

MINUTES OF MEETING

**NEW PORT - TAMPA BAY COMMUNITY DEVELOPMENT DISTRICT
WORKSHOP MEETING MINUTES
Monday, February 23, 2026, at 8:00 a.m.**

Board Members in attendance:

Ron Swichkow	Assistant Secretary
Don Bodie, Jr.	Assistant Secretary
Scott Ward Dutton	Assistant Secretary

Also present:

Jane Gaarlandt	PFM (via phone)
Gazmin Kerr	PFM (via phone)
Kathy Petrone	Public
Kelly Richer	Public
Jeff Robbins	Public

FIRST ORDER OF BUSINESS

Administrative Matters

Call to Order and Roll Call

Ms. Kerr called the New Port - Tampa Bay Community Development District Continued Workshop Meeting to order at 8:01 a.m. Those in attendance are outlined above.

Public Comment Period

There were no public comments at this time.

SECOND ORDER OF BUSINESS

**Continued Discussion of
Concerns Regarding 2017
Infrastructure Operating
Agreement with Westshore Marina
Master Association**

Mr. Swichkow gave an overview of the purpose of the meeting and noted the Board has been working on a proposal for the financial arrangement between the CDD and Master Association via the Infrastructure Operating Agreement. It was noted the Board had received an email from

Mr. Babbar, District Counsel, stating that he received a phone call from BTI's Counsel, Mr. Eckert. Mr. Eckert noted that the CDD does not have the right to terminate the agreement for 50 years.

There was discussion regarding the phone call from BTI's Counsel and the email from Mr. Babbar.

Mr. Dutton noted a 180-day term is a reasonable time frame for notice.

There was lengthy discussion regarding the time frame. It was noted the Board previously voted to approve the 180-day term.

It was noted Mr. Babbar will notify the Board if the Master Association does not sign the document by March 4, 2026. If no signature is obtained, it will require the Board to hold a Special Meeting to vote on termination of the agreement.

Mr. Swichkow gave an overview of his recommended changes to the agreement and noted the CDD will take over the assessments, collection process, and methodology for Fiscal Year 2027. Under the agreement, the Master Association would be subject to Section 720. There would also need to be adjustments to the Master Declaration.

There was discussion regarding the hiring of a methodology consultant and the recommended changes.

It was noted BTI does not own the sales office, and the ownership entity would be entitled to a vote and potential Board position.

There was discussion regarding the budget and control of the budget.

Mr. Swichkow continued to give an overview of his recommended changes to the agreement including, but not limited to, the CDD having line-item veto regarding the budget, approval of all service contracts over \$30,000.00, having final say over contingency fund planning, and obtaining a written inspection report.

There was lengthy discussion regarding the changes in assessment formula and ERU's.

Mr. Bodie, Jr., noted that BTI will have to file a notice of commencement before the permit is issued.

There was lengthy discussion regarding BTI's contribution and timing of that contribution based on completion of construction.

There was brief discussion regarding having a methodology consultant compute the calculations versus the Board computing the calculations.

It was noted if the Master Association is unwilling to sign the amended agreement, termination of the agreement is the only option. Mr. Dutton noted this is a lengthy process as the CDD would have to take on the financial and responsibility burden.

There was discussion regarding the Master Declaration and Declarant.

It was noted the best way forward is through compromise.

Mr. Swickow recommended having a discussion with Mr. Mays. It was noted the changes in the documents will have a financial impact.

There was discussion regarding who would pay for the changes to the Infrastructure Agreement and the Master Declaration. Mr. Bodie, Jr., noted that he recommended BTI contribute \$125,000.00 to the reserve. This could cover the cost of rewriting the documents.

It was noted the next step is to take a motion to send the agreement as amended, or to terminate the agreement.

There was discussion and review regarding finalizing the agreement and providing clarification of the points.

It was noted the trigger for items in construction will either be when there is a notice of commencement or issuance of permit, whichever happens first. There was brief discussion regarding items that are under construction and finalized.

There was brief discussion regarding hiring a methodology consultant. It was noted if all parties agree, there will be no need for a consultant.

There was discussion regarding the Master Association being exempt from Section 720.

There was a recommendation to hire a CDD attorney to review the documents.

There was continued discussion regarding the next steps and holding additional meetings for discussion.

The board members requested a Continued Workshop to finish finalization of the agreement and a Special Meeting if needed.

Mr. Dutton noted he could include the points in an addendum to the Declaration. There was brief discussion regarding an addendum. Mr. Dutton will send the addendum to Mr. Babbar and District Management.

The board members reviewed the final changes to the agreement.

It was noted that once construction is complete, there is no incentive for the Master Association to maintain control.

There was brief discussion regarding the Master Declaration.

Mr. Swichkow gave an overview of what the process would look like if the CDD maintained control.

There was brief discussion regarding the CDD having control versus the Master Association having control.

There was brief discussion regarding the Florida Sunshine Laws.

There was brief discussion regarding scheduling a Continued Workshop and the agenda topic. The board members agreed to continue with the same topic as for the current meeting.

THIRD ORDER OF BUSINESS

Continuance

The New Port Tampa Bay CDD Board of Supervisors' Workshop on February 23, 2026, was continued to March 2, 2026, at 11:00 a.m. at the current location.


Secretary/Assistant Secretary


Chairperson/Vice-Chairperson