

**MINUTES OF MEETING
NEWPORT ISLES
COMMUNITY DEVELOPMENT DISTRICT**

The Newport Isles Community Development District Board of Supervisors held a Regular Meeting on October 26, 2022, at 10:00 a.m., at WRA Engineering, 7978 Cooper Creek Blvd., Suite 102, University Park, Florida 34201.

Present at the meeting were:

Susan Collins	Chair
Richard James	Vice Chair
Clifton Fischer	Assistant Secretary
Jake Essman (via telephone)	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Kristen Suit	Wrathell, Hunt and Associates, LLC (WHA)
Meredith Hammock	District Counsel
Jerry Earlywine (via telephone)	District Counsel
Clint Cuffle	Interim District Engineer
Tom Chapman	Landowner
David Berner	Southeast Land Consultants

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 10:23 a.m. Supervisors Collins, James and Fischer were present. Supervisor Essman attended via telephone. Supervisor Misenhelder was not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
George Misenhelder, Seat 3 (*Term Expires
November 2024*)**

Mr. Wrathell presented the resignation of Mr. George Misenhelder from Seat 3.

On MOTION by Mr. Fischer and seconded by Mr. James, with all in favor, the resignation of Mr. George Misenhelder from Seat 3, was accepted.

FOURTH ORDER OF BUSINESS

Consider Appointment to Fill Unexpired Term of Vacant Seat 3 (*Term Expires November 2024*)

- **Administration of Oath of Office to Newly Appointed Supervisor (*the following will be provided in a separate package*)**
 - I. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
 - II. **Membership, Obligations and Responsibilities**
 - III. **Financial Disclosure Forms**
 - a. **Form 1: Statement of Financial Interests**
 - b. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - c. **Form 1F: Final Statement of Financial Interests**
 - IV. **Form 8B – Memorandum of Voting Conflict**

This item was deferred.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-01, Designating Certain Officers of the District, and Providing for an Effective Date

This item was deferred.

SIXTH ORDER OF BUSINESS

Consideration of Work Authorization for Engineering Services

This item was deferred.

SEVENTH ORDER OF BUSINESS

Consideration of Response(s) to RFP for Clearing and Grading Project (North Phase)

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Respondent(s): RIPA & Associates, LLC

C. Ranking

D. Award of Contract

Mr. Wrathall stated that Staff conferred prior to the meeting and recommends rejecting the response to the Request for Proposals (RFPs) project in the North Phase from the sole respondent, RIPA & Associates, LLC (RIPA), on the basis that this might not go through the CDD.

Mr. Chapman asked if RFPs are needed for Phases II and III. Mr. Earlywine stated that once the South Phase project is approved, change orders can be added to the contract.

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, rejecting RIPA & Associates, LLC response to the RFP for the Clearing and Grading Project for the North Phase, on the basis that this might not go through the CDD, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Response(s) to RFP for Clearing and Grading Project (South Phase)

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Respondent(s): RIPA & Associates, LLC

C. Ranking

D. Award of Contract

Mr. Wrathell stated that RIPA bid \$22,489,968.65. He asked District Counsel to confirm that having only one respondent is not problematic, as long as the District Engineer and the Board agree that RIPA’s response to the RFP is responsive and RIPA is a responsible firm.

Mr. Earlywine stated it is not a problem. Since the bid is above what was considered for the budget, he provided language to incorporate into the motion, if the Board wants to proceed.

Mr. Cuffle reviewed the RFP package and RIPA’s response. He voiced his opinion that RIPA met all the requirements in the bid package and the quantities and pricing are in line with recent contracts for similar projects. Mr. Cuffle’s recommendation is that RIPA met the requirements and that possible future value engineering items will be needed with this phase. District Staff addressed budget concerns indicating that unit cost rates are consistent and the contract will be contingent on incorporating value engineering.

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, accepting the scoring and ranking, ranking RIPA & Associates, LLC, as the #1 ranked respondent to the RFP for the Clearing and Grading Project for the South Phase, and recognizing RIPA as a responsive and responsible firm that meets the CDD’s criteria, was approved.

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, awarding the contract to RIPA and authorizing the Chair and Staff to negotiate the terms of the contract with RIPA, contingent upon implementing value engineering and final approval by the Chair, in a not-to-exceed amount of \$22,489,968.65, and authorizing the Chair to execute, was approved.

NINTH ORDER OF BUSINESS

Consideration of Acquisition and Advanced Funding Agreement

Mr. Earlywine noted provisions in the Acquisition and Advanced Funding Agreement. He requested approval in substantial form; the contract will be updated to reflect that it is solely with Cornerstone.

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, the Acquisition and Advanced Funding Agreement between Newport Isles Community Development District and Cornerstone Land Company, LLC, in substantial form, was approved.

TENTH ORDER OF BUSINESS

Consideration of Construction Funding Agreement (Clearing and Grading Project – South Phase)

Mr. Earlywine explained the purpose of the Construction Funding Agreement and differences between it and the Agreement that was just approved. He requested approval, in substantial form, to replace “R. Thomas Chapman” with “ Cornerstone Land Company, LLC” in the Agreement.

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, the Construction Funding Agreement between Newport Isles Community Development District and Cornerstone Land Company, LLC, for the Clearing and Grading Project for the South Phase, in substantial form, was approved.

Consideration of Temporary Construction Easement (CC Manatee Land Investments, LLC)

Mr. Earlywine presented the Temporary Construction Easement for the South Phase area, which automatically terminates upon platting of the lands or conveyance to the CDD.

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, the Temporary Construction Easement between CC Manatee Land Investments, LLC and Newport Isles Community Development District, in substantial form, was approved.

Mr. James stepped out of the meeting at 10:40 a.m.

TWELFTH ORDER OF BUSINESS

Consideration of Responses to RFQ for Engineering Services

A. Proof/Affidavit of Publication

The affidavit of publication was included for informational purposes.

B. Respondent(s):

I. Lighthouse Engineering, Inc.

II. WRA Engineering, LLC

C. Ranking

Ms. Hammock discussed the bid requirements and statutes to provide Professional Services. She reviewed the RFQ, point structure and ranking criteria and process and provided information about what the Board can consider when scoring the respondents.

Mr. James rejoined the meeting at 10:49 a.m.

The Board Members scored each respondent. Ms. Suit read each Board Members' individual scores for each respondent and reported the following overall scores and ranking:

- #1 WRA Engineering, LLC 290 points
- #2 Lighthouse Engineering, Inc. 224 points

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, accepting the scoring and ranking and ranking WRA Engineering, LLC as the #1 ranked respondent to the RFQ for Engineering Services, was approved.

D. Award of Contract

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, awarding the contract to WRA Engineering, LLC, the #1 ranked respondent to the RFQ for Engineering Services, authorizing Staff to negotiate the terms of the Agreement and Fee Schedule with WRA Engineering, LLC, authorizing District Counsel to prepare the form of agreement and authorizing the Chair or the Vice Chair, in the absence of the Chair, to execute the Agreement, was approved.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2022

Mr. Wrathell presented the Unaudited Financial Statements as of September 30, 2022.

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, the Unaudited Financial Statements as of September 30, 2022, were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of August 15, 2022 Public Hearing and Regular Meeting Minutes

Mr. Wrathell presented the August 15, 2022 Public Hearing and Regular Meeting Minutes.

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, the August 15, 2022 Public Hearing and Regular Meeting Minutes, as presented, were approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *KE Law Group, PLLC*

Mr. Earlywine asked if the plan is to issue bonds in the first quarter of 2023. He reminded the Board that it is a 60-day process.

B. District Engineer (Interim): *WRA Engineering, LLC*

Mr. Cuffle thanked the Board and stated he is looking forward to working with the CDD. "Interim" will be removed from future agenda.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

- NEXT MEETING DATE: November 21, 2022 at 10:00 A.M.
 - QUORUM CHECK

The meeting scheduled for November 21, 2022 was canceled. The next meeting will be held on December 19, 2022, unless canceled.

With the canceled meeting, Mr. Wrathell asked if change orders can be executed between meetings and ratified at a future meeting to prevent construction delays. Mr. Earlywine outlined the parameters for processing change orders, including authorizing approval of change orders for up to the amount set forth in the Engineer’s Report and ratifying the change orders at a future meeting.

Mr. Earlywine and Ms. Hammock addressed Board Member concerns about Cornerstone paying and being reimbursed Surveyor’s costs, the change order process built into the contract and Florida Statute requiring contractors to provide a performance bond for government contracts.

Since there is no other vendor, Mr. Earlywine suggested the Chair and Staff begin the value engineering conversation with RIPA and defer sending the final notice of award letter.

On MOTION by Mr. Fischer and seconded by Ms. Collins, with all in favor, authorizing the Chair and the Vice Chair, in the absence of the Chair, to execute Change Orders following the process outlined by District Counsel and ratification at a future Board meeting, was approved.

SIXTEENTH ORDER OF BUSINESS

Board Members’ Comments/Requests

There were no Board Members’ comments or requests.

SEVENTEENTH ORDER OF BUSINESS

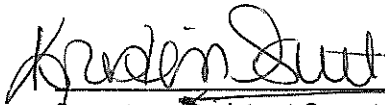
Public Comments

No members of the public spoke.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Fischer and seconded by Mr. James, with all in favor, the meeting adjourned at 11:09 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair