

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

The Board of Supervisors of the West Port Community Development District held a Regular Meeting on June 14, 2022 at 12:00 p.m., at the Comfort Inn and Suites, 813 Kings Highway, Port Charlotte, Florida 33980.

**Present were:**

Christian Cotter	Vice Chair
Jim Manners	Assistant Secretary
Paul Martin	Assistant Secretary
Candice Smith (via telephone)	Assistant Secretary

**Also present were:**

Kristen Suit	District Manager
Jere Earlywine	District Counsel
Matt Morris	District Engineer
Maryann Burchell	Evergreen Lifestyles Management
Steve Sanford (via telephone)	Bond Counsel

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Suit called the meeting to order at 12:07 p.m. Supervisors Martin, Manners and Cotter were present, in person. Supervisors Smith was attending via telephone. Supervisor Harvey was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Ratification of Change Order(s)**

Ms. Suit presented the following Change Order previously executed by the Chair:

- **No. 29: Stark Sullen Grading, Inc. [West Port Pods B, H and A]**

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, Stark Sullen Grading, Inc., Change Order No. 29, for West Port Pods B, H and A, was ratified.**

**FOURTH ORDER OF BUSINESS**

**Ratification of Morris Engineering and Consulting, LLC, Stormwater Management Needs Analysis Preparation Proposal**

Ms. Suit presented the Morris Engineering and Consulting, LLC, proposal to prepare the 20-Year Stormwater Management Needs Analysis Report, which is due by June 30, 2022.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, Morris Engineering and Consulting, LLC, proposal to prepare the 20-Year Stormwater Management Needs Analysis Report, in an estimated fee of \$4,500, was ratified.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-04, Adopting Amended and Restated Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date**

Ms. Suit presented Resolution 2022-04. Mr. Earlywine stated that this updates the CDD's Prompt Payment Policies and Procedures to comply with new legislative requirements.

**On MOTION by Mr. Cotter and seconded by Mr. Martin, with all in favor, Resolution 2022-04, Adopting Amended and Restated Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-05, Approving a Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date**

Ms. Suit presented Resolution 2022-05. She reviewed the proposed Fiscal Year 2023 budget, highlighting any line item differences, compared to the Fiscal Year 2022 budget. Mr. Martin stated the “mulch” line item increased significantly because two border to border mulch installations, are scheduled. Since all three landowners sold platted units, he would verify and provide the current numbers over the next week. The following changes were made:

Page 1, DSF accounting-Series 2023-AA2: Delete line item.

Page 8, Definition of Special Revenue Fund: Change “Area 1” to “Area 3”

Page 9, Revenues-Landowner contribution: Change “Forestar” to “KL JAK WP”

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, Resolution 2022-05, Approving a Proposed Budget for Fiscal Year 2022/2023, as amended, and Setting a Public Hearing Thereon Pursuant to Florida Law for September 13, 2022 at 12:00 p.m., at Centennial Park Recreation Center, 1120 Centennial Boulevard, Port Charlotte, Florida 33953; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-06, Designating a Date, Time and Location for Landowners’ Meeting, Providing for Publication, Providing for an Effective Date**

Ms. Suit presented Resolution 2022-06.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, Resolution 2022-06, Designating a Date, Time and Location of November 1, 2022 at 9:00 a.m., at Centennial Park Recreation Center, 1120 Centennial Boulevard, Port Charlotte, Florida 33953 for a Landowners’ Meeting, Providing for Publication, Providing for an Effective Date, was adopted.**

- **Presentation of 2022 Supplemental Engineer’s Report (Assessment Area Three Project) (Assessment Area Four Project)**

**This item, previously the Ninth Order of Business, was presented out of order.**

Mr. Morris presented the 2022 Supplemental Engineer’s Report. He highlighted the cost estimates for the Assessment Area Three and Assessment Area Four projects. Forestar’s Engineers informed him that they received all the approvals and plats for Assessment Area

Four. He received all the approvals and is working on the last plat for a small portion of the Pod H3, which he expects to finish within the next month.

Mr. Earlywine asked if Forestar expects to finish in the first quarter of next year and issue another bond at that time. Mr. Morris replied affirmatively. Mr. Earlywine stated this bond issue is solely for Kolter Group LLC.

▪ **Presentation of Fourth Supplemental Special Assessment Methodology Report (Assessment Area Three Project)**

**This item, previously the Tenth Order of Business, was presented out of order.**

Ms. Suit presented the Fourth Supplemental Special Assessment Methodology Report for the Assessment Area Three Project.

Mr. Earlywine requested approving the Engineer’s and Methodology Reports, in substantial form, while the Methodology Consultant reassigns an appropriate Equivalent Residential Unit (ERU) rate for the apartment complex. The apartment complex will be responsible for paying a portion of the shared operation and maintenance (O&M) costs.

**On MOTION by Mr. Manners and seconded by Mr. Cotter, with all in favor, the 2022 Supplemental Engineer’s Report for the Assessment Area Three Project and Assessment Area Four Project and the Fourth Supplemental Special Assessment Methodology Report for the Assessment Area Three Project, in substantial form, were approved.**

▪ **Consideration of Resolution 2022-10, Declaring and Confirming Second Revised Master Special Assessments; Designating The Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to be Paid by Assessments, and the Manner and Timing in Which the Assessments are to be Paid; Designating the Lands Upon Which the Assessments Shall Be Levied; Providing for An Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date**

**This item was an addition to the agenda.**

Mr. Earlywine presented Resolution 2022-10 and read the title. This Resolution was emailed to the Board last night and is like prior resolutions, with the exception of establishing a

new ERU factor for the new apartment product type. Mr. Earlywine and Mr. Sanford will discuss if the pending ERU changes effects the ability to issue bonds before August 9, 2022.

**On MOTION by Mr. Manners and seconded by Mr. Cotter, with all in favor, 2022-10, Declaring and Confirming Second Revised Master Special Assessments; Designating The Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to be Paid by Assessments, and the Manner and Timing in Which the Assessments are to be Paid; Designating the Lands Upon Which the Assessments Shall Be Levied; Providing for An Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings on August 9, at 12:00 p.m., at Comfort Inn and Suites, 813 Kings Highway, Port Charlotte, Florida 33980; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-07, Authorizing the Issuance of Not Exceeding \$3,500,000 West Port Community Development District, Special Assessment Bonds, Series 2022 (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 Fourth 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**

Mr. Sanford presented Resolution 2022-07. The Bond Delegation Resolution accomplishes the following:

- Sets forth certain parameters and authorizes the Chair or Vice Chair to execute the Bond Purchase Agreement without the need to schedule a special meeting.
- Authorizes a Special Assessment Bonds not-to-exceed \$3.5 million to finance a portion of the Assessment Area Three Project outlined in the Engineer’s Report.
- Sets forth that the maximum term of the bonds cannot exceed 30 years.
- Sets forth that the interest rate, currently 6.13%, cannot exceed the maximum rate under the Florida Statutes.
- Sets forth the Underwriter’s compensation.
- Allows amending the Engineer’s or Methodology Reports in connection with the sale of the bonds without the need to schedule a special meeting.
- Authorizes the Chair or Vice Chair to execute certain documents pursuant to the parameters in the Resolution.
- Sets forth that a Supplemental Trust Indenture for the Series 2022-AA4 will be issued.

**On MOTION by Mr. Cotter and seconded by Mr. Martin, with all in favor, Resolution 2022-07, Authorizing the Issuance of Not Exceeding \$3,500,000 West Port Community Development District, Special Assessment Bonds, Series 2022 (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 Fourth 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, was presented, was adopted.**

**NINTH ORDER OF BUSINESS**

**Presentation of 2022 Supplemental Engineer’s Report (Assessment Area Three Project) (Assessment Area Four Project)**

This item was presented following the Seventh Order of Business.

**TENTH ORDER OF BUSINESS**

**Presentation of Fourth Supplemental Special Assessment Methodology Report (Assessment Area Three Project)**

This item was presented following the Seventh Order of Business.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-08, Setting Forth the Specific Terms of the District’s \$3,500,000 Special Assessment Bonds, Series 2022 (Assessment Area Three Project); Making Certain Additional Findings and Confirming and/or Adopting an Engineer’s Report and a Supplemental Assessment Report; Confirming the Maximum Assessment Lien Securing the Bonds; Addressing the Allocation and Collection of the Assessments Securing the Bonds; Addressing Prepayments; Addressing True-Up Payments; Providing for the Supplementation of the Improvement Lien Book; and Providing for Conflicts, Severability and an Effective Date**

Mr. Earlywine presented Resolution 2022-08. This Delegated Resolution levels out the Special Assessments to match the final pricing on the bonds and authorizes Staff to switch the Reports. If they determine there is an impact on the assessment public hearing, it will be presented to the Board again, at the next meeting. The Assessment Area Three Project is for the last Kolter Phase. The map will be updated to highlight the bond issue areas.

Ms. Suit was advised that the September 13, 2022 Public Hearing date is sufficient to meet the County’s Truth in Millage (TRIM) Notice deadline of September 15, 2022.

**On MOTION by Mr. Manners and seconded by Mr. Cotter, with all in favor, Resolution 2022-08, Setting Forth the Specific Terms of the District’s \$3,500,000 Special Assessment Bonds, Series 2022 (Assessment Area Three Project); Making Certain Additional Findings and Confirming and/or Adopting an Engineer’s Report and a Supplemental Assessment Report; Confirming the Maximum Assessment Lien Securing the Bonds; Addressing the Allocation and Collection of the Assessments Securing the Bonds; Addressing Prepayments; Addressing True-Up Payments; Providing for the Supplementation of the Improvement Lien Book; and Providing for Conflicts, Severability and an Effective Date, was adopted.**

**TWELFTH ORDER OF BUSINESS**

**Consideration of Bond Related Agreements and Documents**

- A. Acquisition Agreement**
- B. Completion Agreement**
- C. True-up Agreement**
- D. Collateral Assignment Agreement**
- E. Declaration of Consent**
- F. Notice of Special Assessments (Assessment Area Three – 2022 Project)**
- G. Disclosure of Public Finance**

Mr. Earlywine recommended approval of these items, in substantial form.

**On MOTION by Mr. Cotter and seconded by Mr. Manners, with all in favor, the Acquisition Agreement, Completion Agreement, True-up Agreement, Collateral Assignment Agreement, Declaration of Consent, Notice of Special Assessments for the Assessment Area Three 2022 Project and the Disclosure of Public Finance, all in substantial form, were approved.**

**WEST PORT CDD  
THIRTEENTH ORDER OF BUSINESS**

**JUNE 14, 2022**

**Consideration of Resolution 2022-09, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date**

Ms. Suit presented Resolution 2022-09.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, Resolution 2022-09, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date, was adopted.**

**FOURTEENTH ORDER OF BUSINESS**

**Ratification of Vision Landscapes Estimates**

Ms. Suit presented the following:

- A. #5508 for Cutbacks of All Frost-Damaged Plants, Removal and Disposal of Debris [\$7,900.00]**
- B. #5531 to Remove and Replace Frost-Damaged Plants and Top Dress Mulch at Affected Plants [\$53,735.00]**

A Board Member recalled that the terms of the existing landscape contract included a base amount and additional costs, per 1,000 square feet, to cover additional work to clean things up. He asked if these were change orders and stated that his redline edits, which included changing the number of annual applications to four, were not incorporated into the Agreement. Another Board Member stated these were not change orders; rather, they were for certain projects. He would find out if the contract was executed.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, Vision Landscapes Estimates #5508 for Cutbacks of All Frost-Damaged Plants, Removal and Disposal of Debris, in the amount of \$7,900, and #5531 to Remove and Replace Frost-Damaged Plants and Top Dress Mulch at Affected Plants, in the amount of \$53,735, were ratified.**

**FIFTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of April 30, 2022**

Ms. Suit presented the Unaudited Financial Statements as of April 30, 2022.

**On MOTION by Mr. Cotter and seconded by Mr. Manners, with all in favor, the Unaudited Financial Statements as of April 30, 2022, were accepted.**

**SIXTEENTH ORDER OF BUSINESS**

**Approval of January 11, 2022 Regular Meeting Minutes**

Ms. Suit presented the January 11, 2022 Regular Meeting Minutes.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the January 11, 2022 Regular Meeting Minutes, as presented, were approved.**

▪ **Resolution 2022-10: Reconsider to Update Public Hearing Location**

Ms. Suit presented Resolution 2022-10, which was earlier in the meeting, in order to change the location of the Public Hearing to Centennial Park Recreation Center.

**On MOTION by Mr. Manners and seconded by Mr. Cotter, with all in favor, 2022-10, as amended, Declaring and Confirming Second Revised Master Special Assessments; Designating The Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to be Paid by Assessments, and the Manner and Timing in Which the Assessments are to be Paid; Designating the Lands Upon Which the Assessments Shall Be Levied; Providing for An Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings on August 9, at 12:00 p.m., at Centennial Park Recreation Center, 1120 Centennial Boulevard, Port Charlotte, Florida 33953; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date, was adopted.**

**SEVENTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: *K.E. Law Group, PLLC***

Mr. Earlywine stated that, once it is determined that the apartment ERU issue does not affect the current bond issuance for Area Three, he expects to close on the price of the bonds within the next couple of weeks but, if it does, it will be presented to the Board again.

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

Ms. Suit asked about the status of filing the 20-Year Stormwater Management Needs Analysis Report. Mr. Morris expected to submit it later in the week; it will be emailed to Management to include on the August agenda.

▪ **Evergreen Lifestyles Management, LLC - Field Operations Report**

**This item was an addition to the agenda.**

This item should be added as part of Staff Reports, going forward.

There was no report.

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

**I. 60 Registered Voters in District as of April 15, 2022**

**II. NEXT MEETING DATE: July 12, 2022 at 12:00 P.M.**

• **QUORUM CHECK**

The July meeting was cancelled. The next meeting would be on August 9, at 12:00 p.m., at the Centennial Park Recreation Center.

**EIGHTEENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

Mr. Martin stated he would provide Ms. Suit with the correct breakdown of KL West Port and KL JAK WP in order to make the appropriate changes to certain documents.

**NINETEENTH ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

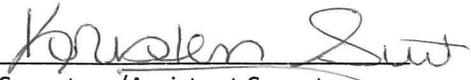
**TWENTIETH ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Cotter and seconded by Mr. Manners with all in favor, the meeting adjourned at 1:00 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair