



## APV Board Brief

Several of the Association of Poinciana Villages Board members have been approached with questions about the Village One Common Facilities District (CFD) dissolution in the Association of Poinciana Villages. We hope this APV Board Brief will provide answers on this issue.

### **What is a Common Facilities District (CFD)?**

A Common Facilities District (CFD) is a government entity under the jurisdiction of Osceola County and the laws of the State of Florida. These CFDs are made up of homeowners of their defined areas. They are tasked with enhancing the standard of living for their residents and maintaining their common grounds and facilities.

### **Is there a CFD in the Association of Poinciana Villages?**

Yes. The Cypress Woods Common Facilities District (CFD) is located in Village One and includes 692 homes and lots in that community.

### **When was the Cypress Woods CFD established?**

The Cypress Woods Common Facilities District (CFD) was established and adopted by the Osceola County Board of County Commissioner on February 5, 2007 as a dependent district of Osceola County for the purpose of acquiring, constructing, operating and maintaining Common Facilities.

### **Who is on the Board of Supervisors of the CFD?**

A three-member Board of Supervisors governs the Cypress Woods CFD: Helen Omolara – President, Geraldine Bailey – Secretary/Treasurer and Yvonne Ewart-McDougall – Supervisor.

### **In addition to annual APV assessments, what are the CFD assessments?**

Below are the current special assessment rates for the CFD collected by Osceola County:

#### **FY/2014-2015 RATES ADOPTED ON JUNE 10, 2014**

Rate - Per Residential Unit	\$250
Total Number of Assessed Units (homes and lots)	692
Total Assessment Amount to Be Collected	\$173,000

### **Who collects the assessments and where are they paid?**

These special assessments are collected through the yearly real-estate tax bill issued by Osceola County, pursuant to Sections 197.3632 and 197.3635, Florida Statutes. Special assessments are collected for a Fiscal Year which begins on October 1 and ends on the following September 30.

**What services do these additional assessments cover for residents of the CFD?**

They cover maintenance of internal amenities provided by Osceola County including mowing the grass in common areas, landscaping, irrigation and some electrical and water services.

**We understand the CFD has been dissolved. What was the timeline and process leading up to this action?**

**February 3, 2015:** The president of APV Village One, Peter Jolly, initiated discussions about dissolving the CFD and transferring maintenance responsibilities to APV with the CFD Board of Supervisors at their meeting on February 3, 2015. The Cypress Woods CFD agreed to have Village One’s president, Peter Jolly, present a formal request for the transfer of maintenance responsibilities, as well as direct the Osceola County District Clerk to conduct research on the proposal and the steps needed to dissolve the CFD.

**April 21, 2015:** All findings on the proposed dissolution of the CFD were presented at the Cypress Woods Board of Supervisors meeting on April 21 and it was approved by a vote of 2-1 (Bailey/Ewart-McDougall in favor, Omolara opposed) to pursue the dissolution of the Cypress Woods CFD in order to transition the CFD maintenance responsibilities to APV for the Board of County Commissioners consideration. Village One’s president, Peter Jolly, submitted for the record a formal written request for APV to take over maintenance responsibilities.

**May 21, 2015:** County staff met with Village One’s president, Peter Jolly, Village One’s president’s legal counsel, Mr. Christopher Wright and Mr. Stephen Sepulvers and Ms. Geraldine Bailey, Cypress Woods CFD Secretary/Treasurer, to discuss the action items needed to move the process forward. County staff requested that APV provide a resolution approved during a Board meeting stating agreement to become the maintenance provider as well as a legal opinion stating that APV had assessment power over Cypress Woods, in order to provide ongoing maintenance.

After another meeting with all parties, it was clarified that the APV Master Board **was not** going to be the entity taking over the maintenance, but the Village One Association was. Village One president, Peter Jolly, submitted a sworn statement that the Poinciana Village One Association Board of Directors met on July 9, 2015, and that upon dissolution of the Cypress Woods Common Facilities District, Village One will begin maintenance of those common areas currently maintained by the Cypress Woods Common Facilities District.

Additionally, County staff was provided a legal opinion from Rayfield, Sepulvers & Wright stating that Village One does have assessment powers, which would provide them the funds to continue the ongoing maintenance of the community.

**Was this issue ever brought up to the APV Board of Directors as APV was initially mentioned as the organization that would take up the maintenance?**

No. The APV Board of Directors did not receive a formal request from the Village One president to consider taking over maintenance responsibilities of the CFD.

**Was this issue brought up before the Village One Board of Directors as stated in the resolution presented to Osceola County Officials?**

A member of Village One has requested the Village One Board meeting minutes and voting results of this issue at that meeting. To date, none of this documentation has been received.

**Are there any funds left as a result of the dissolution of the CFD?**

County staff prepared a Custody of Funds agreement, between the CFD and the County, which transferred the CFDs current balance to a Trust Fund with the County. This was the first step needed, in order to move towards the proposed transition. This allowed funds to be made available to pay the current CFD vendors and also set the stage if the dissolution is approved to refund any remaining balance back to the original payers of the CFD Assessment. In the event that the Cypress Woods CFD is not dissolved, the funds would automatically be transferred back to the CFD. This agreement was executed by the CFD on June 30, 2015 and by the County on July 6, 2015.

**How will this affect all homeowners in Village One and Cypress Woods?**

The dissolution of the Cypress Woods CFD will most likely affect all homeowners in Village One as the additional assessments for services within Cypress Woods will now be spread out among all homeowners in Village One. This will more than likely raise all individual homeowner’s assessments in Village One.

**Who will be taking care of the maintenance in Cypress Woods?**

Pursuant to the dissolution of the CFD, effective mid-October, Osceola County will no longer be handling the maintenance of the common areas of Cypress Woods. Village One will be responsible for maintaining the common areas of Cypress Woods. APV will not be maintaining the common areas in Cypress Woods, only stormwater management and drainage areas that it is currently responsible for in Cypress Woods.

**Who should I contact if I have questions or concerns?**

Contact the Common Facilities District Center at Osceola County at 407-742-1821.