

MINUTES OF MEETING
BARTRAM SPRINGS
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Bartram Springs Community Development District was held Monday, November 14, 2022 at 8:30 a.m. at the Bartram Springs Club Amenity Center, 14530 Cherry Lake Drive, Jacksonville, Florida.

Present and constituting a quorum were:

Kevin Colcord	Chairman
Andrew Walden	Vice Chairman
James Chipman	Supervisor
Stephanie McKinney <i>joined late</i>	Supervisor
Derri Lassiter Young	Supervisor

Also present were:

Jim Oliver	District Manager
Wes Haber	District Counsel
Sue O’Lear	Bartram Club General Manager - Vesta
Winslow Wheeler	Operation Manager - Vesta
Dan Fagen	Vesta Property Services
Lacy Reynolds	Supervisor Elect
Taner Nierengarten	Supervisor Elect
Billy Genovese	VerdeGo Landscape
David Landschoot	VerdeGo Landscape

The following is a summary of the actions taken at the November 14, 2022 Bartram Springs Community Development District Regular Board of Supervisors meeting.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Oliver called the meeting to order at 8:30 a.m. Mr. Oliver introduced the newly elected board members and thanked them for being in attendance. He added they will be assuming office at the next meeting in December.

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Mr. Oliver pointed out on Item #4 on the agenda consideration of resident’s request for Board’s reconsideration of suspension. That is going to start promptly at 9:00 a.m. Wherever we are on the agenda at that point, we’ll shift promptly to that item. Once completed, we will resume with the remaining agenda items.

SECOND ORDER OF BUSINESS

Audience Comments

Mr. Oliver asked for audience comments. He noted this was an opportunity for audience to make comments to the Board on items that are on the agenda. He noted that they will also have audience comments toward the end of the meeting and that can be about any CDD matters, whether on the agenda or not. There were no audience comments at this time.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the October 10, 2022 Meeting

Mr. Oliver stated the next item is approval of the minutes of the October 10, 2022 meeting. Mr. Oliver asked for any changes, and hearing none, asked for a motion of approval.

On MOTION by Mr. Colcord seconded by Mr. Walden with all in favor the minutes of the October 10, 2022 meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Consideration of Resident’s Request for Board Reconsideration of Suspension

Mr. Oliver stated that for Item 4 they will wait until 9:00 to start this topic.

Mr. Haber stated that on September 10, 2022 there was an incident at the amenity facility. On September 16 a letter was provided to the resident informing them that there would be a suspension until the next Board meeting. That Board meeting took place on October 10 and at that meeting the Board made a determination on the suspension. Another letter was provided to the resident on October 20 informing them of the suspension. That letter also specified that there was a Board meeting on November 14 and the resident would have an opportunity to provide extra evidence or facts for the Board to determine if they want to make any change to the duration of the suspension. Mr. Haber noted that the policies allow the Board to suspend or terminate use of the facilities for various reasons. He noted that in the policy there is a three-step process that for certain violations gets followed and there is a provision in the policy for severe violations that

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allows the Board to forego the three-step process and enforce a more severe punishment. Mr. Haber noted that at today's meeting the resident and his counsel would be allowed an opportunity to present additional facts.

Mr. Mercer was present as counsel for Mr. El Kacimi to present additional information on the matter. Mr. Mercer and Mr. El Kacimi reviewed information about the date of the incident. Mr. El Kacimi noted that he was with his two daughters on that day. Mr. Mercer asked Mr. El Kacimi what he observed happen that day. Mr. El Kacimi stated that the lifeguard was continuously blowing her whistle and she blew the whistle at his daughter. His daughter was fixing her goggles, and Mr. El Kacimi stated that he was also trying to help his daughter fix her goggles. Mr. El Kacimi stated that the lifeguard loudly and continuously blew the whistle. Mr. El Kacimi stated that the lifeguard told him he should go to the kid's pool, and he told the lifeguard his daughter is part of the swim team. The lifeguard stated she had to blow her whistle any time someone held onto the lane. Mr. Mercer asked if the lifeguard's tone was productive or like she was on a power trip, and Mr. El Kacimi stated that it was like she was on a power trip. Mr. El Kacimi stated that at that time he was trying to diffuse the situation. Mr. El Kacimi tried to talk to the lifeguard while she was on the lifeguard stand and the lifeguard was dismissive. Mr. Mercer noted that the lifeguard called another employee, Kendall, to come speak to Mr. El Kacimi. Mr. El Kacimi noted that was a constructive conversation, and Kendall suggested that Mr. El Kacimi's daughters use the outside ledge so they can hold on to the concrete. Mr. Mercer stated that in the evidence he requested from Mr. Haber, the file did not contain any statement from Kendall. Mr. Mercer asked if the employee statement that was produced contained anything that referenced Mr. El Kacimi using obscenities or cursing, and Mr. El Kacimi answered no. Mr. Mercer stated that Mr. El Kacimi thought the situation was resolved after 15 minutes had passed. Mr. El Kacimi left the pool and the lifeguard went into the office at that time. Mr. Mercer noted that at the last meeting Ms. O'Lear indicated to the Board that she had seen a video but she did not produce any video of Mr. El Kacimi leaving the pool. Mr. Mercer stated that as Mr. El Kacimi was leaving and walking home with his two daughters thinking everything is resolved, someone revved their engine and honked their horn at Mr. El Kacimi from an automobile. Mr. El Kacimi noted that it was the mother of the lifeguard in the automobile. Mr. El Kacimi stated that he attempted to diffuse things with the lifeguard's mother. At the last meeting, it was stated that Mr. El Kacimi did not curse or use obscene language towards the lifeguard's mother either.

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Mr. Mercer reviewed Exhibit '1' which was produced by Mr. Haber. Exhibit '1' in the first red box in the statement it says, "Due to his accent, I wondered at the time if his demeaning behavior was indicative that his culture's view of women was in a derogatory manner and that women are perceived as a subclass of beings by men as some cultures view and treat women around the world." Mr. Mercer noted that in the next paragraph the statement goes on to allude to the underlying phrase "be kept quiet." Mr. Mercer asked Mr. El Kacimi what his faith was, Mr. El Kacimi stated that he is Muslim. Mr. Mercer asked Mr. El Kacimi what his race was, Mr. El Kacimi stated he is Arabic. Mr. Mercer asked Mr. El Kacimi what his national origin was, and Mr. El Kacimi replied Morocco. Mr. Mercer asked Mr. El Kacimi if he was provided a copy of the statement shown on Exhibit '1' and Mr. El Kacimi answered no. Mr. Mercer asked if he was provided a copy of Exhibit '1' would he have come to the prior Board meeting, and Mr. El Kacimi answered yes.

Mr. Mercer asked Mr. El Kacimi if he knew whether the Board was provided with Exhibit '1' by Ms. O'Lear, and Mr. El Kacimi answered no. Mr. Mercer stated that in the audio recording from the meeting that he listened to, a number of Board members asked Ms. O'Lear about statements that she had, which it didn't seem like the Board had, but Ms. O'Lear did. Mr. Mercer asked if Mr. El Kacimi wanted the Board to take this into account in the deliberation, and Mr. El Kacimi answered yes. Mr. Mercer noted that on the Monday after the interaction with the lifeguard, Mr. El Kacimi received a call from Ms. O'Lear. Mr. Mercer asked Mr. El Kacimi if at the end the call, did Ms. O'Lear say words to the effect of, "you're going to be suspended from the pool and amenity center for a very long time." Mr. El Kacimi answered that was correct. Mr. Mercer asked Mr. El Kacimi if it seemed like Ms. O'Lear already had a leaning against him before she was able to hear his side, and Mr. El Kacimi answered yes that was evident.

Mr. Mercer asked the Board to turn to Exhibit '3' which references Mr. El Kacimi reacting to their corrective actions by verbally abusing. Mr. Mercer asked the Board to turn to Exhibit '6' which came from the CDD rules and policies. Page 23 of Exhibit '6' states under 'Suspension and Termination of Privileges' in subsection 1 "privileges at the amenity center can be subject to suspension or termination by the Board of Supervisors or an appointee thereof, if a patron" and then there is a subseries of bullets. Mr. Mercer noted that the fifth bullet says, "treats the personnel or employees of facilities in an unreasonable or abusive manner." Mr. Mercer reviewed the other bullets that he claimed were not applicable to this interaction. Mr. Mercer noted in subsection 2 it

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states that, “the District shall follow the following process for suspending or terminating amenity center privileges.” Mr. Mercer asked how long Mr. El Kacimi’s suspension was from the pool and the amenity center, and Mr. El Kacimi answered 1 year. Mr. Mercer noted under subsection 2a, it says first offense. He noted that the item prior was dealing with alleged disputes. Mr. Mercer noted the first offense is merely a verbal warning and/or written warning. Mr. Mercer noted that Mr. El Kacimi had never had a prior issue. Mr. Mercer stated that under subsection 2b the second offense, even if someone had engaged in abusive behavior once and they did it again, the suspension would be 1 week suspension. Subsection 2c shows the guidelines for a third offense, which is suspension of all amenity center privileges from the time the violation occurs for one year. Mr. Mercer noted that above that the second sentence of 2c states, “at said meeting, the record of all previous offenses will be presented to the Board.” Mr. Mercer stated again that there were no prior offenses from Mr. El Kacimi.

Mr. Mercer reviewed subsection 4 for extraordinary active misbehavior. That section mentions sheriff involvement and arrests taking place. Mr. Mercer noted that they did not go through step 1, step 2, or step 3. Mr. Mercer stated that this situation was blown out of proportion and the basis of it was racism. Mr. Mercer asked for a motion to vacate the ruling from the prior meeting and dismiss the case against Mr. El Kacimi.

A Supervisor questioned the statement from the witness at the pool which details that curse words were used towards the lifeguard. Ms. Young noted that her decision was not based upon any knowledge of Exhibit ‘1’ or other documents. Her decision was based on information that was presented to the Board by Ms. O’Lear. Based on that information, the Board came to the decision to recommend a six-month suspension. Ms. Young noted that because of the nature of the altercation with the employee based on the information presented at the meeting, they made their decision. Mr. Mercer stated that the audio he heard from the prior meeting was not common evidence. Mr. Mercer noted that it was Ms. O’Lear summarizing what she heard someone else say, which was double hearsay. The Board did not have statements or video.

Mr. Haber noted for the record that as of today’s hearing, the resident had been provided the entire file and has an opportunity to address all those issues. Mr. Haber stated that it was up to the Board to make a determination based on the new information provided. The Board could make changes to the suspension or keep it the same.

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Mr. Walden stated that there had been other instances where residents attended the meetings, plead their case, and their suspensions were raised or lessened. Mr. Colcord stated that they based their decision at the last meeting on the information that they were provided with at that time. Ms. Young stated that she still stood by the six-month suspension. Ms. McKinney stated that the other residents Mr. Walden had mentioned had apologized for the language and they reduced his suspension. Ms. McKinney noted that Mr. El Kacimi did not atone for the actions and he didn't show up at the last meeting to discuss it and that is why the penalty was harsher. Ms. McKinney noted that they have had multiple instances lately of residents being abusive to staff and there is no excuse for being abusive to their 16-year-old staff. Ms. McKinney stated that she thought Exhibit '1' is useless and they did not consider that exhibit during the initial decision. Ms. McKinney stated that they had no witnesses that the lifeguard's mother came up to Mr. El Kacimi honking and revving her engine. Mr. El Kacimi stated that he had no issues with any other residents in the community.

Mr. Mercer reminded the Board that the first offense punishment per the rules and policies of the CDD was a written warning. Mr. Mercer noted that the letter Mr. El Kacimi received did not state directly that he faced a one-year suspension. Mr. Haber noted that letter did state that Mr. El Kacimi was under suspension at the time he received the letter. Mr. Mercer argued that the letter sent to Mr. El Kacimi should have clarified that this situation was being considered as a "Section 4" offense. Ms. McKinney stated that it would not look good for the Board to change Mr. El Kacimi's suspension to 6 months, when at the previous meeting a resident showed up, plead his case, and apologized profusely, and the Board suspended them for 6 months as well. Mr. El Kacimi stated that he did not use profanity and did not feel that he intimidated the lifeguard, he noted that he aims to be a good citizen and resident. Mr. Colcord stated that he appreciated Mr. El Kacimi explaining his side.

Mr. Walden suggested reducing the suspension to time served. Ms. McKinney stated that she did not believe time served was fair. Ms. Young stated that she did not like Exhibit '1' either, and did not feel like this was a discrimination case. Ms. Young noted that after listening to Mr. El Kacimi and hearing him express remorse, that she would change her position to time served instead of six months suspension. Ms. Young stated that she did not want the Board to be held liable, or for this to turn into a discrimination case. Mr. Mercer asked for a five-minute recess to discuss with his client. Mr. Haber noted that they could recess.

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Mr. El Kacimi returned to address the Board. He stated that he was sorry for the incident. He stated that he did not want to be a problem for the Board. Mr. Mercer thanked the Board for their consideration of reduction in Mr. El Kacimi's suspension. Mr. Mercer stated that while he could not ask his client to give up his individual rights, but he noted that Mr. El Kacimi wanted to fit in and wanted to take his girls to swim, he didn't want to be a problem or start a fight. Mr. Colcord stated that he felt the Board did nothing wrong, and that they didn't need a waiver or written statement from Mr. El Kacimi in return for the reduced suspension.

On MOTION by Mr. Colcord, seconded by Mr. Walden, with Mr. Colcord, Mr. Walden, Ms. Young, and Mr. Chipman in favor and Ms. McKinney opposed, Immediately Lifting Mr. El El Kacimi's Remaining Suspension from the Amenity Center, was approved 4-1.

FIFTH ORDER OF BUSINESS

Discussion of VerdeGo Letter of Increase

Mr. Oliver presented the discussion of the VerdeGo letter of increase which was in the agenda package.

Mr. Landschoot noted that in the packet was a request for an increase for 2023 for their landscaping services. Ultimately, it is a 7% increase. He noted that this increase was lower than most of their other properties. Discussion ensued on the price increase, and supervisors voiced concerns on VerdeGo having to hire extra employees to bring their community back up to standard. The Board decided to table this item to the December meeting, no action was taken.

SIXTH ORDER OF BUSINESS

Consideration of Revised Agreement with Vesta

Mr. Oliver reminded the Board that when they went through the budget adoption process in July, they approved the requested increases from Vesta, and those are incorporated in the budget. Mr. Oliver noted that when after Vesta reviewed the agreement renewal, there were some indemnification language revisions that were requested by Vesta to be included in the contract. The Board asked counsel to work with Supervisor Young on the language in the agreement. Mr. Haber noted that there were two provisions to the agreement. The first provision is the insurance section of the agreement, and Vesta asked that they clarify the agreement to say that the District and its Board be named as additional insured under the commercial and general liability policy. Mr. Haber stated that he felt comfortable with that clarification. The other change, Vesta asked for

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a change to the indemnification agreement that would essentially narrow Vesta’s indemnification obligation to only four negligent acts. That would obligate the CDD in certain instances to indemnify Vesta. Mr. Haber noted that they updated the indemnification clause.

On MOTION by Mr. Walden, seconded by Mr. Colcord, with all in favor, the Revised Agreement with Vesta, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Proposal with Integrated Access Solutions for Installation of Additional Cameras

Mr. Wheeler noted that Integrated Access Solutions does all of their security and has installed everything in the community. He reviewed the proposal from them to put a camera on a post by the irrigation controls to get a full view of the field. The proposal total is \$3,441.31.

Discussion ensued on prosecution and if cameras are necessary if punishment isn’t enforced. The Board tabled this item to a future meeting, no action was taken.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Haber had nothing further to report to the Board.

B. Engineer – Consulting Engineer’s Report

Mr. Oliver noted that the Master Trust Indenture report from the engineer was in the agenda package for review. Mr. Oliver stated that this report is required when issuing bonds.

C. District Manager

Mr. Oliver stated that as I mentioned earlier in the meeting, the two new Supervisor-elects are here at the meeting today. He noted that they will join the Board and sworn in officially at the next meeting on December 12.

D. General Manager - Report

Ms. O’Lear reviewed her report. She noted that looking towards December, based on feedback last year from residents they will be expanding their Santa events.

E. Operation Manager

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1. Report

Mr. Wheeler reviewed his report and stated that a few items had already been covered throughout the agenda.

2. Lake Doctors Report

Mr. Wheeler reviewed the Lake Doctors report.

NINTH ORDER OF BUSINESS

Supervisors Requests and Audience Comments

Mr. Oliver asked for any Supervisors requests.

Mr. Colcord stated that this was his last meeting after 16 years. He noted that he always tried to do the best for this community, and that it was important for the Board to be cohesive. He stated that attacking another Board member on social media was unprofessional and uncalled for. Mr. Colcord stated that bringing alcohol into the facility had been brought for discussion, he noted that as a resident, homeowner, and outgoing Board member he felt that was a mistake and it would open the District up to liability.

Ms. McKinney thanked Mr. Colcord for his leadership and for his giving personality, and stated that before she joined the Board, she had the wrong picture of him but after getting to know him and working with him on the Board she had changed her negative opinion of him.

Mr. Walden stated that although the don't always agree on every decision, their ability to express their opinions and argue their side makes them a good Board. He expressed that the new Board members need to show up and be present for Board meetings.

Ms. Young reminded the new Board members about the Sunshine Law and noted that as Board members they have to be very careful with what they say on social media. Ms. Young stated that she discussed with Jim Oliver about the online posts regarding Mr. Colcord's business. She also noted that she had good relationships with both Taner and Lacy, the new Supervisors. Ms. Young suggested that a mature adult be hired and present all the time as a staff member.

The Board thanked Mr. Oliver and GMS for their work with the CDD.

Ms. Reynolds asked if it was typical for vendors to not cash a check from February until August. Mr. Colcord noted that there was an issue with that check being lost or stolen. Ms. Reynolds asked if Board members could be renters, and Mr. Oliver answered yes as long as they are a registered voter using Bartram Springs as their voting address.

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TENTH ORDER OF BUSINESS Financial Statements

A. Balance Sheet as of September 30, 2022 and Statement of Revenue & Expenditures for the Period Ending September 30, 2022

A copy of the financials were included in the agenda package.

B. Assessment Receipt Schedule

A copy of the assessment receipt schedule was included in the agenda package.

C. Approval of Check Register

Mr. Oliver asked

On MOTION by Mr. Walden seconded by Ms. McKinney with four in favor and Mr. Colcord abstained due to a conflict of interest invoice from Sundancer Sign Graphics was approved 4-0.

On MOTION by Mr. Walden, seconded by Ms. McKinney, with all in favor, the balance of the check register was approved.

ELEVENTH ORDER OF BUSINESS Action Items for Follow-Up

Mr. Oliver stated that he would share his meeting notes with the Board and the two new Supervisors.

TWELFTH ORDER OF BUSINESS Next Scheduled Meeting – December 12, 2022 at 8:30 a.m. @ Bartram Springs Amenity Center

Mr. Oliver stated the next meeting will be December 12, 2022 at 8:30 a.m. in the same location.

THIRTEENTH ORDER OF BUSINESS Adjournment

Mr. Oliver asked for a motion to adjourn the meeting.

On MOTION by Mr. Walden, seconded by Ms. McKinney, with all in favor the meeting adjourned at

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DocuSigned by:
Jim Oliver
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Secretary/Assistant Secretary

DocuSigned by:
Andrew Walden
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Chairman/Vice Chairman