

Minutes of Meeting
Durbin Crossing
Community Development District

The regular meeting of the Board of Supervisors of the Durbin Crossing Community Development District was held Monday, January 22, 2024 at 6:00 p.m. at the Durbin South Amenity Center, 145 South Durbin Parkway, Jacksonville, Florida.

Present and constituting a quorum were:

Peter E. Pollicino	Chairman
Sarah Gabel Hall	Supervisor by telephone & in person
Jason Harrah	Supervisor
William Clarke	Supervisor
Shalene B. Estes	Supervisor

Also present were:

Daniel Laughlin	District Manager
Mike Eckert	District Counsel
Mike Yuro	District Engineer
Dan Fagen	Vesta/Amenity Services Group
Margaret Alfano	Vesta/Amenity Services Group by telephone
Danelle DeMarco	Vesta/Amenity Services Group
Zach Davidson	Vesta/Amenity Services Group
Blake Dougherty	Yellowstone
Kyle Sanders	Yellowstone
Jack Thompson	Yellowstone
Jon John	Pinch-A-Penny
Per Sorenson	Pinch-A-Penny
David Cottrell	Solitude

The following is a summary of the discussions and actions taken at the January 22, 2024 meeting.

FIRST ORDER OF BUSINESS

Pledge of Allegiance

Mr. Laughlin called the meeting to order at 6:00 p.m. and led the pledge of allegiance.

SECOND ORDER OF BUSINESS

Roll Call

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Durbin Crossing CDD

Mr. Laughlin called the roll.

THIRD ORDER OF BUSINESS**Audience Comments**

Mr. Laughlin stated we have representatives from Pinch-A-Penny to update the board.

Mr. Sorenson stated we are progressing on the pool, we ran into an issue in being able to pressure off the system, we want to make sure there are no leaks in the system. We ran into issues last week with that, we did some work today.

Mr. John stated we will continue everything tomorrow. There were some issues trying to establish how everything was plugged in there. We don't have as-builts. We could not get the system to hold pressure. We thought there could be a leak in lieu of what we have found out is that those two systems are manifolded together under the deck. The system is out there under pressure right now, everything is in a good place, Temple will be back tomorrow, they look to have everything tiled out next week and we look to have it plastered within three weeks. There is one valve in the equipment path that Zach is working on trying to get replaced so we can do a static check on the scum gutters. We don't foresee any issues with any of that. It is not under pressure. Everything that runs under pressure is out there under pressure right now and holding. It allows us to feel comfortable and release everybody to move on.

FOURTH ORDER OF BUSINESS**Approval of Consent Agenda**

- A. Minutes of the December 18, 2023 Meeting**
- B. Financial Statements**
- C. Assessment Receipt Schedule**
- D. Check Register**

On MOTION by Mr. Harrah seconded by Ms. Estes with all in favor the consent agenda was approved.

FIFTH ORDER OF BUSINESS**Update on Pond Maintenance Service**

Mr. Cottrell stated primarily under our contract we do aquatic weed control and your ponds are in good shape. Pond 48 had midge issues last year and the treatment was not as effective as we had hoped. We usually recommend aeration for that and if you choose not to do aeration there are companies that put misting systems around your house.

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SIXTH ORDER OF BUSINESS**Consideration of Swim Team Pool Usage Request**

On MOTION by Mr. Harrah seconded by Ms. Estes with all in favor the request of the swim team for pool usage was approved.

SEVENTH ORDER OF BUSINESS**Ratification of Professional Engineering Services Agreement and Work Authorization No. 1 with Yuro Associates**

Mr. Laughlin stated the agreement is in your agenda package; it has been signed and we are asking the board to ratify that.

Mr. Eckert stated it was prepared by our office, it is a fairly standard agreement, and we recommend approval from a legal standpoint.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the engineering agreement with Yuro Associates and work authorization no. 1 were ratified.

A discussion was held with the District's counsel.

On MOTION by Mr. Pollicino seconded by Mr. Clarke with three in favor and Mr. Harrah and Ms. Estes abstaining from voting due to a potential or perceived conflict of interest the prior motion was rescinded

On MOTION by Mr. Pollicino seconded by Mr. Clarke with three in favor and Ms. Estes and Mr. Harrah abstaining from voting due to a potential or perceived conflict of interest the agreement with Yuro & Associates and work authorization no. 1 were approved.

EIGHTH ORDER OF BUSINESS**Ratification of Engagement Letter with Berger Toombs Elam Gaines & Frank for the Fiscal Year 2023 Audit**

On MOTION by Mr. Harrah seconded by Ms. Estes with all in favor the engagement letter with Berger Toombs to perform the fiscal year 2023 audit was ratified.

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NINTH ORDER OF BUSINESS**Discussion of Impact Fee Purchase Request**

Mr. Eckert stated I sent a draft memo to the board a month and a half ago that we were waiting for the district engineer to review it. He has reviewed it and I finalized that memo and provided it to you; there weren't any changes from what I previously provided. You have the ability to sell them, but we wanted to make sure we didn't sell everything we had because you might want to build something in the future. The amount you have on the shelf is significantly higher than what is being asked to be purchased, you still have some left on the shelf.

Ms. Estes stated I need to disclose that D.R. Horton owns 60% of the firm I work for. That will require me to abstain from voting.

Mr. Eckert stated you can declare the appearance of a conflict, which you are doing and then abstain from discussion and voting on this matter.

One option is you can do nothing and let them sit on the shelf. Another option is to look at one buyer for all or some of the credits. I have not seen a market where somebody comes in and says I want to buy \$10 million in credits. What we have been seeing is people approach districts and say I have this project, I need this amount, will you sell me this amount for this particular project. The other part of that is conducting analysis in terms of if the district might need to build new buildings, estimate the amount of the impact fees that the district could be required to pay to satisfy that amount of credits and sell some or all of the excess credits. I have provided you historical information on the sales that I knew about in terms of if there was a commission and one was 70¢ on the dollar the other was 75¢ on the dollar but the district also paid 6% commission, which reduced the recovery for the district. I don't know if that is market, I don't know what the market would be here versus there so I can't give you an opinion on that.

Mr. Harrah asked how many does D.R. Horton want to buy?

Mr. Eckert stated they want to buy 438 of road and 333 of park. You can go back to them and negotiate for a higher price, and they can say yes or no.

Mr. Pollicino stated my understanding is that regardless of whether we do it or not they are going to get their credits from county.

Mr. Eckert stated if they want to build their project and have the money to pay 100 cents on the dollar to the county, they can build their project and they don't need anything from you. They are trying to reduce their costs on the project by buying things at a discount; if you just hold

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them on the shelf and never sell them, the only benefit you get is if you want to build a project you will have those impact fee credits.

Ms. Hall joined the meeting in person during this discussion.

Mr. Eckert stated we can go back to them and ask if they are sure they can use this for their property. They are pretty astute at this so I would be surprised if they couldn't use them.

On MOTION by Mr. Clarke seconded by Mr. Pollicino with four in favor and Ms. Estes abstaining from voting due to a potential or perceived conflict of interest, the district manager was authorized to negotiate an agreement for the sale of impact fee credits at the best price possible not less than the offer, the proceeds of which are to go into the capital reserve, subject to final approval of relevant documents by the chairman and district counsel, and the chairman was authorized to execute the final agreement.

There was further discussion and direction to the district manager on the possible marketing of a portion of remaining impact fee credits.

TENTH ORDER OF BUSINESS**Consideration of Easement Agreement for Water Meter with St. Johns County**

Mr. Eckert stated we thought we had this all worked out and the county attorney came back and requested indemnification language. This is going to the county commission February 6, 2024.

On MOTION by Mr. Harrah seconded by Mr. Pollicino with all in favor the easement agreement with St. Johns County for the water meter was approved.

ELEVENTH ORDER OF BUSINESS**Discussion of FY25 Capital Expenditures**

This item tabled.

TWELFTH ORDER OF BUSINESS**Staff Reports****A. Landscape Maintenance Team - Report**

Mr. Dougherty reviewed the landscape maintenance report and gave an update on the progress on the irrigation project.

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B. District Counsel

Mr. Eckert stated Supervisor Estes asked me to look at the protection of district property. A few years ago, we had a property owner who needed to buy some district property or buy an easement over district property to access their project. We felt we also had an argument that they didn't, they could have gone through Julington Creek or something like that, but it was an uncertain legal position for both parties to be in. I think the district ended up selling an access point for that property rather than litigate through it and the district did get financial recovery from that.

We looked at what mechanisms are available for protecting District property, there is a legal answer and practical answer to this question. The legal answer is if we can get another local government to agree to a conservation easement, we can give that local government a conservation over our lands then that would be something that would help protect our property from being used for development later and it would be better for us to tell a judge you need to make them go this way because our property has a conservation easement in favor of St. Johns County or the water management district. I think that legal option is available if we can find a willing government entity. A lot of your land is under conservation easement already. That is the legal answer.

The practical answer and I would want Mike Yuro to look at this too, but I analyzed the boundaries of the district on a map and tried to figure out if there any property here that can argue that they are landlocked. Based on my review there are only a couple that are owned by HOA's, which means they probably have to be owned by the HOA for their own development. There is one that is owned by a land trust, that we have a little strip and next to their land but there is access in another area. From a practical standpoint based on my review I don't see the situation we had before coming up very often. Most of the property that borders the district at this point has access to one of the main roads already. Before I spend any more time on that, the next step, if the board wants to do anything else, is I would like the engineer to undertake the same analysis I did to see if we have any situations we are concerned with and perhaps in those particular situations look to see about a conservation easement for those areas.

Mr. Harrah stated I think that is worthwhile to see if there are any parcels that are landlocked parcels.

Mr. Eckert stated I think the aspects the engineer might spot that I am not trained to do is if there is a parcel that has roadway access but from a traffic standpoint it can't have a road cut.

Mr. Pollicino stated look to see if there is a risk and if there is no risk, we are good to go.

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C. District Engineer

Mr. Yuro stated at the last meeting there was one erosion issue and it had been addressed.

D. District Manager

There being none, the next item followed.

E. General Manager - Report

Ms. Alfano stated we are working the application and waivers on the amenity age restrictions with Mike's office, and we will have that ready to go. We are looking to tie this back in with the website as far as scheduling possibilities for orientation. We are taking a more in-depth look at how we can make it the easiest for the residents. With your approval we would like to release the rollout of the new age waiver and application for a February 20th start.

It was the consensus of the board for staff to proceed with the application and waivers.

F. Operations Manager - Report

Mr. Davidson gave an overview of the field operation manager's report, copy of which was included in the agenda package.

G. Amenity Manager – Report

Ms. DeMarco reviewed the amenity manager's report, copy of which was included in the agenda package.

THIRTEENTH ORDER OF BUSINESS**Supervisor's Requests and Audience Comments**

There being none, the next item followed.

FOURTEENTH ORDER OF BUSINESS**Next Scheduled Meeting – February 26, 2024
@ 6:00 p.m. at the Durbin South Amenity Center**

Mr. Laughlin stated the next meeting is scheduled for February 26, 2024 at 6:00 p.m. in the same location.

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On MOTION by Mr. Pollicino seconded by Mr. Harrah with all in favor the meeting adjourned at 7:18 p.m.

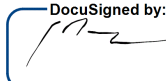
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Marilee Giles

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Secretary/Assistant Secretary

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Chairman/Vice Chairman

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Estes Shalene B		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Durbin Crossing CDD	
MAILING ADDRESS 174 Heron Landing Rd		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY Saint Johns	COUNTY St. John's	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED 1/22/24		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, SHARLENE B. ESTES, hereby disclose that on 1/22, 20 24:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☒ inured to the special gain or loss of D. R. HORTON, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

SELL OF COUNTY IMPACT CREDITS

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.



Date Filed

1/25/2024

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME Harrah - Jason - Scott		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Durbin Crossing Community Development District	
MAILING ADDRESS 197 Rockcreek Dr.		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input checked="" type="checkbox"/> OTHER LOCAL AGENCY	
CITY St. Johns	COUNTY St. Johns	NAME OF POLITICAL SUBDIVISION: Durbin Crossing Community Development District	
DATE ON WHICH VOTE OCCURRED January 22, 2024		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

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For purposes of this law, a “relative” includes only the officer’s father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A “business associate” means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

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APPOINTED OFFICERS (continued)

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- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Jason Scott Harrah, hereby disclose that on January 22, 20 24 :

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☒ inured to the special gain or loss of my business associate, Architecture/Engineering Firms in NE Florida associated with my employer ;
- ☐ inured to the special gain or loss of my relative, _____ ;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am employed by the U.S. Army Corps of Engineers. Our federal agency hires Architect/Engineering (A/E) Firms for various actions in Florida, Puerto Rico and the Virgin Islands. My agency typically hires various A/E firms through a bidding process according to the Federal Acquisition Regulations (FAR) and to avoid any sign of conflict I chose not to vote on this hiring action for engineering services to support Durbin Crossing CDD. I have no affiliation with the firm that was selected but out of an abundance of caution I chose to not vote.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

February 20, 2024

Date Filed

Jason Harrah
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.