**MINUTES OF MEETING**

**TIMBER CREEK SOUTHWEST**

**COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Timber Creek Southwest Community Development District was held on Friday, July 21, 2023, at 9:30 A.M. at the offices of Lennar Homes, LLC, 10461 Six Mile Cypress Parkway, Fort Myers, Florida 33966.

**Present and constituting a quorum:**

Barry Ernst Chairperson

Scott Edwards Assistant Secretary

Fernanda Martinho Assistant Secretary

Ashley Kingston Assistant Secretary

**Absent:**

Thomas Dean Vice Chairperson

**Also present were:**

James P. Ward District Manager

Greg Urbancic District Attorney

Ryan Shute District Engineer

David Caplivski Grau and Associates

**Audience:**

All resident’s names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS WERE TRANSCRIBED IN *ITALICS*.**

**FIRST ORDER OF BUSINESS Call to Order/Roll Call**

Mr. James Ward called the meeting to order at approximately 9:30 a.m. He conducted roll call; all Members of the Board were present, with the exception of Supervisor Dean, constituting a quorum.

**SECOND ORDER OF BUSINESS Notice of Advertisement**

**Notice of Advertisement of Public Hearings**

**THIRD ORDER OF BUSINESS Consideration of Minutes**

**March 16, 2023 – Regular Meeting**

Mr. Ward asked if there were any additions, deletions, or corrections for the Regular Meeting Minutes; hearing none, he called for a motion.

**On MOTION made by Barry Ernst, seconded by Ashley Kingston, and with all in favor, the March 16, 2023, Regular Meeting Minutes were approved.**

**FOURTH ORDER OF BUSINESS Public Hearing**

**PUBLIC HEARINGS – FY 2024 BUDGET AND SPECIAL ASSESSMENTS**

Mr. Ward explained the Public Hearing process noting there were two public hearings, the first related to the Budget itself.

* 1. **FISCAL YEAR 2024 BUDGET**
     1. **Public Comment and Testimony**

Mr. Ward called for a motion to open the Public Hearing.

**On MOTION made by Barry Ernst, seconded by Scott Edwards, and with all in favor, the Public Hearing was opened.**

Mr. Ward asked if there were any members of the public present via audio or video with any comments or questions with respect to the Fiscal Year 2024 Budget; there were none. He noted there were no members of the public present in person. He called for a motion to close the Public Hearing.

**On MOTION made by Barry Ernst, seconded by Ashley Kingston, and with all in favor, the Public Hearing was closed.**

* + 1. **Board Comment and Consideration**

Mr. Ward asked if there were any questions or comments from the Board; there were none.

* + 1. **Consideration of Resolution 2023-4, a resolution of the Board of Supervisors adopting the Annual Appropriation and Budget for Fiscal Year 2024**

Mr. Ward called for a motion to approve the budget beginning October 1, 2023 and ending on September 30, 2024.

**On MOTION made by Scott Edwards, seconded by Ashley Kingston, and with all in favor, Resolution 2023-4 was adopted, and the Chair was authorized to sign.**

**b) FISCAL YEAR 2024 IMPOSING SPECIAL ASSESSMENTS; ADOPTING THE ASSESSMENT ROLL AND APPROVING THE GENERAL FUND SPECIAL ASSESSMENT METHODOLOGY**

Mr. Ward indicated this public hearing was related to the imposition of the special assessments for the general fund, it adopted the assessment roll and approved the general fund special assessment methodology related to the Fiscal Year 2024 budget. He noted it also established a cap rate.

1. **Public Comment and Testimony**

Mr. Ward called for a motion to open the Public Hearing.

**On MOTION made by Scott Edwards, seconded by Barry Ernst, and with all in favor, the Public Hearing was opened.**

Mr. Ward asked if there were any members of the public present via audio or video with any comments or questions; there were none. He noted there were no members of the public present in person. He called for a motion to close the Public Hearing.

**On MOTION made by Barry Ernst, seconded by Scott Edwards, and with all in favor, the Public Hearing was closed.**

1. **Board Comment and Consideration**

Mr. Ward asked if there were any questions or comments from the Board; there were none.

1. **Consideration of Resolution 2023-5, a resolution of the Board of Supervisors imposing special assessments, adopting an assessment roll, and approving the General Fund Special Assessment Methodology**

Mr. Ward noted the assessment rate was $173.53 and the cap rate was $208.00 dollars. He called for a motion.

**On MOTION made by Barry Ernst, seconded by Ashley Kingston, and with all in favor, Resolution 2023-5 was adopted, and the Chair was authorized to sign.**

1. **Consideration of Resolution 2023-6, a resolution of the Board of Supervisors establishing an Operation and Maintenance Assessment Cap for notice purposes**

Mr. Ward explained how a cap rate functioned. He called for a motion.

**On MOTION made by Scott Edwards, seconded by Ashley Kingston, and with all in favor, Resolution 2023-6 was adopted, and the Chair was authorized to sign.**

**FIFTH ORDER OF BUSINESS Consideration of Audited Financial Statements**

**Consideration of the acceptance of the audited financial statements for the Fiscal Year ended September 30, 2022**

Mr. Ward introduced Mr. David Caplivski with Grau and Associates

Mr. David Caplivski with Grau and Associates thanked the Board, and the District’s Management and Staff. He explained the Audit of Financial Statements was required by Florida Statutes and the Bond Agreements. He reported the opinion on the Financial Statements was a clean, or unmodified, opinion which was the best opinion a district could receive. He noted the Auditor was also required to report any internal control material weaknesses or deficiencies and none were noted. He stated lastly there was a letter the Florida Auditor General required which reflected a clean, unmodified opinion as well. He thanked the CDD for choosing Grau and Associates.

Mr. Ward asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Scott Edwards, seconded by Ashley Kingston, and with all in favor, the Audited Financial Statements for the Fiscal Year ended September 30, 2022 were accepted for purposes of inclusion in the record.**

**SIXTH ORDER OF BUSINESS Consideration of Resolution 2023-7**

**Consideration of Resolution 2023-7, a resolution of the Board designating date, time, and location for Regular Meeting of the Board of Supervisor’s for Fiscal Year 2024**

Mr. Ward indicated Resolution 2023-7 designated CDD Meetings on the third Thursday of each month at 9:30 a.m. at the offices of Lennar Homes, LLC, 10461 Six Mile Cypress Parkway, Fort Myers, Florida 33966. He noted the Resolution did not bind the Board to these dates; the Board could change the date, time, or location of a meeting as appropriate. He asked if there were any questions; hearing none, he called for a motion.

**On MOTION made by Scott Edwards, seconded by Barry Ernst, and with all in favor, Resolution 2023-7 was adopted, and the Chair was authorized to sign.**

**SEVENTH ORDER OF BUSINESS Consideration of Resolution 2023-8**

**Consideration of Resolution 2023-8, a resolution of the Board of Supervisors of Timber Creek Southwest Community Development District ratifying, confirming and approving the release of various Platted Drainage Easements and accepting a grant of Drainage Easement; providing for severability; providing for conflicts; and providing for an effective date**

Mr. Ward explained Resolution 2023-8 was essentially a clean-up document based upon changes to land use plans occurring within the community. He asked if there were any questions; hearing none, he called for a motion.

*Mr. Greg Urbancic:* *There were some conflicts, and some easements were released, and new ones were put into place in order to make sure we could access the facilities.*

**On MOTION made by Barry Ernst, seconded by Ashley Kingston, and with all in favor, Resolution 2023-8 was adopted, and the Chair was authorized to sign.**

**EIGHTH ORDER OF BUSINESS**  **Staff Reports**

1. **District Attorney**

No report.

1. **District Engineer**

No report.

1. **District Manager**
2. **Supervisor of Elections Qualified Elector Report dated April 15, 2023**
3. **Financial Statement for period ending April 30, 2023 (unaudited)**
4. **Financial Statement for period ending May 31, 2023 (unaudited)**
5. **Financial Statement for period ending June 30, 2023 (unaudited)**

*Mr. Ward: There is a new reporting requirement for next year for your Form 1s. You will be required to have four hours of ethics training next year. It goes into effect January 1st. It will be online, but it's four hours of work you will have to do and when you fill out your Form 1 there is going to be a checkbox you must check next year. Greg or I will provide you with the information when it becomes available.*

*For this District as of April 15, 2023, you have 697 registered voters. It becomes effective when you hit two thresholds, one is 250 registered voters residing in the District and 6 years from the date of establishment. This District was established October 3, 2019, so once you hit the November 2026 election, that will start the process of transitioning two members to qualified electors, two more the year after, two more two years after, and then one more one year after that. So, it basically transitions over a 6 year period.*

**NINTH ORDER OF BUSINESS Supervisor’s Requests and Audience Comments**

Mr. Ward asked if there were any Supervisor’s requests; there were none. He asked if there were any audience comments from audience members present in person, or via audio/video; there were none.

**TENTH ORDER OF BUSINESS Adjournment**

Mr. Ward adjourned the meeting at approximately 9:40 a.m.

**On MOTION made by Scott Edwards, seconded by Ashley Kingston, and with all in favor, the Meeting was adjourned.**

Timber Creek Southwest Community Development District

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James P. Ward, Secretary Barry Ernst, Chairperson