

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

The Board of Supervisors of the West Port Community Development District held Public Hearings and a Regular Meeting on August 13, 2024 at 12:30 p.m., at the Punta Gorda Charlotte Library, 401 Shreve St., Punta Gorda, Florida 33950.

**Present were:**

|                  |                     |
|------------------|---------------------|
| Paul Martin      | Chair               |
| Bill Fife        | Vice Chair          |
| Jim Manners      | Assistant Secretary |
| Christian Cotter | Assistant Secretary |

**Also present:**

|                                |  |
|--------------------------------|--|
| Kristen Suit                   | District Manager                         |
| Clif Fischer                   | Wrathell, Hunt and Associates, LLC (WHA) |
| Jere Earlywine (via telephone) | District Counsel                         |
| Jillian Nehus                  | Breeze Connected Facilities Management   |

**Residents present:**

|              |             |               |                     |                     |
|--------------|-------------|---------------|---------------------|---------------------|
| Kathy Bagley | Tom Donna   | Celia Stabley | John D. Moore       | Peggy Boutelle      |
| John Stabley | Carol Donna | Ben Martinez  | Arlene Monroe       | Phyllis Stebbing    |
| Steve Brand  | Lisa Butler | Jose Martinez | Cindy Martinez      | Roger Roccowski     |
| Chip Monroe  | Jim Bugos   | Krysta Reuter | Vincent Powers      | Karen Anina Hancock |
| Pam Merritt  | Joe Merritt | Rose Palumbo  | Victor Palumbo      | Ron Persechino      |
| Deb Haning   | Jack Head   | David Pacheco | Vickie Datzman      | Monica Bermudez     |
| Tom Haning   | Nancy Head  | Thomas Willis | Autumn Szlamczynski |                     |

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Suit called the meeting to order at 12:31 p.m.

Supervisors Martin, Cotter, Manners and Fife were present. One seat was vacant. Ms. Suit noted that the Oath of Office was administered to Mr. Fife prior to the meeting.

**SECOND ORDER OF BUSINESS**

**Public Comments**

A property owner stated that he received a mailed notice yesterday; the letter was postmarked July 23, 2024 and dated August 8, 2024. Ms. Suit stated that mailed notices are required to be mailed 20 days prior to the meeting and voiced her opinion that it might be a post office issue. Mr. Earlywine asked Ms. Suit to send him a picture of the letter and stated that, while he is sure the letters were sent on time, Staff will look into it.

Ms. Suit described the three opportunities for public comments during today's meeting.

Asked to what State agency the Board reports, Ms. Suit stated the CDD is subject to Florida Statutes, including Chapters 190, 197 and 170.

Mr. Earlywine stated that a Community Development District (CDD) is basically like a more capable version of a Homeowners Association (HOA). In the early years, CDDs are typically initially set up by the City or the County and run by the Developer. The CDD will eventually transition to resident control. West Port CDD's first resident Board Members will be elected to the Board in 2026. CDDs can receive Federal Emergency Management Agency (FEMA) funding, issue tax-exempt bonds, take out loans and benefit from sovereign immunity protection, which makes it a more capable entity to take care of residents' property. CDDs have reporting and transparency requirements that HOAs do not have; for example, a public audit is submitted to the State annually, the CDD's annual budget is provided to the County, a public website is required and recordable disclosures are required. Residents will join the Board when the Developer exits the property. Mr. Earlywine stated that questions and concerns are welcome to be heard and will be addressed, when possible.

Asked who oversees the CDD and to whom citizens can address complaints about the CDD in the County or State government, Mr. Earlywine stated the first step is expressing concerns to the CDD Board. The CDD operates similarly to an HOA, in that the Board Members address matters such as the budget. He noted that a public notice was sent to inform property owners about today's meeting.

Asked who should be contacted with a complaint, Mr. Earlywine stated that it depends on the specific concern. If a resident is not happy with assessments, they could sue the CDD or the HOA. There is not a State agency that oversees HOA or CDD budgets; it is a community

organization designed to take care of the community. The purpose of the public hearing is to allow property owners to give feedback.

The Board and Staff responded to questions regarding CDD processes, issues and oversight.

Mr. Earlywine stated that the CDD does not have an overseer any more than an HOA does.

In response to a question about an HOA in Miami whose Board Members went to jail, Ms. Suit stated that everything the CDD does is a matter of public record. Public hearings are held to adopt the annual budget and residents/property owners have an opportunity to provide input regarding the budget, establishing rules, grievances, etc. District Management is willing and required to provide information requested as a matter of public record.

Mr. Earlywine believes that, in the case of the HOA mentioned, those HOA Board Members were charged with fraud; in that case, he thinks the Assistant State Attorney filed charges. He stated that, in such a case, the CDD could be reported to the Assistant State Attorney. He stated that CDDs are subject to the same rules and laws that apply to everybody else. There are civil lawsuits and criminal lawsuits; the CDD has more reporting requirements, but there is not an oversight agency for the CDD.

The meeting recessed briefly and reconvened.

There were no further public comments.

**THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to William “Bill” Fife (Seat 1); (the following will be provided in a separate package)**

Ms. Suit reiterated that the Oath of Office was previously administered to Mr. Fife.

**A. Required Ethics Training and Disclosure Filing**

- **Sample Form 1 2023/Instructions**

**B. Membership, Obligations and Responsibilities**

**C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**

**D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers**

**FOURTH ORDER OF BUSINESS**

**Consider Appointment to Fill Unexpired Term of Seat 4; Term Expires November 2026**

- **Administration of Oath of Office**

This item was deferred.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-19, Electing and Removing Officers of the District and Providing for an Effective Date**

This item was deferred.

**SIXTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2024/2025 Budget**

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

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2024-15, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Suit presented Resolution 2024-15. She reviewed the proposed Fiscal Year 2025 budget, highlighting any increases, decreases and adjustments, compared to the Fiscal Year 2024 budget, and explained the reasons for any changes.

Mr. Martin discussed the PPS Station Injection Installation and additional remediations needed to pump chlorine-type chemicals into the pump stations to treat water and prevent water quality issues common when reclaim water is in use.

Mr. Martin discussed the difference between HOA and CDD responsibilities. The CDD is responsible for stormwater management, lake maintenance and lake bank maintenance. The CDD's General Fund budget includes the Operation and Maintenance (O&M) assessment for common area expenditures for all the CDD, including the apartments and The Cove, streetlights and maintenance on Centennial Boulevard. The CDD's Special Revenue Fund includes things that are specific to neighborhoods. Certain neighborhoods, like The Cove, which was developed by Forestar, elected to include many of those individual charges on their HOA fees rather than utilize the CDD. In West Port and the Palms Islands and Hammocks communities, the Special Revenue fund also maintains irrigation systems, pumps and the mainline, compared to the HOA, which manages lawn maintenance, where that is offered. Some areas in the Palms and Hammocks do not include lawn maintenance in the HOA fees. The term "Special Revenue" can be confusing but it is not a "special" assessment; rather, it is related to an expenditure that applies only to certain areas within the CDD.

Mr. Martin stated the Debt Service Fund includes the principal and interest payments for bond repayments. Ms. Suit stated that Debt Service Funds depend on the date of bond issuance. Mr. Martin stated that is why the Palms, Isles, Hammocks and Landings, which have Special Revenue Funds, have a total assessment increase of \$171.39. The Coves, which does not have a Special Revenue Fund, increased \$156.20.

A resident stated that he spoke with Mr. Martin earlier and received clarification that the figures mentioned the amount of the assessment increase compared to the previous year, not an additional assessment.

Asked what the Special Revenue Fund includes in the townhomes, Mr. Martin stated that he believes the main expenditures are for streetlights, entry features, and irrigation water and roadways. Ms. Suit stated the line of credit is also included.

Asked how many additional residences on which the CDD can draw will be added this year, Mr. Martin stated he is unsure about the number; however, when bonds are issued,

assessments are applied equally to all units whether they are sold or not. The Developer pays assessments on unsold lots. Mr. Earlywine stated, if the question is whether the CDD is at buildout and if any adjustments are expected, he believes the answer is no. Mr. Martin stated the unit count is capped and accounted for and it will not increase.

Mr. Earlywine stated that he and Ms. Suit developed a chart showing which entities are responsible for which services, which can serve as a resource to property owners and residents.

Mr. Martin stated that there are six assessment areas; he can help property owners and residents determine which area they are in. Ms. Suit stated that the actual assessment amounts are less than the amount listed on the Mailed Notices, which reflected the maximum that the assessment could be for Fiscal Year 2025.

Discussion ensued regarding the role of the Trustee in management of bond funds.

Mr. Earlywine stated that, generally, Kolter utilizes Regions Bank or U.S. Bank as Trustee.

Asked how many homesites are included in the CDD, Mr. Martin estimated that the total amount is over 2,000 units, including apartments.

Discussion ensued regarding an assessment for property owners related to in-line filters for the irrigation valve. It was noted that the filters in The Cove were not part of the CDD; rather, they are part of the HOA.

Mr. Martin discussed ongoing efforts to obtain Federal Emergency Management Agency (FEMA) funding for hurricane cleanup during the past two years. Ms. Suit stated that approximately \$73,000 was obtained so far; the terms of the line of credit state that any monies received from FEMA are to be used to reduce the amount of the loan. Mr. Martin estimated that \$600,000 was spent for hurricane cleanup.

Asked if the CDD pays maintenance for Centennial Boulevard, Mr. Martin stated the CDD pays maintenance for landscaping and streetlights; the road is owned by the County. The CDD's Maintenance Agreement with the County applies to South Port Harbor to The Palms entrance, Centennial Boulevard and North Port Harbor all the way to US-41. Those are County roads; the CDD is still working with the County to properly show that the County owns them and the CDD has the right, in perpetuity, to maintain the landscaping and streetlights on the Boulevards and Roads.

Asked if the County generally maintains streetlights, Mr. Martin stated it varies; if it was part of the Land Development Agreement with the County when the land was purchased, the CDD will maintain the streetlights.

Ms. Suit stated that the loan is with Synovus Bank.

In response to a resident comment that the lighting at night, entering The Hammocks, is inadequate, Mr. Martin stated that, on the Development side, he is working with Jillian and Dan to replace all the monument sign lighting with bigger, brighter lights. The transformers have been installed; work is underway to choose the correct lights for the entry monument signs. Neighborhood streets are lighted by solar streetlights. Lighting should be raised above shrubs, for neighborhood monument signs and entrances and on 776 and 41.

In response to a resident comment about landscaping, it was noted that the CDD landscaping is only in common areas, not individual lots and HOA areas.

In response to a resident comment, Mr. Martin stated that last year's assessment increase was mainly related to the line of credit for hurricane cleanup.

Several residents voiced their opinions that the Developer should have implemented the water quality treatment measures from the beginning. Mr. Martin and Ms. Suit noted the very small number of CDDs in which this particular issue has arisen. Mr. Martin noted that, if the system were installed from the beginning, it would still be included in the budget.

Discussion ensued regarding changes to individual line items in the previous year, the existing landscaping contract, contractual cost increases and additional scope of work.

Mr. Earlywine stated that, according to Florida Statute, the CDD is required to go through the public bidding process for contracts over \$195,000 and noted that the public bidding process might be required in the future.

It was noted that the current landscaping contract is a one-year contract; the scope of work increased recently, at the prices specified in the original contract.

In response to a question about the entrance sign, Mr. Martin stated that storm damage will be repaired; Board Members have no input regarding the sign's design.

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

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, Resolution 2024-15, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2023/2024, Pursuant to Florida Law**

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

No affected property owners or members of the public spoke.

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

**A. Proof/Affidavit of Publication**

**B. Mailed Notice(s) to Property Owners**

These items were included for informational purposes.

**C. Consideration of Resolution 2024-16, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2024/2025; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Ms. Suit presented Resolution 2024-16, which allows the CDD to utilize the services of Property Appraiser and Tax Collector.



**On MOTION by Mr. Cotter and seconded by Mr. Martin, with all in favor, Resolution 2024-16, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2024/2025; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-17, Ratifying, Confirming, and Approving the Sale of the West Port Community Development District Special Assessment Bonds, Series 2024 (Assessment Area Four); Ratifying, Confirming, and Approving the Actions of the Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretaries, and All District Staff Regarding the Sale and Closing of the Bonds; Determining Such Actions as Being in Accordance with the Authorization Granted by the Board; Providing a Severability Clause; and Providing an Effective Date**

Ms. Suit presented Resolution 2024-17 and read the title.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, Resolution 2024-17, Ratifying, Confirming, and Approving the Sale of the West Port Community Development District Special Assessment Bonds, Series 2024 (Assessment Area Four); Ratifying, Confirming, and Approving the Actions of the Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretaries, and All District Staff Regarding the Sale and Closing of the Bonds; Determining Such Actions as Being in Accordance with the Authorization Granted by the Board; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**NINTH ORDER OF BUSINESS**

**Discussion/Consideration of Interlocal Agreement**

Mr. Earlywine stated this item will be tabled to the next meeting.

**TENTH ORDER OF BUSINESS**

**Consideration of Signage Policy (under separate cover)**

Mr. Earlywine stated that requests for signs were received; if signs are allowed, parameters can be set but policies must be applied equally. The fundamental question is whether the CDD would like to allow political signage.

Discussion ensued regarding the draft provided by District Counsel.

The consensus was that no signs will be permitted; District Counsel will prepare an Agreement, accordingly.

**On MOTION by Mr. Cotter and seconded by Mr. Manners, with all in favor, the Signage Policy, in substantial form, was approved.**

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Vision Landscape Services of Florida, Inc. First Amendment to Amended and Restated Landscape & Irrigation Services Agreement**

Ms. Suit presented the Vision Landscape Services of Florida, Inc. First Amendment to Amended and Restated Landscape & Irrigation Services Agreement.

**On MOTION by Mr. Martin and seconded by Mr. Manners, with all in favor, the Vision Landscape Services of Florida, Inc. First Amendment to Amended and Restated Landscape & Irrigation Services Agreement, was approved.**

**TWELFTH ORDER OF BUSINESS**

**Consideration of Goals and Objectives Reporting [HB7013 - Special Districts Performance Measures and Standards Reporting]**

Ms. Suit presented the Memorandum explaining the new requirement for special districts to develop goals and objectives annually and develop performance measures and standards to assess the achievement of the goals and objectives. Community Communication and Engagement, Infrastructure and Facilities Maintenance, and Financial Transparency and

Accountability will be the key categories to focus on for Fiscal Year 2025. She presented the Performance Measures/Standards & Annual Reporting Form developed for the CDD, which explains how the CDD will meet the goals.

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Goals and Objectives and the Performance Measures/Standards & Annual Reporting Form, were approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Ratification Items**

Ms. Suit presented the following:

- A. Acquisition of Cove at West Port Phase IV Improvements**
- B. Rostan Solutions, LLC Items**
  - I. Amendment to Professional Services Agreement [Amendment 1]**
  - II. Professional Services Task Order [Task Order Number: 01, Amendment 01]**
  - III. Invoice #INV-8277 [Professional Services \$2,857.50]**
  - IV. Invoice #INV 8363 [Professional Servies \$1,991.25]**
- C. Dream Surface Designs Estimate for Paint Work [Quotation No. #A00021]**
- D. Quit Claim Bill of Sale [Cove at West Port Community Association, Inc.]**
- E. Quit Claim Drainage Easement [Forestar (USA) Real Estate Group Inc. and Cove at West Port Community Association, Inc.]**
- F. Jr. Davis Construction Company, Inc. Change Order #13 [Pod B]**

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Acquisition of Cove at West Port Phase IV Improvements; Rostan Solutions, LLC Amendment to Professional Services Agreement [Amendment 1]; Rostan Solutions, LLC Professional Services Task Order [Task Order Number: 01, Amendment 01]; Rostan Solutions, LLC Invoice #INV-8277 [Professional Services \$2,857.50]; Rostan Solutions, LLC Invoice #INV 8363 [Professional Servies \$1,991.25]; Dream Surface Designs Estimate for Paint Work [Quotation No. #A00021]; Quit Claim Bill of Sale [Cove at West Port Community Association, Inc.]; Drainage Easement [Forestar (USA) Real Estate Group Inc. and the Cove at West Port Community Association, Inc.]; and Jr. Davis Construction Company, Inc. Change Order #13 [Pod B], were ratified.**

**FOURTEENTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2023, Prepared by Berger, Toombs, Elam, Gaines & Frank (to potentially be provided under separate cover)**

Ms. Suit stated that the Auditor is late in providing the Audited Financial Report for Fiscal Year Ended September 30, 2023. This item was deferred.

**FIFTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-18, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2023**

This item was deferred.

**SIXTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of June 30, 2024**

**On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Unaudited Financial Statements as of June 30, 2024, were accepted.**

**SEVENTEENTH ORDER OF BUSINESS**

**Approval of May 14, 2024 Regular Meeting Minutes**

**On MOTION by Mr. Cotter and seconded by Mr. Manners, with all in favor, the May 14, 2024 Regular Meeting Minutes, as presented, were approved.**

**EIGHTEENTH ORDER OF BUSINESS**

**Staff Reports**

- A. District Counsel: Kutak Rock LLP**
- B. District Engineer: Morris Engineering and Consulting, LLC**  
There were no District Counsel or District Engineer reports.
- C. Field Operations: Breeze Home**

Ms. Nehus reported the following:

- Repainting and resurfacing the West Port signs will begin next week.
- Dead palm trees were removed and replaced and irrigation repairs were made.
- Palm Electric will be on site to inspect the sign. Monument signs will be upgraded.

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

- **NEXT MEETING DATE: September 10, 2024 at 12:30 PM**
  - **QUORUM CHECK**

The next meeting will be on September 10, 2024, unless canceled. It was noted that, while meetings are advertised in newspapers, the meeting schedule and agendas are posted on the CDD website at [www.westportcdd.net](http://www.westportcdd.net). Ms. Suit recommended checking the website, as meetings can be canceled on short notice.

**NINETEENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

**TWENTIETH ORDER OF BUSINESS**

**Public Comments**

It was noted that questions about the incomplete fence and issues with the gate code are HOA matters.

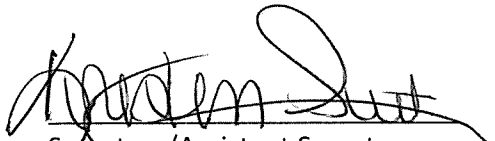
Asked if any large assessment increases are expected in the next year, it was noted that no further expansions are planned. Aside from inflation, the three main contributors to assessments are irrigation, landscaping and lighting expenses and, because the streetlights are leased, Florida Power & Light (FPL) will pay for any needed lighting repairs.

Asked if the CDD assessment will be included in the November tax bill, Mr. Martin stated that the Mailed Notice included the estimate from the preliminary budget. The actual amount in the adopted budget will be on the November tax bill, in the Non-Ad Valorem section.

**TWENTY-FIRST ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Fife and seconded by Mr. Martin, with all in favor, the meeting adjourned at 1:50 p.m.**



Secretary/Assistant Secretary



Chair/Vice Chair