

**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, March 19, 2021 at 8:15 a.m. at Lennar Homes 10481 Six Mile Cypress Parkway, Fort Myers, Florida 33966.

Present and constituting a quorum:

Barry Ernst	Chairperson
Thomas Dean	Vice Chairperson
Scott Edwards	Assistant Secretary
Andrew “Chase” Kollman	Assistant Secretary
Ashley Kingston	Assistant Secretary

Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel
Ryan Shute	District Engineer

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

The meeting was called to order at approximately 8:15 a.m. He conducted roll call; all Members of the Board were present, constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Minutes

September 18, 2020 – Regular Meeting

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

On MOTION made by Mr. Barry Ernst, seconded by Mr. Thomas Dean, and with all in favor, the September 18, 2020 Regular Minutes were approved.

THIRD ORDER OF BUSINESS**Consideration of Resolution 2021-1**

Consideration of Resolution 2021-1, a Resolution of the Board of Supervisors of the Timbercreek Southwest Community Development District extending the terms of office of all current Supervisors to coincide with the General Election pursuant to section 190.006 of the Florida Statutes

Mr. Ward: In years past we had districts that were created in odd years when your elections were every two years, that means your elections are held on odd years. To put them in the same general election cycle that every other office in Florida is held, the Statute now allows the District to change, extend, or reduce your terms by one year to make them coincide with general election law. This does that. It simply extends the terms of your existing seats by one year, so seats 2, 3, and 4, your election will be in November of 2022 and then seats 1 and 5, their election will be in November of 2024. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Mr. Barry Ernst, seconded by Mr. Scott Edwards, and with all in favor, Resolution 2021-1 was adopted, and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS**Consideration of Resolution 2021-2**

Consideration of Resolution 2021-2, a Resolution of the Board of Supervisors of Timber Creek Southwest Approving the Proposed Fiscal Year 2022 Budget and setting the Public Hearing to be held on May 21, 2021 at 8:15 A.M. at the offices of Lennar Homes LLC, 10481 Six Mile Cypress Parkway, Fort Myers, Florida 33966

Mr. Ward: The Statute requires me to submit a proposed budget to you before June 15 of each year which you are required to consider. Your approval of the budget merely allows you to move forward through the process of adopting it for the date which is May 21, 2021. It doesn't bind you to any of the costs contained in the budget or any assessment rates that are contemplated as a matter of the preparation of it. Simply it allows you to move forward through the process. For Timber Creek, your general fund operation, which is pages 1 and 2, is from an overall district perspective is the same as what you saw in the prior year. The one decision that will need to be made is whether or not you all want to put those assessments on the tax rolls for next year or if you just want to do a funding agreement with the primary developer. I will of course need that with the developer prior to your public hearing, but for purposes of this budget it does include this going on tax bills come November of this year. The resident rate would be \$313.09 based upon the number of units in Timber Creek Southwest. I will coordinate that with the developer prior to the public hearing. The second part of your budget is what we call the debt service fund. That is the accounting of the budget related to the issuance of your series 2020 bonds. This does include the principal and interest that is due on the bonds for fiscal year 2022 and it does include the assessments that will go on the tax roll for November of this year. If you look on page 5 at the bottom of that sheet, it gives you the assessment rates for fiscal year 2022 that are the result of the issuance of the bonds for the various product aligns. This also contemplates all of the assessments going on roll for next year to the extent that – I don't know the status of the platting for Timber Creek at this point. We will get the rolls in another month or two. To the extent that there are lands within the

District that are not platted, we can move that part of the assessment to an off-roll status and bill the developer directly for that. We can make the determination later in the next month or two as we move forward through this process. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2021-2 was adopted as revised, and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS

Consideration of Rank

Consideration of ranking of engineering proposal to serve as District Engineer and agreement with the Number 1 ranked firm

I. Ranking of engineering proposals

a) Morris Depew Associates, Inc.

Mr. Ward: The Statute requires us to go through the process of selecting a permanent District Engineer. We did advertise this and received one proposal from Morris Depew who is currently acting as your interim engineer for the District. When you receive more than one proposal you are required to review them and rank them on a non-priced basis. At this point I will ask for a motion to rank Morris Depew as the #1 ranked firm.

On MOTION made by Mr. Barry Ernst, seconded by Mr. Thomas Dean, and with all in favor, Morris Depew was ranked the number one engineering firm.

II. Master Engineering Services Agreement

Mr. Ward: The next step in this process is to consider the Form of Agreement with the Engineer. I have enclosed in your Agenda Package the form of agreement that we use for these things that has been agreed to by Morris Depew. I know Mr. Urbancic wants to make two changes to this agreement to be consistent with changes to Florida law.

Mr. Urbancic: One is basically updating the public records section and the obligations under Chapter 119 for that, and also the obligation of Morris Depew to use eVerify, just like all other contractors in the District are required to do as of January 1 of this year. Those would be the two principal conclusions that you will see in the revision.

Mr. Ward: With those two changes, I will ask that you approve the Agreement subject to those changes.

On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, the Master Engineering Services Agreement was approved subject to the changes noted.

SIXTH ORDER OF BUSINESS**Consideration of Proposals****Consideration of proposals for providing Audit Services to the District for the Fiscal Years 2021-2025.**

Mr. Ward: With the issuance of your series 2020 bonds, the District is now required to engage an auditor to do an audit of the books and records of the District on a yearly basis. We also used the same process that we do for the selection of engineers. To the extent that you receive more than one proposal, you are required to rank them one and two, and then we go back and enter into an agreement with the number one ranked firm. If you look behind the item, there were two proposals; one from Grau and Associates, and one from Berger, Toombs, Elam, Gaines, and Frank; two firms that do many Community Development Districts along with other governmental agencies here in the State of Florida. My Staff used the ranking form and filled it out for you. The Grau Firm rates, based on technical merit and price 35 points, to be ranked in number one, and Berger, Toombs had 31 points which would make them number two. The price of the two proposals is \$20,000 dollars over a five-year period for Grau, and \$22,280 dollars for Berger, Toombs. He asked if there were any questions. He indicated the Board was not required to accept either proposal.

Mr. Edwards: Do you have a recommendation?

Mr. Ward: As my Staff does, I would recommend Grau as #1 and Berger as #2, and to enter into an agreement with Grau and Associates.

On MOTION made by Mr. Scott Edwards, seconded by Mr. Barry Ernst, and with all in favor, Grau and Associates was ranked number one, Berger, Toombs, Elam, Gaines, and Frank were ranked number two, and it was decided to enter into an agreement with Grau and Associates.

SEVENTH ORDER OF BUSINESS**Staff Reports****Staff Reports****I. District Attorney**

Mr. Greg Urbancic: There are quite a few legislative changes proposed that could affect what we do. It is a little premature to go in depth in some of them, so as the session gets more heated and draws to a close, I will give a more full report on that. There are actually more than usual this year, so we will how it goes. It's still early, so a lot of these will probably fall out.

II. District Engineer

Mr. Ryan Shute: Just informally, the infrastructure for the first phase of construction has been completed since our last meeting of the District. The phase II construction has commenced including the last section of the water management system.

III. District Manager

- a) Financial Statements for period ending September 30, 2020 (unaudited)
- b) Financial Statements for period ending October 31, 2020 (unaudited)
- c) Financial Statements for period ending November 30, 2020 (unaudited)
- d) Financial Statements for period ending December 31, 2020 (unaudited)
- e) Financial Statements for period ending January 31, 2021 (unaudited)
- f) Financial Statements for period ending February 28, 2021 (unaudited)

No report.

EIGHTH 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; there were none.

NINTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 8:30 a.m.

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


James P. Ward, Secretary

Timber Creek Southwest Community Development
District


Barry Ernst, Chairperson