

HOUSING FINANCE AUTHORITY OF LEE COUNTY, FLORIDA

MINUTES OF REGULAR MEETING

November 12, 2020

4:02 p.m.

On Thursday, November 12, 2020, at 4:02 p.m. in the offices of PHILIP L. BURNETT, P.A., 2449 First Street, Fort Myers, Florida, E. Walter Barletta, Chairman of the Housing Finance Authority of Lee County, Florida (the "Authority"), called the meeting to order.

Immediately thereafter, the Chairman called for a roll call of the members. Philip Burnett, Esq., counsel for the Authority, called the roll. E. Walter Barletta, Virginia Yates, and Walter Ferguson were present at the meeting. Michael Villalobos and Kirk Frohme appeared by phone. Also appearing by phone were Tim Wranovix, Misty Dalke and Don Peterson with Raymond James and Associates, Inc. ("Raymond James"), the Authority's managing underwriter, Claire Merritt with Hilltop Securities, Inc. ("Hilltop Securities"), the Authority's Financial Advisor, Mark Mustian, Esquire and Alex Fischer, Esquire with Nabors, Giblin & Nickerson, P.A., the Authority's Bond Counsel, and Sue Denihan with Housing and Development Services, Inc. d/b/a eHousingPlus ("eHousing").

The Chairman then opened the floor for public comment. No members of the public were present at the meeting. Accordingly, no public comment was made. Thereafter, the Chairman closed the opportunity for public comment.

The Chairman next suggested that the Authority address the approval of the Authority's Minutes for its prior meeting. Thereafter, on motion duly made by Mr. Ferguson and seconded by Ms. Yates, the members of the Authority unanimously approved the minutes of the Authority's October 22, 2020, regular meeting.

The Chairman next suggested that the Authority consider Item V on its Agenda, i.e., approve the minutes of the Tax Equity Fiscal Responsibility Act ("TEFRA") Hearing held on November 4, 2020, for the Authority's proposed issuance by the Housing Finance Authority of Lee County, Florida, as Issuer of its Multi-Family Mortgage Revenue Bonds, Series 2021, in the aggregate principal amount of \$17,369,000 in connection with the application filed by Crossings Cape Coral Preservation, Ltd. ("Crossings Preservation") for its acquisition, rehabilitation, and equipping of a 168 unit residential rental Project located at 1150 Hancock Creek South Boulevard, Cape Coral, Florida. The Chairman recognized Mr. Burnett. Mr. Burnett said that his office had conducted the TEFRA Hearing on November 4, 2020, at 4:00 p.m. at which time no members of the public appeared. Accordingly, the TEFRA Hearing was concluded. Thereafter, on motion duly made by Ms. Yates and seconded by Mr. Ferguson, the members of the Authority unanimously approved the minutes of the TEFRA Hearing held on November 4, 2020.

The Chairman next suggested that the Authority consider Item VI on its Agenda, i.e., consider, discuss and vote on the issuance by the Authority of Housing Finance Authority of Lee County, Florida, as Issuer, of its Multi-Family Mortgage Revenue Bonds, Series 2021, in the aggregate principal amount of \$11,500,000 in connection with the application filed by Pondella Preserve, LLC (“Pondella Preserve”) for its acquisition, construction, and equipping of a 65 unit residential rental project to be located at 353 Pondella Road, North Fort Myers, Lee County, Florida and for the Authority’s issuance of a letter to Pondella Preserve for its use, if necessary, in meeting the requirements for its possible application to the Florida Housing Finance Corporation for financing of the Project. The Chairman recognized Mr. Burnett. Mr. Burnett said that principals of Pondella Preserve had contacted his office and advised him that due to a lack of sufficient density, the proposed Project cannot go forward.

The Chairman next suggested that the Authority consider Item VII on its Agenda, i.e., consider, discuss and vote on such agreements, resolutions, authorizations, funding, Interlocal Agreements, documents and related matters as are necessary for the Authority to proceed with or amend its Own a Home Opportunity Program (“OAHOP Program”) with Raymond James & Associates, Inc. and such other actions as may be appropriate. The Chairman recognized Mr. Wranovix and asked him how the Authority’s OAHOP Program was going. Mr. Wranovix said that there isn’t anything special going on, that it is moving along nicely. He said that the OAHOP Program made three (3) loans today. The Chairman next recognized Ms. Denihan. Ms. Denihan said that since the end of October there had been 22 new reservations for loans in the OAHOP Program and 3 new reservations in the Authority’s Mortgage Credit Certificate Program (“MCC Program”). Ms. Denihan also said that it had terminated its Mortgage Credit Certificate Program and that they were referring any inquiries to the Authority’s MCC Program.

The Chairman next addressed the necessity of the Authority considering Item VIII on the Authority’s Agenda, i.e., consider and discuss bills and invoices submitted to the Authority for approval and payment. The Chairman then recognized Ms. Yates. Ms. Yates said that she would like for the members of the Authority to approve the bills and invoices that were submitted in November for approval and payment, all as set forth below:

November 2020

Ck # 1668 Philip L. Burnett, P.A. Retainer/Fees/Admin	\$ 9,140.48
Ck # 1669 Philip L. Burnett, P.A.- McCleary Foreclosure Litigation	\$ 1,551.75

Immediately thereafter, on motion duly made by Mr. Frohme and seconded by Mr. Ferguson, the members of the Authority approved the payment of the Authority’s invoices for November of 2020.

The Chairman next suggested that the Authority consider Item IX on its Agenda, i.e., such other matters as may come before the meeting. There being none, the Chairman then asked when the Authority needed to have another meeting? Mr. Wranovix asked Mr. Ferguson if he wanted to bring the members of the Authority up to date on the next Florida ALHFA

Conference. Mr. Ferguson said that the next Florida ALHFA Conference in 2021 will again be a virtual conference and that an in person conference is being pushed back to 2022.

The Chairman then recognized Mr. Burnett. Mr. Burnett said that Markham Norton Mosteller Wright & Company, P.A. (“MN”) had submitted an engagement letter to the Authority after the public notice had been published but that he wanted to bring it up at the Authority’s meeting because there were a couple of provisions in it that he and Mr. Frohme wanted to bring to the Authority for their consideration. Mr. Burnett said that two of the items that he wanted to bring to the attention of the members are the same two items that the Authority had discussed and revised in its engagement letter with CliftonLarsonAllen (“CLA”). They are located in the third and second paragraphs from the bottom of page 4, i.e. (1) the provision dealing with attorney’s fees should be revised so that if there is a dispute, the prevailing party will be entitled to have its attorney’s fees paid; and (2) the provision dealing with the Authority’s obligation to pay interest if it doesn’t timely pay its invoices should be revised to provide that the interest will commence to accrue 30 days after the first meeting held after its receipt of an invoice from MN. In addition, he said that he and Mr. Frohme believe that the last sentence in the second paragraph from the bottom on page 4 should be deleted. It provides that “All unpaid amounts are to be guaranteed by the members of the board.” The Chairman then recognized Mr. Frohme. Mr. Frohme said that he agreed that asking the members of the Authority to guarantee is a deal breaker. In addition, he said that he did not understand why MN stated in the fourth paragraph from the top of page four that they are not independent with respect to the financial statements. Mr. Frohme concluded his remarks by addressing MN’s fee structure. He said that he was unclear as to MN’s \$4,100 quarterly fee and why MN cannot give the Authority an estimate of what their fees will be for their fiscal year-end financial statement preparation and management discussion and analysis given that they had been performing those services for a number of years. Mr. Burnett noted that the \$4,100 quarterly fee was for bookkeeping/compilation services. After a brief discussion, on motion duly made by Mr. Frohme and seconded by Mr. Ferguson, the members of the Authority unanimously agreed that Mr. Burnett should write a letter to MN outlining the concerns that the members of the Authority have with the MN engagement letter as presented to see if it can be modified to address the members concerns.

The Chairman then asked if it was necessary for the Authority to have a meeting in December. After a brief discussion, the members agreed that there is no need for a December meeting and that the Authority’s next meeting should be tentatively set for January 21, 2021, at 4:00 P.M. at Mr. Burnett’s office.

The Chairman then recognized Ms. Yates. Ms. Yates said that the Authority’s meeting dates should all be calendared. The Chairman noted that the Authority’s meetings are supposed to be held on the third Thursday of each month except for November and December, for which the meetings should be held on the second Thursday. Ms. Yates concluded her remarks by noting that the Cape Coral Housing Development was closing its doors next month due to funding issues.

The Chairman then said that, in accordance with the Sadowski Educational Effort,

he was planning on attending the public meetings of local Representatives to speak as to how the Florida Legislature's treatment of documentary stamp taxes affects Lee County and the Region. He asked if Mr. Burnett would join him and Mr. Burnett agreed to do so.

The Chairman then asked if anyone had anything further to bring before the Authority. There being no further business to come before the Authority, on motion duly made by Mr. Ferguson and seconded by Ms. Yates, the meeting was adjourned at 4:30 p.m.

Respectfully submitted,


E. Walter Barletta, Chairman


Michael Villalobos, Assistant Secretary

Approved at the 1/25/2021,
Meeting of the Housing Finance
Authority of Lee County, Florida