

**MINUTES OF MEETING**

*Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.*

**GLEN ST. JOHNS  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of Glen St. Johns Community Development District was held on **Thursday, May 12, 2011 at 4:30 p.m.** at the Camp Heritage Amenity Center, located at 370 Heritage Landing Parkway, St Augustine, Florida 32092.

Present and constituting a quorum:

Bob Porter	<b>Board Supervisor, Chairman</b>
Jan Doan	<b>Board Supervisor, Vice-Chairman</b>
Kathy Shippey	<b>Board Supervisor, Assistant Secretary</b>
James Teagle	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Melissa Dobbins	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Wes Haber	<b>District Counsel, Hopping Green &amp; Sam</b>
Leigh Fletcher	<b>Bondholder's Counsel, Stearns Weaver Miller Weissler Alhadeff &amp; Sitterson P.A.</b>
Lane Gardner	<b>Hines Representative</b>
Mike Tanner	<b>Tanner &amp; Bishop</b>
Geri Kail	<b>Hancock Bank, Trustee</b>
Gregory Stewart	<b>Trustee Counsel (via speaker phone)</b>

Audience

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Porter called the meeting to order and read roll call.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes of the Board of Supervisors' Meeting held on November 11, 2010**

On a motion by Mr. Doan, seconded by Ms. Shippey, with all in favor, the Board approved the Minutes of the Board of Supervisors' Meeting held on November 11, 2010 for Glen St. Johns Community Development District.

**THIRD ORDER OF BUSINESS**

**Ratification of Operation and Maintenance Expenditures for October 2010, November 2010, December 2010, January 2011, February 2011, and March 2011**

On a motion by Mr. Doan, seconded by Mr. Teagle, with all in favor, the Board ratified the operation and maintenance expenditures for October 2010 in the amount of \$0.00, November 2010 in the amount of \$69,056.63, December 2010 in the amount of \$16,587.15, January 2011 in the amount of \$4,651.41, February 2011 in the amount of \$385.00 and March 2011 in the amount of \$0.00 for Glen St. Johns Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2011-04, Reappointing Assistant Treasurer**

Ms. Dobbins reviewed Resolution 2011-04 and noted that Shawn Wildermuth had replaced Steve Murman as Head Controller for Rizzetta & Company and that this resolution was appointing Mr. Wildermuth as Assistant Treasurer.

On a motion by Mr. Doan, seconded by Mr. Teagle, with all in favor, the Board approved Resolution 2011-04, Reappointing Assistant Treasurer, naming Shawn Wildermuth in the place of Steve Murman for Glen St. Johns Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Arbitrage Rebate Report  
for Special Assessment Bonds, Series 2006  
for Period December 1, 2009 through  
November 30, 2010**

Ms. Dobbins noted that the report indicated a negative rebate (\$75,985.90). She also noted that there was no liability and/or deposit required to the IRS. The Board of Supervisors accepted the report.

On a motion by Ms. Shippey, seconded by Mr. Teagle, with all in favor, the Board accepted the Arbitrage Rebate Report for Special Assessment Bonds, Series 2006 for Period December 1, 2009 through November 30, 2010 for Glen St. Johns Community Development District.

**SIXTH ORDER OF BUSINESS**

**Update on Americans with Disabilities Act  
(ADA) Requirements**

Mr. Haber reviewed the memo sent by his firm regarding compliance with Americans with Disabilities Act 2010 Standards for Access Design. He mentioned that if Districts do not comply and someone was disabled and not able to use facilities based on these requirements or was injured due to non-compliance then a potential lawsuit could happen.

Ms. Dobbins stated that the District only has a tot lot which should be inspected.

Mr. Porter stated that an inspection will take place when funding is available.

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2011-05,  
Approving Proposed Budget for Fiscal  
Year 2011/2012 and Setting the Public  
Hearing**

Ms. Dobbins reviewed Resolution 2011-05 and stated that a budget is required to be proposed per Florida Statutes giving at least a 60 day notice of the public hearing to the County and the proposed budget approved by June 15.

Ms. Dobbins reminded the Board of Supervisors that this District has not had full service field maintenance so most of the budget reflects information from fiscal year 2010 actuals.

At this time it is recommended to keep the total operation and maintenance at the same per unit amount. The Board of Supervisors can adjust by decreasing it at the public hearing.

Ms. Dobbins also recommended setting the public hearing for August 11, 2011 at 4:30 p.m. at the Camp Heritage Amenity Center, located at 370 Heritage Landing Parkway, St Augustine, Florida 32092.

Mr. Doan noted that he will not be able to attend the public hearing. All remaining Board of Supervisors did confirm that August 11, 2011 is an appropriate date.

On a motion by Ms. Shippey, seconded by Mr. Teagle, with all in favor, the Board approved Resolution 2011-05, Approving the Proposed Budget for Fiscal Year 2011/2012 and Setting the Public Hearing for August 11, 2011 at 4:30 p.m. at the Camp Heritage Amenity Center, located at 370 Heritage Landing Parkway, St Augustine, Florida 32092 for Glen St. Johns Community Development District.

#### **EIGHTH ORDER OF BUSINESS**

#### **Consideration of April 5, 2011 letter from Hancock Bank, as Replacement Trustee, regarding Notice of Default**

All Board Supervisors stated individually that they work for D.R. Horton and, in an abundance of caution, chose to disclose such employment for any perceived conflict of interest.

Mr. Porter read his statement into record (Exhibit A).

Mr. Haber gave his opinion of the Hancock Bank letter dated April 5, 2011 and, among other opinions, stated that he does not agree that a default of assessment payments correlates with a default of the completion agreement. Mr. Haber also stated that he believed that the Completion Agreement was a valid and enforceable agreement.

Ms. Fletcher stated that the project items that are not in place devalue Phase 2 and feels that it is not reasonable since the District is foreclosing on the entity that will be walking away from its responsibilities. Noted that this is a circular issue of the Developer will not build since they are not paying the assessments on Phase 2.

Mr. Porter stated that it is best to build after the foreclosure is settled since building now will put the District in a situation that it will need assessments to pay for new expenses, which they cannot pay now.

Ms. Shippey questioned that status of the foreclosure.

Mr. Haber explained that the foreclosure suit, which was originally against BSHW, has not moved quickly. He indicated that he received a letter from Developer's Counsel in which the Developer offered to convey the property subject to the foreclosure suit via a deed-in-lieu of foreclosure or upon a stipulated final judgment. Mr. Haber also indicated that he forwarded that letter to counsel for the bondholder. Ms. Fletcher and Mr. Tanner, who represent the bondholder, both stated that they had not received the letter from Mr. Haber.

Mr. Haber also provided a brief explanation regarding the status of the declaratory judgment action.

The Board of Supervisors approved District Counsel to prepare a letter to the Trustee indicating that the Board disagreed with the defaults alleged in the April 5, 2011 letter and, as a result, will not be making a demand under the completion agreement at this time.

On a motion by Mr. Doan, seconded by Ms. Shippey, with all in favor, the Board approved District Counsel preparing a letter to the Trustee indicating that the Board disagreed with the defaults alleged in the April 5, 2011 letter and, as a result, will not be making a demand under the completion agreement at this time.

Mr. Porter asked if there was any reason not to foreclose from the Bond Holder's or Trustee's point of view.

Ms. Fletcher noted that they were not ready to respond and that a deed in lieu may be better.

Mr. Porter requested for authorization to execute documents pertaining to the unplatted property in Phase 2 to help move business along between meetings.

Mr. Haber suggested a motion to accept the rights to the real property through a stipulated judgment entirely contingent on Trustee Counsel and Bond Holder Counsel agreeing to the transaction and authorizing the chairman to execute the documents.

On a motion by Mr. Doan, seconded by Ms. Shippey, with all in favor, the Board approved accepting the rights to the real property through a stipulated judgment entirely contingent on Trustee Counsel and Bond Holder Counsel agreeing to the transaction and authorizing the chairman to execute the documents for Glen St. Johns Community Development District.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel  
No report.
- B. District Engineer  
Not present.
- C. District Manager  
Ms. Dobbins stated that the next regularly scheduled Board of Supervisors meeting will be held Thursday, June 9, 2011 at 9:00 a.m.

**TENTH ORDER OF BUSINESS**

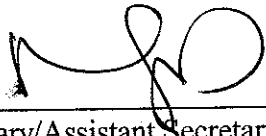
**Supervisor Requests and Audience  
Comments**

There were no supervisor requests or audience comments.

**ELEVENTH ORDER OF BUSINESS**

**Adjournment**

On a motion by Mr. Doan, seconded by Mr. Teagle, with all in favor, the Board adjourned the Board of Supervisors' Meeting at 5:13 p.m. for Glen St. Johns Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman

# Exhibit A

The District has received a letter from Hancock Bank as trustee stating that they consider the District to be in default under the bond indenture as it relates to the District's Completion Agreement. Since there is already litigation underway involving the Trustee, the District and the developer I have typed up my comments to make it easier for staff to include them in the record.

Both the current Trustee and the Bondholders are new so they were not involved in creating or negotiating any of the documents involved. Since they have not been involved at all with the District until recently, I want to give them some background so they can understand why the assumptions in their letter are wrong.

### Background

As the board and staff know, in response to questions from our residents we have addressed the issue of timing for phase two and for the amenity center in a number of public meetings over the past few years. We have consistently explained that phase two is expected to be developed after the majority of phase one homes are built and sold and that the amenity center has always been planned as part of phase two. Obviously, we are still a long way from selling out the first phase.

As everyone here knows, the District is currently in financial difficulty. We are deeply in debt at this time and unable to pay the bills we have now. Construction of additional improvements which would need to be maintained when we have no funding for even our current improvements would be irresponsible. In particular if an amenity center were to be constructed at this time with no money for security or even utilities it would quickly deteriorate.

Another concern is that the bond indenture requires the District to maintain all of the District's improvements. If we build or acquire additional improvements that we know we cannot maintain we would be intentionally breaching the terms of the indenture.

### Default

The Trustee's letter alleges three defaults each of which is invalid: (i) is the District failing to sue the developer under the completion agreement. When phase one was developed the District's improvements were paid for largely from the proceeds from the bonds, but the bond proceeds were not sufficient to pay for all of them. The balance of the cost of phase one improvements was paid for by the developer in accordance with the completion agreement. Since the District does not want additional improvements at this time, we have not asked the developer to build them. Therefor the developer has performed all of its duties to date under the completion agreement in good faith. Since the developer is clearly not in default under the completion agreement the District has no right to bring a suit; the alleged defaults (ii) and (iii) complain about specific terms of the Completion Agreement. Although the new Trustee was not involved at the time, the completion agreement was executed along with the Trust Indenture and the other documents at the bond closing. Trustee's counsel had the opportunity to review and approve all of the associated documents before they were executed and should have raised any objections at that time.



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

LAST NAME—FIRST NAME—MIDDLE NAME Teagle James E	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Glen St. Johns Community Development District Board of Supervisors
MAILING ADDRESS [REDACTED]	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 _____ COUNTY _____	NAME OF POLITICAL SUBDIVISION: _____
DATE ON WHICH VOTE OCCURRED 5-12-11	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 equally 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 the reverse side 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 inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate 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 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 otherwise may participate 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 other side)

**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, James Teagle, hereby disclose that on May 12, 20 11:

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

- 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 D.R. Horton, Inc. - Jacksonville, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

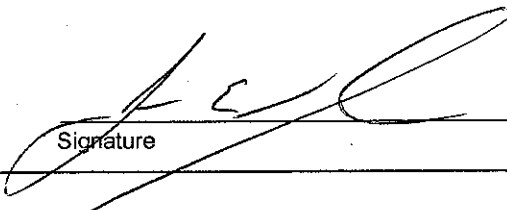
(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

The Glen St. Johns Community Development District (the "District") was created pursuant to chapter 190, Florida Statutes. Section 190.007 provides, in part, that "it shall not be a conflict of interest under chapter 112 for a board member . . . of the District to be a . . . employee of a landowner or of an entity affiliated with the landowner." Additionally, the District is an independent special tax district as contemplated by section 112.3143(3)(b), Florida Statutes. Pursuant to section 112.3143(3)(b), I am not prohibited from voting in "voting conflicts" as described in section 112.3143(a).

In light of the above-cited statutes and the below-described factual scenario, I am uncertain as to whether a conflict exists. However, out of an abundance of caution, at the May 12, 2011 District Board meeting I orally disclosed the potential conflict. Likewise, I am completing and filing this memorandum for the same reason.

On May 12, 2011, in my capacity as a member of the District's Board of Supervisors, I participated in the consideration of a letter received from the District's Trustee regarding alleged defaults by the District under the terms of the indenture between the District and the Trustee. It was the Trustee's position that the District was in default under the indenture and was obligated to, amongst other actions, make a demand under the completion agreement between the District and the Developer, D.R. Horton, Inc. - Jacksonville, in order to cure such default. After considering: 1) the District's present circumstances related to funding and the status of its current project; 2) the demands in the Trustee's letter; 3) advice of District counsel; and 4) input from counsel for the Trustee and the holders of the District's bonds, I chose to make a motion directing District counsel to send a letter to the Trustee indicating that the District disagreed with the defaults alleged in the Trustee's letter and indicating that the District would not be making a demand under the completion agreement at this time.

June 9, 2011  
Date Filed

  
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 <b>SHIPPY KATHLEEN TRIPLETT</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Glen St. Johns Community Development District Board of Supervisors
MAILING ADDRESS [REDACTED]	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      COUNTY [REDACTED]      [REDACTED]	NAME OF POLITICAL SUBDIVISION: _____
DATE ON WHICH VOTE OCCURRED: <b>5-12-11</b>	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 equally 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 the reverse side 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 inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate 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 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 otherwise may participate 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 other side)

**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.
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**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

Kathleen J Shippey, hereby disclose that on May 12, 2011:

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

- 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 D.R. Horton, Inc. - Jacksonville, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent 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:

The Glen St. Johns Community Development District (the "District") was created pursuant to chapter 190, Florida Statutes. Section 190.007 provides, in part, that "it shall not be a conflict on interest under chapter 112 for a board member . . . of the District to be a . . . employee of a landowner or of an entity affiliated with the landowner." Additionally, the District is an independent special tax district as contemplated by section 112.3143(3)(b), Florida Statutes. Pursuant to section 112.3143(3)(b), I am not prohibited from voting in "voting conflicts" as described in section 112.3143(a).

In light of the above-cited statutes and the below-described factual scenario, I am uncertain as to whether a conflict exists. However, out of an abundance of caution, at the May 12, 2011 District Board meeting I orally disclosed the potential conflict. Likewise, I am completing and filing this memorandum for the same reason.

On May 12, 2011, in my capacity as a member of the District's Board of Supervisors, I participated in the consideration of a letter received from the District's Trustee regarding alleged defaults by the District under the terms of the indenture between the District and the Trustee. It was the Trustee's position that the District was in default under the indenture and was obligated to, amongst other actions, make a demand under the completion agreement between the District and the Developer, D.R. Horton, Inc. - Jacksonville, in order to cure such default. After considering: 1) the District's present circumstances related to funding and the status of its current project; 2) the demands in the Trustee's letter; 3) advice of District counsel; and 4) input from counsel for the Trustee and the holders of the District's bonds, I chose to make a motion directing District counsel to send a letter to the Trustee indicating that the District disagreed with the defaults alleged in the Trustee's letter and indicating that the District would not be making a demand under the completion agreement at this time.

6-9-2011  
Date Filed

Kathleen J Shippey  
Signature

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

LAST NAME—FIRST NAME—MIDDLE NAME Porter Robert	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Glen St. Johns Community Development District Board of Supervisors
MAILING ADDRESS [REDACTED]	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
DATE ON WHICH VOTE OCCURRED 5-12-11	NAME OF POLITICAL SUBDIVISION: [REDACTED]
	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

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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:

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**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)**

- 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.

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- 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, ROBERT S PORTER, hereby disclose that on May 12, 2011:

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

- 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 D.R. Horton, Inc. - Jacksonville, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent 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:

The Glen St. Johns Community Development District (the "District") was created pursuant to chapter 190, Florida Statutes. Section 190.007 provides, in part, that "it shall not be a conflict on interest under chapter 112 for a board member . . . of the District to be a . . . employee of a landowner or of an entity affiliated with the landowner." Additionally, the District is an independent special tax district as contemplated by section 112.3143(3)(b), Florida Statutes. Pursuant to section 112.3143(3)(b), I am not prohibited from voting in "voting conflicts" as described in section 112.3143(a).

In light of the above-cited statutes and the below-described factual scenario, I am uncertain as to whether a conflict exists. However, out of an abundance of caution, at the May 12, 2011 District Board meeting I orally disclosed the potential conflict. Likewise, I am completing and filing this memorandum for the same reason.

On May 12, 2011, in my capacity as a member of the District's Board of Supervisors, I participated in the consideration of a letter received from the District's Trustee regarding alleged defaults by the District under the terms of the indenture between the District and the Trustee. It was the Trustee's position that the District was in default under the indenture and was obligated to, amongst other actions, make a demand under the completion agreement between the District and the Developer, D.R. Horton, Inc. - Jacksonville, in order to cure such default. After considering: 1) the District's present circumstances related to funding and the status of its current project; 2) the demands in the Trustee's letter; 3) advice of District counsel; and 4) input from counsel for the Trustee and the holders of the District's bonds, I chose to make a motion directing District counsel to send a letter to the Trustee indicating that the District disagreed with the defaults alleged in the Trustee's letter and indicating that the District would not be making a demand under the completion agreement at this time.

6-9-11  
Date Filed

RS Porter  
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.