MINUTES OF MEETING

NEW PORT - TAMPA BAY COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS MEETING MINUTES
Thursday, June 4, 2026, at 10:00 a.m.
5120 Marina Way, Tampa, Florida 33606

Board Members in attendance:

Ron Swichkow	Chairman	
Don Bodie, Jr.	Vice Chairman	
Noah Breakstone	Assistant Secretary	(via phone)
Scott Dutton	Assistant Secretary	
Dominic Pickering	Assistant Secretary	(via phone)

Also present:

Jane Gaarlandt	PFM	
Gazmin Kerr	PFM	
Audrey Ryan	PFM	
Vivek Babbar	Straley Robin Vericker	
John McKay	McKay, LLC	
Kelly Richter	Related	(via phone)
Jeff Robbins	Related	(via phone @10:04 a.m.)
Carol Berc	Public	
Sherry Blanc	Public	
George Telegadis	public	
Jay Petmann	public	
Tim Cox	Public	
Peter Loux	Public	

FIRST ORDER OF BUSINESS **Administrative Matters**

Call to Order and Roll Call

Ms. Gaarlandt called the New Port - Tampa Bay Community Development District Board of Supervisors Meeting to order at 10:00 a.m. Those in attendance are outlined above.

Public Comment Period

There were no public comments at this time.

Consideration of the Minutes of the:

- **March 2, 2026, Board of Supervisors Continued Workshop Meeting**
- **March 13, 2026, Board of Supervisors Continued Workshop Meeting**

The Board reviewed the minutes.

On MOTION by Mr. Bodie, Jr., seconded by Mr. Swichkow, with all in favor, the Board approved the Minutes of the March 2, 2026, Board of Supervisors Continued Workshop Meeting, and the March 13, 2026, Board of Supervisors Continued Workshop Meeting.

SECOND ORDER OF BUSINESS **Business Matters**

Consideration of Resolution 2026-04, Approving a Preliminary Budget for Fiscal Year 2027 and Setting a Public Hearing Date

a. **Fiscal Year 2027 Proposed Budget**
b. **Fiscal Year 2027 Proposed Budget (including District Maintenance)**

Ms. Gaarlandt noted the recommended date for the Public Hearing is August 20, 2026, at 11:00 a.m., at the current location.

Ms. Gaarlandt noted there were several versions of the budget included for Board review. The Board would choose one budget option for approval. It was noted the budget cannot increase, but can be decreased, once approved.

The Board reviewed the budget and expenses.

There was discussion regarding the budget and the budget timeline. The number of ERU's have been agreed to be 1311.

Mr. Babbar noted the methodology that is approved will adjust the budget.

There was discussion regarding the methodology and the Master Association budget. It was noted the Master Association financial statements are updated through the end of April.

On MOTION by Mr. Dutton, seconded by Mr. Bodie, Jr., with Mr. Breakstone abstained, and all others in favor, the Board approved Resolution 2026-04, Approving a Preliminary Budget for Fiscal Year 2027 with Budget Option 4, and Setting a Public Hearing Date for August 20, 2026, at 11:00 a.m., at 5120 Marina Way, Tampa, FL 33606.

It was noted all legal fees are included in the budget.

Review and Acceptance of the O&M Methodology Report

Mr. McKay gave an overview of the O&M Methodology Report and bonds. It was noted the land that makes up Towers 2 and 3, and the commercial parcels were previously only assessed for administrative but not field expenses.

Mr. McKay gave an overview of the assessments and recommended removing the Marina slips, as they are not within the CDD and are not considered real property.

Mr. Breakstone commented regarding the assessment methodology presented.

Mr. McKay stated that the 1 per unit ERU for the apartments is a fair assessment.

There was discussion regarding fair assessments and legality of the previous methodology being used. It was noted that under the CDD, parcels of land that are being assessed must receive special benefit from the improvements and the assessments must be fairly and reasonably allocated to each parcel.

Mr. Babbar noted that the current methodology is under the Master Association and is not under the same requirements as the CDD as a result of the infrastructure agreement executed in 2017. It was noted there are several methodology options that could be used.

Mr. Swichkow noted that there was no formal report nor any methodology consulting done under the current methodology utilized by the master association. He stated that method of partial ERU for apartment properties and no assessment for tower 2 and 3 properties were decided by developer alone. It was noted the use of the infrastructure must be considered within the methodology.

There was lengthy discussion regarding the methodology structure.

Mr. McKay noted that CDD assessments are not based on vertical construction on the lot. It is based on the benefit that the land receives from the infrastructure already installed.

Mr. Breakstone commented regarding the difference between the debt service budget and O&M budget.

Mr. Babbar noted that nothing has been received from the master HOA regarding a previous formal methodology report being completed.

Mr. McKay continued reviewing the methodology report and assessments, including the proposed administrative budget.

It was noted the assessment for the apartments would increase by $23.30 per unit.

Mr. McKay reviewed the assessment amounts.

Mr. Babbar noted the assessments will be noticed to every resident as the methodology will be changing.

Mr. Bodie, Jr., noted that overall budget also includes reserve contributions.

On MOTION by Mr. Swichkow., seconded by Mr. Bodie, Jr., with Mr. Pickering and Mr. Breakstone opposed, and all others in favor, the Board accepted the O&M Methodology Report.

Consideration of Response from the Master Association Relative to the Termination of the 2017 Infrastructure Operating Agreement with Westshore Marina Master Association

Mr. Babbar gave an overview of the updated response from the Master Association. He noted there have been ongoing discussions.

Mr. Swichkow noted that based on the Master Association's response, they have stated that they do not agree with the CDD's ability to invoke the termination clause within the 2017 Infrastructure Agreement.

Mr. Swichkow gave an overview of the discussions that have taken place and the details of choosing between termination or continuing the agreement. District Counsel would make any amendments to the infrastructure agreement needed, including an annual termination clause should an agreement be reached

Mr. Babbar noted the last letter was from May 22 and gave an overview. It was noted the Master Association has not agreed to any amendments and has recommended mediation prior to June 5, 2026.

Mr. Babbar reviewed the options related to the termination clause.

Mr. Breakstone noted there is a conflict related to District Counsel.

There was discussion regarding the termination clause and the agreement.

Mr. Babbar noted his firm drafted the first draft of the agreement. It was noted that there are notes within the files that clarified the termination clause to be allowed annually. He further stated that developer was told a pure 50 year termination requirement would not be considered lawful and so the final version of the infrastructure agreement is what they wound up with.

There was brief discussion regarding the Master Association's Counsel representation and the HOA Board approving response letters.

There was also brief discussion regarding the CDD delegating duties and obligations to the Master Association and doing such makes the arrangement not in compliance with Section 190 that controls all CDD's.

Mr. Breakstone commented on the conflict related to District Counsel and recommended obtaining new counsel.

There was discussion regarding the tentative conflict and the details of the agreement, including an integration clause. Mr. Babbar noted there is an integration clause and a provision that nothing will be construed against either party, who also have the opportunity to consult counsel.

Mr. Babbar gave an overview of the process of mediation and noted both parties can provide a list of mediators or agree on a mediator. All mediation meetings will have to be published under the Florida Sunshine Law, if the Board is in attendance, or the mediation meetings can be delegated to one Board representative. It was noted the mediation will be to discuss the amendments to the operating agreement. Mr. Babbar noted the process can take at least 45 days.

Mr. Bodie, Jr., commented regarding arbitration versus mediation.

There was lengthy discussion regarding mediation and tentative litigation.

On MOTION by Mr. Swichkow, seconded by Mr. Bodie, Jr., with Mr. Breakstone and Mr. Pickering opposed, and Mr. Dutton in favor, the Board acknowledged the mediation recommendation from the Master Association, but declined to move forward.

There was continued discussion regarding mediation and arbitration.

Mr. Babbar noted he will work with District Management on a letter of reply.

Discussion to Engage Outside Counsel

Mr. Swichkow noted he is in favor of engaging outside counsel for litigation purposes but does not see the need to hire a new District Counsel. Mr. Dutton will work with Mr. Babbar on this item.

It was noted a retainer may be required. Mr. Babbar noted the estimated cost could be approximately $500 an hour.

On MOTION by Mr. Swichkow, seconded by Mr. Bodie, Jr., with Mr. Pickering and Mr. Breakstone abstained, and Mr. Dutton in favor, the Board approved the engagement of Outside Counsel and authorized Mr. Dutton to work with District Counsel on the engagement.

Consideration of the Arbitrage Rebate Engagement Letter with LLS Tax Solutions, Inc.

Ms. Gaarlandt presented the engagement letter noting this is a standard engagement letter. It was noted the rates are reasonable and the vendor is used for other Districts.

On MOTION by Mr. Bodie, Jr., seconded by Mr. Dutton, with Mr. Pickering and Mr. Breakstone abstained, and all others in favor, the Board approved the Arbitrage Rebate Engagement Letter with LLS Tax Solutions, Inc.

Ratification of Payment Authorizations Nos. 237 – 240

The Board reviewed the payment authorizations.

Ms. Gaarlandt noted these were previously approved and this is solely for ratification.

On MOTION by Mr. Swichkow, seconded by Mr. Dutton, with Mr. Breakstone abstained, and all others in favor, the Board ratified Payment Authorizations Nos. 237-240.

Review of District Financial Position

The Board reviewed the District's financial position.

No action was required.

<u>THIRD ORDER OF BUSINESS</u> **Other Business**

Staff Reports

District Counsel – No report.

District Engineer – No report.

District Manager – Ms. Gaarlandt noted the next meeting is scheduled for June 18, 2026. Meetings can be adjusted as needed.

Site Manager/Westshore Marina District Master Association Manager - It was noted the maintenance spreadsheet was included in the agenda packet.

There was discussion regarding the irrigation and irrigation payments. It was noted a submeter needs to installed.

It was noted Mr. Amico and Mr. Chris Bodie will follow up regarding the irrigation.

Audience Comments

There were no audience comments at this time.

Supervisor Requests

Mr. Swichkow commented regarding insurance coverage. Mr. Babbar noted if the claim is related to breach of contract, the District's insurance would not provide coverage. Mr Swichkow stated that the issue of invoking termination of the infrastructure agreement is not the CDD breaching a contract but merely exercising a clause in an executed agreement.

There was brief discussion regarding insurance coverage.

There were no Supervisor requests at this time.

FOURTH ORDER OF BUSINESS **Adjournment**

On MOTION by Mr. Bodie, Jr., seconded by Mr. Swichkow, with all in favor, the June 4, 2026, New Port Tampa Bay Board of Supervisors' Meeting was adjourned.

Secretary/Assistant Secretary

Chairperson/Vice-Chairperson