154,000 from the 2004 Series Reserve Account, which was directed at the last meeting to be placed in the general fund. These funds helped pay for the up front irrigation upgrade cost .

She also updated that Tropic-Care had been approved to clean the monuments at the Legacy Boulevard intersections for a cost of \$300.

ELEVENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**


Mr. Williams requested that since the CDD is ordering benches for the park off of Funston to also review all parks for any missing benches.

There were no audience comments.

TWELVTH ORDER OF BUSINESS

Adjournment

On Motion by Mr. Brown, seconded by Mr. Fulghum, with all in favor, the Board adjourned the Meeting of the Board of Supervisors at 12:05 p.m. for Heritage Isle at Viera Community Development District.


Secretary/Assistant Secretary


Chairman/Vice Chairman

Exhibit A

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Fulgham, Joe Lee, Jr.</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Heritage Isle CDD</i>
MAILING ADDRESS [REDACTED]	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY
CITY [REDACTED] COUNTY [REDACTED]	NAME OF POLITICAL SUBDIVISION: <i>Heritage Isle</i>
DATE ON WHICH VOTE OCCURRED	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Detulghum, hereby disclose that on _____, 20____:


(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, _____;
- inured to the special gain or loss of my relative, _____;
- inured to the special gain or loss of Heritage Isle District Association Inc., by whom I am retained; or
- inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The Board of Supervisors considered the Second Amendment to the Irrigation Agreement between the CDD and the Heritage Isle District Association, Inc. Because I serve as the District Association Board President, and in an abundance of caution, I recused myself from this matter and abstained from voting on it.

6/22/2012
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.