

**MINUTES OF MEETING  
BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Benton Hills Community Development District held a Regular Meeting on April 20, 2023 at 11:30 a.m., at the Greater Hernando County Chamber of Commerce, 15588 Aviation Loop Drive, Brooksville, Florida 34604.

**Present at the meeting were:**

Garth Noble	Chair
Martha Schiffer	Assistant Secretary
Chris Torres	Assistant Secretary

**Also present were:**

Kristen Suit	District Manager
Mike Eckert	District Counsel
Brian Malmberg (via telephone)	Interim District Engineer

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Suit called the meeting to order at 11:33 a.m. She stated that the Oath of Office was administered to Mr. Noble prior to the meeting.

Supervisors Noble, Torres and Schiffer were present. Supervisor Tomberlin and Supervisor-Elect Babcock were not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to Supervisors Garth Noble and Chris Babcock (the following will be provided in a separate package)**

This item was addressed during the First Order of Business. The Oath of Office will be administered to Supervisor-Elect Babcock at or before the next meeting.

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
- B. Membership, Obligations and Responsibilities
- C. Chapter 190, Florida Statutes
- D. Financial Disclosure Forms
  - I. Form 1: Statement of Financial Interests
  - II. Form 1X: Amendment to Form 1, Statement of Financial Interests
  - III. Form 1F: Final Statement of Financial Interests
- E. Form 8B: Memorandum of Voting Conflict

**FOURTH ORDER OF BUSINESS**

**Acceptance of Resignation of Supervisor  
Jerry Tomberlin [SEAT 2]**

Ms. Suit presented the resignation of Mr. Jerry Tomberlin from Seat 2.

**On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, the resignation of Mr. Jerry Tomberlin from Seat 2, was accepted.**

**FIFTH ORDER OF BUSINESS**

**Consider Appointment of to Fill Unexpired  
Term of Seat 2; Term Expires November  
2026**

**Administration of Oath of Office**

This item was addressed during the Sixteenth Order of Business.

**SIXTH ORDER OF BUSINESS**

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

This item was deferred.

**SEVENTH ORDER OF BUSINESS**

**Ratification of Engagement with Jere  
Earlywine at Kutak Rock LLP**

**On MOTION by Ms. Schiffer and seconded by Mr. Noble, with all in favor, engagement of Jere Earlywine/Kutak Rock LLP for District Counsel Services, was ratified.**

- **Consideration of Retention and Fee Agreement**

**On MOTION by Mr. Torres and seconded by Ms. Schiffer, with all in favor, the Kutak Rock LLP Retention and Fee Agreement, was approved.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-02, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date**

Ms. Suit presented Resolution 2023-02. She noted that the proposed Fiscal Year 2024 budget in the agenda is the Professional and Administrative portion and the Field Operations portion was emailed to the Board this morning.

Ms. Schiffer stated that, while some improvements might require services in Fiscal Year 2024, since it is a Landowner-funded budget, the Field Operations portion can be paid by the Landowner/Developer in Fiscal Year 2024, as needed, and then Field Operations can be added in Fiscal Year 2025, rather than in Fiscal Year 2024. Ms. Suit stated, if that occurs, the Fiscal Year 2024 budget can be amended, if the expenses go over budget.

**On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, Resolution 2023-02, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law for July 20, 2023 at 11:30 a.m., at the Greater Hernando County Chamber of Commerce, 15588 Aviation Loop Drive, Brooksville, Florida 34604; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date, was adopted.**

**NINTH ORDER OF BUSINESS**

**Consideration of Response(s) to Request for Qualifications (RFQ) for Engineering Services**

**A. Affidavit of Publication**

**B. RFQ Package**

These items were included for informational purposes.

**C. Respondent(s): Coastal Engineering Associates, Inc.**

**D. Competitive Selection Criteria/Ranking**

The Board collectively scored and ranked Coastal Engineering Associates, Inc., the sole respondent to the RFQ for Engineering Services, as the #1 ranked respondent.

**On MOTION by Mr. Noble and seconded by Mr. Torres, with all in favor, ranking Coastal Engineering Associates, Inc., as the #1 ranked responsive respondent to the RFQ for District Engineering, was approved.**

**E. Award of Contract**

**On MOTION by Mr. Noble and seconded by Ms. Schiffer, with all in favor, awarding the District Engineering Services contract to Coastal Engineering Associates, Inc., the #1 ranked responsive respondent to the RFQ for District Engineering Services and authorizing District Counsel to prepare the Agreement and negotiate the fees, was approved.**

**TENTH ORDER OF BUSINESS**

**Consideration 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. Respondents:**

**I. Berger, Toombs, Elam, Gaines & Frank**

The Berger, Toombs, Elam, Gaines & Frank (BTEGF) fee is \$3,750 for the Fiscal Year 2022 audit and \$4,500 once bonds are issued.

**II. Grau & Associates**

The Grau & Associates (Grau)fee is \$2,800 for the Fiscal Year 2022 audit, with the rate increasing \$100 per year through the Fiscal Year 2026 audit, plus an additional fee of \$1,500 per year once bonds are issued.

**D. Auditor Evaluation Matrix/Ranking**

The ranking and total scores were as follows:

#1	Grau	98 points
#2	BTEGF	97 points

**E. Award of Contract**

**On MOTION by Mr. Noble and seconded by Ms. Schiffer, with all in favor, ranking Grau & Associates as the #1 ranked respondent to the RFP for Annual Audit Services and awarding the Annual Audit Services contract to Grau & Associates, was approved.**

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-03, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date**

This item was deferred.

**TWELFTH ORDER OF BUSINESS**

**Ratification of Hernando County Property Appraiser Interlocal Uniform Collection Agreement**

Ms. Suit presented the Hernando County Property Appraiser Interlocal Uniform Collection Agreement.

**On MOTION by Mr. Noble and seconded by Ms. Schiffer, with all in favor, the Hernando County Property Appraiser Interlocal Uniform Collection Agreement, was ratified.**

**THIRTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of February 28, 2023**

Ms. Suit presented the Unaudited Financial Statements as of February 28, 2023.

**On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, the Unaudited Financial Statements as of February 28, 2023, were accepted.**

**FOURTEENTH ORDER OF BUSINESS**

**Approval of September 15, 2022 Continue Public Hearings and Regular Meeting Minutes**

Ms. Suit presented the September 15, 2022 Continued Public Hearings and Regular Meeting Minutes.

**On MOTION by Mr. Noble and seconded by Mr. Torres, with all in favor, the September 15, 2022 Continued Public Hearings and Regular Meeting Minutes, as presented, were approved.**

**FIFTEENTH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Earlywine discussed legislation that will likely be passed to require Board Members to attend an annual four-hour ethics training class.

**B. District Engineer (Interim): Coastal Engineering Associates, Inc.**

Mr. Malmberg stated that Phase 1 is expected to be finished by the end of 2023. It was noted that it might take the County some time to inspect and approve the completed improvements.

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

- **NEXT MEETING DATE: May 18, 2023 at 11:30 AM**
  - **QUORUM CHECK**

The May and June 2023 meetings will be cancelled. The next meeting will be July 20, 2023.

**SIXTEENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

- **Consider Appointment of to Fill Unexpired Term of Seat 2; Term Expires November 2026**

**This item, previously the Fifth Order of Business, was presented out of order.**

Ms. Schiffer nominated Mr. George Hernandez to fill Seat 2.

No other nominations were made.

**On MOTION by Ms. Schiffer and seconded by Mr. Noble, with all in favor, the appointment of Mr. George Hernandez to fill Seat 2, was approved.**

- **Administration of Oath of Office**

This item was deferred.

**SEVENTEENTH ORDER OF BUSINESS**

**Public Comments**


No members of the public spoke.

**EIGHTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Noble and seconded by Ms. Schiffer, with all in favor, the meeting adjourned at 11:57 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair