

## **HOUSING FINANCE AUTHORITY OF LEE COUNTY, FLORIDA**

### **MINUTES OF REGULAR MEETING**

**June 16, 2025**

**4:00 p.m.**

On Monday, June 16, 2025, at 4:03 p.m. in the offices of The Nunez Law Firm, 3610 Broadway, 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 called the roll. Walter Barletta, Ginny Yates, Walt Ferguson, P. Michael Villalobos and Kirk Frohme were present at the meeting. Also appearing in person was Lisa Maitland of Philip L. Burnett, P.A. Appearing by phone were Tim Wranovix with Raymond James and Associates, Inc. ("Raymond James"), the Authority's managing underwriter, Braxton Parsons with Hilltop Securities, Inc. ("Hilltop Securities"), the Authority's Financial Advisor, Mark Mustian, Esq. and Alex Fischer, Esq. with Nabors, Giblin & Nickerson, P.A. ("Nabors Giblin"), the Authority's Bond Counsel, and Scott Schuhle with U.S. Bank Trust National Association ("U.S. Bank").

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 then suggested that the Authority address the approval of the Authority's Minutes for its prior meeting. On a motion duly made by Ms. Yates and seconded by Mr. Villalobos, the members of the Authority unanimously approved the Minutes of its May 15, 2025, Regular Meeting.

The Chairman then addressed Item V on the Authority's Agenda, i.e., consider, discuss and approve the Authority's Budget for its FYE 9/30/26. The Chairman addressed Ms. Yates who in turn addressed Mr. Frohme. Mr. Frohme presented the proposed revised Budget. He made three suggested changes/additions to the Budget, i.e., an income addition for the 5300 Summerlin Project Closing Fee of \$329,475, under Administrative Expenses, Attorneys Fee, an increase from \$120,000 up to \$150,000, and under Affordable Housing Education & Promotion, the amounts of \$500.00 each were added for Home Buyers and for Real Estate, Financial & Government. Mr. Frohme then mentioned that footnotes had been added to document the source/support/basis of information received from various Professionals and the Authority's thought processes on how certain numbers were derived. Ms. Yates asked if the increase in US Bank Custody Account Fees

was included in the proposed Budget. Mr. Frohme addressed her question from the income side as opposed to the expense side. Mr. Burnett raised the issue that a few of the budget entries had an income side and an expense side and that we have included gross numbers on both sides, including the Custody Account. Mr. Frohme stated that from an accounting standpoint and for budgeting purposes this practice did not matter. Mr. Frohme also addressed a possible Rent Expense and whether it should be a line item on the Budget. A discussion was held concerning the matter and it was determined that Rent Expense should be included in the Attorney's Fee line item as a pass-through expense. This lead to a discussion of a new line item, i.e., Technology, it was recommended that a new line item for Technology be added in the amount of \$2,045. A motion to approve the 9/30/26 Budget as presented and discussed was made by Mr. Frohme and seconded by Mr. Ferguson. The Chairman addressed Mr. Villalobos. Mr. Villalobos stated that, in light of his intention to apply to succeed Mr. Burnett as the Authority's Attorney, he wanted to abstain from commenting on the Attorney's Fee line item set forth in the proposed Budget. Because of that Mr. Villalobos and Mr. Burnett agreed that Mr. Villalobos should recuse himself from voting on the proposed Budget as revised, at which point the revised 9/30/26 Budget showing a net income of \$948,943 was approved by the members of the Authority with 4 yea's, and with Mr. Villalobos' abstention.

Mr. Frohme then brought up the Authority's Money Market Savings Account with Edison National Bank. He stated that he thought that the account is a non-interest bearing. Ms. Yates stated that, on the contrary, it is an interest bearing. She said, however, that the account is considered a "public funds" account and may have an interest rate of .25%. Mr. Burnett raised the issue that Mr. Frohme as investment officer may want to look into whether the Authority should invest the money in that account elsewhere. Mr. Frohme said that he would look at this matter now that the Budget has been completed.

Ms. Yates briefly described the Authority's four CDs. Mr. Frohme then suggested that for the CD with Truist Bank that is renewing in July the funds should be placed in the operating account for now. Ms. Yates suggested that we send a letter to Truist Bank signed by two Authority members requesting that the CD not be renewed and to remit the funds to the Authority's Savings Account with Edison National Bank. A motion was made by Mr. Frohme and seconded by Mr. Ferguson that Mr. Burnett be directed to draft a letter to Truist Bank that the Authority's CD with them not be renewed and requested that they remit the proceeds from the CD to the Authority's Account with Edison National Bank. Ms. Yates then mentioned that Truist Bank CD has already been rolled over. Ms. Yates then noted that Truist Bank wants new signature cards, including copies of driver's licenses for all members. It was then mentioned that the CD that is maturing in early July is with EverBank, not with Truist Bank. The Chairman said that the original motion should be withdrawn by Mr. Frohme and Mr. Ferguson and that a new motion should be made. Mr. Frohme and Mr. Ferguson both withdrew their motion. Immediately thereafter on motion, duly made by Mr. Frohme and seconded by Mr. Villalobos, the members of the Authority

unanimously directed Mr. Burnett to draft the above-stated letter to EverBank instead of Truist Bank. Ms. Yates then said that as of 5/30/25, the balance on the EverBank CD was \$289,826.34.

The Chairman then addressed Item VI on the Authority's Agenda, i.e., consider and discuss the Authority's investment of its funds by US Bank, including the execution of the First American Funds: Automatic Money Market Investments Investment Authorization Letter ("Investment Letter"). The Chairman recognized Mr. Burnett. Mr. Burnett stated that this Investment Letter relates to funds being held in the Authority's Custody Account with US Bank that are not earning any interest and that the funds would be put into a money market account with US Bank. Both Mr. Frohme and Mr. Schuhle recommended that this course of action be taken. If the Authority agrees with this, the Authority should authorize the Chairman to execute the Investment Letter on behalf of the Authority. On a motion duly made by Mr. Ferguson and seconded by Mr. Frohme, the members of the Authority unanimously approved the Investment Letter and authorized the Chairman to execute it on behalf of the Authority.

The Chairman then addressed Item VII on the Authority's 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 and such other actions as may be appropriate. The Chairman recognized Mr. Wranovix. Mr. Wranovix said that the Program is still moving along, but that he has nothing further to report.

The Chairman next suggested that the members consider Item VIII on the Authority's Agenda, i.e., consider, discuss and approve bills and invoices submitted to the Authority for approval and payment for June of 2025. The Chairman recognized Ms. Yates. She said that she would like the members of the Authority to approve and authorize the payment of the bills and invoices that were submitted for payment in June 2025, as set forth below:

June 2025

Ck#1892	Papyrus Document & Design, LLC - Website	\$28.00
Ck#1893	Philip L. Burnett, PA- Retainer/Fees/Admin/Other	\$11,151.93
Ck#1894	Virginia Yates-reimbursement of registration fee for FL ALHFA Conference	\$750.00
Ck#1895	Markham Norton Mosteller Wright & Co. – fee for MDNA letter that had to be resent to the State of Florida	\$287.50
	Markham Norton Mosteller Wright & Co. – auto draft	\$1,950.00

for Bookkeeping Services

Ms. Yates stated that check #1864 dated 1/15/25 in the amount of \$2,325.00 for Sarasota County was still outstanding. All endorsements have been checked.

Immediately thereafter, on a motion duly made by Mr. Frohme and seconded by Mr. Villalobos, the Authority unanimously approved the payment of the Authority's June bills and invoices submitted for payment in June of 2025.

Ms. Yates addressed Mr. Wranovix regarding a HEG Securities Account Statement received by the Authority. Mr. Wranovix said that this account is tied to the Ekos on Evans transaction that was recently priced. The funds are investment collateral, so the funds do not flow through any of the Authority accounts, only through the Trust Estate. He said that Raymond James sells the bonds for the funding of the Project and that these are the proceeds from the sale of the bonds. The Developer invests the bond proceeds in collateral securities which in this case are U.S. Treasuries until the bond proceeds are needed by the Developer. This helps lower the over-all cost of the development and cuts down on negative arbitrage. These accounts and securities are part of the Trust Estate. This is generally done with every public bond deal. Privately based transactions are done on a draw-down basis where there is no investment income, but that investment income is within the Trust Estate for that particular deal. The earnings are not the HFA's earnings, they are the Developer's earnings and for any excess earnings a calculation will be done down the road with excess earnings being rebated back to the IRS. Mr. Frohme raised the question as to whether the subject trade confirmations are related to Ekos on Evans. Mr. Wranovix deferred to Mr. Parsons. Mr. Parsons confirmed that the HEG transactions pertain to Ekos on Evans. Mr. Frohme then asked if a separate account of this nature is set up for each deal. Mr. Schuhle said that separate trust accounts are set up for each transaction.

Ms. Yates brought up the FHA Connection – the annual Lender Electronic Assessment Portal (“LEAP”) matter, she mentioned that passwords are updated quarterly, and she brought up a request for a second contact person to be added to the account. Mr. Villalobos volunteered to be the second contact person.

Mr. Frohme next asked Ms. Yates if he could obtain read only access to the General Ledger that Markham Norton maintains for the Authority. Ms. Yates said she does not have access to it but that she would contact Markham Norton regarding same. Mr. Frohme stated that he wants this access for historical numbers for the Authority's investment income gain/loss.

The Chairman then addressed Item IX on the Authority's Agenda, such other matters as may come before the meeting, i.e., new business. The Chairman spoke first. The Chairman wanted to confirm the meeting date for July 17, 2025, at 4:00 at The Nunez Law Firm, 3610 Broadway, Fort Myers, Florida. All members confirmed that date. The Chairman next stated that he wanted

to set up an August meeting. He suggested August 7<sup>th</sup>, August 11<sup>th</sup> or August 12<sup>th</sup>. The members confirmed that the August meeting would be held on August 7, 2025, at 4:00 at the Nunez Law Firm.

The Chairman next raised the issue of the Request for Proposal (“RFP”) for an attorney for the Authority. The reason for the RFP is that Mr. Burnett has indicated that he is retiring. He said that he wanted input from the members on the RFP. He further mentioned that the last time that a member retired from the Authority, i.e., Thomas Birch, the Authority put together a retirement party with all of the members and their spouses. It was suggested that a retirement party for Mr. Burnett be held at the Veranda Restaurant sometime in late September or early October. Ms. Maitland was asked to do the research and gather the particulars to schedule this event. The Chairman then suggested that former member Tom Birch and his wife, Daniella, and possibly Phil Harloff be invited to attend as guests of the Authority as well as members of the Authority’s Professional Staff if they chose to attend. It was suggested that the Authority pay for the retirement party.

The Chairman next suggested that, because of Mr. Villalobos’ interest in possibly becoming the next attorney to represent the Authority, although he had a right to remain in the meeting, he might want to consider recusing himself and leaving the meeting. Immediately thereafter, Mr. Villalobos did so. The Chairman further stated that he did not believe that there is a requirement for an RFP for the selection of a new attorney, but it has been suggested that it is probably prudent to do so, and a general discussion was held. On motion duly made by Mr. Ferguson and seconded by Mr. Frohme, members approved the sending out an RFP for a new attorney to represent the Authority. It was suggested by Mr. Burnett that the RFP be published on June 18, 2025, or as soon thereafter as possible, and that responses to the Requests for Proposal should be submitted to Mr. Burnett by July 10, 2025. Mr. Burnett suggested that he collect the responses, review them and make recommendations to the Authority for discussion at the July 17<sup>th</sup> meeting. Mr. Frohme raised the issue of what the term of engagement for the prospective attorney should be for the RFP. After a general discussion, the members of the Authority agreed that the term of engagement for the new attorney should be three (3) years. Mr. Mustian, Esquire was recognized concerning the RFP. He stated that agreements of this nature are personal service contracts from a state law standpoint. As a result, the new attorney can be terminated no matter what a contract with the new attorney states. The discussion as to the RFP was then closed.

Mr. Burnett said that he wanted to thank all the members for filing their Form I.

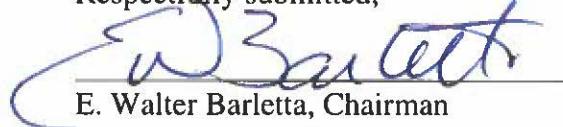
Mr. Ferguson stated that he had agreed to serve another three years on the Florida ALHFA Board of Directors.

Mr. Villalobos reentered the meeting room. The Chairman brought up mention of the professional staff possibly attending the retirement party. Mr. Villalobos mentioned possibly

recognizing Mr. Burnett's retirement together with the professional staff at the FL ALHFA Conference. Mr. Burnett said that it wasn't necessary.

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 a motion duly made by Mr. Ferguson and seconded by Mr. Frohme, the meeting was adjourned at 5:04 p.m.

Respectfully submitted,



E. Walter Barletta, Chairman



Kirk Frohme, Secretary

Approved at the July 14 2025,  
Meeting of the Housing Finance  
Authority of Lee County, Florida