

**MINUTES OF MEETING
LIVE OAK NO. 1
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Live Oak No. 1 Community Development District was held on Tuesday, November 11, 2008 at 10:00 a.m. in the Live Oak Clubhouse, 9401 Oak Preserve Boulevard, Tampa, Florida.

Present and constituting a quorum were:

Richard Feather	Chairman
Michael Ceparano	Vice Chairman
Michael D. Mulvihill	Assistant Secretary
Scott Keen	Assistant Secretary
Heath Denoncourt	Assistant Secretary

Also present were:

Andrew P. Mendenhall	District Manager
Tracy Robin	District Attorney
Larry Kistler	District Engineer
Alba Sanchez	Severn Trent
Residents	

The following is a summary of the minutes and actions taken at the November 11, 2008 meeting of Live Oak No. 1 Community Development District Board of Supervisors.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Mendenhall called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Oath of Office for Newly Appointed Supervisor

- Mr. Mendenhall being a Notary Public of the State of Florida administered the oath of office to Mr. Denoncourt; a copy of the signed oath is attached hereto and made a part of the public record.
- Mr. Mendenhall gave him the New Supervisor Information Sheet; a copy of the Florida Commission of Ethics, a Guide to the Sunshine Amendment and Code of Ethics for Public Officers and a Form 1 Statement of Financial Interests and urged

him to submit the Form 1 soon because if it is not received within a certain timeframe, fines will be incurred.

- Mr. Robin gave a short explanation of the Sunshine Law which prohibits members of the Board from talking to each other about District business or Board business outside of a publicly noticed meeting. There can potentially be civil and criminal penalties.
- He explained to Mr. Denoncourt that he can speak to the District Attorney, the District Manager or speak to the District Engineer, but no communication with any other Board members about any matter which may come before this Board for the Board to take any action on.

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

- Mr. Mendenhall stated Mr. Denoncourt received 26 votes and will serve a four year term.

On MOTION by Mr. Feather seconded by Mr. Mullvihill with all in favor Resolution 2009-1 canvassing and certifying the results of the landowners' election was adopted.

C. Election of Officers – Resolution 2009-2

- Mr. Robin noted given the circumstance there is a new supervisor at this meeting. After November 18th there will be another change. You reconstitute after new members are elected to the Board. It is up to the Board whether you want to adopt the resolution today and do it again at the next meeting.
- Mr. Feather noted we know there will be a change on November 18th and, therefore, we can wait to the next meeting. The next meeting is January 20th.
- Mr. Mendenhall noted Mr. Feather will be off the Board technically after November 18th.
- Mr. Feather suggested Mr. Mulvihill can resign and you can appoint me to his seat at this meeting.
- After some more discussion, it was decided Mr. Mulvihill will resign at this meeting.

On MOTION by Mr. Ceparano seconded by Mr. Keen with all in favor the Board accepted Mr. Mulvihill's resignation effective immediately.

- Mr. Mulvihill was thanked for his service on the Board.

On MOTION by Mr. Ceparano seconded by Mr. Keen with all in favor the Board appointed Mr. Feather to fill Mr. Mulvihill's Seat #2 on the Board.

- Mr. Mendenhall noted we can adopt Resolution 2009-2 designating officers at the January 20th meeting.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the September 9, 2008 Meeting

Mr. Mendenhall stated each Board member received a copy of the minutes of the September 9, 2008 meeting and requested any corrections, additions or deletions.

There not being any,

On MOTION by Mr. Ceparano seconded by Mr. Feather with all in favor the minutes of the September 9, 2008 meeting were approved.

FOURTH ORDER OF BUSINESS

Manager's Report

Mr. Mendenhall reported on the following:

- He noted at the last meeting the Raymow contract was accepted by the Board subject to attorney review. Mr. Robin reviewed the contract and made comments which Raymow accepted. He brought the contract to the meeting for the Chairman to sign. This formalizes the action you took at the last meeting.
- Since the last meeting when the Board accepted the Remson Aquatics contract for pond maintenance, their people have been on site.
- He spoke to Prager, Sealy who noted Live Oak No. 1 CDD is no longer in a favorable environment to do a refunding. They are hopeful there will be an opportunity in the future.

- He contacted Remson Aquatics and Raymow regarding the cleanup of garbage from the lime green areas on the Live Oak No. 1 map. He received proposals for both.
- Raymow's price is \$290 and Remson is \$480.

On MOTION by Mr. Keen seconded by Mr. Feather to accept the proposal from Raymow at a cost of \$290 for the cleanup and disposal of trash in the lime green areas of the Live Oak No. 1 CDD.

- He noted there were issues which arose between meetings, mainly related to ponds, erosion repair or pumps that are time sensitive and recommends the Board choose a threshold amount the chairman can act upon without having to bring it back to the Board for a decision. It is the Board's decision how much the threshold amount can be. Most other districts have a threshold of \$5,000.
- He will get three competitive quotes to fix one pond fountain that has a broken motor.
- Mr. Robin noted \$5,000 is a reasonable good working number most of our Boards focus on. It is high enough to cover emergencies in nearly every case and low enough to give the Board protection and control.

On MOTION by Mr. Keen seconded by Mr. Ceparano with all in favor to set a threshold of \$5,000 for the chairman to use in cases where a decision needs to be made between meetings.

FIFTH ORDER OF BUSINESS

Attorney's Report

Mr. Robin reported on the following:

- An issue which arose about a year ago and has recently resurfaced refers to a piece of property surrounding the school on the east and north sides. As shown on the Property Appraiser's website it is all retention ponds, conservation areas for wetlands.

- He discovered that in July of 2007 the owner of the property, an affiliate of the developer, is an entity called Live Oak School Park LLC. They deeded the property to the District. The District was not aware at the time it was deeded.
- The Property Appraiser had assessed this property for taxes for fairly significant land values. There are three years of taxes owed that are outstanding approaching \$70,000.
- The risk in this is the District can lose the ownership of the property which may not be the worst thing that can happen if you want to consider it will cost you \$70,000 in cash to buy back these certificates for assessments which never should have been made, but once they are made and they go to sale, we will not be able to change them.
- We should contact the Property Appraiser about this assessment and whether this is realistic.
- In order to apply for an exemption you have to specify the property you are applying for. They did not know about this piece of property; it would not have been listed as part of the exemption.
- He noted last spring we contacted the developer's lawyer's office and never received a response.
- He noted the Board has two options. Option A is to write a check and Option B, which he feels there is little risk in it for the District, is to let this ride out and see what happens.
- We need to go back and look at the restrictions for this area and see what the legal description is and how the plat is covered.
- Mr. Mendenhall will check the exemptions.
- Mr. Robin noted we will need to do more investigation and bring back the additional information to the Board. He does not think there is a rush on this. There were no applications filed for a tax deed when he contacted the Collector's Office.

- Mr. Denoncourt asked when our attorney does this homework for us is it all part of a retainer he is on or is it billable by the hour.
- Mr. Robin noted it is billable by the hour.
- How much money do we want to invest in the homework part?
- Mr. Robin noted we will do this in the most cost effective way for the District. This is not a big research project. He will bring additional information to the Board first before following up to get direction
- He spoke about the Tousa bankruptcy filing. We shared costs with the Hammocks and Live Oak No. 2 so we can file claims in the bankruptcy and try to protect the District's special assessments and the priority of our special assessments.
- There was a disclosure filed on behalf of the debtor which our lawyer looked at and said he cannot tell how they are treating our claims. This was filed yesterday.
- Because we are a secure creditor, we should not be affected; however, this is a complicated case from what he has learned. The Board has to understand the District's assessments which we need to protect do not fall into the normal creditor categories; they are not ad valorem taxes, they are not any sort of credit instruments.
- He wants authorization from the Board to give him flexibility with bankruptcy counsel if it looks like another filing will be needed to protect the District's interests and thinks another \$3,000 split between the three Districts will be needed.
- The Board should be aware this issue has not been fully resolved.

SIXTH ORDER OF BUSINESS

Engineer's Report

- Mr. Kistler stated we are currently dealing with SWFWMD certifications for Phase 1C and for Live Oak north commercial lots 2 and 3 for drainage certifications. We are still working with repairs to Village 6 area.
- Mr. Mendenhall noted we have three firms quoting on this.

SEVENTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

There not being any, the next item followed.

EIGHTH ORDER OF BUSINESS

Audience Comments

- Mr. Domenick Guerriero noted he was assured that by November 1st the issue of the cabbage palm trees would be handled.
- Mr. Mendenhall noted we had a contractor who submitted plantings, but due to the change in weather since the time of the original proposal, that contractor wants to resubmit a different proposal; it has not been received yet.
- Mr. Feather noted this needs to be coordinated with King Engineering.
- Mr. Mendenhall is following up on this issue with a different contractor to get this issue resolved.
- Ms. Delores Carr commented on the school discussed earlier.
- Mr. Feather noted all the notices were sent to the original land holder which was Florida School Land Bank LLC which was the subsidiary of the original developer of the property. The Land Bank did a quit claim deed transferring the property to the CCD unannounced to the CDD about a year ago.
- When they did a quit claim deed, not only the assets of that property, but the liabilities, i.e., the outstanding taxes transferred over. We directed Mr. Robin to find out who currently owns the tax certificates, the viability of rejecting the quit claim deed and if there is another avenue we can go to resolve this without spending \$70,000. The Board agrees we do not want to spend \$70,000. We are putting off any decision on this issue until our attorney gets us more information.
- Mr. Rick Solano had questions about payoffs and principal amount.

NINTH ORDER OF BUSINESS

Approval of Financial Statements

There not being any comments or questions,

On MOTION by Mr. Feather seconded by Mr. Keen with all in favor the financial statements for the period ending September 30, 2008 were accepted.

- In answer to a question about payments for Board members, Mr. Mendenhall noted previously when the Board was developer represented, they chose not to receive \$200 per meeting up or \$4,800 per year allowable per statute. Since we have a new Board member, you have the option to accept it or to forgo the payment. The new supervisor has to inform me whether he wants to receive payment.
- Mr. Robin noted often when Boards turn over to resident control, the Board decides as a policy how it will do that. In the last six months, you transitioned from a developer controlled Board to resident Board.
- We will be an agenda item for the next meeting.
- Mr. Mendenhall noted the Board had the opportunity at this time to appoint Mr. Feather to Seat #2.

On MOTION by Mr. Ceparano seconded by Mr. Keen with all in favor Mr. Feather was appointed to fill Seat #2 effective November 18, 2008.

TENTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Feather seconded by Mr. Ceparano with all in favor the meeting was adjourned.



Andrew P. Mendenhall
Secretary



~~Richard Feather~~
VICE Chairman