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CLEARWATER CAY
COMMUNITY DEVELOPMENT DISTRICT
12051 Corporate Boulevard, Orlando, Florida 32817
Phone: 407-382-3256; Fax: 407-382-3254

PROCEEDINGS: BOARD OF SUPERVISORS MEETING
BEFORE: The Board of Supervisors of the
Clearwater Cay Community Development
District
DATE: August 15, 2018
TIME: 5:00 p.m. to 7:18 p.m.
LOCATION: Clearwater Main Library
100 North Osceola Avenue
Conference Room A-B
Clearwater, Florida 33755
REPORTED BY: Courtney N. Verhagen, RMR, CRR
Notary Public
State of Florida at Large

1 APPEARANCES:

2 DR. HANK FISHKIND, ACTING CHAIRMAN

3 BOARD OF SUPERVISORS:

4 TREVOR DAVISON, CHAIRMAN/FORMER CHAIRMAN

5 JEFF WILSON, NEWLY ELECTED CHAIRMAN

6 ALAN GLIDDEN, VICE-CHAIR

7 JOEL MIES, ASSISTANT SECRETARY

8 GERALD "JERRY" LANCASTER, ASSISTANT SECRETARY

9 NINO ACCETTA (Via Telephone)

10 DAVID L. SMITH, ESQUIRE

11 ROBERT E. JOHNSON, ESQUIRE (Via Telephone)

12 GrayRobinson, P.A.

13 401 East Jackson Street

14 Suite 2700

15 Tampa, Florida 33602

16 Attorney for the District

17 AUDIENCE COMMENTS FROM:

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19 Bruce W. Barnes, P.A.

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23 Attorneys for the Grand Venezia Condominium Association

24 BRIAN A. CRUMBAKER, ESQUIRE

25 GARY V. PERKO, ESQUIRE

26 Hopping Green & Sams

27 119 South Monroe Street

28 Suite 300

29 Tallahassee, Florida 32314

30 Attorneys for OppenheimerFunds

31 DEBBIE TAYLOR, BRUCE W. BARNES, P.A.

32 DON DWYER, UNIT OWNER

33 MICHAEL HERD, UNIT OWNER

34 NANCY THIBODEAU, UNIT OWNER

- 1 APPEARANCES (CONTINUED) :
- 2 JOSEPH GORMAN, UNIT OWNER
- 3 JOHN ARATA, UNIT OWNER
- 4 PAT O'MALLEY, UNIT OWNER
- 5 DANIEL TSINOKAS, UNIT OWNER (Via Telephone)
- 6 BILL BAILEY, UNIT OWNER
- 7 DANNY SETTLES, UNIT OWNER
- 8 JEREMY DOMANICH, CBRE APPRAISER
- 9 DR. CHRIS JONES, FLORIDA ECONOMIC ADVISORS
- 10 RONALD SCHULTE, UNIT OWNER
- 11 PHYLLIS SCHULTE, UNIT OWNER
- 12 JOHN GOASKA, UNIT OWNER
- 13 DAVID McCOMAS, UNIT OWNER
- 14 COLLEEN TUTTLE, UNIT OWNER
- 15 WAYNE CHASE, UNIT OWNER
- 16 JEFF WILSON, UNIT OWNER

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1 P R O C E E D I N G S

2 DR. FISHKIND: Ladies and gentlemen, I'd like to
3 call this meeting of the Clearwater Cay Community
4 Development District to order. It is Wednesday,
5 August 15th. It's 5:00 p.m., and I've called the roll
6 for the record.

7 Mr. Davison.

8 CHAIRMAN DAVISON: Here.

9 DR. FISHKIND: Mr. Lancaster.

10 SUPERVISOR LANCASTER: Here.

11 DR. FISHKIND: Mr. Mies.

12 SUPERVISOR MIES: Here.

13 DR. FISHKIND: Mr. Glidden.

14 VICE-CHAIR GLIDDEN: Here.

15 DR. FISHKIND: And I know that Mr. Accetta is on
16 the phone. So we have a forum.

17 Trevor, would you like me to lead the meeting?

18 CHAIRMAN DAVISON: Yes, please. Do it.

19 DR. FISHKIND: All righty. The first thing we
20 have is public --

21 (Telephonic interruption from the speakerphone.)

22 DR. FISHKIND: Whoever's on the phone, you've got
23 to --

24 UNIDENTIFIED MALE TELEPHONIC SPEAKER: We're
25 getting a lot of feedback.

1 DR. FISHKIND: Yes. So somebody needs to put
2 their phone on mute, please.

3 First item of business is public comment. If you
4 have any public comment, we'd be pleased to hear it.

5 MR. BARNES: I do.

6 DR. FISHKIND: Sure.

7 MR. BARNES: You all know -- most of you I
8 know -- I don't know who this gentleman is here -- I'm
9 Bruce Barnes, representing Grand Venezia COA, and I
10 know one of the matters that you'll be addressing are
11 invoices from Fishkind & Associates, as well as
12 GrayRobinson, which are quite substantial and don't
13 relate to any contract in particular that I know of.

14 But in any event, are you CCD board members aware
15 of the act that this CCD is in default under the
16 Florida statute that requires that the annual audit be
17 prepared and filed with the Auditor General by June 30?

18 DR. FISHKIND: Just make your statement. It's
19 not -- it's not questioning. Just -- just --

20 MR. BARNES: Are you aware of that? Is
21 anybody aware --

22 MR. SMITH: They don't have to answer questions.

23 DR. FISHKIND: Well, please, make your
24 statements, Mr. Barnes, and then we'll move on. So --

25 MR. BARNES: I think the public has a right to

1 know whether they're aware of it. If you're going to
2 instruct them not to answer it, then that's fine.
3 We'll move on.

4 UNIDENTIFIED MALE SPEAKER: I'd like to hear it.

5 DR. FISHKIND: We'll be happy to answer at the
6 right time.

7 UNIDENTIFIED MALE SPEAKER: Okay.

8 DR. FISHKIND: This isn't the right time.

9 UNIDENTIFIED MALE SPEAKER: Okay.

10 DR. FISHKIND: Don't worry. Everything will be
11 taken care of. Just --

12 MR. BARNES: Okay. On top of that, we'll also be
13 talking about assessments, and I have for your review
14 an assessment methodology report prepared by a
15 different financial advisor for a different community
16 development district that's up in Pasco County, and
17 it's called "Asturia."

18 MR. SMITHI: Bruce --

19 MR. BARNES: Yes.

20 MR. SMITH: -- you're going to want to do that at
21 the public hearing.

22 MR. BARNES: Okay.

23 MR. SMITH: There will be a time to make your
24 entire presentation at the public hearing.

25 MR. BARNES: I just want to hand this out.

1 MR. SMITH: Okay.

2 MR. BARNES: That's all.

3 MR. SMITH: That's fine.

4 MR. BARNES: And just for the record, the
5 Asturia Community Development District is represented
6 by Hopping Green, counsel for Oppenheimer in this --
7 that case.

8 So if you'll go ahead and hand those out to
9 the --

10 MS. TAYLOR: I did.

11 MR. BARNES: You did? Okay. That's it.

12 DR. FISHKIND: Thank you. Any --

13 MR. SMITH: You handed those to the board members
14 directly?

15 MS. TAYLOR: Yes.

16 DR. FISHKIND: Dan (sic)?

17 MR. DWYER: Thank you. Don Dwyer representing
18 Ann Cameron, sitting beside me but has to leave the
19 meeting early to go save people's lives tonight.

20 Why was the July 18th meeting canceled? Who
21 canceled it? Because that meeting was canceled, in
22 essence, you realize that we were denied the
23 opportunity as a community to have direct input on the
24 methodology process that you undertook that we're here
25 to essentially have voted on tonight.

1 Why didn't you publish the notice of tonight's
2 meeting? Why didn't the published notice of tonight's
3 meeting talk about anything other than the appraisal in
4 terms of why the 2015 assessments and subsequent
5 assessments were deemed unlawful?

6 So those are my comments. I would hope that you
7 would answer some of them. I'm not sure that you will,
8 but we'll save the rest for later. Thanks.

9 DR. FISHKIND: Don, I'll always answer your
10 questions. Sorry.

11 Other comments, questions from the audience?
12 Yes, sir, please.

13 MR. HERD: Michael Herd. Thank you.

14 In the notice of --

15 THE COURT REPORTER: Michael what? I'm sorry.
16 I need your name. Michael?

17 MR. HERD: Michael Herd, H-e-r-d.

18 MR. SMITH: Thank you.

19 MR. HERD: In the notice that was mailed to the
20 unit owners, at the bottom of Page 3, owners were told
21 that if they wanted the documents referred to in the
22 letter, we should contact the district manager in
23 Orlando.

24 Isn't it a requirement of law that you maintain
25 the records here in Clearwater? Thank you.

1 DR. FISHKIND: Any other comments, questions?

2 MS. THIBODEAU: I'd like to comment.

3 DR. FISHKIND: Yes. Please tell us your name.

4 MR. GORMAN: Joseph Gorman, and I have a
5 question. I'm new to this, a new homeowner as of --
6 effective June 1.

7 So my question is -- I just got handed this
8 community development adopted physical operations
9 budget. I'm assuming that this is what I pay into.

10 DR. FISHKIND: Yeah.

11 MR. GORMAN: And my question is, who approved
12 this budget and when was it approved? Because I didn't
13 get any notice, and I sure as hell wouldn't have
14 paid -- approved all these legal fees.

15 So who did that? That -- that's my question.

16 And -- and then I have another question in
17 reference to the notice sent to homeowners about the
18 district continuing to honor its financial commitments.
19 Do you-all agree that the financial commitments to the
20 bondholders should be reduced if the debt service,
21 you know, can't be justified?

22 So that's another question for whoever.

23 Thank you.

24 DR. FISHKIND: Yes.

25 MS. THIBODEAU: I'd like to make --

1 DR. FISHKIND: Yes, ma'am.

2 MS. THIBODEAU: Yes. I had a couple questions
3 that I'd like to ask.

4 DR. FISHKIND: State your name, please, for the
5 record.

6 MS. THIBODEAU: Nancy Thibodeau.

7 DR. FISHKIND: Thanks, Ms. Thibodeau.

8 MS. THIBODEAU: Okay. I wanted to ask the board
9 members why they continue to work with Oppenheimer and
10 against the Grand Venezia interest, Grand Venezia
11 landowners' interests. That's one of my questions.

12 Another one is, why didn't the CDD ever take
13 Mr. Barnes' multiple offers to hold a workshop so that
14 we could have a full and frank discussion about the
15 assessments and the pertinent law and facts?

16 DR. FISHKIND: Thank you.

17 MS. THIBODEAU: Thank you.

18 DR. FISHKIND: Yes.

19 MR. ARATA: What about the fact, Dr. Fishkind,
20 that --

21 MR. DWYER: You've got to state your name first.

22 DR. FISHKIND: State your name.

23 MR. ARATA: Oh, I'm sorry.

24 DR. FISHKIND: Yes.

25 MR. ARATA: John Arata, Grand Venezia.

1 DR. FISHKIND: Thank you.

2 THE COURT REPORTER: I'm sorry. You've got to
3 say that again.

4 MR. ARATA: John Arata.

5 THE COURT REPORTER: Thank you.

6 DR. FISHKIND: Thanks, John.

7 MR. ARATA: Dr. Fishkind, you testified that the
8 land and infrastructure allocations in the 2008 report
9 related to lands and infrastructure outside the gates
10 of Grand Venezia.

11 So how did that affect -- what benefit are the
12 people, us inside the Grand Venezia, getting if it's
13 outside the gate?

14 DR. FISHKIND: Yeah. We're going to talk all
15 about that at the assessment hearing. So I'll delay
16 the answer to that till then.

17 Anything else, John? John, anything else?

18 MR. ARATA: Excuse me?

19 DR. FISHKIND: Any other issues, John?

20 MR. ARATA: No, that's it for now.

21 DR. FISHKIND: Okay. Thank you, sir.

22 Yes.

23 MR. O'MALLEY: Yes. My name is Pat O'Malley.

24 And do the board members understand that both
25 GrayRobinson and Fishkind & Associates helped to

1 establish the CDD where not one penny of infrastructure
2 was ever construction -- constructed? Pardon me.

3 And does it not concern you that GrayRobinson and
4 Fishkind & Associates have profited handsomely on the
5 backs of the owners by the monthly fees that both
6 organizations are charging each month to each owner?

7 DR. FISHKIND: Yes, sir. Anything else?

8 MR. O'MALLEY: That's all.

9 DR. FISHKIND: Okay. Thank you.

10 MR. O'MALLEY: And that will be answered?

11 DR. FISHKIND: We'll take care of it, sir.

12 MR. O'MALLEY: This evening?

13 DR. FISHKIND: We'll take care of it, sir.

14 MR. O'MALLEY: I can't hear you.

15 DR. FISHKIND: Yes, sir.

16 MR. O'MALLEY: Thank you.

17 DR. FISHKIND: Yes, sir. Anything else?

18 (No response.)

19 DR. FISHKIND: Okay. So we've done the public
20 comment.

21 Would the board like to respond briefly to that?

22 MR. TSINOKAS: Well, hold on. Can --

23 DR. FISHKIND: Oh, I'm sorry.

24 MR. TSINOKAS: Can I make --

25 DR. FISHKIND: I'm sorry, sir.

1 MR. TSINOKAS: Can I make a comment?

2 DR. FISHKIND: Of course you can. I'm sorry.

3 I forgot you on the phone.

4 MR. TSINOKAS: Okay.

5 DR. FISHKIND: My apologies. Please go ahead.

6 MR. TSINOKAS: That's okay. And I appreciate --
7 this is coming in loud and clear, and I appreciate the
8 owners and individuals there making comments to the --
9 to the board supervisors. And so my comment is really
10 a reflection of what's been going on for seven or six
11 months.

12 Obviously you're hearing some of the feedback
13 that the owners and the community and our attorney,
14 Bruce Barnes, has been saying to the GVCOA, the CCD
15 board, for a long time now. And so -- and so I've had
16 personal communications with the board members, not
17 Joel, but certainly Trevor, Nino, and Alan.

18 And in talking about the creation -- we talked
19 about the creation and -- and the serious flaws in the
20 CCD and not receiving any benefits and, you know, these
21 fear tactics that have gone on to some personal CCD
22 board members and personal lawsuits. So, you know, we
23 all know now that this was not a frivolous lawsuit, and
24 Judge Jirotko kind of ruled on that.

25 We've got an assessment coming up, and there is a

1 number of other issues as well, and then I'm very
2 disappointed at a previous meeting that Jerry Lancaster
3 invited us to be able to participate in a reassessment,
4 and that -- that did not happen.

5 And so for me and the rest of this community, we
6 continue to feel frustration at being not properly
7 represented and certainly not being properly looked
8 after. And so for me, I know that, you know, in the --
9 in the next hour or so, that the individuals that
10 represent the CCD -- and I'm talking about the board
11 members -- are making an important decision.

12 This is not a game anymore, and they'll be
13 hold -- they'll be held accountable for their
14 decisions, and I hope that they'll give serious
15 consideration to what's been said earlier today and
16 that when the time comes, that -- you know, that
17 they -- that they have the courage and that they're not
18 afraid to make the right decisions. I think they know
19 what the right decision is, and that is not to approve
20 this reassessment.

21 We need to have a workshop session and do what's
22 proper. So as I said, they will be held accountable.
23 It will not end today if they decide to pass this on,
24 and I want it to be on the record that they've been --
25 they've been made aware of the seriousness of what is

1 going to happen if they approve this reassessment that
2 has lots of flaws in it.

3 DR. FISHKIND: And would you --

4 MR. TSINOKAS: Thank you very much.

5 DR. FISHKIND: And would you state your name?

6 I didn't get it at the beginning.

7 MR. TSINOKAS: My first name is Dan --

8 DR. FISHKIND: Yeah.

9 MR. TSINOKAS: -- and my last name is Tsinokas --

10 DR. FISHKIND: Thanks, Dan.

11 MR. TSINOKAS: -- T for Tom, S for Sam,
12 i-n-o-k-a-s.

13 DR. FISHKIND: Thank you.

14 Any other comments from anybody?

15 MR. BAILEY: I'd like to make a statement.

16 DR. FISHKIND: Yes, sir.

17 MR. BAILEY: My name's Bill Bailey. I'm new to
18 the Grand Venezia.

19 DR. FISHKIND: Yes, sir.

20 MR. BAILEY: I'm actually confused about this
21 board a little bit. I would like to address the legal
22 fees. I really don't understand how it works. I would
23 like to know if any of these legal fees are paying for
24 any of this litigation that's going back and forth and,
25 if so, why.

1 As a -- as an owner, I don't want to pay for
2 their lawyer fees when they should be fighting their
3 own battle, and we're fighting our own. So I'd like to
4 have that addressed.

5 DR. FISHKIND: Thank you, sir.

6 Yes, sir.

7 MR. SETTLES: Excuse me. Danny Settles,
8 Grand Venezia landowner.

9 THE COURT REPORTER: I'm sorry. Could you say
10 that again?

11 MR. DWYER: Danny Settles.

12 MR. SETTLES: Danny Settles, Grand Venezia
13 landowner.

14 I would just like to know how you, as a board,
15 can sit and justify the so-called "benefits" that we
16 receive from assessments that we pay.

17 DR. FISHKIND: Well, we're going to talk about
18 that at the assessment hearing, if I could ask you to
19 hold off on that issue.

20 Do you have another one that you want us to --

21 MR. SETTLES: No.

22 DR. FISHKIND: Okay. Thank you.

23 MR. SETTLES: Uh-huh.

24 DR. FISHKIND: Anybody else?

25 (No response.)

1 DR. FISHKIND: Okay. Done with public comment.

2 Would the board like me to respond to some of
3 those questions?

4 CHAIRMAN DAVISON: Yes, please.

5 DR. FISHKIND: All right. Let me try to do that.

6 Let me start with the audit. The audit has been
7 delayed because of the litigation and the need to wait
8 for the assessments, and we've notified the appropriate
9 authorities. We have an update from our auditor. So
10 that's the audit.

11 In terms of why we canceled the July meeting, we
12 didn't have any business to conduct. So that's why we
13 didn't have the July meeting. There was no business to
14 be conducted. We needed to have this meeting in order
15 to be able to deal with the assessments.

16 The published notice was published exactly
17 according to what is required, vetted by the attorneys
18 properly with the statute.

19 Yes, we do keep the records in Clearwater. Alan
20 keeps them and puts them in a public place so anybody
21 can have access to them.

22 In terms of the budget, budgets are approved in
23 Florida based on statutory regulations in a two-step
24 process. This board passed a preliminary budget at its
25 June meeting, and we scheduled a public hearing to pass

1 the final budget today. So that's what happens with
2 the budget.

3 The legal fees are incurred, yes, in part, to
4 defend against the litigation. The district is
5 informed that it is required by its bond documents to
6 defend.

7 In terms of Oppenheimer and the owners and us,
8 yes, we were involved in the initial assessments, and
9 we are still here today conducting them.

10 Why no workshop? Because this public hearing is
11 the workshop. That's what a workshop is.

12 MR. BARNES: No, it's not.

13 DR. FISHKIND: That's what this public hearing is
14 for. So I think that is -- I'm looking to Trevor.

15 CHAIRMAN DAVISON: I think there's --

16 DR. FISHKIND: Yes, sir.

17 CHAIRMAN DAVISON: -- just one other thing you
18 might want to mention, too.

19 THE COURT REPORTER: I'm sorry. I can't hear.

20 CHAIRMAN DAVISON: I just want to -- you might
21 want to mention the -- splitting the fees, only
22 20 percent is paid by Venezia.

23 MR. SMITH: She can't hear you.

24 THE COURT REPORTER: I can't hear anything.

25 MR. DWYER: Would the reporter be able to sit up

1 next to you?

2 DR. FISHKIND: It's -- what Trevor was asking is
3 to point out that a percentage of the fees are paid by
4 Grand Venezia, approximately 20 percent. The
5 preponderance of the fees are actually paid by
6 the whole -- by the apartment parcel that's under
7 development.

8 I think that's the point Trevor was making.

9 CHAIRMAN DAVISON: Yeah. The apartment parcel
10 and the --

11 DR. FISHKIND: Yeah, that's right.

12 CHAIRMAN DAVISON: -- and the --

13 DR. FISHKIND: Office.

14 CHAIRMAN DAVISON: -- office.

15 DR. FISHKIND: And the office parcel. Right.

16 Okay. So we're done with public comments. We're
17 on to consideration of the minutes, June 20th, 2018,
18 under Tab 1. Let me get my document here. Just give
19 me a second.

20 Okay. So comments, questions? Anything on the
21 minutes of your last meeting?

22 CHAIRMAN DAVISON: Yes, Page --

23 MR. DWYER: I do.

24 CHAIRMAN DAVISON: -- Page 11.

25 DR. FISHKIND: Trevor?

1 MR. DWYER: Don Dwyer again.

2 CHAIRMAN DAVISON: Oh, Page 11. It said --

3 MR. SMITH: Public comment's over.

4 DR. FISHKIND: What page are you on?

5 CHAIRMAN DAVISON: Page 11, the last paragraph.

6 It says --

7 THE COURT REPORTER: Okay. I'm going to have to
8 move because I can't hear him at all.

9 MR. SMITH: And while she's doing that, if I
10 could ask everybody to use your outdoor voice. We've
11 already known because we've been threatened with a
12 lawsuit almost irrespective of what we do.

13 So we need a complete transcript. So it's
14 important that you make an effort to speak up so she
15 can get the record correct because it will be read at
16 some point in time. So while we're waiting for her to
17 shift -- let's just wait for a while, but keep that in
18 mind, please.

19 And if you need to come forward a little bit in
20 order to be heard, that's okay. If you need to stand
21 up to be heard, that's okay. We would like to get
22 everything in the record, and you would like to get
23 everything in the record.

24 THE COURT REPORTER: And everyone says their name
25 because I'm not going to be able to remember just

1 because you said it once.

2 MR. SMITH: Yes. Each time you speak, for
3 example, "David Smith. I'd like to respond to that
4 question." So please use your name so we know who you
5 are when you speak.

6 (Whereupon, the court reporter repositioned.)

7 UNIDENTIFIED MALE SPEAKER: I would ask the same
8 thing of the board because, frankly, I mean, I'm
9 obviously an old guy, hard of hearing, but I had
10 difficulty hearing --

11 DR. FISHKIND: I understand.

12 UNIDENTIFIED MALE SPEAKER: -- and his voice is
13 soft.

14 DR. FISHKIND: I will try to speak up.

15 MR. SMITH: And that was intended for my board
16 members, as well as the public.

17 Absolutely. I can relate.

18 DR. FISHKIND: All right. So minutes.

19 CHAIRMAN DAVISON: Okay. So the last
20 paragraph -- Page 11, last paragraph.

21 DR. FISHKIND: Page 11, last paragraph.

22 All right.

23 CHAIRMAN DAVISON: "Mr. Davison stated that the
24 value of the CDD received a 2.65 percentage." That
25 should be \$2.65 million.

1 DR. FISHKIND: Yeah. Okay.

2 CHAIRMAN DAVISON: The next line is \$1.5 million;
3 then the next line is \$2.65 million.

4 DR. FISHKIND: Right.

5 MS. THIBODEAU: We still can't hear you.

6 DR. FISHKIND: What Mr. Davison was mentioning is
7 on Page 11 of the minutes, that instead of percents, we
8 should have had millions. We have the right number; we
9 just had percent instead of million.

10 Thank you, Trevor.

11 Anything else to correct the minutes?

12 (No response.)

13 DR. FISHKIND: Then a motion to approve the
14 minutes, as amended, will be in order.

15 UNIDENTIFIED MALE SPEAKER: Hold on, hold on.

16 DR. FISHKIND: You're out of order.

17 Trevor, could I have a motion to approve this?

18 CHAIRMAN DAVISON: Yeah, I'll make a motion to
19 approve the minutes.

20 SUPERVISOR LANCASTER: I'll second it. Jerry.

21 SUPERVISOR ACCETTA: I'll second the motion.

22 CHAIRMAN DAVISON: That's Nino.

23 DR. FISHKIND: Nino, thank you.

24 All those in favor --

25 SUPERVISOR ACCETTA: I second the motion.

1 DR. FISHKIND: All those in favor please signify
2 by saying "aye."

3 BOARD OF SUPERVISORS: Aye.

4 DR. FISHKIND: All the same sign. Thank you.

5 SUPERVISOR ACCETTA: Aye.

6 DR. FISHKIND: Thank you, Nino.

7 Thank you, sir.

8 MR. SMITH: And, Hank, before you move forward,
9 let me clarify the process.

10 The way meetings are set up, just like they are
11 for municipalities, it's really not a colloquy. There
12 are periods of time in which you have input, which was
13 the public comment up front, and you're going to have
14 an opportunity to be heard during the public hearing,
15 when these issues --

16 MR. DWYER: But there's an error, and you're --
17 you've just recorded and passed an error because this
18 gentleman sitting down here was at the last meeting,
19 and according to your minutes, unless you've changed
20 them, he was on the telephone. That's what I wanted to
21 tell you.

22 MR. SMITH: Who was on the telephone?

23 MR. DWYER: Chris Jones.

24 MR. SMITH: So you're saying the minutes -- the
25 minutes did not reflect his presence on the phone.

1 MR. DWYER: No. It reflected him on the phone.
2 He was in the meeting personally.

3 MR. SMITH: Okay. So you have an erratum.

4 DR. FISHKIND: Thank you.

5 MR. SMITH: Thank you.

6 DR. FISHKIND: All right. So, David, go ahead.
7 You were going to introduce the next item, which is our
8 assessment proceedings.

9 MR. SMITH: Well, actually, I think you're going
10 to consider the resolution to approve an annual meeting
11 schedule.

12 DR. FISHKIND: Oh, I'm sorry.

13 MR. SMITH: That's all right.

14 DR. FISHKIND: Yeah. Item 2 is the resolution
15 2018 annual meeting schedule, the third Wednesday of
16 each month except for November. We'll make it the
17 second Wednesday to avoid Thanksgiving. The reason we
18 set the meeting schedule once is so that we can just
19 conduct one advertisement.

20 So questions, comments?

21 Otherwise, a motion to approve the 2018 meeting
22 schedule would be in order.

23 CHAIRMAN DAVISON: Mine would be December the
24 19th. You might want to bring that earlier in case
25 people are going on vacation.

1 VICE-CHAIR GLIDDEN: Yeah. I won't be here then.

2 DR. FISHKIND: All right. We can do that. We'll
3 make it the week before --

4 CHAIRMAN DAVISON: Do it the week before.

5 DR. FISHKIND: -- which would be the 12th.
6 I'm sorry. It'd be the -- right, yeah -- 12th.

7 Okay. With that change, 2018-09, do I have a
8 motion to approve as amended?

9 CHAIRMAN DAVISON: I'll make a motion to approve.

10 DR. FISHKIND: Moved by Trevor.

11 VICE-CHAIR GLIDDEN: I second the motion.

12 DR. FISHKIND: Second by Alan.

13 All those in favor please signify by saying
14 "aye."

15 BOARD OF SUPERVISORS: Aye.

16 DR. FISHKIND: All right. All the same sign.

17 Motion passes.

18 Now, David --

19 SUPERVISOR ACCETTA: Aye.

20 DR. FISHKIND: Thank you, Nino.

21 David, now --

22 MR. SMITH: Okay. The next item is the
23 discussion of the status of the district litigation.
24 I think the only thing that has happened since our last
25 meeting was we had a hearing in front of Judge Jirotko

1 in order to go over the proposed orders.

2 To back up what happened, Judge Jirotko had ruled
3 in certain fashions in favor of the district and
4 Oppenheimer, and he ruled in certain fashions and in
5 favor of the COA. He asked the district to prepare
6 those portions of the order that were favorable to the
7 district, and he asked Mr. Barnes to prepare a portion
8 of the order that dealt with the ruling that was
9 favorable to the COA.

10 We both provided orders to the judge; did not
11 accept the orders of the other. So we had to have a
12 hearing to discuss those orders.

13 What Judge Jirotko did at that hearing was --
14 essentially he said -- and I will just adopt my
15 transcript.

16 On April 26th, he called all of the lawyers to a
17 meeting in the courtroom, and he went through --
18 I believe we have something like 15, 16 -- 16 pages of
19 rulings that the judge went through. So that is now
20 the order, and that was the outcome of the only hearing
21 we've had since we last met.

22 Not surprisingly, we have various understandings
23 of what that order says, just like there's various
24 understandings of what the law is and what the facts
25 are.

1 Many of you have not heard the other side of this
2 story, and I'm not going to give it to you tonight
3 because we don't have time, but I would caution you.
4 Lawyers tend to believe the theories they assert.
5 Sometimes they're right; sometimes they're wrong.

6 If you've only heard one side of the story,
7 chances are you only have half the truth. I'll leave
8 it at that. I'm not going to convince anybody of
9 anything tonight. I'm just going to advise you that
10 your board has been acting pursuant to advice of
11 counsel, doing what they understand to be the correct
12 and legally obligated thing to do.

13 And I heard from Mr. Tsinoakas that somehow we've
14 been involved in threats. The only threats I'm aware
15 of are the threats the board receives at the pool and
16 elsewhere when they deign to use the common amenities
17 that they pay for.

18 In addition to that, the only action that was
19 brought was an action for mandamus by your counsel to
20 try to get access to a closed proceeding. Another
21 action was brought filing an ethic complaint that was
22 dismissed for failure to state a cause of action.

23 So this board and this law firm have not brought
24 efforts or actions to intimidate anyone. I did hear
25 Mr. Tsinoakas, however, say during his points that this

1 board will be held accountable.

2 Now, that's not a very veiled threat. So I'm not
3 going to continue to talk about that, but I feel
4 compelled to protect my board. But I know it's going
5 to be counterproductive, and we need to focus on the
6 matter at hand, which is --

7 Let's talk about the order. Let's talk about the
8 reassessment procedure. Let's apply the law, as it
9 exists, not as we torture it to mean, and let's come
10 out with a process that's fair and that's correct in
11 accordance with the law.

12 So that is an update and a little bit of
13 editorializing. I realize that, and I will refrain
14 from doing that because that's probably to be
15 counterproductive. That is the update on the district
16 litigation.

17 Bob Johnson, are you on the phone? Do you have
18 anything to add to that?

19 MR. JOHNSON: Yes, I am. One point to follow
20 through because we did not have a meeting in July, and
21 we had advised the board of the actions of
22 Judge Jirotko denying the writ of mandamus that was
23 sought by the Grand Venezia.

24 So the Grand Venezia forced the district to spend
25 substantial amounts of money defending against

1 the case, another case, a separate case, which it lost,
2 and that case is over with. So that has happened
3 between our June meeting and this one.

4 MR. SMITH: Thank you.

5 DR. FISHKIND: Thank you, Robert.

6 MR. SMITH: Thank you, Bob. I forgot about that.

7 DR. FISHKIND: All right. We're good for
8 litigation. We're on to now the main topic.

9 MR. SMITH: I believe so. The next topic it
10 lists is consideration of acceptance of the appraisal,
11 but I think that's just receipt and file, essentially.

12 DR. FISHKIND: Yes, yes. And then Jeremy's here
13 to talk about it when we open up the public hearing.

14 MR. SMITH: All right.

15 DR. FISHKIND: So I think what we should do now
16 is open up the public hearing.

17 And do you want to provide the introduction,
18 David?

19 MR. SMITH: I do, if I can find my introduction.
20 I tried to say I'd stay on track and not editorialize
21 on this. It is probably right here.

22 Okay. We are now opening the public hearing with
23 respect to the reassessment proceeding required by the
24 Court's order. The board will hear from affected
25 parties and will make a final decision on whether to

1 levy a special assessment and, if so, in what amount.

2 The determination of whether to levy a special
3 assessment and what amount is a legislative decision.
4 The process we will file -- follow, the board will hear
5 first a presentation from Dr. Hank Fishkind.

6 Dr. Fishkind is the financial advisor for the
7 district. He will provide his analysis and
8 recommendation based on what the Court decided and
9 based on the applicable law, and then we will come back
10 and hear from parties in the audience that have other
11 issues they wish to describe and any other evidence
12 they wish to provide.

13 After that is done, the board will deliberate.
14 So now we'll start first with Dr. Fishkind's
15 presentation.

16 DR. FISHKIND: Well, I think, if we could, if --
17 we have Jeremy Domanich with us, and he could provide
18 just a quick summary of his appraisal.

19 MR. SMITH: Perfect.

20 DR. FISHKIND: And then we could let him go and
21 then continue with the balance of the comments and the
22 matters.

23 MR. SMITH: Perfect.

24 DR. FISHKIND: The board retained CBRE.
25 Jeremy Domanich is here. We published his appraisal.

1 Jeremy, do you want to give a quick summary for
2 the board?

3 MR. DOMANICH: Sure. My name's Jeremy Domanich.
4 I work with CBRE here in Tampa. We were hired by the
5 CDD in June of this year to conduct a retrospective
6 appraisal of the market value of the track owned by the
7 CDD.

8 The date of value was April -- April 15th, 2015.
9 In order to complete the appraisal, we analyzed the
10 property, the market, the local and the regional data,
11 and comparable sales of land we deemed similar that
12 would give us a good value for the subject property.

13 We used six comparable sales. They gave us an --
14 we concluded to a value indication of \$1.57 million for
15 the 6.07-acre tract.

16 That's --

17 DR. FISHKIND: Questions for Jeremy from the
18 board?

19 (No response.)

20 DR. FISHKIND: Okay. Thank you, Jeremy.

21 MR. DOMANICH: Thank you.

22 MR. BARNES: If -- if this gentleman's going to
23 be dismissed, I'd like to ask him questions, and I'd be
24 happy to accommodate him.

25 MR. SMITH: You actually don't have a right to

1 cross-examination in a legislative proceeding, but if
2 you'll ask me what you want to know, I think we can
3 probably get there a different way.

4 MR. BARNES: Well, I don't think that -- I think
5 due process requires that when somebody puts in
6 evidence, that the public, at a public hearing, has a
7 right to ask about that.

8 MR. SMITH: You have a right to comment on it.
9 You have a right to put in contrary evidence. You do
10 not have a right to cross-examine in a legislative
11 proceeding.

12 MR. BARNES: Okay.

13 MR. SMITH: There's case law on point.

14 MR. BARNES: Okay. Well, I'll just make my
15 comments then.

16 MR. SMITH: Do you want to make them now, or do
17 you want to wait till you hear all the evidence?

18 MR. BARNES: I want to make them now. Okay?

19 MR. SMITH: Okay.

20 MR. BARNES: First of all, there's a falsehood in
21 your report, sir, about the developer filing bankruptcy
22 because of the Great Recession. The developer was
23 DC703, made up of Dave Clark and Dave Schwartz, who are
24 serving 40-year prison sentences for pulling off one of
25 the biggest real estate scams in the country.

1 That's number one; number two, your price per
2 acre comes out to \$258,000 and change, which is
3 generally far less than your comparables. On top of
4 that, you didn't use one comparable of any commercial
5 property that fronts U.S. 19.

6 And, also, I'd like to know at some point what
7 kind of communications there were with this appraisal
8 firm leading up to the preparation of this appraisal.
9 That's it.

10 DR. FISHKIND: Thank you.

11 Jeremy, thank you, sir.

12 MR. DWYER: I have one.

13 MR. DOMANICH: Thank you.

14 MR. DWYER: I have one.

15 DR. FISHKIND: Do you want to wait till the
16 comment period, Dan (sic), or do you want to ask now?

17 MR. DWYER: I'd like to ask it now.

18 DR. FISHKIND: All right. One --

19 MR. DWYER: And it's Don.

20 DR. FISHKIND: One more. One more, and then
21 we'll move on.

22 MR. DWYER: Don Dwyer.

23 DR. FISHKIND: Go ahead.

24 MR. DWYER: And I appreciate the courtesy of
25 that.

1 DR. FISHKIND: Absolutely. Go ahead.

2 MR. DWYER: Did you-all solicit RFQs --

3 DR. FISHKIND: Yes, we did.

4 MR. DWYER: -- from the gentleman that supplied
5 the appraisal?

6 DR. FISHKIND: Yes, we did.

7 MR. DWYER: So you had multiple companies --

8 DR. FISHKIND: Yes, we did.

9 MR. DWYER: -- that were involved in the bidding
10 process --

11 DR. FISHKIND: Yes, we did.

12 MR. DWYER: -- and you selected him?

13 DR. FISHKIND: Yes, sir. The board selected him.

14 MR. DWYER: Are those documents available for
15 review?

16 DR. FISHKIND: Of course.

17 MR. DWYER: Thank you.

18 DR. FISHKIND: All the documents are in the
19 public -- yes, sir.

20 MR. DWYER: Thank you very much.

21 DR. FISHKIND: Okay.

22 Jeremy, thank you, sir.

23 MR. DOMANICH: Thank you.

24 DR. FISHKIND: You'll have plenty of time to
25 comment during the right time.

1 All right. On to my assessment report. The
2 assessment report was provided to the board pursuant to
3 the first phase of our 170 process in which the board
4 found reason to move forward. You made the finding
5 that there were special benefits and that the benefits
6 exceeded the costs imposed based on my report.

7 Just briefly, since this has been in the public
8 record for some time, as you know, Judge Jirotko found
9 that the assessments in '05, '06, and '08 were all
10 valid. I think it's important to point out that by
11 finding that the '08 assessments were valid,
12 essentially the judge said the project was complete and
13 that there were benefits from that completed project in
14 '08.

15 None of that has changed since then. The only
16 thing that happened that was material is a piece of
17 property got sold, and our appraiser indicates that the
18 district got more in value than the property was worth.
19 So, if anything, the situation relative to the
20 assessments improved by dint of the same, and that's
21 the only thing material that happened.

22 So in essence, that could be the end of the
23 story. I did take this another step forward because
24 there's been so much controversy about benefits, and I
25 provided market research to indicate that property

1 values increased in the assessment area faster than the
2 county, as a whole, for similar properties.

3 The reason I believe that happened was, in part,
4 because of the capital improvement plan which,
5 in essence, got rid of the blighted shopping center in
6 the front of the property. So, in a nutshell, those
7 were my findings, and on that basis, we move forward
8 with the preliminary assessments and publish same, and
9 that brings us to where we are today.

10 So I think now is testimony, and then the board
11 will decide if they wish to move these assessments
12 forward, correct?

13 MR. SMITH: We can open it up for --

14 DR. FISHKIND: Yeah.

15 MR. SMITH: -- additional comments from the
16 public.

17 DR. FISHKIND: Sure, absolutely.

18 So now is the time to provide all of your
19 comments. We'll take all of your testimony, and the
20 board --

21 MR. SMITH: Bruce, you can still talk now.

22 DR. FISHKIND: Yeah -- then the board will
23 conduct its analysis and decide if it wishes to move
24 forward. If that's the case, then the next part would
25 be an equalization process. So it's a two-step

1 process.

2 Now we're going to be open to the public. And
3 let's hear what you have for us, and we will take your
4 testimony.

5 MR. BAILEY: Point of order, sir.

6 When will our questions be answered?

7 DR. FISHKIND: I -- sorry. You didn't
8 understand.

9 MR. BAILEY: Okay.

10 DR. FISHKIND: I said we'll take all your
11 testimony.

12 MR. BAILEY: I know.

13 DR. FISHKIND: Then the board will take all of
14 this under advisement. The board will decide what they
15 wish to respond to or have us respond to, exactly the
16 same as we did at the public comment period.

17 MR. BAILEY: Yes, sir.

18 DR. FISHKIND: Now, Mr. Dwyer, I think you were
19 first.

20 MR. DWYER: Thank you, yes. Again, Don Dwyer.

21 My comment is -- and I have quite a few of them.

22 DR. FISHKIND: Sure.

23 MR. DWYER: I'll try to make them as brief as I
24 can, but it appears that the CDD paid
25 Fishkind & Associates, in Payment Authorization 123, a

1 sum of \$17,600 for the methodology report that you are
2 about to pass. Mr. Davison is who I'd like to direct
3 my question to, if he will answer it, as the chair of
4 the board.

5 Were RFQs solicited for those proposals and that
6 reassessment methodology and, if not, why not; and,
7 if so, would you please provide me with documentation
8 at some point in the near future so that I can review
9 that that truly did happen? I would be grateful for
10 that.

11 MR. SMITH: Just to be clear, we do not have
12 cross-examination, but your inquiry --

13 MR. DWYER: I'm making a statement.

14 MR. SMITH: Well, I understand that, and I think
15 there may very well be a response. I'm just trying to
16 be clear.

17 I think there's a desire on the board's part --

18 MR. DWYER: I -- I get the process.

19 MR. SMITH: Excuse me. I listened to you.
20 Would you listen to me, as a courtesy?

21 MR. DWYER: Sure.

22 MR. SMITH: So I'm going to try to make sure we
23 do what we can to respond to the inquiries and the
24 concerns that are articulated. I think that's an
25 appropriate thing to do, and it --

1 MR. DWYER: I agree.

2 MR. SMITH: But it will not necessarily be a
3 colloquy.

4 MR. DWYER: No, I agree.

5 Next comment, Dr. Fishkind testified in court
6 that the land and the infrastructure allocations in the
7 2000 report related to lands and infrastructure outside
8 of the gates of the Grand Venezia community.

9 Page 8 of the report refers to the demolition of
10 the blighted strip center, but that demolition, if I'm
11 not mistaken, took place in 2006. Those demolition
12 costs were also assessed back then.

13 Why today is the reassess- -- or is the
14 demolition relevant in the cause of the new
15 reassessment?

16 Next question, comment, where in Chapter 170 of
17 the Florida Statutes is there any authorization to
18 specially assess landowners for alleged appreciation in
19 value because of the demolition of a building?

20 There is also a reference to a \$70,000 per year
21 tax savings. Again, where in Chapter 170 is there any
22 authorization for assessments because of alleged tax
23 savings?

24 Comment, don't you understand that you are only
25 legally allowed -- we are only legally allowed to be

1 assessed for capital improvements according to the
2 code?

3 End of comments. Thank you very much.

4 DR. FISHKIND: Thanks, Dan (sic).

5 CHAIRMAN DAVISON: It's Don.

6 DR. FISHKIND: Do you want to go next, Dr. Jones?

7 DR. JONES: Yes. Thank you, Dr. Fishkind.

8 I appreciate it.

9 DR. FISHKIND: Speak up, too --

10 DR. JONES: Oh, I'm sorry.

11 DR. FISHKIND: -- because you and I both --

12 DR. JONES: I'm sorry.

13 DR. FISHKIND: You and I both have soft voices.

14 DR. JONES: Thank you, Dr. Fishkind.

15 Yeah. My name's Chris Jones. I'm the president
16 of Florida Economic Advisors. I've been advising and
17 helping the property owners within Grand Venezia with
18 regards to -- sorry -- with regards to this -- with
19 regards to this conversation, is the way I want to put
20 it, that we're having.

21 I apologize for all of us that it's degraded to
22 the point that it's become as contentious as it has.
23 I really think, at the end of the day -- I mean, my --
24 I am an economist. And, in fact, Dr. Fishkind was one
25 of the first people to train me professionally.

1 I find it unfortunate that we sit at this point
2 where, again, there's -- there's such a level of
3 hostility with regards to just an understanding, for
4 everybody to get an understanding of where the
5 assessments relate to the benefits for the various
6 owners within the district.

7 A few weeks ago, as you all know, we were -- we
8 were party to a conference call where I had put forward
9 an analysis -- actually, two versions of an analysis --
10 that had shown a variation in the potential assessments
11 from where they were calculated by Dr. Fishkind's firm.

12 And, again, I don't get into this as a discussion
13 of personal or professional dispute, ethics. It's
14 looking at the scenario as interpreted from the various
15 chapters of the Florida Statutes, Chapter 190 and
16 Chapter 170, that relate to special assessments.

17 There was a very relevant question that was asked
18 of me in that particular hearing that -- I was curious.
19 Maybe it can't be answered today, but at some point in
20 time, hopefully it can. We got into the debate of the
21 value of the assessments for the individual owners
22 within the Grand Venezia related to the amount of debt
23 service that's remaining and that's been issued on the
24 bonds outstanding.

25 I want to make one thing very clear, and I've

1 heard this a couple of times before. You don't have to
2 pay the bonds simply because they're outstanding.
3 There has to be an associated benefit related to the
4 burden that is undertaken.

5 To say that we have to protect the bondholders
6 and the investors is basically like saying every
7 municipal bond is triple-A rated. That's not the case.
8 Some bonds are speculative debt, which is why they have
9 higher yields.

10 CDD bonds are speculative debt. Sometimes CDDs
11 don't perform in the way that they were intended; many
12 times they do. Let me fast-forward to the end here.
13 Okay?

14 In the methodologies that we proposed, the
15 question that was asked by one of the -- one of the
16 attorneys from -- yeah, representing the district and
17 the bondholders. Our debate centered on the fact that
18 the assessments were based on improvements that were
19 outside of the gates of the Grand Venezia.

20 The question that was asked was, but what about
21 the improvements that are within the gates?

22 The clarification that I'm not sure that is out
23 there at this point that, I think, all of us would like
24 to have an enhanced understanding of is, what are those
25 improvements that should be levied to the property

1 owners inside the gates of the Grand Venezia for
2 improvements that actually occurred within the gates of
3 the Grand Venezia?

4 I've been told it exists. I have yet to see it.
5 I'll leave my comments at that.

6 DR. FISHKIND: Thank you, Dr. Jones.

7 MR. SMITH: Dr. Jones, if I could just clarify,
8 you said you had this discussion at a hearing. You
9 meant the phone call we had.

10 DR. JONES: The phone call, yes, sir.

11 MR. SMITH: That's right.

12 DR. JONES: Yes, sir.

13 MR. SMITH: That's fine.

14 DR. JONES: I apologize.

15 MR. SMITH: Not a problem.

16 DR. JONES: It was, yeah, the phone call. Yes.

17 DR. FISHKIND: Yes, sir. Please state your name.

18 MR. HERD: Mike Herd.

19 DR. FISHKIND: Yeah, Mike. Thanks.

20 MR. HERD: Michael Herd.

21 Because the meeting last month was canceled, I
22 also have a few questions. You mentioned earlier that
23 these are used for workshops, a discussion, yet
24 meetings are consistently canceled. So I'd like you to
25 elaborate on that, if you can.

1 Prior to the time of June 20th, 2018, the
2 supplemental assessment methodology report was
3 disseminated.

4 Has anyone from the CDD, any attorneys from
5 GrayRobinson, Dr. Fishkind, or anyone else from
6 Fishkind & Associates have any communications with
7 Oppenheimer or its attorneys regarding this report?

8 If so, what were those communications? Were any
9 of those communications in writing? Do you have any of
10 those writings with you now? Will you provide them to
11 us?

12 Did anyone on behalf of the CDD ever talk to any
13 of the financial advisors who do assess methodology
14 work before hiring Fishkind & Associates to do this
15 report? If no, why not?

16 Judge Jirotko found the recent assessments to be
17 unlawful. So why didn't you contact any of the
18 financial advisors regarding the Court-ordered
19 reassessment process?

20 In the 2018 supplemental assessment methodology
21 report, at the bottom of Page 5, don't you agree that
22 what you wrote regarding why the 2015 assessments were
23 struck down was incomplete and misleading?

24 Where is there any mention of the fact that
25 Judge Jirotko specifically mentioned that the

1 Commonwealth or Levitz parcel sold for \$6 million
2 without any allocation of values?

3 On Page 6 of the assessment re- -- reassessment
4 report, you reference that Judge Jirotko determined to
5 issue his own final order. When did he do that?

6 On Page 7, it reads, "The only thing left is to
7 determine the appraisal value of the district parcel
8 conveyed." Where is Judge Jirotko's ruling saying
9 that?

10 Thank you.

11 DR. FISHKIND: Thank you.

12 Next? Anybody else?

13 MR. BARNES: I -- I've --

14 Oh, I'm sorry. Yes, sir.

15 MR. SCHULTE: So --

16 DR. FISHKIND: State your name for the record.

17 MR. SCHULTE: -- I am Ron Schulte. My wife and I
18 live in Grand Venezia.

19 DR. FISHKIND: Thank you, sir.

20 MR. SCHULTE: I thought this matter was already
21 litigated. Why is everybody arguing about this now?

22 And then the point to this is -- we live there.
23 We can't afford to buy anywhere else. It was a good
24 buy for us, and now it's being impacted by this.

25 And I'm not sure some of the things, what you

1 guys are supposed to be doing. For instance, you have
2 the vacant lot on the corner. You have the apartment
3 building that's being built. You have the old office
4 building there. They're not maintaining their -- their
5 properties.

6 So I've worked intensively with the County, and
7 we got everything mowed. We're trying to get the trash
8 done. I think there's an overlap. I can't quite
9 understand the tax ID map. It looked like the CDD owns
10 that section of parallel road to the guardhouse; is
11 that correct?

12 DR. FISHKIND: Well, we're here to talk about the
13 assessments. I think you're raising --

14 MR. SCHULTE: That's all --

15 DR. FISHKIND: I think you're raising interesting
16 issues, but --

17 MR. SCHULTE: I thought this was what you guys
18 were supposed to be about, is trying to manage the CDD
19 and take care of the properties.

20 DR. FISHKIND: Yes, sir. Yes, sir. But we're in
21 a public hearing now about the assessments. If I could
22 ask you --

23 MR. SCHULTE: Well, what time could I come to do
24 that?

25 DR. FISHKIND: You'll get a chance at the end of

1 the meeting --

2 MR. SCHULTE: Oh, okay.

3 DR. FISHKIND: -- another one, yes, sir. So I'm
4 sorry.

5 MR. SCHULTE: Okay.

6 DR. FISHKIND: I'm sorry to interrupt you.
7 You'll have a chance at the end of the meeting, but
8 we're on to a different --

9 MRS. SCHULTE: At the end of this meeting?

10 DR. FISHKIND: We're on to a slightly different
11 topic now.

12 Yes, sir.

13 MR. O'MALLEY: Yes. Patrick O'Malley again.

14 Do you CDD board members understand that this is
15 not a condominium association; this is a unit of
16 government, and you that are on the board are public
17 officials?

18 Do you understand you have an obligation to get
19 up to speed on the law and the facts before you assess
20 property owners, and do you have any data to show that
21 there are direct and special benefits concurred (sic)
22 on the unit owners because of the demolition of the
23 strip center?

24 It appears also that you conveniently did not use
25 original purchase prices when calculating the alleged

1 appreciation in value; is that correct?

2 And at the top of Page 12 of the report --

3 MR. SMITH: Actually, no.

4 MR. O'MALLEY: -- you wrote that, "It is expected
5 that the appraisal of the district parcel will show
6 that the value of the parcel was less than the amount
7 the district received when it conveyed the parcel to
8 the SPE."

9 I have a few questions. Who signed the
10 conveyance and when, and can we see a copy of that
11 signing of the conveyance, who it was and when it was?

12 What communications did anyone connected with the
13 CDD have with the appraiser prior to the finalization
14 of that appraisal report? And I'm sorry that gentleman
15 is gone because I wanted to ask him that question
16 before he left.

17 And isn't it important, the most important thing
18 now, the fact that all developable land is gone because
19 it was sold?

20 And the corner property, I think, that
21 this was -- that this gentleman was just asking about,
22 when was that conveyed or sold, or what is the
23 disposition of that property right now?

24 SUPERVISOR LANCASTER: It's not in the CDD.

25 DR. FISHKIND: Shh.

1 MR. O'MALLEY: And, finally, based upon the new
2 reassessment, would you please disclose to me the
3 benefit, as required by law, gentlemen, that the owners
4 of the Grand Venezia are to receive as a result of the
5 reassessment?

6 Please respond.

7 DR. FISHKIND: Thank you, sir.

8 Additional comments from anybody?

9 Yes, sir. Please state your name.

10 MR. ARATA: Yes. John Arata.

11 DR. FISHKIND: Yeah. Thank you.

12 THE COURT REPORTER: Can you say it again?

13 MR. ARATA: John Arata.

14 THE COURT REPORTER: Thank you.

15 MR. ARATA: Where in your report did you take
16 into consideration the millions of dollars that were
17 pumped into Grand Venezia to remediate the water
18 intrusion damage? Where did your report take that into
19 account regarding the alleged appreciation in value?

20 And, secondly, why did you not just take the 2008
21 report and update it to reflect the Commonwealth lands
22 that are now gone and the Harbourside parking lot?
23 It's not going to be developed into a water park
24 anymore.

25 DR. FISHKIND: Thank you, sir.

1 Additional questions?

2 Oh, yes, sir.

3 MR. BAILEY: Bill Bailey.

4 There's a reference on Page 6 about, "The
5 following procedures outlined in Chapter" --

6 DR. FISHKIND: Would you raise your voice just a
7 little?

8 MR. BAILEY: Yes.

9 DR. FISHKIND: I'm having trouble hearing you.

10 MR. BAILEY: There's a reference on Page 6 about,
11 "The following procedures outlined in
12 Chapter 190-3632 (sic) and Chapter 170."

13 Did you know there is no such Florida statute?

14 In Section 7 of the report, there is a reference
15 to the allocation of benefits among the parcels
16 benefitted by the improvements as set forth in the 2018
17 supplemental assessment report. Please give us where
18 in the report there are improvements that benefit the
19 Grand Venezia unit -- unit owners.

20 DR. FISHKIND: Thank you, sir.

21 Anything else?

22 Yes, sir, please.

23 MR. GOASKA: John Goaska.

24 DR. FISHKIND: Yes, sir.

25 MR. GOASKA: Why didn't you address the

1 demolition of the strip center when it took place back
2 in 2006 and have the cost associated with the
3 demolition reflected in your 2008 assessment
4 methodology report?

5 Also, what is the legal authority to levy
6 non-ad valorem debt service special assessments for
7 capital improvements --

8 (Reporter interruption for clarification.)

9 MR. GOASKA: What is the legal authority to levy
10 non-ad valorem debt service special assessments for
11 capital improvements based on some alleged appreciation
12 in value because of the demolition of the strip center?

13 DR. FISHKIND: Anything else, sir?

14 MR. GOASKA: Yeah. One last comment.

15 DR. FISHKIND: Sure.

16 MR. GOASKA: How many of you CDD board members
17 have read Section 170.01 of the Florida Statutes to
18 educate yourselves about what kind of assessments are
19 allowed, by law, for capital improvements?

20 That's it.

21 DR. FISHKIND: Thank you, sir.

22 Comments from anybody else?

23 MR. BARNES: Yes.

24 DR. FISHKIND: Mr. Barnes.

25 MR. BARNES: Bruce Barnes. I have some comments.

1 First of all, this is not a workshop. If we
2 would have been given the opportunity to have a
3 workshop, we could have had a full and fair discussion
4 about all of this with questions being answered.

5 Now, with that said, Mr. Lancaster, you have
6 stated before -- and I understand why you've said it
7 based on comments that have been made to you -- money's
8 been borrowed. It has to get repaid.

9 You heard Dr. Jones say --

10 SUPERVISOR LANCASTER: I have a comment.

11 DR. FISHKIND: Oh, no, no, Jerry, not now.

12 SUPERVISOR LANCASTER: Okay.

13 MR. BARNES: Okay. These are bonds. Oppenheimer
14 didn't loan money; Oppenheimer bought unrated junk
15 bonds. They didn't even fund the initial wave of where
16 these dollars were disbursed.

17 The Oppenheimer bondholders bear the risk of a
18 reassessment procedure. It's in the statutes. It's in
19 the indenture. It's in the bond offering document
20 itself. I didn't make this up. That's why we had this
21 trial about the reassessments.

22 It is not the landowners who have to continue
23 paying assessments that are unlawful. Where there's no
24 direct special benefit, assessments are unlawful and
25 constitute a violation of due process.

1 Dr. Fishkind knows that this 2018 report prepared
2 by his firm cannot and will not withstand judicial
3 scrutiny. There is absolutely no legal support
4 whatsoever for the proposition that landowners should
5 be specially assessed based on some alleged
6 appreciation in value because of a strip cent- -- a
7 strip center was demolished back in 2006.

8 These are capital improvement assessments.
9 They're supposed to relate directly to capital
10 expenditures where those expenditures benefit the
11 landowners. There absolutely must be a direct special,
12 identifiable, quantifiable benefit, not some amorphous,
13 "We mowed down a strip center, and your units went up
14 in value as a result."

15 And you will see nothing in the Fishkind report
16 that supports -- there's no empirical data to say,
17 "Because the strip center was torn down in 2006, that
18 created some special benefit."

19 Regardless, as other people have pointed out,
20 that took place in 2006, was already subsumed by the
21 2008 report. That dog has already hunted.

22 This CDD, together with Oppenheimer, had
23 Judge Jirotko uphold the 2008 report. We're talking
24 about what happened from 2008 forward, and what
25 happened is -- this is not just a situation where this

1 parcel was conveyed in 2015 with no appraisal, which,
2 by the way, is deeply flawed.

3 This is a situation where the CDD board, in
4 conjunction with Oppenheimer, Fishkind & Associates,
5 and GrayRobinson, picked the number out of the air,
6 said, "We're going to make an offset of the
7 assessments," even though there was no written notice
8 to the landowners, et cetera.

9 We had that issue in 2015, but also, in 2016, as
10 Judge Jirotko pointed out, the developable land is
11 gone. The Commonwealth property is gone. It is an
12 apartment complex. It was sold for \$6.45 million to
13 the -- to the Flournoy developer, and there was no
14 subsequent allocation, reassessment, adjustment to the
15 assessments.

16 That's all in Judge Jirotko's ruling. I didn't
17 make any of that up. Dr. Fishkind knows that this
18 report -- there's not -- he has in his -- in his
19 invoices that he -- he talked to attorneys about case
20 law. He does not have any case law to support the
21 proposition that any of these people here should be
22 paying non-ad valorem debt service assessments because
23 the strip center was torn down.

24 The Grand Venezia owners and -- with help pumped
25 \$12 million into these buildings. Some of you

1 gentlemen know about that. There was -- there was
2 water intrusion problems. Dave Clark and
3 David Schwartz knew about that back in 2005, the people
4 who helped create the CDD, who were represented by
5 these same professionals.

6 You have an absolute obligation as board members
7 to verify that there are direct, quantifiable,
8 identifiable benefits relating to capital improvements.
9 That's what this is all about, nothing more.

10 Dr. Fishkind has zero case law to support that.
11 Chapter 170.01 makes clear what kind of assessments are
12 allowed. Those aren't in his report. I promise you
13 this report is deeply flawed. If you -- if you
14 rubber-stamp these assessments, they will be unlawful,
15 in my opinion, and I'm confident that the court system
16 would agree with me.

17 There will be another challenge, but you can
18 circumvent that by not adopting that flawed report.
19 Dr. Jones presented you -- should have presented -- you
20 should have seen his alternative report, two reports,
21 actually, where he has the Grand Venezia owners still
22 owing approximately \$900,000 and then another
23 alternative where the unit owners are actually owed
24 money by the CDD.

25 You certainly have the right to adopt Dr. Jones'

1 more conservative report with the Grand Venezia owners
2 owing approximately \$900,000 rather than the
3 \$4.3 million that nobody can tell us why we should pay
4 for that. As Dr. Jones correctly noted, assessments
5 are not based on what the bondholder claims the debt
6 is; assessments are based on direct, quantifiable
7 benefits.

8 Thank you.

9 DR. FISHKIND: Any other comments?

10 Yes, ma'am.

11 MS. THIBODEAU: Nancy Thibodeau.

12 DR. FISHKIND: Yes, Nancy.

13 MS. THIBODEAU: I am a landowner here at the
14 Venezia, and I just want to state for the record --

15 SUPERVISOR LANCASTER: Speak up. Speak up.

16 I can't hear you.

17 MS. THIBODEAU: I just want to state for the
18 record that I feel stifled because I believe this board
19 is supposed to be here for me, as a landowner, and I've
20 heard multiple questions from just about everybody in
21 this room tonight, none of them being answered.

22 And I'd like to know if they can be like posted
23 somewhere, all the answers to these questions, because
24 I feel they're all pertinent. And I myself, as a
25 landowner, would like to share in on the answers to all

1 of those from my board.

2 Thank you.

3 DR. FISHKIND: We'll be responding in due course,
4 and everything is published, ma'am.

5 Yes, sir.

6 MR. GORMAN: So I have a comment and a question.

7 DR. FISHKIND: Sure.

8 MR. GORMAN: I'm coming into this --

9 THE COURT REPORTER: Name, please.

10 DR. FISHKIND: Name.

11 MR. GORMAN: I'm Gorman.

12 DR. FISHKIND: Yes. Thank you.

13 MR. GORMAN: And I'm coming into this very new,
14 since June, but as a business -- long-term business
15 guy, every time I had a dispute in an issue, in any
16 type of issue, and I thought the other side had some
17 merit, we negotiated some type of settlement. And I
18 came away thinking they got a better deal; they came
19 away thinking they got a better deal, and that was
20 that, and we got on.

21 So the first thing I wondered was, did we do
22 that, or have we tried, or is that history, number one?
23 And to further, I would say, in fairness, the only time
24 I never did that, which was very few, was when, one, I
25 thought I had a position that was 100 percent right;

1 and, two, and more importantly, I didn't care about the
2 outcome.

3 Because in all the other instances I always cared
4 about the outcome, either my reputation or doing -- or
5 a wheel coming around or whatever the case may be,
6 but -- so as I sit here observing this and I see this
7 stark contrast between -- an us and them kind of
8 situation, either you don't care about the outcome, you
9 think that you've got a slam dunk, and maybe those two
10 things.

11 And if we are, then we've got to figure out what
12 we can do; or you do care about the outcome, we put all
13 the bullshit aside, and come to some deal.

14 DR. FISHKIND: Thank you, sir.

15 Anything else?

16 MR. GORMAN: Sorry for the language.

17 DR. FISHKIND: No, that's all right. You felt
18 strongly.

19 Brian?

20 MR. CRUMBAKER: I'm grossly outnumbered in --

21 MR. TSINOKAS: Dr. Fishkind, can I comment?

22 DR. FISHKIND: Not yet. But Mr. Crumbaker has
23 the floor. We'll get you next. I'm sorry.

24 Yes, you will get a chance to comment, sir --

25 MR. TSINOKAS: Okay. Thank you.

1 DR. FISHKIND: -- if you could wait one more
2 second.

3 MR. TSINOKAS: Thank you.

4 DR. FISHKIND: Thanks for reminding me that
5 you're on the phone, too.

6 MR. CRUMBAKER: Whoever it is can go ahead and
7 comment.

8 DR. FISHKIND: Go ahead, Brian.

9 MR. TSINOKAS: Yep.

10 MR. CRUMBAKER: There's a lot to unpack with the
11 comments and whatnot. So I think the best way,
12 especially for those folks that haven't -- that just
13 purchased within the project --

14 And my name is Brian Crumbaker. I represent
15 Oppenheimer.

16 DR. FISHKIND: Brian --

17 MR. CRUMBAKER: It might be ideal to --

18 DR. FISHKIND: Brian, you need to -- you need to
19 address the board.

20 MR. CRUMBAKER: Okay.

21 MR. SMITH: With a fortissimo.

22 MR. CRUMBAKER: Okay. I'm just trying to rotate
23 here.

24 DR. FISHKIND: I understand. But your comments
25 need to be addressed to the board, sir, please.

1 MR. CRUMBAKER: So I feel like it -- because the
2 narrative has been one-sided, especially certainly
3 during this hearing, that maybe it'd be helpful to go
4 back through history a little bit and maybe start with
5 the timeline.

6 The original community declaration in this
7 project was recorded back in 2004, December of 2004,
8 and I'm guessing that not a single person in this room
9 owned a unit in 2004, guessing.

10 At that time, the community declaration -- and
11 I'll quote a couple sections -- was very clear, very
12 clear, with respect to the district being established,
13 that the district was going to own the common areas,
14 that the district was going to -- that it was going to
15 be established. The taxes and assessments would likely
16 be charged or levied, including for capital
17 improvements, maintenance, assessments, et cetera.

18 It was very clear that there were going to be
19 bonds that were going to need to be issued for the
20 purchase of those improvements. It was clear that the
21 CDD property was going to be a common area, and it was
22 clear that the common areas were going to be CDD
23 property. That was as of December of 2004, recorded
24 against the property, including all of the units within
25 the -- the GVCOA.

1 In 2005, the declaration for the Grand Venezia
2 was then recorded, and in the declaration itself, first
3 of all, when a purchase -- or when a person buys in a
4 condominium association and what an individual
5 purchases whenever they purchased the unit --

6 (Telephonic interruption from the speakerphone.)

7 THE COURT REPORTER: I'm sorry.

8 MR. SMITH: Can whoever's juggling papers --

9 DR. FISHKIND: Hey, whoever's on the phone
10 juggling papers, put your stuff on mute, please, or I'm
11 going to have to cut you off. Thank you.

12 MR. CRUMBAKER: What an individual purchased when
13 they purchased the unit were a pro rata share or a
14 portion of the air rights associated with that. The
15 property of the COA --

16 (Telephonic interruption from the speakerphone.)

17 MR. SMITH: I'd cut them off.

18 THE COURT REPORTER: This is ridiculous, yeah.

19 MR. SMITH: Who is that with the paper?

20 DR. FISHKIND: If you don't stop with the papers
21 and you're disrupting the meeting, we're going to have
22 to cut you off. Please put your phones on mute.
23 Thank you.

24 Sorry, Brian.

25 MR. CRUMBAKER: No worries.

1 So the -- what an individual unit owner has
2 purchased is a portion of the condominium association
3 and the air rights associated with the buildings and
4 the fee title to the land underlying those buildings,
5 and that's it.

6 So the footprint of that ownership and the rights
7 and -- rights that that person has secured, a purchaser
8 has secured, is just associated with the building and
9 the condo association.

10 And in 2000- -- and in that same Grand Venezia
11 declaration -- which, for some reason, the GVCOA seems
12 to ignore -- is that there's a statement in there that
13 the reserve property, the reserve property meaning the
14 property that was going to be sold to the district, is
15 being reserved by the declarant, which was the original
16 developer, for purpose of selling all or a portion
17 thereof to the district to be sold.

18 And to -- in order to purchase that, the district
19 then, in 2005, issued a Series 2005 BAN, a bond
20 anticipation note. And the proceeds from that, the
21 sale of those notes -- and, again, in 2005 -- was used
22 to purchase the existing improvements which were
23 identified in Table 1 of the master engineer's report
24 and the lands that were identified, about 22 acres --
25 and I can tell you definitively -- 21.84 acres of land

1 that was located within the district.

2 And that totaled approximately \$20 million --
3 \$20.5 million which was reflected in
4 Requisition Number 1, and that purchase occurred in
5 2000- -- in December of 2005.

6 Since that time, in addition to the two
7 declarations, there is a notice of establishment of the
8 district that's been recorded against the C -- the COA
9 units, a notice of imposition of special assessment
10 recorded against those units, a declaration of consent
11 to the imposition of special assessment recorded
12 against those units.

13 Subsequently in 2006, when the bonds were issued
14 again, there was a notice of imposition of special
15 assessment and a declaration recorded against those
16 units, making it very clear exactly what the district
17 had purchased, its intent to purchase, what it
18 purchased, and that is all circa 2004 and 2005 -- or
19 2005 and 2006.

20 At the same time, the Court then -- what the COA
21 ignores is the Court in 2005, for the district -- in
22 order to issue bonds, it has -- in excess -- with a
23 maturity in excess of five years, it has to go through
24 what's called a bond validation proceeding of
25 Chapter 75.

1 And in 2005, the district -- or '06 the district
2 pursued the bond validation. And in that order, it
3 stated, "The district's authority to issue the bonds to
4 finance the construction and/or acquisition of real
5 property improvements described in the master
6 engineer's report is valid, and the public purpose is
7 valid; that the authority to execute the master
8 indenture is valid and in accordance with the bond
9 resolution; and the master indenture, in connection
10 with the issuance and payment of the bonds, is valid;

11 "The validity of the special assessments was at
12 that point in time encapsulated in the master
13 assessment report dated from December of 2005, and the
14 validity of the bonds is a binding special revenue
15 obligation of the district secured by the pledge and
16 payable from the master assessments and the validity of
17 the indenture."

18 That's important because those master assessments
19 ultimately -- there have been several subsequential
20 steps in contracting the project. You go from the
21 master improvement plan, which was approximately
22 \$70 million -- or \$56 million to yield \$70 million.

23 It then went down to -- I have it here. So the
24 series 2005 BAN was to fund approximately \$20 -- no --
25 \$30 million in existing infrastructure, land

1 acquisitions, and proposed infrastructure, all
2 described in the master engineer's report.

3 Requisition Number 1, which was the principal
4 requisition for the acquisition, was \$20,316,321 and
5 paid for existing infrastructure of \$6,737,305, and
6 land acquisitions of \$13,579,016.

7 In 2008 -- and in 2008, it was mentioned
8 regarding project completion. The project was
9 certified complete. The economy had -- there was a
10 downturn. The project was going to be completed.

11 The district smartly, at the time -- and, in
12 fact, the judge even reiterated this at the hearing --
13 smartly then reduced the scope of the master
14 improvement -- or the capital improvement program
15 outlined in the master engineer's report, and the
16 resultant series project that had been completed as of
17 2008 was \$20,675,775.

18 Now, so that's a little bit of background. So
19 when people talk about the benefit associated with what
20 the assessments are paying for, first of all, within --
21 within Grand Venezia itself, the real property that was
22 acquired totaled 9.4 acres.

23 So as soon as you walk out of the building, you
24 are stepping on district property acquired with
25 proceeds from the sale of the bonds. If you walk the

1 promenade, the promenade was purchased using proceeds
2 from the sale of the bonds. The seawall. The
3 promenade was an improvement. Water/sewer was
4 acquired. Stormwater was acquired.

5 Those are all improvements that were reserved,
6 specifically reserved, by the declarant or the
7 developer at the time in order to sell it to the
8 district, and that's been disclosed for 13 years now,
9 14 years here. And so to --

10 First of all, to walk in and say, "didn't know,"
11 there's plenty of record that would indicate that.
12 Again, with respect to the benefit itself, there were
13 20- -- 21.84 acres total purchased at that time, 9.84
14 within Grand Venezia.

15 As of today, as a result of the 6.07 acres or
16 6.068 acres, is what I've been calling it, now the
17 district has approximately 15.44 acres. So 9.84 acres
18 of that 15.44 lies within the gates that the district
19 owns.

20 So to say that there's no benefit from
21 stormwater, no benefit from water/sewer, no benefit
22 from the parking areas, no benefit from the bay
23 promenade, et cetera, I -- we just -- Oppenheimer and
24 myself just -- we just don't understand it.

25 So at the end of the day, the COA owners got what

1 they bargained for, which is they got the air rights to
2 it and an assessment to the property that they were --
3 they expected.

4 Now, in 2015 -- I agree with Dr. -- with
5 Dr. Fishkind -- the only action that has been taken
6 since 2008 that changed anything was the transfer of
7 the 6.07 acres to an SPE grade for the benefit of
8 Oppenheimer; that at the time, we canceled
9 \$2.675 million worth of bonds.

10 At that time, the reason, the basis, for the
11 \$2.675 million was a reasonable basis because at one
12 point in time, we had an LOI or a letter of intent that
13 if you pur- -- if you -- understanding that we combined
14 the 6.7 (sic) acres -- I'm going to say .07 acres, just
15 to round up -- we combined that with an additional 9 --
16 I apologize. Bear with me for one -- 9.812 acres that
17 we had acquired, that Oppenheimer had acquired, from
18 IBERIABANK.

19 So at the end of the day, what we sold to
20 Flournoy was approximately 15 acres, and it was the
21 combination of our acquisition of 9.812 acres from
22 IBERIABANK, who was the lender for the prior developer
23 that had foreclosed on the property, and the 6.07 acres
24 that we acquired from the district.

25 With respect to the appraisal and why it ended up

1 being \$1.5 million -- and Joel could probably speak to
2 this, although you probably don't want to speak, but
3 the property, back in April of 2015, had significant
4 cross access easements and limitations to it,
5 significant, and we had to clear off in order to create
6 any value associated with the property.

7 So the appraisal itself, the reason why there was
8 a significant deviation there is because what we paid
9 was based upon an original LOI we had that came out to
10 about \$2.675 million, and we canceled \$2.675 million
11 because that was a pro rata piece of that LOI, and that
12 LOI went away.

13 And we ultimately sold to Flournoy, and we sold
14 to Flournoy -- if you break it down pro rata between
15 the 6.07 acres and the 9.812 acres, it actually equates
16 to \$2.464 million. So we were still a little high,
17 certainly higher than the appraisal.

18 Again, the difference being the state of --
19 the state of the property at the time, but at the end
20 of the day, that was -- and I've yet to understand why
21 there's any justification for an adjustment based upon
22 our sale price of 6.45 when, at the end of the day, the
23 district, using Oppenheimer's investment or the
24 proceeds from the bonds, purchased the property. We
25 then canceled bonds associated in order to get the

1 property back and then turned it around and sold it.

2 So I don't understand why the 6.45 should somehow
3 be the result of savings across the board. At the end
4 of the day, what happened is, with respect to
5 Oppenheimer and its investment, it did, in fact, lose
6 money. It had to write down \$11 -- \$11 million at the
7 point in time in which we sold to Flournoy or
8 Oppenheimer -- the property was sold to Flournoy. And
9 at the end of the day, there's probably another
10 \$7 million or \$8 million.

11 These are special assessment bonds. So the --
12 what Oppenheimer bargained for, yes, they're -- they're
13 high yield, they're high risk, but what they bargained
14 for is, at the end of the day, the assessments
15 associated with each property will be paid.

16 If Property Owner A fails to pay, that's their
17 risk. The risk is not that the district is going to
18 decide, "We don't have to pay our debts." Otherwise,
19 every city, county, school board, 600 community
20 development districts in Florida, et cetera, would be
21 doing the same thing. I'd be doing the same thing with
22 my mortgage.

23 At the end of the day, it is a debt obligation of
24 the district, and what the expectation of Oppenheimer
25 is with respect to the assessments, it is going to be

1 levied, allocated, and collected in accordance with the
2 methodology. And that methodology has bled through to
3 the actions in 2005, '6, '8, and '15.

4 And so at the end of the day -- and Dr. Fishkind
5 can confirm this -- what the district is assessing for
6 is what it owns today, nothing more. It's not paying
7 for any water park. It's not paying for whatever.
8 What it is paying for is the land and existing
9 improvements the district has today, period, plus
10 financials.

11 DR. FISHKIND: Is that it, Brian?

12 MR. CRUMBAKER: Huh? Remember, I'm dealing with
13 quite a few comments here. So let me -- with respect
14 to the orders itself, I want to clarify with respect to
15 the orders.

16 First of all, there are two, two orders that are
17 relevant for the purpose of this proceeding. One is we
18 had filed a motion for partial summary judgment
19 relative to the applicability of the validation final
20 judgment back in 2006, and the Court granted it.

21 And I'm not going to go back through what that
22 means, but at the end of the day, the improvements were
23 proper, the improvements are for a public purpose; the
24 assessments, the methodology, the allocation was
25 proper, and that has been affirmed by the Court for

1 purposes of validation.

2 With respect to the second order that we've
3 received, Mr. Barnes is omitting -- is omitting the
4 fact that the complaint actually -- and he took this
5 all the way to trial -- included dissolution of the
6 district, turnover of the real property and existing
7 improvements within or behind the gate, which is ironic
8 considering that the money to purchase those
9 improvements and lands were funded through the bonds,
10 the proceeds of the bonds.

11 And so there was much more in that litigation
12 than just the assessment allocation. At the end of the
13 day, the fact that the Court blessed the allocation all
14 the way through to 2015 and only cited to the one
15 event, which is not getting an appraisal in conjunction
16 with a transfer, is telling.

17 So from our perspective, it was a near clean
18 sweep with respect to one minor detail, and that detail
19 is being dealt with today. And --

20 (Telephonic interruption from the speakerphone.)

21 DR. FISHKIND: Hey, look, you've got to mute your
22 phones, or I'm going to have to cut you off. Please be
23 prudent and respectful of the meeting.

24 SUPERVISOR LANCASTER: He might think you're
25 talking to the other phone. You might want to address

1 him.

2 DR. FISHKIND: Brian, are you almost -- anything
3 more?

4 MR. CRUMBAKER: Two seconds.

5 DR. FISHKIND: Okay. Let's wrap it up soon.

6 MR. CRUMBAKER: Mr. Dwyer's comment regarding,
7 "The district can only assess capital improvements,"
8 that's correct. That is the purpose of 170.08, but
9 real property is included within that capital
10 improvement definition.

11 So, therefore, the ability to assess for the
12 existing improvements that the district currently owns
13 in the real property is valid and justified.

14 And then I've already addressed Mr. Jones'
15 comment regarding speculative debt. It is correct. It
16 is -- it's not speculative; it is debt. It is debt
17 based upon -- it is a security instrument of the
18 district governed by the SCC, et cetera, and it is an
19 obligation to the extent that, if Assessment Payer A,
20 going back to my example, doesn't pay,
21 Assessment Payer B doesn't pay for A.

22 It's not a general obligation. It is just
23 whatever -- whatever you collect from those owners
24 based upon the methodology that was disclosed as part
25 of that securities doc- -- securities document is

1 what's due.

2 DR. FISHKIND: Thank you, Brian.

3 MR. CRUMBAKER: That's what I have.

4 DR. FISHKIND: There's a gentleman on the phone
5 who wanted to speak. This would be the time. If you
6 would, state your name and please give us your
7 comments.

8 MR. TSINOKAS: Okay. Thank you, Dr. Fishkind.

9 So, once again, Dan Tsinokas.

10 DR. FISHKIND: Thank you, Dan.

11 MR. TSINOKAS: And so -- yep, yep. And then I
12 appreciate you giving me the opportunity to speak.

13 So first of all, I just want to take exceptions
14 to -- exception to, you know, David Smith. I think he
15 was the attorney that talked about some sort of threat.
16 This was not about some sort of threat.

17 We're hearing today, you know, about, you know,
18 why we think that the assessments are unlawful.
19 Chris Jones talked about it. Bruce Barnes talked about
20 it. You're hearing from the owners a tremendous amount
21 of information being provided.

22 And so this is about gross negligence, and I
23 don't think that the CDD board of supervisors can turn
24 a blind eye and not listen to the facts, and that's
25 where this was going. It had nothing to do with trying

1 to threaten them.

2 And I -- like I said, I take exception to
3 David Smith's comment. Once again, you know, the
4 lawyers for the CDD are twisting things and putting
5 words in people's mouths, and that's not a fact. So I
6 resent it. I just want to set the record straight that
7 this is about providing from our side.

8 As we know, the law firm, you know, that --
9 GrayRobinson had created the CDD, has a vested interest
10 to keep this alive, and they're doing anything they
11 possibly can.

12 And so for the board of supervisors to turn a
13 blind eye and not look at all the information that's
14 being provided -- talking about testimony. We're
15 talking about public comments. It is impossible for
16 these guys to listen to this and absorb all this
17 without having questions and concerns.

18 So for them to vote in favor of a reassessment,
19 I think they're acting grossly negligent, and that's my
20 comment. Okay?

21 DR. FISHKIND: Thank you.

22 MR. TSINOKAS: And I appreciate the opportunity
23 to share with them that.

24 DR. FISHKIND: Sure. Thank you.

25 Anybody else on the phone --

1 CHAIRMAN DAVISON: Dr. Fish --

2 DR. FISHKIND: Wait a minute, wait a minute, wait
3 a minute.

4 CHAIRMAN DAVISON: Okay. Sorry.

5 DR. FISHKIND: Anybody else on the phone who
6 wishes to speak?

7 (No response.)

8 DR. FISHKIND: Thank you.

9 Now, other comments from --

10 MR. DWYER: I just have a question.

11 DR. FISHKIND: Yes, sir. Sure.

12 MR. DWYER: This comment period is for the
13 reassessment?

14 DR. FISHKIND: Yes.

15 MR. DWYER: That's all.

16 DR. FISHKIND: And then once the board hears all
17 the comments, then the staff will respond and talk with
18 the board.

19 MR. DWYER: Okay.

20 DR. FISHKIND: Then the board will -- wait, no.
21 I'm just going to tell you.

22 Then the board will decide if they are moving
23 forward with the assessments. If they say "yes," then
24 we will open up what's called an "equalization panel,"
25 and anybody who wants to have their particular

1 assessments adjusted, for some reason, would then have
2 the opportunity to do that deed.

3 MR. SMITH: But that's unique to the property.
4 That's not a general concept. It's not a special
5 benefit argument. The special benefit argument you
6 make now because this is where the board acts in its
7 legislative capacity.

8 Just -- and it'd just be --

9 DR. FISHKIND: Yeah.

10 MR. DWYER: No, no. I just --

11 MR. SMITH: -- "My property isn't really
12 100 feet; it's 10 feet."

13 MR. DWYER: I just want to make sure
14 procedurally --

15 DR. FISHKIND: Yes.

16 MR. DWYER: -- we're on the same page.

17 DR. FISHKIND: Absolutely. That's why we wanted
18 to make sure you knew.

19 MR. DWYER: Because I still have comments
20 regarding the budget, and then I still have closing
21 comments at the end of the meeting.

22 DR. FISHKIND: Okay.

23 MR. DWYER: So we're going to have those two
24 comment periods?

25 DR. FISHKIND: Bud- -- yeah. Budgets -- budgets

1 will come. We have another public hearing for that
2 afterward.

3 MR. DWYER: I just want to make sure we're clear
4 on where we're going for the record.

5 DR. FISHKIND: Yeah. Yeah, absolutely.

6 Any other comments about assessments?

7 Yes, ma'am.

8 MS. TAYLOR: I'm Debbie Taylor. It's not
9 Property Owner A's responsibility to pay where reasons
10 for the initial assessments are gone.

11 There's no water park, there's no convention
12 center, and the event isn't minor. It's not a minor
13 detail that the Commonwealth property is gone. There
14 is no developable land left within the district.

15 DR. FISHKIND: Anything else?

16 MS. TAYLOR: No. I'm done.

17 DR. FISHKIND: Thank you.

18 Any other comment from anybody in the audience?

19 MR. SETTLES: Yes.

20 DR. FISHKIND: Yes, sir.

21 MR. SETTLES: Danny Settles.

22 DR. FISHKIND: Yes, sir.

23 (Telephonic interruption from the speakerphone.)

24 DR. FISHKIND: Please, whoever's on the --

25 One sec.

1 If you guys don't stop rustling stuff around on
2 the damn phone, I am going to hang up on you.

3 MR. SMITH: Yep.

4 DR. FISHKIND: Now, one more time, and you're
5 gone. Now mute your phones and be polite.

6 Excuse me for interrupting you, sir.

7 MR. SETTLES: No problem.

8 Since the judge found that the assessments
9 after -- I think it's 2008 had been unlawful, I mean,
10 how can the -- how can the board justify the benefits
11 or any benefits that we had received since 2008?

12 If any, I would like to know what they are --

13 DR. FISHKIND: Thank you.

14 MR. SETTLES: -- because I haven't seen any.

15 DR. FISHKIND: Sure. Thank you, sir.

16 Other comments from anybody in the audience?

17 Okay. We're going to close the public comment
18 period now. We're going to address the issues. The
19 board is going to discuss and then decide what it
20 wishes to do.

21 David, did you want to say something before I
22 start?

23 MR. SMITH: Well, I thought it might be helpful
24 to at least read to you some of the provisions that the
25 judge decided. I'm not going to editorialize because

1 that would be unfair, but let me just read right out of
2 the transcript what the judge said.

3 This is after he ruled --

4 DR. FISHKIND: But, David -- David, with all due
5 respect, address it to the board.

6 MR. SMITH: Okay. Well, you guys, I sent you --
7 (Telephonic interruption from the speakerphone.)

8 DR. FISHKIND: Sorry, folks.

9 MR. SMITH: Just hang up.

10 DR. FISHKIND: That's it.

11 MR. SMITH: That's stupid.

12 THE COURT REPORTER: Thank you.

13 DR. FISHKIND: I'm so sorry.

14 MR. SMITH: We sent you the copy of the order
15 before, yeah. I don't know that Bob walked you through
16 it because we didn't -- thought we were going to have a
17 different order. So let me make sure you understand
18 what happened.

19 As you know and as you heard said, the effort to
20 dissolve the district, which was the initial attitude
21 of the GVCOA, "You guys have to dissolve the district
22 and give up the debt," it wasn't a reassessment. That
23 theory was stumbled on much later.

24 The judge ruled that the district cannot be
25 dissolved. So that was a final ruling. Then he gets

1 into the issue of the assessments. So I want to
2 refresh your recollection on what the judge said
3 because it's his order we're trying to apply here.

4 MR. BARNES: I object, unless you publish the
5 entire transcript.

6 DR. FISHKIND: Stop.

7 MR. SMITH: It's been published.

8 DR. FISHKIND: Stop.

9 MR. SMITH: It's a public record.

10 DR. FISHKIND: Stop.

11 MR. BARNES: I'm hearing --

12 DR. FISHKIND: Stop.

13 MR. BARNES: He's out of order.

14 DR. FISHKIND: Mr. Barnes, if you just stop, he's
15 addressing the board. Let it go, sir.

16 UNIDENTIFIED MALE SPEAKER: Did the board not go
17 to the meeting, to that?

18 DR. FISHKIND: Please --

19 UNIDENTIFIED MALE SPEAKER: Did the board --

20 MR. BARNES: I want the record to reflect --

21 DR. FISHKIND: -- gentlemen.

22 MR. BARNES: -- that the entire transcript
23 regarding the reassessments should be published. It
24 should not be read out of context.

25 DR. FISHKIND: Thank you. Thank you.

1 MR. BARNES: He is not testifying.

2 DR. FISHKIND: Thank you.

3 MR. BARNES: He is arguing.

4 DR. FISHKIND: Thank you.

5 MR. SMITH: No, I'm reading.

6 DR. FISHKIND: David, address the board, please.

7 That's -- no more.

8 MR. SMITH: I will read to you what the text
9 says. This is the judge speaking.

10 "We now tackle the validity of two assessments.
11 One is commonly referred to as the 'bond collapse
12 assessment,' which had set assessment in 2008 at \$1,212
13 per unit. There, after careful review of the evidence,
14 argument of counsel, testimony of witnesses, I find
15 that, again, two-fold: I think the statute of
16 limitations applies to the 2008 assessment.

17 "In any event, even if it didn't apply, I think
18 that under Florida law, my review of Florida case law,
19 et cetera, that assessment of \$1,212 was proper, was
20 applied properly, and should have and will remain for
21 the time period -- time period that was applied."

22 I will note in dicta, without blaspheming, thank
23 God there was no further borrowing or development that
24 took place, or we'd have another empty shell shopping
25 center with the annual assessments on these homeowners

1 possibly as high as \$3,850. So I'm not setting that
2 aside.

3 "Next and finally comes what I will refer to as
4 the 'current assessment' of \$1,032 per unit annually,
5 and this was set up in the 2015 time frame. This
6 assessment resulted from a \$2.6 million adjustment to
7 the outstanding amount due to the transfer of the
8 shopping center parcel to a special-purpose entity.

9 "And then next year, 2016, conveyance by the
10 special-purpose entity to the shopping center parcel,
11 along with some additional property to the apartment
12 developer." You heard Mr. Crumbaker describing that.

13 "I note in reaching these conclusions, reaching
14 the conclusion that the shopping center parcel, the
15 Levitz's parcel, whatever it's called, is now gone from
16 ownership by the CDD. There's no more developable land
17 in the CDD.

18 "There was testimony from Mr. Crumbaker, among
19 others, that there was a credit to Grand Venezia of
20 50 percent of some figure, and that apparently was
21 50 percent calculated by what the value of the
22 property, the shopping center property, was when it
23 went in to the CDD.

24 "There was no appraisal done. Upon questioning
25 by both counsel and myself of Mr. Crumbaker, there is,

1 as Mr. Crumbaker correctly pointed out, no legal
2 requirement that there be an appraisal.

3 "However, in totality, in review of the evidence,
4 I believe that what happened at that point was that the
5 adjustments that resulted in the current assessment of
6 \$1,032 was not done in a nonarbitrary fashion. In
7 other words, it was arbitrary."

8 He did not say it was unlawful; it was arbitrary.
9 It has to come back to you for reassessment. And as
10 was mentioned to you before, the part of the law of the
11 case which is the partial summary judgment says,
12 "Plaintiff is barred from challenging matters
13 adjudicated in the bond validation judgment enacted on
14 September 6th, 2006."

15 That bond validation -- thank you.

16 That bond validation was the primary reason why
17 district counsel advised the district they cannot
18 arbitrarily decide the judge is full of it, and then
19 you just do what you want to in terms of what's fair.

20 You're stuck with the bond validation proceeding.
21 The case law is overwhelming. And yes, I'm familiar
22 with it. Yes, I've been a city attorney for
23 four-and-a-half years. I know these processes. I know
24 these proceedings, and we do know what we're talking
25 about.

1 You have been advised on all of these issues.
2 You know we have provided you copies of the statutes.
3 We provided you copies of the summaries. It's not like
4 you're ignorant, and it's not like you're negligent.

5 So the accusation that you're engaged in gross
6 negligence is a gross mischaracterization of the facts
7 and the law. And I'm sorry, but I felt like I had to
8 at least say that because it's irritating that you have
9 people that are only partially informed making
10 statements like that. They're absolutely
11 irresponsible.

12 Now I'll shut up because I shouldn't be doing
13 this, but if you have any questions about the history,
14 I'd be happy to fill you in. We're the ones that
15 advised you. Until a court tells you otherwise, you've
16 got to defend the validated bonds. I would have
17 committed malpractice if I had told you anything but
18 that.

19 So the idea that we wanted to run up the fees is
20 ridiculous. We didn't -- we wanted to get them
21 resolved. So we'll get to that issue probably later in
22 the hearing.

23 DR. FISHKIND: Let me -- do you want to take
24 additional testimony?

25 SUPERVISOR LANCASTER: (Indicates affirmatively.)

1 DR. FISHKIND: Okay, Jerry.

2 Yes, sir.

3 MR. McCOMAS: Just --

4 DR. FISHKIND: Yes, sir, please.

5 MR. McCOMAS: David McComas,

6 18167 U.S. Highway 19 --

7 DR. FISHKIND: Yes.

8 MR. McCOMAS: -- at Harbourside.

9 DR. FISHKIND: Yes.

10 MR. McCOMAS: Just a quick question, and I'm just

11 trying to connect the dots. I've come into this,

12 again, at the end of you guys kind of all going back

13 and forth, but, I mean, I live in a debt-laden world.

14 I build projects, build them, finance them, and

15 stand behind them, and then during that process,

16 you know, have to defend myself in the event that I

17 don't perform or there's an issue or -- with a lender.

18 And I guess the connection that I'm having a difficult

19 time dealing with --

20 I appreciate, you know, Oppenheimer laying their

21 case out and your laying out rebuttal, you know, more

22 cases and counsel over here, everybody's, you know, in

23 a frenzy, but obviously we're -- there's a dispute here

24 amongst the parties, and I just don't understand.

25 I mean, typically, if I borrow capital and I

1 build a project, as an LLC, and I've got a lender that
2 is not happy with the performance of my -- of the note
3 that -- that instrument that they've put on this, they
4 have -- they have recourse.

5 I mean, they have recourse. They have prevailing
6 party language fees in their -- in their documents.
7 They have all these elements that provide them with
8 leverage.

9 The disconnect that I'm having, the part that I'm
10 having a hard time understanding is -- is that, why is
11 it the board's direction? Why would they --

12 Why wouldn't Oppenheimer be leading the fight on
13 defending the bond and supporting it? And if they win,
14 I'm sure somewhere, buried on Page 487 of their debt
15 instrument, provides them the latitude to levy the CDD,
16 you know, for legal fees through that process, but I --

17 This self-funded process where you're irritating
18 all these homeowners, you know, by going through and
19 funding the litigation costs to defend a bond that's
20 being represented by a bondholder, I'm having a hard
21 time connecting that Oppenheimer doesn't have the
22 wherewithal to defend themselves.

23 Because their debt instrument -- their -- they
24 defend themselves for a living. I mean, that's what
25 bondholders do. That's what --

1 MR. DWYER: True.

2 MR. McCOMAS: -- you know, that's what -- that's
3 what financial institutions do, and they have recourse,
4 tons of it. Like he said, from 2005, '6, '7, you know,
5 every instrument out there.

6 So I just feel like -- I feel -- I feel bad for
7 the board members, to be honest with you, because
8 they're put in this position where people are not,
9 you know -- you know, we either like you, or we hate
10 you, or we like you, or we hate you.

11 And it's like, you know, I mean, this is way
12 outside of their level of expertise, to interpret the
13 law. When, I mean, I've got guys with juris doctrine
14 degrees that are spitting on each other because they
15 can't interpret the law because we can't get a judge to
16 give us the right interpretation of what he's ruled on
17 yet.

18 I mean, so I'm just sitting here baffled by
19 why -- why couldn't -- why isn't Oppenheimer -- I mean,
20 why such -- because, I mean, ultimately I think the
21 landscape --

22 I mean, being objective, I mean, you know, what
23 happens when everybody up there gets tired and they
24 don't want to do this anymore? Are you really going to
25 find five more people or four more people that are

1 going to say, "Wow, we're all for this
2 funding-the-litigation cause."

3 I mean, at a certain point, you guys are going to
4 get outvoted, and then there's going to be a board of
5 members up there who are going to say, "Hold on a
6 minute. Oppenheimer, defend yourself," you know. And
7 if you win and Jirotko or XYZ Judge rules, you know, I
8 would be more concerned with, "Hey, how much do we need
9 to reserve for legal fees if we lose."

10 But I just -- the disconnect I'm having with the
11 whole process that I'm looking at objectively is, why
12 is Oppenheimer not defending their position relative
13 to -- and that's just for the -- you guys to think
14 about internally, you know --

15 DR. FISHKIND: Well, we'll --

16 MR. McCOMAS: -- when you look at the macro
17 elements that we're dealing --

18 DR. FISHKIND: Well, we'll respond in a minute.

19 MR. McCOMAS: Okay.

20 DR. FISHKIND: With all due respect, you're
21 repeating yourself.

22 MR. McCOMAS: No problem. But that -- that was
23 my -- that's not --

24 DR. FISHKIND: Sure.

25 MR. McCOMAS: I'm not here to argue the validity

1 of either side.

2 DR. FISHKIND: Okay.

3 MR. McCOMAS: I'm not here to tell you that
4 they're wrong or they're right. And, you know, to me,
5 it just -- obviously there's a dispute.

6 You know, I mean, in the real world, where I
7 would -- outside of the CDD, I mean, I would be -- if I
8 was a board member, I mean -- and I don't know what
9 latitude I would have. I would be like, "Look, let's
10 just write this money" --

11 THE COURT REPORTER: Can you please slow down?

12 DR. FISHKIND: David -- David --

13 MR. McCOMAS: -- "let's just put the money to the
14 right" --

15 THE COURT REPORTER: I don't know what --

16 DR. FISHKIND: -- slow down and wrap it up.

17 MR. McCOMAS: Not a problem. I'll slow down.

18 DR. FISHKIND: Because with all due respect,
19 you're truly repeating yourself.

20 MR. McCOMAS: Okay. Well, I'm sorry that I'm
21 repeating myself --

22 DR. FISHKIND: That's okay.

23 MR. McCOMAS: -- you know, but --

24 DR. FISHKIND: It's okay.

25 MR. McCOMAS: -- you know, I just feel like

1 there's got to be a better solution than what is being
2 currently placed in front of us.

3 DR. FISHKIND: And we'll respond to your
4 question.

5 MR. McCOMAS: So that's all.

6 DR. FISHKIND: Thank you.

7 MR. McCOMAS: So just --

8 DR. FISHKIND: Does the board want to take
9 additional public comment?

10 SUPERVISOR LANCASTER: And I would like Dave to
11 respond to that.

12 DR. FISHKIND: Well, we'll -- yeah, we'll do
13 that.

14 MR. SMITH: Yeah.

15 DR. FISHKIND: Let's make sure that -- if you
16 want to hear any additional public comment so we can do
17 this in an orderly fashion.

18 MR. DAVISON: I don't want to take any more.

19 DR. FISHKIND: Okay. All right.

20 So we're done with public comment on this issue.

21 MR. SMITH: I believe you would like me to
22 respond to why the district was involved in litigation.

23 CHAIRMAN DAVISON: Yes, we would.

24 DR. FISHKIND: Sure. Sure, David.

25 SUPERVISOR LANCASTER: And there's two reasons to

1 that. One is there's an indenture which was validated
2 in the bond validation proceedings as a valid contract
3 binding on the district. In the indenture, the
4 district has an obligation to defend the bonds and
5 enforce the liens.

6 In addition, the initial cause of action was to
7 dissolve the district. That is uniquely a district
8 issue. The other portion was to disgorge all funds
9 that had been received to date.

10 So we were recommended and we also got a demand
11 letter from the bond trustee saying, "You better follow
12 your contractual obligations, or we'll take appropriate
13 action."

14 So we, as your counsel, in light of all those
15 circumstances and the strength of the case law, on the
16 enforceability and the unavailability of an attack on
17 an unvalidated bond, recommended you defend the
18 lawsuit.

19 Thank you.

20 DR. FISHKIND: Any other questions on that issue
21 for David?

22 SUPERVISOR LANCASTER: No.

23 DR. FISHKIND: Okay. There were two categories
24 of issues, I think, that were raised that I might
25 respond to, and then we could talk about them, board

1 members. One related to the assessments and the
2 assessment report and the benefits, and the other
3 related to the process by which things happened.

4 Let me do the process and get it out of the way.

5 MS. TUTTLE: Mr. Fishkind, Mr. Tsinokas is trying
6 to get back through the line. You know, the board --

7 MR. SMITH: I don't have my phone.

8 DR. FISHKIND: Oh, that's all right.

9 There's too much noise, and we can't allow it.
10 Thank you, Ms. Tuttle.

11 So process. As I said, we went off our RFPs for
12 the appraisal. We had ranking. The board picked the
13 appraisal they wanted to have. All of our records are
14 public records.

15 With respect to, why did I write the assessment
16 report? Because I'm the financial advisor to the
17 district. So it'd be natural for me to write the
18 report.

19 As long as I'm district manager and financial
20 advisor, you don't go off on an RFP. You already have
21 your staff. So that's the short answer to the process
22 questions.

23 Did we have any discussion with Oppenheimer?

24 None whatsoever.

25 What discussion did we have with the appraiser?

1 We said, "We pick you. Give us an appraisal."

2 The end.

3 SUPERVISOR LANCASTER: And we had three --

4 DR. FISHKIND: Yes, sir, we did.

5 SUPERVISOR LANCASTER: We looked at three
6 different ones.

7 DR. FISHKIND: Yes, sir. Yes, sir. You did,
8 Jerry. So that's the process stuff.

9 Now let's get to the assessment report. I feel
10 strongly that the report is right, correct, and valid.
11 I have produced hundreds of assessment reports. I've
12 appeared as an expert witness many times on special
13 assessments.

14 Relative to benefit, the lead case is
15 South Trail Fire District, and that established the
16 proposition that special benefits in Florida are
17 measured by three things: An increase in market value,
18 a reduction in insurance rates, and improved and
19 enhanced use and enjoyment of the property. Those are
20 the three things.

21 So the district conducted its capital improvement
22 plan. The plan was declared complete before everything
23 was completed, but it provided for a certain
24 acquisition and for the demolition of the shopping
25 center, among other things.

1 The assessment, the special benefit, I believe,
2 came from the improvement in property values, the
3 significant outperformance.

4 Do things happen other than just the demolition
5 of a shopping center? Of course they happen, and they
6 happened all over Pinellas County as well.

7 So I think it is a very reasonable and valid
8 comparison to demonstrate special benefit. It is
9 completely within the ambit of the case law in the
10 State of Florida.

11 SUPERVISOR LANCASTER: But I have a question
12 about that.

13 DR. FISHKIND: Certainly, Jerry.

14 SUPERVISOR LANCASTER: Isn't it a moot point at
15 this point in time because the judge has ruled that the
16 methodology is valid?

17 DR. FISHKIND: Yes.

18 SUPERVISOR LANCASTER: So --

19 DR. FISHKIND: Yes. I believe that --

20 SUPERVISOR LANCASTER: -- whether they like it or
21 not, the judge has said it is, and --

22 DR. FISHKIND: Yes. And he said --

23 Importantly, to your point, Jerry, he said in
24 2008, when the project was declared complete and the
25 assessments were, in fact, higher than they are today,

1 that there was special benefit.

2 SUPERVISOR LANCASTER: All right.

3 DR. FISHKIND: Because they couldn't have
4 declared that everything was okay in 2008, unless he
5 also validated, by his ruling, special benefit in 2008.
6 The only thing that happened since then --

7 SUPERVISOR LANCASTER: Sold a parcel.

8 DR. FISHKIND: -- was a parcel was sold and debt
9 was reduced.

10 SUPERVISOR LANCASTER: Right.

11 DR. FISHKIND: And it turns out that the parcel
12 was sold, and we got more value than the thing was
13 worth.

14 SUPERVISOR LANCASTER: Than it was worth. Right.

15 DR. FISHKIND: So I think you are in a very
16 strong position, if you so desire, to continue with the
17 assessments. The process was legal, and the special
18 benefit and the special analysis that's in the report,
19 I think, is strong and valid.

20 I'm happy to answer any questions that you might
21 have.

22 (No response.)

23 DR. FISHKIND: Hearing none, then a vote to move
24 forward with the assessments. A simple motion would be
25 in order, and then we can equal- --

1 CHAIRMAN DAVISON: Can I just make a com- --

2 DR. FISHKIND: -- and then we can equalize.

3 Sure. You can make as many comments as you want.

4 CHAIRMAN DAVISON: Can I? I just want to make a
5 different comment.

6 DR. FISHKIND: I don't mean to -- I don't mean to
7 shut down your comments.

8 CHAIRMAN DAVISON: Yeah, yeah. Okay.

9 DR. FISHKIND: It's up to you guys.

10 CHAIRMAN DAVISON: Okay. It's just there's so
11 much misinformation that is out there, you know. And
12 we heard some gentlemen saying, why didn't we mediate?

13 Well, we have mediated twice, and both times the
14 parties couldn't agree. You know, so it's not from
15 want of trying. It's been done twice in a court --

16 SUPERVISOR LANCASTER: In two years.

17 CHAIRMAN DAVISON: Yes. We hear that we own the
18 corner lots. We don't own the corner lot. It's
19 Sam Seltzer's lot. Whoever took the bankrupt
20 Sam Seltzer owns that lot.

21 It's got nothing to do with the CDD. It's
22 outside the CDD, and this is the problem. There is so
23 much misinformation given, and we keep on hearing about
24 the big piece of parcel that the CDD owned that they
25 sold.

1 We didn't own it. We only owned the little roads
2 connecting it, and this is where it carries on and on
3 and on. And it actually, frankly, gets very, very
4 tiring because some new people come in.

5 And I understand everybody buys and it's new, but
6 new people have come in, and they listen to all the BS
7 that goes on, and they don't bother to find what the
8 real truth is.

9 And it gets tiring. And, you know, some guy made
10 a comment about, you know, "It's going to be a problem
11 with finding new board members." You're absolutely
12 right. You are absolutely right.

13 Why did nobody bother except, you know, two
14 people bother to apply on the electoral hearings?
15 Nobody wants to be there. It's a thankless job.

16 Sorry.

17 DR. FISHKIND: That's okay. Let's stick to, now,
18 assessments.

19 There were other questions.

20 VICE-CHAIR GLIDDEN: Well, I had one comment,
21 too, on --

22 DR. FISHKIND: Alan, yes.

23 VICE-CHAIR GLIDDEN: Yeah. Here are -- here are
24 all these people talking about the water park was never
25 built, this wasn't done.

1 Yeah, but the money was never borrowed for that
2 either.

3 DR. FISHKIND: Correct.

4 VICE-CHAIR GLIDDEN: You know, the money that was
5 borrowed --

6 DR. FISHKIND: Yes, yes.

7 VICE-CHAIR GLIDDEN: Excuse me?

8 CHAIRMAN DAVISON: Just ignore him.

9 DR. FISHKIND: Yeah. Just -- just --

10 VICE-CHAIR GLIDDEN: I know Mr. Barnes is here to
11 win a check that's --

12 DR. FISHKIND: That's okay.

13 CHAIRMAN DAVISON: He hasn't got a check yet.

14 VICE-CHAIR GLIDDEN: No.

15 DR. FISHKIND: Please, stick to the assessments.

16 Let's not get into that, but -- I know everybody's
17 emotions are high, you know --

18 VICE-CHAIR GLIDDEN: Yeah.

19 CHAIRMAN DAVISON: No. I'm --

20 DR. FISHKIND: -- but please, let's -- let's --

21 CHAIRMAN DAVISON: Should I make a motion, or
22 should we --

23 DR. FISHKIND: No.

24 SUPERVISOR LANCASTER: There's so much
25 misinformation that goes around.

1 THE COURT REPORTER: One at a -- okay. One at a
2 time.

3 DR. FISHKIND: Stop. Stop.

4 No, Brian.

5 MR. CRUMBAKER: He should be able to participate.
6 That's all I'm asking.

7 DR. FISHKIND: Thank you.

8 SUPERVISOR LANCASTER: I said I'll make a motion
9 that we pass it.

10 DR. FISHKIND: Okay. What about you?

11 CHAIRMAN DAVISON: I second the motion.

12 DR. FISHKIND: Second by Trevor.

13 Further discussion?

14 (No response.)

15 DR. FISHKIND: All those in favor?

16 BOARD OF SUPERVISORS: Aye.

17 DR. FISHKIND: All right. Now we're to
18 Resolution 2018-10, which is our equalization
19 resolution.

20 We are going to hear from anybody who has a
21 particular interest about their individual property,
22 not some overarching question about the assessments
23 because we just dealt with that.

24 So a particular question about anybody's
25 property, this is the time for you to come before the

1 board and explain why, on an equalization basis, you
2 should be treated differently for some special
3 something that is particular to your property.

4 Would there be anybody who wishes to be heard?

5 Yes, sir. Please state your name for the record.

6 MR. CHASE: Wayne Chase.

7 DR. FISHKIND: Yes.

8 MR. CHASE: I have a question here about the
9 equalization.

10 DR. FISHKIND: Yes.

11 MR. CHASE: Currently we're assessed in our
12 condominium association based upon the square footage
13 of the property where each unit is a different size.
14 So we're --

15 DR. FISHKIND: That's not for the condominiums.

16 MR. CHASE: But --

17 DR. FISHKIND: This is not a condominium.

18 MR. CHASE: I understand that.

19 DR. FISHKIND: Oh, oh, I misunderstood the
20 question.

21 MR. CHASE: I understand that.

22 DR. FISHKIND: I'm so sorry.

23 MR. CHASE: And the reason why I'm asking the
24 question is --

25 DR. FISHKIND: Yes.

1 MR. CHASE: -- why wouldn't that square footage
2 be applicable in this particular case as opposed to
3 whether you got --

4 DR. FISHKIND: Yeah.

5 MR. CHASE: -- 800 square feet --

6 DR. FISHKIND: Sure.

7 MR. CHASE: -- or 3,000 square feet in the same.

8 DR. FISHKIND: Sure. The short answer is that
9 we're allowed to do it by category, and I think the
10 benefit accrues to the units, not to the square feet of
11 the unit, sir.

12 MR. CHASE: Explain --

13 DR. FISHKIND: So this is a valid method.

14 MR. CHASE: Explain that, please. The benefits
15 to the unit, but not to the --

16 DR. FISHKIND: Occurs to each unit. And I don't
17 think that there is a significant difference in the
18 benefit that the units get by the square feet.

19 There are many different ways that it could be
20 done. Square feet is one, but it's not dispositive of
21 the only method. So this is the method this board has
22 used since 2005, sir.

23 MR. CHASE: Okay.

24 DR. FISHKIND: Questions about individual
25 properties would be in order now.

1 Anybody else with an individual property owner
2 question?

3 (No response.)

4 DR. FISHKIND: Hearing none, then it would be
5 time to address 2018-10, which is the final motion that
6 would approve these assessments.

7 Questions or comments from the board?

8 (No response.)

9 DR. FISHKIND: A motion to approve would be in
10 order.

11 CHAIRMAN DAVISON: I'll make a motion to approve
12 the assessments.

13 DR. FISHKIND: Moved by Trevor.

14 VICE-CHAIR GLIDDEN: I'll second it.

15 DR. FISHKIND: Second by Alan.

16 Further discussion?

17 (No response.)

18 DR. FISHKIND: All those in favor please signify
19 by saying "aye."

20 BOARD OF SUPERVISORS: Aye.

21 DR. FISHKIND: All the same sign.

22 Very good, gentlemen. We're done with the
23 assessments.

24 (At this time, Mr. Dwyer began to exit the room.)

25 MR. SMITH: Don, we're going to the budget.

1 DR. FISHKIND: Don, we're going to do the budget
2 now.

3 MR. SMITH: We're doing the budget next.

4 MR. DWYER: Go ahead. I'll be right back.

5 DR. FISHKIND: Okay.

6 MR. DWYER: Go ahead.

7 (At this time, Mr. Dwyer exited the room.)

8 DR. FISHKIND: All right. Now we're going to
9 move on to the public hearing for the district's annual
10 budget. I'd like to open that public hearing. Under
11 Tab 5 is the budget, and we have extra copies if
12 anybody needs the budget.

13 So we had passed a preliminary budget. The
14 adjustments that you made were to reduce the amount for
15 roadway expenditure, increase the legal portion.
16 Otherwise, there's been no additional questions or
17 comments, and --

18 Yes, certainly.

19 UNIDENTIFIED FEMALE SPEAKER: Thank you.

20 DR. FISHKIND: And you can pass them out, if you
21 want to.

22 UNIDENTIFIED FEMALE SPEAKER: Okay.

23 DR. FISHKIND: Thank you so much.

24 So there's been no further adjustments. I've
25 gotten no comments or questions.

1 (No response.)

2 DR. FISHKIND: Would there be any further
3 comments or questions from the board?

4 (No response.)

5 DR. FISHKIND: Then we're in the public hearing.
6 Public questions, comments about the proposed
7 budget for 2018-19 that will start October 1st?

8 Questions or comments, this would be the time.

9 Yes, sir.

10 MR. GORMAN: I want to make sure that I'm reading
11 this. Are we being charged this \$100 --

12 THE COURT REPORTER: Name, please.

13 MR. GORMAN: Gorman, last name is Gorman.

14 THE COURT REPORTER: Thank you.

15 MR. GORMAN: I mean, are we being charged these
16 legal fees?

17 DR. FISHKIND: Yes, you are.

18 SUPERVISOR LANCASTER: You're paying roughly
19 20 percent of it.

20 DR. FISHKIND: That's okay. Ah, ah. Let me --
21 let me --

22 MR. GORMAN: So I think I heard somebody say in
23 the beginning that we essentially paid about
24 20 percent, roughly.

25 DR. FISHKIND: That's correct, sir.

1 MR. GORMAN: So I'm not, you know, the sharpest
2 knife with the math, but I still think that that
3 represents better than 50 percent our share of the fees
4 of our total expense of this budget.

5 So isn't that a conflict? Isn't -- aren't --
6 isn't this a conflict, that we're paying to litigate
7 ourselves? Isn't there a conflict there?

8 DR. FISHKIND: No. Unfortunately it's the
9 situation you find yourself in. There is no conflict.

10 MR. GORMAN: Well, I heard -- I heard --

11 DR. FISHKIND: Ah, next.

12 MR. GORMAN: -- I heard that you've got an
13 obligation to --

14 DR. FISHKIND: Sir --

15 MR. GORMAN: -- to defend yourself. I didn't
16 hear that the obligation was to charge us for it.

17 DR. FISHKIND: Thank you.

18 Further comment on the budget?

19 Yes, ma'am.

20 MS. THIBODEAU: Mine's not quite budget, but I
21 just want to know about the board. And I don't know
22 like because I'm new to this. I'm a -- I'm a new
23 owner, also.

24 DR. FISHKIND: Could we -- could we talk about
25 the budget?

1 MS. THIBODEAU: Well, like I just don't know like
2 how you're --

3 DR. FISHKIND: You're going to have time to talk
4 about other things.

5 MS. THIBODEAU: How come you are managing the
6 meeting and not our board?

7 DR. FISHKIND: Because Trevor asked me to.

8 MS. THIBODEAU: Interesting.

9 DR. FISHKIND: And he can -- he can ask me to run
10 the meeting. Thank you.

11 Yes, sir.

12 MR. HERD: Michael Herd.

13 It's my understanding that Oppenheimer's been
14 part of this since 2005. Has the board done their due
15 diligence on saving money on the budget by receiving
16 any proposals from cheaper -- cheaper counsel or
17 litigators in the last decade?

18 It's my understanding that Mr. Davison has been
19 part of the board since 2010. Has any due diligence
20 been done to save money on the budget by using
21 different counsel?

22 Thank you.

23 DR. FISHKIND: Thank you. We'll address
24 everything at the end. Thank you, Mike.

25 Mike? Mike?

1 MR. HERD: Yes, sir.

2 DR. FISHKIND: Yes. Thank you.

3 Dan (sic).

4 MR. DWYER: Don Dwyer.

5 DR. FISHKIND: Don, I'm sorry.

6 MR. DWYER: Yeah.

7 DR. FISHKIND: A long night already, Don.

8 MR. DWYER: That's okay.

9 In your proposed budget, there are charges for
10 the -- for supervisors fees and maintenance --
11 manag- -- I mean management fees. Two different
12 categories: Supervisor fees and management fees.

13 What is the difference between two of those --
14 those two fees, and who is getting paid the supervisor
15 fees, the name of the person who is the supervisor?

16 DR. FISHKIND: Sure. We'll do that.

17 Any other questions?

18 MR. DWYER: No, that's it for now.

19 DR. FISHKIND: Additional comments or questions
20 from anybody on the budget?

21 Yes, sir.

22 MR. BAILEY: I've got a question about the
23 roadway and other capital repair preserve.

24 DR. FISHKIND: Yes, sir.

25 THE COURT REPORTER: Name?

1 MR. BAILEY: Bill Bailey.

2 The board members that live there, as you drive
3 down our street after ten minutes of rain, cars flood.
4 Is that going to -- is that in there?

5 MS. THIBODEAU: Yeah.

6 DR. FISHKIND: Well, we'll answer your questions.
7 Just let me know all your -- all of your questions, and
8 we'll get them all at once, if I could.

9 MR. BAILEY: That's it.

10 DR. FISHKIND: So the drainage issue on the --

11 MR. BAILEY: Yes.

12 DR. FISHKIND: The drainage issue on the roads is
13 the question?

14 MR. BAILEY: Yes.

15 DR. FISHKIND: Okay. Thank you.

16 CHAIRMAN DAVISON: On which road?

17 DR. FISHKIND: Ah.

18 CHAIRMAN DAVISON: I just -- I want to know
19 which road he's talking about. It's fine.

20 Valencia Road or for Ven- --

21 MR. BAILEY: Valencia.

22 CHAIRMAN DAVISON: Oh, yeah. Valencia Road.

23 DR. FISHKIND: Other comments, questions?

24 (No response.)

25 DR. FISHKIND: Okay. Then I'm going to close the

1 public hearing.

2 Board members, a quick response. The difference
3 between the supervisors fees, by law, supervisors get
4 paid \$200 per meeting. So that's the supervisor fees.
5 The management fee is what our company gets paid to
6 manage the district.

7 MR. DWYER: Thank you very much.

8 DR. FISHKIND: The Venetia (sic) Road, Trevor, is
9 that a district road? I think that's an HOA road.

10 CHAIRMAN DAVISON: It's -- no, it's a -- it's a
11 district road that the HOA has undertaken to maintain.

12 DR. FISHKIND: Ah, yes. That's it.

13 So we will --

14 CHAIRMAN DAVISON: It's owned by the district,
15 but HOA maintain -- or the COA maintains it.

16 DR. FISHKIND: But we will get back to them on
17 that, and thank you. I think that's it.

18 (No response.)

19 DR. FISHKIND: No other comments.

20 Questions or comments from the board?

21 I'm going to close the public hearing.

22 2018-11, your budget. Anything further?

23 (No response.)

24 DR. FISHKIND: Motion to approve the budget would
25 be in order.

1 CHAIRMAN DAVISON: I'll make a motion to approve
2 the budget.

3 DR. FISHKIND: Moved by Trevor.

4 Do I have a second?

5 VICE-CHAIR GLIDDEN: I'll second it.

6 DR. FISHKIND: Second, Alan.

7 All those in favor please signify by saying
8 "aye."

9 BOARD OF SUPERVISORS: Aye.

10 DR. FISHKIND: All the same sign. The motion
11 passes.

12 All right. Next we've got to do 2018-12.

13 Now that you've approved the budget, we're going
14 to approve the assessments to pay for the budget.
15 Nothing special about it, except this is how you pay
16 the bills, through the operations and maintenance
17 assessments, to pay for the budget that you just
18 passed.

19 So a motion to approve 2018-12 would be in order,
20 unless there's discussion.

21 (No response.)

22 DR. FISHKIND: Hearing none, could I have a
23 motion, please?

24 CHAIRMAN DAVISON: I'll make a motion to move the
25 Resolution 2018-12.

1 DR. FISHKIND: Moved by Trevor.

2 Do I have a second?

3 VICE-CHAIR GLIDDEN: I'll second the motion.

4 DR. FISHKIND: Second by Alan.

5 Okay. All those in favor please signify by
6 saying "aye."

7 BOARD OF SUPERVISORS: Aye.

8 DR. FISHKIND: All the same sign.

9 Under Tab 7 of the audit, the auditors have asked
10 for an increase because of all of the litigation and
11 expense. Our chairman has been heavily involved in the
12 discussion about the increase. I think it is in order,
13 given the situation we face.

14 Trevor, do you want to add any commentary to
15 that?

16 CHAIRMAN DAVISON: You know, I just found or find
17 that the amount of increase that they're asking is --
18 is exorbitant, personally. I know Jerry is -- in order
19 to -- I'll pass it to him.

20 SUPERVISOR LANCASTER: I tend to agree with him.
21 In fact, I just -- I just think that -- we got an -- we
22 got an opinion letter from the attorney, from our
23 attorneys --

24 DR. FISHKIND: Yes.

25 SUPERVISOR LANCASTER: -- and there's not any

1 extra work they need to do.

2 DR. FISHKIND: No.

3 CHAIRMAN DAVISON: So my question would be,
4 what -- you know, what if we don't approve an increased
5 amount? What's going to happen?

6 DR. FISHKIND: You would have to go back out and
7 select new auditors, and then we would have to tell
8 the State that we're going to be later than we've told
9 them for the audit.

10 I don't think you're going to get a very -- much
11 better price, given the amount of complication and
12 litigation that's occurred here.

13 SUPERVISOR LANCASTER: When we asked him about
14 it, what were their comments?

15 DR. FISHKIND: That there was a lot of
16 litigation. They asked for more than \$5,000. We
17 worked them down.

18 SUPERVISOR LANCASTER: What was the original
19 amount we had? \$3,000?

20 DR. FISHKIND: I believe --

21 CHAIRMAN DAVISON: I think we budgeted \$5,000,
22 and they were wanting \$6,800.

23 DR. FISHKIND: I think that's right.

24 CHAIRMAN DAVISON: I think it's \$1,800 more than
25 we've budgeted.

1 SUPERVISOR LANCASTER: Well, you know, if we
2 start over, it's going to cost us more than that.

3 DR. FISHKIND: I'm afraid so, Jerry. It's not --
4 it's not comfortable, but I think, given this, the
5 place we're at, that it would be my recommendation to
6 approve this one.

7 CHAIRMAN DAVISON: I didn't --

8 SUPERVISOR LANCASTER: Okay. Well, I'd like to
9 qualify their opinion based on that, but I understand.

10 CHAIRMAN DAVISON: I made a proposal to them that
11 we meet halfway, and they weren't interested in
12 talking.

13 SUPERVISOR LANCASTER: Okay. Well, let's just --

14 VICE-CHAIR GLIDDEN: All right.

15 SUPERVISOR LANCASTER: I'll make a motion that we
16 accept the --

17 DR. FISHKIND: Well, then moved by --

18 SUPERVISOR LANCASTER: -- additional \$1,800.

19 DR. FISHKIND: Moved by Jerry, with appropriate
20 reservations.

21 SUPERVISOR LANCASTER: That's right.

22 CHAIRMAN DAVISON: Yeah. And I'll second it.

23 DR. FISHKIND: Second by Trevor.

24 All those in favor please signify by saying
25 "aye."

1 BOARD OF SUPERVISORS: Aye.

2 DR. FISHKIND: All the same sign.

3 All right. Very good.

4 Next is Payment Authorizations 123 to 126.

5 Nothing out of the ordinary for this district. I'm
6 happy to answer any questions or comments about the
7 payment authorizations.

8 SUPERVISOR LANCASTER: I'll make a motion that we
9 pay it.

10 DR. FISHKIND: Moved by Jerry.

11 Do I have a second?

12 CHAIRMAN DAVISON: I'll second it.

13 DR. FISHKIND: Second by Trevor.

14 CHAIRMAN DAVISON: Is that for 123 or for all of
15 them?

16 DR. FISHKIND: 123 through 126.

17 SUPERVISOR LANCASTER: For all of them, yes.

18 DR. FISHKIND: They're all sort of standard for
19 this district, Trevor.

20 CHAIRMAN DAVISON: Yep.

21 DR. FISHKIND: Motion is seconded.

22 Any further discussion?

23 (No response.)

24 DR. FISHKIND: All those in favor please signify
25 by saying "aye."

1 BOARD OF SUPERVISORS: Aye.

2 DR. FISHKIND: All the same sign. Motion passes.

3 All right. The district financial position is
4 under Tab 9. Nothing particular to report. We've got
5 funds to meet all of our obligations. And you don't do
6 anything but review, and if you have questions, I'd be
7 happy to answer them.

8 (No response.)

9 DR. FISHKIND: All right. Then we are to
10 additional public comments.

11 CHAIRMAN DAVISON: So --

12 DR. FISHKIND: Yes, sir.

13 CHAIRMAN DAVISON: -- I would like --

14 DR. FISHKIND: Oh, I'm sorry, Trevor.

15 CHAIRMAN DAVISON: I'd like to make a statement
16 and say that I have decided I'm resigning with
17 immediate effect. It's not because of the meeting
18 today.

19 I've been on the board, I think, since 2012. I
20 started when they were begging people to come and join.
21 And this is part of my blood, but it's reached a stage
22 where I'm not prepared to carry on with it anymore.

23 And, secondly, I will, in the next few weeks, not
24 be a Florida resident. So I hereby tender my
25 resignation.

1 DR. FISHKIND: All right. Motion to accept
2 Trevor's resignation.

3 VICE-CHAIR GLIDDEN: Reluctantly.

4 DR. FISHKIND: Moved by Alan.

5 SUPERVISOR LANCASTER: I'll reluctantly accept
6 it.

7 DR. FISHKIND: All right. Second by Jerry.

8 All those in favor please signify by saying
9 "aye."

10 BOARD OF SUPERVISORS: Aye.

11 DR. FISHKIND: All right. Board members, you
12 can -- if you are so interested, you can fill the
13 vacant seat. If you wish, you can leave it vacant. It
14 is up to -- up to the board, how you wish to proceed.

15 VICE-CHAIR GLIDDEN: I'd like to nominate
16 Jeff Wilson.

17 THE COURT REPORTER: What was that?

18 VICE-CHAIR GLIDDEN: I'd like to nominate
19 Jeff Wilson to fill the board, board seat.

20 SUPERVISOR LANCASTER: Is he here?

21 DR. FISHKIND: Alan has nominated Jeff.
22 Are there any other nominations from anybody?

23 SUPERVISOR LANCASTER: Is he here?

24 DR. FISHKIND: Yes.

25 MR. McCOMAS: If I can nominate myself --

1 DR. FISHKIND: Yes?

2 MR. McCOMAS: If I can nominate myself, I'd love
3 an opportunity to run on the board.

4 DR. FISHKIND: Certainly, certainly.

5 MR. SMITH: Isn't it a board nomination?

6 THE COURT REPORTER: Name, please.

7 MR. McCOMAS: David McComas. I own the
8 Harbourside office building.

9 MR. SMITH: Hank, isn't it a board process?

10 DR. FISHKIND: It is a board process.

11 So if the board wishes to nominate and accept
12 David's offer, and then you can vote on who you want.

13 MR. SMITH: You can nominate him.

14 VICE-CHAIR GLIDDEN: I'd like to nominate David.

15 DR. FISHKIND: Yeah. I think that's appropriate.

16 SUPERVISOR MIES: I mean, he's a majority
17 landowner.

18 DR. FISHKIND: I think that's appropriate.

19 SUPERVISOR MIES: Yeah, absolutely.

20 DR. FISHKIND: Very good. Thank you, Joel.
21 Anybody else?

22 (No response.)

23 DR. FISHKIND: All right. Board members, what's
24 your pleasure? You can -- we have Jeff and David to
25 choose from.

1 SUPERVISOR LANCASTER: Well, which one are we
2 going to do first?

3 DR. FISHKIND: Well, you only have one seat,
4 so --

5 MR. SMITH: You've only got to vote for one of
6 them.

7 SUPERVISOR LANCASTER: Oh --

8 DR. FISHKIND: So why don't we start --

9 SUPERVISOR LANCASTER: -- well, then call out a
10 name, and we'll say "yes" or --

11 MR. McCOMAS: If you'd like, maybe we could
12 tell -- I mean, I'd like to tell everybody why I think
13 I'd be a good board member, and I didn't know that you
14 guys were even going to have a seat available, but I'd
15 love to tell you a little bit about myself.

16 VICE-CHAIR GLIDDEN: We didn't either.

17 DR. FISHKIND: Why don't you -- why don't you
18 give us a short minute or two.

19 MR. McCOMAS: Sure.

20 DR. FISHKIND: Then we'll let Jeff do the same,
21 and then we'll let the board decide.

22 MR. McCOMAS: Okay. I'm a --

23 DR. FISHKIND: Please go ahead.

24 MR. McCOMAS: I'm a recent property owner.
25 I purchased the Harbourside office building last

1 October. I'd been there occupying for a year prior to
2 that. I'm a local resident, lived in Dunedin, born all
3 my life -- born here.

4 I sit on the board of directors of
5 Presidents Landing. I'm the treasurer of that board.
6 I've been on that board for eight years. I'm used to
7 the process that we go through trying to be objective
8 and --

9 And, you know, I have a vested stake of over
10 \$20 million into the -- that community and the market.
11 So I'm not going anywhere. I was born in Dunedin.
12 I've lived here all my life.

13 And, you know, I'm very familiar with real estate
14 and have over 1,187,000 square feet of space that I own
15 in this market and currently have 49 centers and office
16 buildings that I own in this market. So I think I'm
17 qualified to be able to stay objective and to work, to
18 try to get everybody to work together.

19 I'm not a big conflict guy, really. You know,
20 I'll do everything I can to try to be objective and try
21 to work together with the board and put everything
22 behind me that I understand in real estate to work to
23 try to help better the situation.

24 DR. FISHKIND: Thank you, David.

25 Jeff?

1 MR. WILSON: My name is Jeff Wilson. I have been
2 a resident at the Grand Venezia since 2010. I've seen
3 everything go on there from the day I moved in to now,
4 when there was nothing, and now there's a lot more than
5 what there was.

6 Me personally, I'm a business owner. I own
7 multiple companies both here and abroad. I'm also a
8 teacher at one of the colleges.

9 So me personally, I don't really have a dog in
10 this fight, but I see things a lot more objectively
11 because I don't have a dog in the fight, and it makes
12 it a little bit easier to have somebody that can -- I
13 believe it's easier to have somebody that can do that
14 than somebody that has a vested interest.

15 DR. FISHKIND: Jeff, thank you.

16 Thank both of you for your willingness to take
17 this nettlesome challenge.

18 VICE-CHAIR GLIDDEN: Can this be discussed in
19 private?

20 DR. FISHKIND: No. You've got to do it all in
21 public.

22 VICE-CHAIR GLIDDEN: Okay.

23 DR. FISHKIND: Sorry. It's uncomfortable,
24 I know.

25 SUPERVISOR LANCASTER: No, I know. Just call out

1 a name, and we'll vote.

2 DR. FISHKIND: All right. Well, how many for
3 Mr. McComas?

4 SUPERVISOR MIES: Me.

5 DR. FISHKIND: How many for Mr. Wilson?

6 SUPERVISOR LANCASTER: (Indicates affirmatively.)

7 VICE-CHAIR GLIDDEN: (Indicates affirmatively.)

8 DR. FISHKIND: Mr. Wilson, if you want to come
9 up, and we will give you the oath of office.

10 MR. BARNES: I just want the record to reflect
11 that Mr. Accetta was not involved in the vote.

12 DR. FISHKIND: Thank you.

13 If you would, state your name.

14 MR. WILSON: Jeff Wilson.

15 DR. FISHKIND: As a citizen of the
16 State of Florida, a resident of the United States, and
17 to be a recipient of public funds from the
18 Clearwater Cay Community Development District, do you
19 swear to uphold the Constitution of the United States
20 and the State of Florida?

21 MR. WILSON: I will.

22 DR. FISHKIND: Please join us.

23 MR. SMITH: Hank, there's a -- you skipped the
24 legal report, and I just -- a brief report.

25 DR. FISHKIND: Oh, I'm sorry.

1 MR. SMITH: That's all right.

2 DR. FISHKIND: Well, let's let --

3 MR. SMITH: You can have a seat.

4 MR. WILSON: Oh.

5 DR. FISHKIND: Please, Jeff, take a seat, and
6 we'll get you a new board member package --

7 MR. WILSON: Okay.

8 DR. FISHKIND: -- and we'll get your oath
9 notarized.

10 MR. WILSON: Right on.

11 DR. FISHKIND: Thank you. Please take a seat.
12 David?

13 MR. SMITH: Yes. There was a prior action by
14 this board several meetings ago approving the consent
15 to construction by Mr. McComas' company to demolish six
16 parking spaces that are covered and to build 20 more.
17 The problem was the minutes of the meeting did not
18 reflect the nature of the agreement to be of the
19 duration that was tendered.

20 I've read through the agreement. I don't have
21 any problems with the agreement, but I need to make
22 sure we don't have a tax issue, make sure we don't have
23 a private use issue.

24 So if we can get confirmation, what I'd like to
25 suggest to this board, if counsel can get confirmation

1 there's no private use issue which jeopardizes the
2 tax-free status of the bonds and if we have the title,
3 that we enter into the agreement as proffered by
4 Mr. McComas' attorney, Joe Gaynor, I believe his name
5 is.

6 DR. FISHKIND: So you would pass the --

7 SUPERVISOR LANCASTER: I'll make a motion that we
8 pass that.

9 DR. FISHKIND: All right. Can I have a second,
10 please?

11 VICE-CHAIR GLIDDEN: I'll second it.

12 DR. FISHKIND: All right. Moved by Jerry, second
13 by Alan, to move forward with the --

14 What do we call it? A "conveyance"?

15 MR. SMITH: It is a consent to construction and
16 license agreement.

17 DR. FISHKIND: All right. Very good.

18 All those in favor please signify by saying
19 "aye."

20 BOARD OF SUPERVISORS: Aye.

21 DR. FISHKIND: All the same sign. Very good.

22 Any other legal matters for us today?

23 MR. SMITH: No, sir.

24 DR. FISHKIND: I have no further report.

25 So we are to audience comments.

1 Audience? Yes, sir --

2 MR. DWYER: Don Dwyer again.

3 DR. FISHKIND: -- Don.

4 MR. DWYER: Has any board member reviewed the
5 charges and fees that you just approved before
6 tonight's meeting? Any of you?

7 SUPERVISOR LANCASTER: Yes.

8 MR. DWYER: So you have reviewed them?

9 DR. FISHKIND: All right. But it's not questions
10 and answers. Please ask --

11 MR. DWYER: Is Mr. Johnson on the phone, or he's
12 not on the phone?

13 DR. FISHKIND: Mr. Johnson is on the phone.

14 MR. DWYER: Okay. Because my question really
15 goes to Mr. Johnson.

16 Isn't it true that Joe McLaren resigned as the
17 district manager in January of this year? That's a
18 yes-or-no answer I hope I can get it.

19 MR. SMITH: I think the public record speaks for
20 itself.

21 MR. DWYER: Okay. So he did.

22 MR. SMITH: I don't know what time he resigned.

23 DR. FISHKIND: I don't know.

24 MR. DWYER: With that being the case, can
25 Mr. John- -- or, I mean, can Mr. Johnson please explain

1 why, on July 10th, you corresponded with Mr. McLaren
2 and billed the district for two hours of time?

3 Could you please provide me with that
4 correspondence and explain why Mr. McLaren has any
5 business still connected with the district? I thought
6 he was in the banking industry now.

7 SUPERVISOR LANCASTER: Because of the lawsuit.

8 DR. FISHKIND: That's -- that's fine. We'll
9 get -- we'll get the answers --

10 MR. DWYER: Next comment, this was directed to
11 Trevor, but he's gone.

12 Who is Fishkind Aircraft Holdings and why did the
13 board authorize to pay an invoice dated May of 2018 for
14 \$4,000 for aircraft insurance for that organization?
15 Do you guys know?

16 DR. FISHKIND: I --

17 MR. DWYER: I'm asking them, Mr. Fishkind.

18 DR. FISHKIND: They don't -- you just ask your
19 questions. We'll respond to all of the things.

20 MR. DWYER: Okay.

21 DR. FISHKIND: Go ahead, Don.

22 MR. DWYER: The last part --

23 DR. FISHKIND: Yes, sir.

24 MR. DWYER: -- why didn't any board members
25 appear or attend at the hearing that we had last week

1 with the judge when he placed his verbal order into
2 writing?

3 I'm just curious why you-all weren't there
4 because I was there.

5 DR. FISHKIND: Thank you.

6 MR. DWYER: That's it. That's all I've got.

7 DR. FISHKIND: Yes, ma'am.

8 MS. THIBODEAU: Nancy Thibodeau. I just wanted
9 to speak to the board and ask --

10 With all due respect, Dr. Fishkind, I would
11 really like to see my board do the talking instead of
12 asking for your assistance because I feel there's a
13 conflict of interest with you leading the meeting.

14 Thank you.

15 DR. FISHKIND: Okay. Yes, sir.

16 MR. BAILEY: I'm going to second that. I don't
17 understand this whole procedure, why they don't speak.

18 MR. O'MALLEY: Exactly.

19 MR. BAILEY: And you know what? We really don't
20 get any answers back. You say you're going to answer
21 the answers (sic), but I haven't really heard you
22 answer really anything. And I hope that you guys are
23 going to answer some stuff because it's very confusing
24 why we sit here and nothing gets answered.

25 DR. FISHKIND: Thank you.

1 MR. HERD: Michael Herd.

2 This is my second meeting now, and the two
3 gentlemen on the ends have not asked any questions nor
4 made any comments. I think part of the frustration is
5 that the board is not very aggressive in finding
6 answers. So we feel like we have to find them on our
7 own.

8 The fact that you two on the end voted this
9 gentleman -- I don't know him personally -- never met
10 you -- over this gentleman, who owns an office building
11 within the CDD, I think, shows how potentially corrupt
12 that this whole situation is.

13 Now, Trevor leaving is definitely a positive
14 start, but the two on the end, I have not heard
15 anything from you in two meetings. You've not asked
16 any questions, and I think that's our frustration.

17 DR. FISHKIND: Thank you, sir.

18 Additional comments or questions from anybody?

19 Mr. Barnes.

20 MR. BARNES: I have comments.

21 DR. FISHKIND: Sure.

22 MR. BARNES: Dr. Fishkind, you stated at the
23 outset that this was the equivalent of a workshop. It
24 was not, and you know that. That was a
25 misrepresentation, unequivocally.

1 These people have been denied the due process
2 rights of having a full and fair discussion about these
3 matters rather than having things ramrodded down our
4 throats with no opportunity to be heard. The July
5 meeting gets canceled right before this meeting; denied
6 the right to be heard.

7 You've also stated, Dr. Fishkind, that it was
8 because of the litigation that the audit was stalled.
9 That's not true. This fiscal year ended, the 2017
10 fiscal year ended, at the end of September of 2017.

11 The CDD board was obligated, going back then, to
12 get working on the audit and hire an auditor. You did
13 that tonight. This district is in default pursuant to
14 the statute, the attorney general rules and
15 regulations, and you are on the noncompliance list.

16 Also, we have heard -- this goes back to at least
17 2010, long before I got involved in this -- the bonds
18 have been validated, can't be collaterally attacked.
19 No one should even be questioning this. We've heard
20 throughout this litigation the CDD had absolutely no
21 latitude whatsoever in terms of defending this case.

22 With regard to the reassessment component of this
23 lawsuit, you absolutely had the unfettered right to
24 declare these assessments unlawful yourselves. The
25 indenture, I don't know if any of you have ever read

1 it; I have.

2 First of all, you're not legally obligated to
3 defend the bondholders, except to the extent permitted
4 by law, and the law does not allow unlawful assessments
5 where property is being taken with due process rights
6 being violated. There has to be a correlation between
7 benefits and assessments, and if there is not, that is
8 an unlawful assessment.

9 The indenture itself has language in it to the
10 effect that you can declare the assessments unlawful,
11 just as a judge can. I repeatedly asked for this board
12 to have a new assessment procedure so that we could
13 short-circuit this lawsuit or a large part of this
14 lawsuit.

15 That request didn't even make it to the agenda
16 back in early 2017 or into 2018. You had that right.
17 You have been told you have an absolute obligation to
18 defend these bonds. You did not.

19 I do agree with Mr. Smith that in terms of the
20 dissolution component of the lawsuit, I would have,
21 on the prudent side, defended that myself, if I were
22 your counsel. But in terms of the reassessments, you
23 had a lot of latitude. So to be told otherwise is --
24 it absolutely is contradicted by your own documents,
25 including the bond document.

1 Tonight you heard the transcript snippet. You
2 didn't hear Mr. Smith read anything where Judge Jirotko
3 went on and said, "But what about the \$6 million sale
4 price and no further allocation and the developable
5 land is gone?"

6 Mr. Glidden, you made the comment on the record
7 that we weren't assessed for the water park and the
8 convention center or whatever your comment was.

9 VICE-CHAIR GLIDDEN: I said --

10 MR. BARNES: Yes, you --

11 VICE-CHAIR GLIDDEN: I said we --

12 DR. FISHKIND: Alan, Alan, Alan. Let him have
13 his say.

14 VICE-CHAIR GLIDDEN: I know, I know.

15 DR. FISHKIND: Let him say his --

16 MR. BARNES: You probably don't even know what
17 the \$5.6 million figure represented in the 2008 report.
18 Almost \$4 million of that was for land and
19 infrastructure that Dr. Fishkind confirmed at the trial
20 was outside the gates of the Grand Venezia.

21 So to say here, in this public hearing, that
22 these people aren't paying for what's outside the --
23 what was supposed to be developed is absolutely
24 contradicted by your own records, but part of the
25 problem, Mr. Glidden --

1 And, Mr. Davison, I want to -- I want to direct
2 this to you, too.

3 Mr. Lancaster, to an extent.

4 I feel sorry for you people, too. And the reason
5 I do is because you've been filtered information by the
6 professionals that have been basically running this CDD
7 for years and years.

8 I've offered on at least four occasions to sit
9 down with you, more recently to sit down with
10 Chris Jones, our financial expert, and educate you
11 about these issues and the law.

12 Mr. Davison, you testified at the trial that you
13 thought that you were -- that we were getting assessed
14 for what's inside the gates of the Grand Venezia.
15 Dr. Fishkind, your own financial advisor, contradicted
16 you at the trial. If we'd have had a chance to talk
17 about all of that, hundreds of thousands of dollars in
18 fees could have been avoided.

19 It's time for this board to start taking its
20 responsibility seriously and not listening and taking
21 everything at face value that you're hearing. I will
22 spend an entire day with any of you -- obviously you'd
23 have the right to have counsel present -- walking you
24 through why you just made a big mistake by
25 rubber-stamping these assessments.

1 Dr. Fishkind, I want him to provide to this
2 community and to you CDD board members one case, one
3 case, that supports the proposition that for capital
4 improvement expenditures, capital improvement,
5 non-ad valorem special assessments, that it's okay to
6 make people pay because their values have gone up.

7 You know that that is just a bunch of bunk. You
8 know that there's not one case out there that deals
9 with capital improvement assessments. You're talking
10 about something that deals with non-capital improvement
11 assessments.

12 You know that there is no case law to support
13 that, yet you just recommended to this board that they
14 rubber-stamp your report. And you know darn well that
15 the alleged appreciation that doesn't have anything to
16 do with the demolition strip center and was subsumed in
17 your 2008 report -- because the demolition took place
18 in 2006 -- you know that has absolutely nothing to do
19 with any benefit that these people have enjoyed. You
20 know that.

21 DR. FISHKIND: Thank you, Mr. Barnes. Wrap it
22 up, sir.

23 MR. BARNES: I want -- I want the case law
24 provided to me by tomorrow, Dr. Fishkind.

25 DR. FISHKIND: Thank you for your comments, sir.

1 MR. BARNES: No, I want it.

2 DR. FISHKIND: Thank you for your comments.

3 Yes, ma'am.

4 MS. TUTTLE: My name is Colleen Tuttle. I'm a
5 Realtor with RE/MAX RealTec Group. I have been
6 involved in Grand Venezia since it was originally
7 converted to a condominium back in 2005.

8 And unfortunately the board is getting a lot of
9 flack, and they should not. What everybody should
10 realize is, is that the City of Clearwater, the mayor
11 and the city council, approved all of this in 2004, as
12 the gentleman with Oppenheimer said, into 2005.

13 This situation is something that is what you have
14 to live with now. There was documentation that was
15 delivered to the owners of Grand Venezia before they
16 closed on it. Dave Clark never owned the land.
17 Sunvest originally owned the land. The City didn't
18 even vet Dave Clark.

19 If you go back to the original records, the
20 mistakes all lie with the City of Clearwater and the
21 mayor then and the council, and it's very unfortunate
22 what happened. I fought long and hard because I felt
23 badly about the values and the whole community
24 collapsing to 98 percent foreclosure, and it was very
25 sad.

1 The property, everything was chained up. There
2 was grass growing all over the place. Nobody was
3 occupying the property. It devalued the Grand Bellagio
4 well. I gave 49 pounds of papers to the
5 Department of Justice. They had everything to put
6 Dave Clark and everybody else in jail, and they did.

7 I gave the letter to the board in -- that said,
8 in 2005, that your buildings were leaking. I had
9 documentation that was never recorded. You are faced
10 with a situation now. You could have dissolved the CDD
11 in 2010.

12 We begged the owners that were at the
13 Grand Venezia at that time to dissolve the -- to
14 dissolve the CCD. They had the right bylaw. The only
15 thing that had been demolished was the strip center,
16 and everybody was willing to work with the association.

17 They didn't want to do it at the time. You can't
18 go back; you've got to go forward. I want this
19 community to survive. I want the Bellagio to survive.
20 I want there to be value in the community.

21 It's a beautiful piece of property, but all of
22 this fighting has got to stop because all you're doing
23 is ruining the values in that community, in both
24 Grand Venezia and Grand Bellagio, with all this
25 fighting. You have to come together, and there has to

1 be some kind of workmanship together.

2 You've got a CDD. You're going to have to live
3 with it now, and I would hope that everybody will move
4 forward as best as they can from this point forward.

5 Thank you.

6 DR. FISHKIND: Additional comments from the
7 audience?

8 Yes, sir.

9 MR. HERD: Can I --

10 DR. FISHKIND: Yes, sir, Mike.

11 MR. HERD: Michael Herd.

12 As this woman was speaking, this gentleman was on
13 his phone, and this gentleman has horrible body
14 language and seems disinterested in even being here.
15 I think now would be a perfect time, due to Trevor's
16 actions, for you both to resign on the end.

17 I think now would be a perfect opportunity.

18 DR. FISHKIND: Thank you.

19 Additional comments?

20 Yes, ma'am.

21 MS. THIBODEAU: Nancy Thibodeau.

22 Speaking to my board, CDD, how long is your term
23 for, to the new gentleman that just stepped in?

24 DR. FISHKIND: I don't remember. We'll get it
25 for you. I don't remember what the term is offhand,

1 ma'am.

2 MS. THIBODEAU: And so is that automatic, or is
3 his term just temporary?

4 DR. FISHKIND: His term is filling in for
5 whatever the term that Trevor's seat has.

6 MS. THIBODEAU: Okay. Thank you.

7 DR. FISHKIND: I don't know what it is offhand.
8 Anything else from anybody?

9 Brian.

10 MR. CRUMBAKER: Quick comments.

11 First of all -- I'm going to address to
12 Mr. Barnes' comments -- to say that there was no
13 latitude --

14 MR. BAILEY: Can you speak up, please?

15 MR. CRUMBAKER: Yes -- to say that there was no
16 latitude and that the reassessment -- that the district
17 unilaterally voided an assessment that has been
18 marketed and sold to holders as security for the debt
19 is not authorized.

20 The indenture provision that Mr. Barnes is
21 referring to, the reassessment provision in there, is
22 actually for the protection of the bondholders, not for
23 the district to just eliminate its debt, and the judge
24 was unequivocal at the hearing or in his comments
25 stating that he was not modifying the debt, the

1 maturity, the coupon, et cetera. It is not a
2 provision -- it is not a provision that just allows you
3 to just gut this, the underlying pledged revenues.

4 With respect to why Oppenheimer is a party,
5 that's a good question. Because at the end of the day,
6 the party that should have been named in this case was
7 U.S. Bank. The reason why Mr. Barnes didn't name
8 U.S. Bank is because, when you look at the indenture,
9 it requires the district to then fund U.S. Bank, the
10 bond trustee, for these expenses as well.

11 And, in fact, there were default expenses that
12 had been incurred by the -- by the trustees since 2008,
13 2007, 2008, that the district would otherwise be
14 funding, but instead Oppenheimer funded during the
15 term.

16 And so it is actually the district's obligation
17 to fund those expenses. And the reason why Mr. Barnes
18 avoided naming U.S. Bank as the trustee, as a party to
19 this, was to avoid this district then having to pay
20 their attorney's fees as well.

21 The district has an obligation to defend the
22 assessments and pledged revenues. That's unequivocal
23 in the -- in the indenture that's been vowed.

24 With respect to benefit, I have -- I've heard
25 about water parks. I've heard about, you know, canals,

1 et cetera.

2 To Mr. Glidden's comment, you're not paying for
3 it. The district is not paying for that. The only
4 thing the district is paying for are the existing
5 improvements that remain today and the land that the
6 district owns today, plus the financing expenses.
7 That's it.

8 So as opposed to worrying about all of the other
9 stuff related to the master improvement protocol or
10 capital improvement program, the master engineer's
11 report, this board, the assessment methodologies all
12 the way from 2008 to today have dealt with just the
13 improvements that have been financed, improvements and
14 lands that have been financed, by the district, period.

15 With respect to inside and outside the gates, I
16 understand that Harbourside as well is paying for --
17 paying assessments associated with the property within
18 the gate. So what we're talking about here is like the
19 ocean. It goes down to one place, and it goes up in
20 another.

21 Because for a proper allocation methodology --
22 and Mr. Jones referenced a conference call we had
23 several weeks ago. Mr. Jones admitted on that call
24 that he was directed by Mr. Barnes, his -- the scope of
25 his services or review was limited to the COA and not

1 the assessments across the entire project, which is
2 what the CIP does.

3 The only other thing is -- I have is just a
4 request that the letter that I sent earlier today and
5 the backup information be admitted into the record of
6 the hearing.

7 DR. FISHKIND: Yes, sir.

8 Any additional comments?

9 Yes, sir.

10 MR. GORMAN: I have one. Is there a deal here?

11 DR. FISHKIND: Oh, sir, you address it to the
12 board.

13 MR. GORMAN: Oh, is there a deal here?

14 MR. CRUMBAKER. No, sir.

15 DR. FISHKIND: Thank you.

16 Don?

17 MR. CRUMBAKER: The answer to this point has
18 been --

19 DR. FISHKIND: Brian. Brian --

20 MR. CRUMBAKER: Hank --

21 DR. FISHKIND: -- not for now.

22 MR. CRUMBAKER: So the answer to this point --

23 DR. FISHKIND: Not for now.

24 MR. CRUMBAKER: -- is that --

25 DR. FISHKIND: Gentlemen.

1 MR. CRUMBAKER: -- it's been zero.

2 DR. FISHKIND: Gentlemen.

3 MR. BARNES: That is false.

4 DR. FISHKIND: I -- you-all --

5 MR. BARNES: That is false.

6 DR. FISHKIND: -- listen --

7 MR. SMITH: You can always --

8 DR. FISHKIND: -- stop.

9 MR. SMITH: I'll shut up.

10 DR. FISHKIND: It's not for the meeting, please.

11 MR. GORMAN: Maybe there's a deal.

12 DR. FISHKIND: You need to -- you need to be
13 respectful.

14 MR. DWYER: Just a quick question.

15 DR. FISHKIND: Yes, sir.

16 MR. DWYER: In regards to the election, who is
17 the chair?

18 Are you now the chair as a result of the fill-in?

19 DR. FISHKIND: Yes, the vice -- the vice chair
20 becomes the chair. Yes, sir, for now.

21 MR. DWYER: I just want to make sure.

22 DR. FISHKIND: Yes, sir. And then we would do an
23 election for officers, yes, sir.

24 MR. DWYER: Oh, so who's the vice chair now --
25 I mean who's the acting chair now?

1 DR. FISHKIND: The vice chair.

2 MR. DWYER: Great.

3 DR. FISHKIND: Additional comments? Questions
4 from anybody?

5 (No response.)

6 DR. FISHKIND: Okay. Motion to adjourn the
7 meeting.

8 MR. BAILEY: What about our answers, our
9 questions?

10 DR. FISHKIND: Thank you.

11 A motion to adjourn would be in order.

12 MR. BAILEY: Oh, my God. This is what we're here
13 for.

14 MR. O'MALLEY: Hey --

15 MR. BAILEY: This is what we're here for.

16 MR. O'MALLEY: -- I'm going to ask a question
17 right now.

18 You made a statement to me before, and if you
19 don't answer them, you're a filthy liar.

20 DR. FISHKIND: Thank you.

21 MR. O'MALLEY: You said you would address our
22 questions.

23 MR. BAILEY: You did.

24 MR. O'MALLEY: Tell us "yes" or "no."

25 DR. FISHKIND: Please sit down.

1 MR. SMITH: Which question didn't get answered?

2 DR. FISHKIND: Please, let's --

3 MR. BAILEY: Oh, my God. None of them.

4 MR. SMITH: No, that's not true.

5 DR. FISHKIND: David --

6 MR. SMITH: You didn't listen.

7 DR. FISHKIND: David --

8 MR. BAILEY: I'm not talking to you.

9 I'm talking to you.

10 MR. O'MALLEY: Everybody here has asked a
11 question that has not been answered --

12 DR. FISHKIND: Gentlemen, gentlemen, gentlemen.

13 MR. O'MALLEY: -- and you said you were going to
14 answer my questions.

15 DR. FISHKIND: Brian is here to enforce order.
16 Don't make me ask him.

17 MR. BAILEY: I'm not going to fight you.

18 MR. O'MALLEY: Hey, we're not out of order; you
19 are.

20 MR. BAILEY: I'm not going to fight you.

21 MR. O'MALLEY: And you've been lying for too
22 long.

23 DR. FISHKIND: Please, please.

24 MR. BAILEY: I just want to know why you're not
25 going to answer any questions.

1 MR. O'MALLEY: Don't look at him. He's not going
2 to do anything to me because I'm not doing any wrong.

3 MR. HERD: This is a workshop.

4 MR. O'MALLEY: Yeah, remember? You said the
5 words.

6 DR. FISHKIND: Gentlemen.

7 MR. BAILEY: You said you were going to answer
8 our questions.

9 DR. FISHKIND: I believe we have.

10 Now --

11 MR. BAILEY: And then what month is that going to
12 happen?

13 MR. DWYER: I'm going to -- I'm going to ask you
14 all, on behalf of civility, let's adjourn the meeting.
15 We can take this back. We can talk amongst ourselves
16 about it, but let's settle down and hold a respectful
17 meeting.

18 MR. BAILEY: No, I'm not upset. I'm just asking.

19 MR. DWYER: No, I understand. And I understand
20 your frustration because, believe me, I --

21 MR. BAILEY: They said they were going to do
22 something, and they didn't do it.

23 MR. DWYER: Okay.

24 DR. FISHKIND: Thank you.

25 A motion to adjourn now.

1 SUPERVISOR LANCASTER: Motion to adjourn.
2 DR. FISHKIND: Moved by Jerry.
3 SUPERVISOR MIES: I'll second that.
4 DR. FISHKIND: Second by Joel.
5 All those in favor please signify by saying
6 "aye."

7 BOARD OF SUPERVISORS: Aye.
8 DR. FISHKIND: Welcome aboard, Jeff.
9 (Proceedings concluded at 7:18 p.m.)

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REPORTER'S CERTIFICATE

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STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, Courtney N. Verhagen, Registered Merit Reporter,
Certified Realtime Reporter, and Notary Public for the State
of Florida at Large, certify that I was authorized to and
did stenographically report the above proceedings, and that
the transcript is a true and complete record of my
stenographic notes.

I further certify that I am not a relative,
employee, attorney, or counsel of any of the parties, nor
am I a relative or employee of any of the parties' attorney
or counsel connected with the action, nor am I financially
interested in the action.

Dated this 24th day of August, 2018.

Courtney N. Verhagen, RMR, CRR

Courtney N. Verhagen
Registered Merit Reporter
Certified Realtime Reporter

A

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