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**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.

**BALLANTRAE  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Ballantrae Community Development District was held on **Monday, December 1, 2008 at 6:33 p.m.** at the Ballantrae Community Center, located at 17611 Mentmore Boulevard, Land O'Lakes, FL 34638.

Present and constituting a quorum:

James Flateau	<b>Board Supervisor, Chairman</b>
Amanda Battistoni	<b>Board Supervisor, Vice Chairman</b>
Kelly Moseley	<b>Board Supervisor, Assistant Secretary</b>
Steve White	<b>Board Supervisor, Assistant Secretary</b>
Richard Levy	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Nils Hallberg	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Tracy Robin	<b>District Counsel, Straley &amp; Robin</b> <i>(joined the meeting in progress)</i>
Tonja Stewart	<b>District Engineer, WilsonMiller, Inc.</b>
Bill Fletcher	<b>Maintenance Supervisor</b>
Audience	

**FIRST ORDER OF BUSINESS**

**Call to Order**

Mr. Flateau called the meeting to order and Mr. Hallberg read the roll call.

**SECOND ORDER OF BUSINESS**

**Consideration of the Minutes of the Board  
of Supervisor's Meetings on October 29,  
and November 3, 2008**

<p>On a Motion by Ms. Moseley, seconded by Ms. Battistoni, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisor's meeting held on October 29, 2008 as presented for Ballantrae Community Development District.</p>
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*(Mr. Robin joined the meeting in progress)*

On a Motion by Ms. Moseley, seconded by Mr. Levy, with all in favor, the Board of Supervisors approved the minutes of the Board of Supervisor's meeting held on November 3, 2008 as presented for Ballantrae Community Development District.

**THIRD ORDER OF BUSINESS**

**Consideration of Operation and Maintenance Expenditures for October and November**

On a Motion by Ms. Moseley, seconded by Mr. Levy, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures for October totaling \$71,182.30 for Ballantrae Community Development District.

On a Motion by Mr. White, seconded by Ms. Moseley, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures for November totaling \$44,164.95 for Ballantrae Community Development District.

**FOURTH ORDER OF BUSINESS**

**Consideration of New Business**

Discussions were held regarding Resolution 2009-01, Amending the Fiscal Year 2008/2009 operational budget, and Resolution 2009-02, Adopting a policy regarding trespassing on certain district-owned lands. The presentation by Maureen's Swim Academy did not occur as scheduled. The following Board actions were taken:

On a Motion by Ms. Moseley, seconded by Ms. Battistoni, with all in favor, the Board of Supervisors approved Resolution 2009-01, Amending the Fiscal Year 2008/2009 operational budget to include an additional \$40,000 to create an Asset Management Fund to be offset with leftover funds from the Fiscal Year 2007/2008 budget for Ballantrae Community Development District.

On a Motion by Mr. Levy, seconded by Mr. White, with all in favor, the Board of Supervisors approved Resolution 2009-02, Adopting a policy to authorize law enforcement personnel to trespass individuals on District-owned land before dawn or after dusk or for non-compliance of other posted rules for Ballantrae Community Development District.

**FIFTH ORDER OF BUSINESS**

**Consideration of Old Business**

Discussions were held with the vendor regarding various proposals from Ameriscape USA for landscape enhancement throughout the community. Watering restrictions were addressed in relation to how they might impact the landscaping project. Ms. Moseley abstained from voting on any of the proposals from Ameriscape USA declaring a conflict of interest. The following Board action was taken:

On a Motion by Mr. Levy, seconded by Mr. White, with four in favor and one abstaining (Kelly Moseley) the Board of Supervisors approved the proposals from Ameriscape, USA to enhance the landscaping at the neighborhood entrances with the exception of Lintower, which has already been done, and the clubhouse/pool area for a total expense of \$23,112 to commence following the frost season for Ballantrae Community Development District.

Ms. Stewart and Mr. Robin led a discussion on the status of communications with M/I Homes regarding the conveyance of the contracts relating to the damaged drainage structures. The Board requested that further negotiations be held with M/I Homes prior to any official Board action being taken.

## SIXTH ORDER OF BUSINESS

### Staff Reports

A. District Counsel  
No report.

B. District Engineer  
Ms. Stewart reported that effective July 2009 the DEP and SWFWMD will be changing the design requirements of ponds due to issues with down stream pollution. Discussion ensued regarding the need to educate residents on the benefits of aquatic plantings in the ponds. No Board action was taken.

*(Ms. Stewart left the meeting).*

C. District Manager  
Mr. Hallberg informed the Board of a format change relating to the minutes of Board meetings and the reasoning behind the change.

*(Mr. Robin left the meeting).*

Discussion ensued regarding the proposals from Ecological Consultants to remove the cattails and spray various ponds throughout the community. It was decided to start the process on the three ponds that have received the most complaints.

On a Motion by Ms. Moseley, seconded by Ms. Battistoni, with all in favor, the Board of Supervisors approved the proposals from Ecological Consultants, Inc. to remove the cattails from ponds 4, 10, and 34 totaling \$15,100 for Ballantrae Community Development District.

Mr. Hallberg stated that the firm hired to install the holiday lighting would be out on Tuesday to do the tower at the front entrance, as well as to address other minor issues. He also asked that the Board approve holiday bonuses for the Clubhouse Staff.

On a Motion by Ms. Moseley, seconded by Ms. Battistoni, with all in favor, the Board of Supervisors approved holiday bonuses for Mr. Fletcher (\$500) and Mr. Kubler (\$200) for Ballantrae Community Development District.

**D. Maintenance Supervisor**

Mr. Fletcher presented proposals to kill the vines and roots that are growing on the walls (\$3,200) and another proposal to pressure wash and paint the walls (\$68,500). It was decided to obtain other proposals prior to taking any Board action as there was such a huge discrepancy between the two bids received.

**SEVENTH ORDER OF BUSINESS**

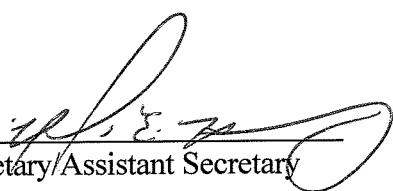
**Supervisor Requests and Audience Comments**

A brief discussion ensued regarding the timing and status of the community website and newsletter and the best way to notify residents. No Board action was taken.

**EIGHTH ORDER OF BUSINESS**

**Adjournment**

On a Motion by Mr. White, seconded by Ms. Moseley, with all in favor, the Board of Supervisors adjourned the meeting at 8:20 p.m. for Ballantrae Community Development District.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman

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

LAST NAME—FIRST NAME—MIDDLE NAME <b>Moseley Kelly Dannette</b>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <b>Ballantrae CDD</b>
MAILING ADDRESS <b>4055 Duke Firth St.</b>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY      COUNTY <b>Land O'Lakes FL Pasco</b>	NAME OF POLITICAL SUBDIVISION: <b>Ballantrae</b>
DATE ON WHICH VOTE OCCURRED <b>12/1/08</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.
- 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, Kelly D. Moseley, hereby disclose that on December 1, 20 08:

(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, my Spouse \_\_\_\_\_;
- 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 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:

12/1/08  
Date Filed

Kelly D. Moseley  
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.