

**MINUTES OF MEETING
WEST PORT
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the West Port Community Development District held Multiple Public Hearings and a Regular Meeting on April 6, 2021 at 12:00 p.m., at the Centennial Park Recreation Center, (formerly North Charlotte Regional Park Recreation Center), 1120 O'Donnell Boulevard, Port Charlotte, Florida 33953.

Present were:

Christian Cotter
Paul Martin
Candice Smith

Vice Chair
Assistant Secretary
Assistant Secretary

Also present were:

Craig Wrathell
Michal Szymonowicz (via telephone)
Jere Earlywine
Matthew Morris
Steve Sanford

District Manager
Wrathell Hunt and Associates
District Counsel
District Engineer
Bond Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 12:05 p.m. Supervisors Cotter, Martin and Smith were present, in person. Supervisor Harvey was not present. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Consider Appointment to Fill Unexpired Term of Seat 2; Term Expires November, 2024

- **Administration of Oath of Office to Newly Appointed *Supervisor* (the following to be provided in a separate package)**
 - A. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
 - B. **Membership, Obligations and Responsibilities**
 - C. **Financial Disclosure Forms**
 - I. **Form 1: Statement of Financial Interests**
 - II. **Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. **Form 1F: Final Statement of Financial Interests**
 - D. **Form 8B – Memorandum of Voting Conflict**

This item was deferred.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-05, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the West Port Community Development District, and Providing for an Effective Date

This item was deferred.

FIFTH ORDER OF BUSINESS

Public Hearing to Consider the Imposition of Special Assessments Pursuant to Sections 170.07 and 197.3632, Florida Statutes

- **Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.**
- **Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.**
 - A. **Affidavit/Proof of Publication**

The affidavit of publication was included for informational purposes.

B. Mailed Notice to Property Owner(s)

The Affidavit of Mailing and mailed notice to affected property owners were included for informational purposes.

C. Presentation of Restated Master Engineer's Report and 2021 Supplemental Engineer's Report (Assessment Area Three) (for informational purposes)

Mr. Morris reviewed the changes that would be made to the Engineer's Report:

Insert: "not to exceed the amount of \$2 million for the completed work in existing Assessment Area One"

Change "Assessment Area One" to "Assessment Area One – 2020"

Change "Assessment Area Two" to "Assessment Area Two – 2020"

Change "the Assessment Area One extension to Assessment Area Three" to "Assessment Area One – 2021"

Mr. Wrathell asked if the total project cost of \$38,885,000 would stay the same. Mr. Morris stated there would be a \$2 million increase in the "Assessment Area 3 Single-Family" total, on the Summary of Opinion of Total Probable Cost table, changing it from \$8.4 million to \$10.4 million.

In response to Mr. Wrathell's question regarding the impact of the change in the assessment caps in the Methodology, Mr. Earlywine noted the importance of describing the changes during the Public Hearing; the overall Master cap would remain the same and the Appendix Tables in the Methodology Report should be adjusted to reflect the \$2 million increase for "Assessment Area One – 2021", as stated by the District Engineer.

Asked if Table 6, on Page 25 of the Restated Master Methodology Report, reflects the \$10.221 million allocable to what was previously named "Assessment Area Three", Mr. Szymonowicz replied yes; however, since the overall project costs have increased due to the \$2 million increase in "Assessment Area One – 2021", the total number in Table 2, on Page 21, would increase from \$38.885 million to \$40.885 million.

Mr. Wrathell expressed his concern of the effect of the assessment caps on today's Assessment Public Hearing and confirmed that Mr. Szymonowicz allocated and benefited \$10.2 million out of the Capital Improvement Plan (CIP), resulting in a \$200,000 difference. He asked

if the bond issuance should be larger, in accordance with the \$2 million increase in the project cost. Mr. Earlywine doubted that the intent was to change the size of the bond issue and stated it was a cashflow item instead.

Mr. Wrathell summarized that the assessment numbers, as far as the par amount of bonds and annual debt assessments on Table 11 in the Methodology, would not change because the bond size was not changing.

The following question was asked and answered:

Mr. Earlywine: Do you believe that the costs set forth in the Engineer's Report and the adjustments discussed are reasonable and consistent with market conditions and that the project as proposed is feasible and expected to be completed in due course, is that all true?

Mr. Morris: Yes, it is.

Mr. Sanford asked if there was a discrepancy in the CIP. Mr. Wrathell explained that Mr. Szymonowicz takes all of the units in the District and, based upon their Equivalent Residential Unit (ERU) weightings, applies it against the CIP Cost Allocation of \$38.885 million, in Table 6, on Page 25. Discussion ensued regarding Table 4 in the Engineer's Report, the \$2 million change in costs, adding footnotes, the assessment areas and the bond proceeds.

<p>On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Restated Master Engineer's Report and 2021 Supplemental Engineer's Report (Assessment Area Three), in substantial form, was approved.</p>
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D. Presentation of Restated Master Special Assessment Methodology Report and Preliminary Third Supplemental Special Assessment Methodology Report (Assessment Area Three) (for informational purposes)

Mr. Wrathell reviewed the adjustments that would be made in the Appendix Tables of the Methodology Report to match with the revisions to be made in the Engineer's Report. He discussed the changes in Assessment area descriptions, re-labeling of nomenclature, footnotes, ERU weightings, maximum par amount of bonds, max annual debt assessments and costs.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Restated Master Special Assessment Methodology Report and Preliminary Third Supplemental Special Assessment Methodology Report (Assessment Area Three), in substantial form, was approved.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Public Hearing was closed.

- E. Consideration of Resolution 2021-10, Making Certain Findings; Authorizing A Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments on Assessment Area 3; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property To Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date**

Mr. Wrathell presented Resolution 2021-10 and read the title.

Mr. Earlywine summarized that the Resolution levies the special assessments and is a restated and revised resolution that was updated for consistency with the Reports. Resolution 2021-10 would be further revised to match the new changes that will be made to the Engineer’s Report and the Master Methodology Reports. He recommended adopting the Resolution in substantial form, subject to the changes mentioned today, on the record.

On MOTION by Mr. Martin and seconded by Ms. Smith, with all in favor, Resolution 2021-10, Making Certain Findings; Authorizing A Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments on Assessment Area 3; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property To Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date, in substantial form, was adopted.

SIXTH ORDER OF BUSINESS**Update: RFP for Landscape & Irrigation Maintenance Services**

Mr. Wrathell stated Staff received a number of questions from interested respondents and provided additional addendums to the Request for Proposals (RFP) and, because of that, the respondents were granted additional time for their responses.

▪ **Consideration of: Amended and Restated Bond Delegation Resolution 2021-08**

This item was an addition to the agenda.

Mr. Sanford stated the Delegation Resolution that was adopted in March called the bonds “Assessment Area Three bonds”, which was no longer correct, so, in light of the nomenclature changes, an amended and restated Delegation Resolution was transmitted before the meeting, which he hoped could be re-adopted today.

Mr. Earlywine suggested that Mr. Sanford review the sections of the Resolution.

Mr. Sanford reviewed each section and stated the number of the Resolution would remain unchanged as Resolution 2021-08, because the amended and restated Delegation Resolution is, in effect, repealing what was adopted at the March meeting and re-adopting it today, which approves the form of the documents and authorizes the issuance of the bonds. The area to be assessed would be changed from the remaining Assessment Area One and was what formerly called Assessment Area Three to “Assessment Area One – 2021 Project Area”. The Resolution presented today was identical, in all respects, to the one that was previously adopted, except for the name change.

Mr. Wrathell presented the Amended and Restated Bond Delegation Resolution, Resolution 2021-08.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, RESOLUTION 2021-08, A RESOLUTION AMENDING AND RESTATING A RESOLUTION ENTITLED: "A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WEST PORT COMMUNITY DEVELOPMENT DISTRICT (THE "DISTRICT") AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$12,000,000 WEST PORT COMMUNITY DEVELOPMENT DISTRICT, SPECIAL ASSESSMENT BONDS, SERIES 2021 (ASSESSMENT AREA THREE) (THE "BONDS") TO FINANCE CERTAIN PUBLIC INFRASTRUCTURE WITHIN ASSESSMENT AREA THREE WITHIN THE DISTRICT; DETERMINING THE NEED FOR A NEGOTIATED LIMITED OFFERING OF THE BONDS AND PROVIDING FOR A DELEGATED AWARD OF SUCH BONDS; APPROVING THE UNDERWRITER FOR THE LIMITED OFFERING OF THE BONDS; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT WITH RESPECT TO THE BONDS; AUTHORIZING THE USE OF THAT CERTAIN MASTER TRUST INDENTURE DATED AS OF MARCH 1, 2020 WITH RESPECT TO THE BONDS AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A THIRD SUPPLEMENTAL TRUST INDENTURE GOVERNING THE BONDS; APPROVING THE FORM OF AND AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY LIMITED OFFERING MEMORANDUM; APPROVING THE EXECUTION AND DELIVERY OF A FINAL LIMITED OFFERING MEMORANDUM; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE AGREEMENT, AND APPOINTING A DISSEMINATION AGENT; APPROVING THE APPLICATION OF BOND PROCEEDS; AUTHORIZING CERTAIN MODIFICATIONS TO THE ASSESSMENT METHODOLOGY REPORT AND ENGINEER'S REPORT; MAKING CERTAIN DECLARATIONS; PROVIDING FOR THE REGISTRATION OF THE BONDS PURSUANT TO THE DTC BOOK-ENTRY ONLY SYSTEM; AUTHORIZING THE PROPER OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE BONDS; AND PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE"; AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$12,000,000 SPECIAL ASSESSMENT BONDS, SERIES 2021 (ASSESSMENT AREA ONE – 2021 PROJECT AREA) TO FINANCE CERTAIN PUBLIC INFRASTRUCTURE WITHIN A DESIGNATED ASSESSMENT AREA WITHIN THE DISTRICT, AND PROVIDING FOR SEVERABILITY CONFLICTS AND AN EFFECTIVE DATE. in substantial form, was adopted.

Mr. Wrathell noted, for the record, that the not-to-exceed amount of the Delegation Resolution remains unchanged at \$12 million.

Regarding the RFP for Landscape & Irrigation Maintenance Services, Mr. Earlywine stated the new proposal deadline would be May 28, 2021. A motion was needed to ratify extension of the RFP deadline.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, extension of the RFP deadline to May 28, 2021, was ratified.

SEVENTH ORDER OF BUSINESS

Ratification of Change Orders

- A. No. 9: Stark Sullen Grading, Inc. [West Port Pods B & H]**
- B. No. 10: Stark Sullen Grading, Inc. [West Port Pods B & H]**
- C. No. 11: Stark Sullen Grading, Inc. [West Port Pods B & H]**
- D. No. 12: Stark Sullen Grading, Inc. [West Port Pods B & H]**

Mr. Wrathell presented Stark Sullen Grading, Inc., Change Orders No. 9 through No. 12, previously executed by the Chair.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Stark Sullen Grading, Inc., Change Orders No. 9, 10, 11 and 12, were ratified.

EIGHTH ORDER OF BUSINESS

Discussion: Meeting Location Unavailable on June 8 and July 13

Mr. Wrathell issued a reminder that a meeting location must be secured for the June and July meetings, since the venue would be unavailable because of summer camp. Management and the Chair would coordinate to secure a new meeting location.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2021

Mr. Wrathell presented the Unaudited Financial Statements as of February 28, 2021.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Unaudited Financial Statements as of February 28, 2021, were accepted.

TENTH ORDER OF BUSINESS

Consideration of March 9, 2021 Regular Meeting Minutes

Mr. Wrathell presented the March 9, 2021 Regular Meeting Minutes.

On MOTION by Mr. Martin and seconded by Mr. Cotter with all in favor, the March 9, 2021 Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Hopping Green & Sams, P.A.*

Mr. Earlywine anticipated that the Report revisions would be posted the following week and the bonds would be issued during the following month.

B. District Engineer: *Morris Engineering and Consulting, LLC*

There being nothing further to report, the next item followed.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

- **UPCOMING MEETING DATES: April 13 & May 11, 2021 at 12:00 P.M.**
 - **QUORUM CHECK**

The next meeting would be held on May 11, 2021 at 12:00 p.m.

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Cotter pointed out that the venue address on CDD documents should be revised to reflect the street name change from "O'Donnell Boulevard" to "Centennial Boulevard".

Mr. Wrathell would ensure that the change is made on the meeting documents.

Mr. Martin suggested holding the June and July meetings at the "Twisted Fork" restaurant. Mr. Wrathell would ask his office to coordinate with Mr. Martin.

Ms. Smith asked about the proposed Fiscal Year 2022 budget. Mr. Wrathell stated Staff would try to present the draft proposed Fiscal Year 2022 budget at the May meeting but the

deadline to approve it is June 15, 2021. The most challenging part is devising the Field Operations budget for landscaping and maintenance. Mr. Martin confirmed that there is an agreement in place with Evergreen and mentioned budgeting for irrigation for the homes, including a fee in the Operations and Maintenance (O&M) budget. Mr. Earlywine stated the CDD must enter into an irrigation agreement with the County and Staff was in the process of reviewing the document. The idea was that the CDD would receive irrigation from the County for use on CDD lands and the balance would go to the residents, which are required to utilize water for irrigation, per the HOA covenants. Mr. Martin noted that the water level in the irrigation lake was rapidly decreasing. Mr. Earlywine suggested ratifying the final agreement at the next meeting.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Agreement with Charlotte County for reclaimed irrigation water, in substantial form, based on the Agreement that was transmitted to District Counsel for legal review, was approved.

THIRTEENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

FOURTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the meeting adjourned at 12:52 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair