

## **MINUTES OF MEETING**

*The following is a summary of the discussions and actions taken at the Clearwater Cay Community Development District (CDD) Board of Supervisors meeting.*

### **CLEARWATER CAY COMMUNITY DEVELOPMENT DISTRICT**

The meeting of the Board of Supervisors of the Clearwater Cay Community Development District was held on Thursday May 23, 2019 at 5:30 p.m. at the Grand Venezia Baywatch Clubhouse on 2704 Via Murano in Clearwater, Florida 33764.

#### **Present and constituting a quorum were:**

Don Dwyer  
Pat O'Malley  
Michael Herd  
Alan Glidden  
Jeff Wilson

Chair  
Vice Chair  
Treasurer  
Assistant Secretary  
Assistant Secretary

#### **Also present were:**

Cal Teague  
Dan Molloy  
Residents

District Manager  
District Attorney

#### **FIRST ORDER OF BUSINESS**

#### **Call to Order and Roll Call**

The meeting was called to order and the Chairman called the roll. All were present for today's meeting. Also present was District Attorney Dan Molloy.

#### **SECOND ORDER OF BUSINESS**

#### **Approval of the Agenda**

The Agenda was presented with a request to change 8. B. from "Update on Hopping Green Demand Letter" to "Update on Holland and Knight Demand Letter".

On MOTION by Supervisor Wilson, seconded by Vice Chairman O'Malley, with all in favor, the Agenda was approved as amended.

#### **THIRD ORDER OF BUSINESS**

#### **Audience Comments on Agenda Items**

There being none, the next Order of Business followed.

## **FOURTH ORDER OF BUSINESS**

### **Approval of Meeting Minutes**

#### **A. Regular Meeting Minutes from April 25, 2019**

The Meeting Minutes were accepted as presented.

On MOTION by Supervisor Wilson, seconded by Vice Chairman O'Malley, with all in favor, the Regular Meeting Minutes of April 25, 2019 were approved as presented.

## **FIFTH ORDER OF BUSINESS**

### **Old Business**

#### **A. Outstanding Legal Bills**

It was discussed that nothing has been received from Gray Robinson still to this day, despite several requests. Therefore, this agenda item will remain tabled.

#### **B. The Flournoy Request**

This item is still being discussed and the District Manager hopes to have a report for the Board to review by the next meeting.

#### **C. Community Upgrades**

At last month's meeting the Board approved stairs to be installed in front of building 9. The Chairman reported that this project is complete.

## **SIXTH ORDER OF BUSINESS**

### **New Business**

The Chairman presented a Resolution for filing for bankruptcy on behalf of the District. The Chairman introduced Mr. Rob Soriano who is experienced in governmental bankruptcy to give the Board more information on bankruptcy and how the process would work. As the CDD is a state governmental entity if the CDD files for bankruptcy it would be a Chapter 9 Bankruptcy. This would allow for the CDD to continue to do business as usual. The CDD and the Board members cannot be sued after filing for a Chapter 9 bankruptcy. It was also discussed that the CCD will need the states permission to file for bankruptcy under Chapter 9. The Board felt this was the best way to go given their lack of knowledge on how much debt they are in currently as well as several other factors.

On MOTION by Chairman Dwyer, seconded by Supervisor Glidden, with all in favor except for Supervisor Herd, Resolution 2019-11 is accepted.

**SEVENTH ORDER OF BUSINESS****Manager's Report****A. Financial Statements for Period Ending April 30, 2019**

The financial statements were presented and accepted.

On MOTION by Supervisor Glidden, seconded by Supervisor Wilson, with all in favor, the financial statements for period ending April 30, 2019 were accepted.

**B. Approval of Fiscal Year 2020 Budget/Set Public Hearing**

The District Manager explained that assessments cannot be increased after the Board accepts Resolution 2019-10. The District Manager discussed with the Board that other aspects of the budget can be amended as need be until the public hearing. Resolution 2019-10 is for approving a tentative budget and setting the budget public hearing for August 22<sup>nd</sup>.

On MOTION by Supervisor Wilson, seconded by Vice Chairman O'Malley, with all in favor, Resolution 2019-10 is accepted.

**C. ADA Website Compliance Update**

The District Manager announced that the website is still on track to be completed by July.

**EIGHTH ORDER OF BUSINESS****Attorney's Report****A. Update 2018 Assessment Methodology**

Owen Bites and Mark Lawson are working on this currently and should have something to present by the beginning of July.

**B. Update on Holland and Knight Demand Letter**

District Attorney Malloy explained that this demand letter is on behalf of the Trustee. It was in regard to the potential leasing of the garages to the condo owners, which the Board has decided not to move forward with. It demanded that there be public access to those facilities, which is not physically possible. District Attorney Malloy notified the Board that he does not plan to respond to this demand letter.

**NINTH ORDER OF BUSINESS****Supervisor's Requests and/or Comments**

Supervisor Glidden had a few questions regarding assessment methodology.

## TENTH ORDER OF BUSINESS

## Audience Comments

Scott Steady had some comments and questions regarding the assessments.

An audience member commented on the maintenance agreement being cancelled. He commented that the community doesn't have to worry about maintenance assessments anymore, because that agreement was cancelled. The District Manager explained to him that the maintenance assessments still get paid for by the homeowners for the maintenance of the CDD, even though the Board no longer has a maintenance agreement with the Grand Venezia Condo Association.

Bruce Barnes wanted to let the Board know that Mr. Soriano is a highly respected bankruptcy attorney.

## ELEVENTH ORDER OF BUSINESS

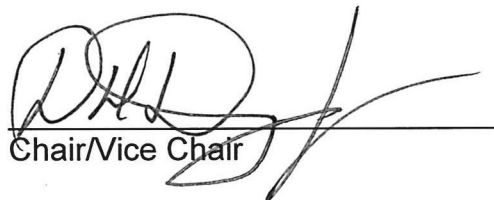
## Adjournment

There being no further Orders of Business and,

On MOTION by Treasurer Herd, seconded by Vice Chairman O'Malley, with all in favor, the meeting was adjourned at 6:26 p.m.
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**Next Meeting: June 27, 2019 at 5:30 PM**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair