

**MINUTES OF MEETING
MALABAR SPRINGS
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Malabar Springs Community Development District held a Regular Meeting and Audit Committee Meeting on May 21, 2024 at 11:00 a.m., at B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901.

Present were:

Michael Caputo
Justin Frye
Jon Seifel

Chair
Assistant Secretary
Assistant Secretary

Also present:

Andrew Kantarzhi
Cindy Cerbone (via telephone)
Jere Earlywine (via telephone)
Todd Mosley
William Fife

District Manager
Wrathell, Hunt and Associates, LLC
District Counsel
Atmos Living Management Group
Kolter

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Kantarzhi called the meeting to order at 11:11 a.m.

Supervisors Caputo, Frye and Seifel were present. Supervisors Bain and Smith were not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
Candice Bain [Seat 5]; Term Expires
November 2024**

Mr. Kantarzhi presented Ms. Candice Bain's resignation.

On MOTION by Mr. Frye and seconded by Mr. Seifel, with all in favor, the resignation of Ms. Candice Bain from Seat 5, was accepted.

FOURTH ORDER OF BUSINESS

Consider Appointment of William Fife to Fill Unexpired Term of Seat 5

Mr. Frye nominated Mr. William Fife to fill Seat 5. No other nominations were made.

On MOTION by Mr. Frye and seconded by Mr. Caputo, with all in favor, the appointment of Mr. William Fife to fill Seat 5, was approved.

- **Administration of Oath of Office (the following will also be provided in a separate package)**

Mr. Kantarzhi, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. William Fife. As an experienced Board Member, Mr. Fife is familiar with the following:

- A. Required Ethics Training and Disclosure Filing**
 - **Sample Form 1 2023/Filing Instructions**
- B. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- C. Membership, Obligations and Responsibilities**
- D. Form 8B: Memorandum of Voting Conflict**

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-01, Electing and Removing Officers of the District and Providing for an Effective Date

Mr. Kantarzhi presented Resolution 2024-01. Mr. Fife nominated the following:

Michael Caputo	Chair
Timothy Smith	Vice Chair
Justin Frye	Assistant Secretary
Jon Seifel	Assistant Secretary
William Fife	Assistant Secretary
Andrew Kantarzhi	Assistant Secretary

This Resolution removes the following from the Board:

Candice Bain	Assistant Secretary
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The following prior appointments by the Board remain unaffected by this Resolution:

Craig Wrathell	Secretary
Cindy Cerbone	Assistant Secretary
Craig Wrathell	Treasurer
Jeff Pinder	Assistant Treasurer

On MOTION by Mr. Fife and seconded by Mr. Frye, with all in favor, Resolution 2024-01, Electing, as nominated, and Removing Officers of the District and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Recess Regular Meeting/Commencement of Audit Selection Committee Meeting

The Regular Meeting recessed and the Audit Selection Committee Meeting commenced.

SEVENTH ORDER OF BUSINESS

Review of Responses to Request for Proposals (RFP) for Annual Audit Services

A. Affidavit of Publication

B. RFP Package

These items were included for informational purposes.

C. Respondent(s)

I. Berger, Toombs, Elam, Gaines & Frank

Bid \$3,675 for the year ended September 30, 2024; \$4,925 if bonds are issued.

II. Grau & Associates

Bid \$3,200 for the year ended September 30, 2024 plus \$1,500 if bonds are issued, for a total first year bid of \$4,700 if bonds are issued.

D. Auditor Evaluation Matrix/Ranking

Mr. Kantarzhi stated that both respondents are qualified to perform the audit but, in the past, Berger, Toombs, Elam, Gaines & Frank (BTEGF) had difficulty filing audits timely. He presented his scores and ranking, as follows:

#1	Grau & Associates	100 points
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#2 Berger, Toombs, Elam, Gaines & Frank

98 points

On MOTION by Mr. Caputo and seconded by Mr. Fife, with all in favor, accepting Mr. Kantarzhi's scores, ranking and recommendation as the Audit Selection Committee's own scores and ranking, ranking Grau & Associates, as the #1 ranked respondent to the RFP for Annual Audit Services, was approved.

EIGHTH ORDER OF BUSINESS**Termination of Audit Selection Committee Meeting/Reconvene Regular Meeting**

The Audit Selection Committee meeting terminated and the Regular meeting reconvened.

NINTH ORDER OF BUSINESS**Consider Recommendation of Audit Selection Committee**

- **Award of Contract**

On MOTION by Mr. Frye and seconded by Mr. Fife, with all in favor, accepting the Audit Selection Committee scores, ranking and recommendation as the Board's own, ranking Grau & Associates, as the #1 ranked respondent to the RFP for Annual Audit Services and awarding the Contract for Annual Audit Services to Grau & Associates, was approved.

TENTH ORDER OF BUSINESS**Consideration of Response(s) to Request for Qualifications (RFQ) for Engineering Services**

- A. **Affidavit of Publication**
- B. **RFQ Package**
- C. **Respondent: B.S.E. Consultants, Inc.**
- D. **Competitive Selection Criteria/Ranking**
- E. **Award of Contract**

Mr. Kantarzhi stated that the sole respondent to the RFQ for Engineering Services is the CDD's current Interim District Engineer. If the Board wishes, it can forego scoring and deem B.S.E. Consultants, Inc., as the highest qualified and most responsive respondent and proceed with awarding the contract.

On MOTION by Mr. Frye and seconded by Mr. Caputo, with all in favor, deeming B.S.E. Consultants, Inc., as the #1 ranked respondent to the RFQ for Engineering Services and awarding the Contract for Engineering Services to B.S.E. Consultants, Inc., was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Designating a Date, Time, and Location for Landowners' Meeting; Providing for Publication, Providing for an Effective Date

Mr. Kantarzhi presented Resolution 2024-02.

On MOTION by Mr. Frye and seconded by Mr. Fife with all in favor, Resolution 2024-02, Designating a Date, Time, and Location of November 5, 2024 at 11:15 a.m., at 2651 W. Eau Gallie Blvd., Suite A, Melbourne, Florida 32935 for the Landowners' Meeting; Providing for Publication, Providing for an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Consideration of Brevard County Property Appraiser Agreement for Non-Ad Valorem Assessments

Mr. Kantarzhi presented the Brevard County Property Appraiser Agreement for Non-Ad Valorem Assessments.

On MOTION by Mr. Frye and seconded by Mr. Caputo, with all in favor, the Brevard County Property Appraiser Agreement for Non-Ad Valorem Assessments, was approved.

THIRTEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Approving a Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date

Mr. Kantarzhi presented Resolution 2024-03. He reviewed the proposed Fiscal Year 2025 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2024 budget, and explained the reasons for any changes. This will be a Landowner-funded budget, with expenses being funded as they are incurred.

On MOTION by Mr. Frye and seconded by Mr. Seifel, with all in favor, Resolution 2024-03, Approving a Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law on August 20, 2024 at 11:00 a.m., at B.S.E. Consultants, Inc., 312 South Harbor City Boulevard, Suite 4, Melbourne, Florida 32901; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date, was adopted.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date

This item was deferred.

FIFTEENTH ORDER OF BUSINESS

Consideration of Atmos Living Management Group Facilities Management Agreement

Mr. Kantarzhi presented the Atmos Living Management Group Facilities Management Agreement.

On MOTION by Mr. Frye and seconded by Mr. Fife, with all in favor, the Atmos Living Management Group Facilities Management Agreement, in the amount of \$36,000, was approved.

SIXTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2024

On MOTION by Mr. Frye and seconded by Mr. Fife, with all in favor, the Unaudited Financial Statements as of March 31, 2024, were accepted.

SEVENTEENTH ORDER OF BUSINESS**Approval of September 19, 2023 Public Hearing and Regular Meeting Minutes**

On MOTION by Mr. Frye and seconded by Mr. Fife, with all in favor, the September 19, 2023 Public Hearing and Regular Meeting Minutes, as presented, were approved.

EIGHTEENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Kutak Rock LLP**

Mr. Earlywine recalled that the issuance of bonds was previously approved and asked about the status of the permit and the timeline for bond issuance. A Board Member stated that the permit is pending but expected soon; sale of the bonds can likely proceed in June 2024.

B. District Engineer (Interim): B.S.E. Consultants

There was no report.

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

- **NEXT MEETING DATE: June 18, 2024 at 11:00 AM**
 - **QUORUM CHECK**

The next meeting will be held on June 18, 2024, unless cancelled.

NINETEENTH ORDER OF BUSINESS**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

TWENTIETH ORDER OF BUSINESS**Public Comments**

No members of the public spoke.

TWENTY-FIRST ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Frye and seconded by Mr. Fife, with all in favor, the meeting adjourned at 11:25 a.m.



Secretary/Assistant Secretary



Chair/Vice Chair