

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

The Board of Supervisors of the West Port Community Development District held a Regular Meeting on November 15, 2022 at 12:30 p.m., at the Centennial Park Recreation Center, 1120 Centennial Boulevard, Port Charlotte, Florida 33953.

Present were:

Candice Smith	Chair
Paul Martin	Vice Chair
Jim Manners	Assistant Secretary

Also present were:

Kristen Suit	District Manager
Jere Earlywine (via telephone)	District Counsel
Matt Morris (via telephone)	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Suit called the meeting to order at 12:37 p.m. Supervisors Martin, Manners and Smith were present, in person. Supervisors Harvey and Cotter were not present.

Ms. Suit stated, at the recent Landowners' Election, Mr. Martin, Ms. Smith and Mr. Cotter were re-elected to the Board.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Elected Board of Supervisors *(the following will be provided in a separate package)*

Ms. Suit, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Paul Martin and Ms. Candice Smith. The following items were provided:

- 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

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2023-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date

Ms. Suit presented Resolution 2023-01 and recapped the results of the Landowners’ Election, as follows:

Seat 3	Paul Martin	286 votes	4-year Term
Seat 4	Candice Smith	286 votes	4-year Term
Seat 5	Christian Cotter	284 votes	2-year Term

On MOTION by Mr. Manners and seconded by Mr. Martin, with all in favor, Resolution 2023-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District, and Providing for an Effective Date

Ms. Suit presented Resolution 2023-02.

Ms. Smith noted that Mr. Harvey advised that he would like to resign from the Board.

Discussion ensued regarding the feasibility of accepting a resignation and appointing a replacement today, deferring acceptance of the resignation and appointment to the next meeting, today’s quorum, term expiration date and seat numbers.

Mr. Earlywine stated he was comfortable knowing that Mr. Harvey will be resigning and requested motions to remove Mr. Harvey and appoint Mr. Greg Meath.

- **Acceptance of Resignation of Mr. Jim Harvey; Seat 1, Term Expires November 2024**
This item was an addition to the agenda.

On MOTION by Mr. Manners and seconded by Mr. Martin, with all in favor, the resignation of Mr. Jim Harvey from Seat 1, was accepted.

- **Consideration of Appointment to Fill Unexpired Term of Seat 1**
This item was an addition to the agenda.

Mr. Martin nominated Mr. Greg Meath to fill Seat 1. No other nominations were made.

On MOTION by Mr. Manners and seconded by Mr. Martin, with all in favor, appointment of Mr. Greg Meath to Seat 1, was approved.

Ms. Smith nominated the following slate of officers:

Chair	Candice Smith
Vice Chair	Paul Martin
Secretary	Craig Wrathell
Assistant Secretary	Jim Manners
Assistant Secretary	Greg Meath
Assistant Secretary	Christian Cotter
Assistant Secretary	Kristen Suit

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Manners and seconded by Ms. Smith, with all in favor, Resolution 2023-02, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the District, as nominated, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Synovus Term Sheet for Non-Revolving Taxable Line of Credit

Ms. Suit presented the Synovus Term Sheet for Non-Revolving Taxable Line of Credit.

A. District Engineer’s Cost Estimate for Emergency Cleanup Project

On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Synovus Term Sheet for a Non-Revolving Taxable Line of Credit, was approved.

B. Consideration of Resolution 2023-03, Authorizing the District to Issue its Not-To-Exceed \$500,000 Taxable Non-Revolving Line of Credit Note, Series 2022, for Expenditures Necessitated by an Emergency; Providing that Such Note Shall be Payable From FEMA Proceeds, State Proceeds, County Proceeds and Operation and Maintenance Special Assessments Upon Benefitted Properties in the District, as Provided Herein; Awarding the Note to Synovus Bank by Negotiated Sale; Authorizing the District to Enter Into a Line of Credit Agreement with Synovus Bank; Providing for the Rights, Security and Remedies for the Owner of Such Note; Providing for the Creation of Certain Funds; Making Certain Covenants and Agreements in Connection Therewith; and Providing for Conflicts, Severability and an Effective Date

Ms. Suit presented Resolution 2023-03 and read the title.

In response to a question regarding using reimbursement funds from the Federal Emergency Management Agency (FEMA) to pay down the note and not exceeding the \$500,000 line of credit, Mr. Earlywine stated, if the FEMA funds come in quickly and pay off the note, the CDD would still have the \$500,000 line; it is likely a timing issue. Ms. Suit stated the \$500,000 is non-revolving. Mr. Earlywine contacted the Synovus attorney for confirmation.

Mr. Miller, of Synovus Bank, stated that the loan is non-revolving and, if partially paid down, it cannot be withdrawn. Asked if the FEMA funds must be used to pay the note down first, instead of additional expenses, Mr. Miller stated, if the CDD drew down something that was reimbursed by FEMA, it must use the FEMA reimbursement to repay the note. Mr. Earlywine asked if more debt can be added if the CDD has an emergency expenditure, Mr. Miller replied affirmatively.

Discussion ensued regarding FEMA reimbursement funds, the \$500,000 line of credit, Hurricane Ian expenses and possibly acquiring another loan with Synovus.

On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, Resolution 2023-03, Authorizing the District to Issue its Not-To-Exceed \$500,000 Taxable Non-Revolving Line of Credit Note, Series 2022, for Expenditures Necessitated by an Emergency; Providing that Such Note Shall be Payable From FEMA Proceeds, State Proceeds, County Proceeds and Operation and Maintenance Special Assessments Upon Benefitted Properties in the District, as Provided Herein; Awarding the Note to Synovus Bank by Negotiated Sale; Authorizing the District to Enter Into a Line of Credit Agreement with Synovus Bank; Providing for the Rights, Security and Remedies for the Owner of Such Note; Providing for the Creation of Certain Funds; Making Certain Covenants and Agreements in Connection Therewith; and Providing for Conflicts, Severability and an Effective Date, was adopted.

C. Consideration of Line of Credit Agreement

Ms. Suit presented the line of credit Agreement between the CDD and Synovus Bank and asked if it is okay that Mr. Harvey previously executed the closing documents but he is no longer on the Board, as of earlier in the meeting. Mr. Earlywine stated it is fine because Mr. Harvey was authorized to sign when he signed the documents. He recommended a motion ratifying Mr. Harvey's prior action executing the documents in advance of closing.

On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Line of Credit Agreement between the Westport CDD and Synovus Bank, was approved.

On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, Mr. Harvey's execution of the loan documents before the closing, was ratified.

SEVENTH ORDER OF BUSINESS

Ratification of Rostan Solutions, LLC Items

Ms. Suit presented the following:

A. Agreement for Professional Services [Task Order Contract]

On MOTION by Mr. Manners and seconded by Ms. Smith, with all in favor, the Agreement for Professional Services related to the Task Order Contract, was ratified.

B. Professional Services Task Order Number 01 [Exigent Grants Management Services]

On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, Professional Services Task Order Number 01 related to Exigent Grants Management Services, in a not-to-exceed amount of \$25,000, without prior authorization, was ratified.

C. Professional Services Task Order Number 02 [Exigent Debris Monitoring Services]

On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, Professional Services Task Order Number 02 related to Exigent Debris Monitoring Services, in a not-to-exceed amount of \$25,000, without prior authorization, was ratified.

EIGHTH ORDER OF BUSINESS

Ratification of Hurricane Ian Clean-Up Items

Ms. Suit presented the following:

A. Gate Pros, Proposal for Hurricane Fence Repair [\$18,950.00]

B. O'Donnell Landscapes, Inc., Invoice No. H1034-22 for Hurricane Ian Restoration [\$58,022.50]

- C. O'Donnell Landscapes, Inc., Invoice No. H1053-22 for Hurricane Ian Restoration [\$4,112.50]
- D. Onsight Industries, LLC, Proposal 326993 for Storm Damage - Street Signs [\$109,618.25]
- E. Onsight Industries, LLC, Proposal 327504 Storm Damage Review/Repairs Street Signs [\$285.00]
- F. Onsight Industries, LLC, Proposal 327785 Storm Damage Replacements [\$12,471.05]
- G. Onsight Industries, LLC, Proposal 328407 Storm Damage Builder Signage Straightenings [\$3,200.00]
- H. Rep Services, Inc., Proposal No. 18244.05 Replacement Shade [\$59,864.00]
- I. Vision Landscape, Invoice #27764 Hurricane Ian Clean-Up and Disposal Fees Due to Wind Damage [\$7,264.58]
- J. Stark Sullen Grading, Inc., Invoice 11832 Hurricane Ian Clean-Up [\$130,326.30]

On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Hurricane Ian Clean-Up Proposals and Invoices in Items 8A through 8J, were ratified.

NINTH ORDER OF BUSINESS

Ratification of Evergreen Lifestyles Management, LLC, Restated Facilities Management Agreement

Ms. Suit presented the Evergreen Lifestyle Management, LLC, Restated Facilities Management Agreement, allowing for the following budgeted amounts:

- \$40,000 from the General Fund
- \$15,000 from the Special Revenue Fund.

Ms. Suit stated the Agreement effective date is November 8, 2022 and noted that Evergreen must start coding the on-site invoices correctly and step up their operations to make sure the job is carried out properly; otherwise, the Board can opt to terminate the Agreement.

On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Evergreen Lifestyles Management, LLC, Restated Facilities Management Agreement, was ratified.

TENTH ORDER OF BUSINESS

Consideration of Fiscal Year 2023 Deficit Funding Agreement

Ms. Suit presented the Fiscal Year 2023 Deficit Funding Agreement.

Discussion ensued regarding the cost-share breakout, the Developers, weighted average split forecasts and the parcel descriptions.

Mr. Earlywine will update the Agreement.

On MOTION by Ms. Smith and seconded by Mr. Manners, with all in favor, the Fiscal Year 2023 Deficit Funding Agreement, in substantial form and authorizing District Counsel to revise the townhome descriptions, was approved.

ELEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2022

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

On MOTION by Mr. Martin and seconded by Ms. Smith, with all in favor, the Unaudited Financial Statements as of September 30, 2022, were accepted.

TWELFTH ORDER OF BUSINESS

Approval of September 13, 2022 Public Hearings and Regular Meeting Minutes

Ms. Suit presented the September 13, 2022 Public Hearings and Regular Meeting Minutes.

On MOTION by Mr. Manners and seconded by Ms. Smith, with all in favor, the September 13, 2022 Public Hearings and Regular Meeting Minutes, as presented, were approved.

Regarding the Fiscal Year 2023 Deficit Funding Agreement, Mr. Martin stated the weighted average breakdowns schedule he submitted should be 42% KL West Port LLC, 50% Forestar and 8% KL JAK WP LLC. Ms. Suit stated the percentages correspond with the budget.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

Mr. Earlywine stated the loan closing is on November 17, 2022.

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

There was no report.

C. Field Operations: *Evergreen Lifestyles Management, LLC*

There was no report.

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

- **NEXT MEETING DATE: December 13, 2022 at 12:30 P.M.**

- **QUORUM CHECK**

The December West Port CDD and Harbor Village CDD meetings were cancelled. The next meeting will be in January 2023.

FOURTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

FIFTEENTH ORDER OF BUSINESS

Public Comments

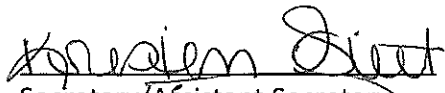
There were no public comments.

SIXTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Martin and seconded by Mr. Manners with all in favor, the meeting adjourned at 1:35 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair