

**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 Thursday, March 21, 2024, 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 |
| Dalton Drake | Vice Chairperson |
| Scott Edwards | Assistant Secretary |
| Fernanda Martinho | Assistant Secretary |
| Ashley Kingston | Assistant Secretary |

Also present were:

| | |
|---------------|---------------------|
| James P. Ward | District Manager |
| Greg Urbancic | District Attorney |
| Ryan Shute | District Engineer |
| Ben Steets | Grau and Associates |

Audience:

All residents' 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, constituting a quorum.

SECOND ORDER OF BUSINESS

Notice of Advertisement

Acceptance of the Resignation of Mr. Tommy Dean from Seat 3 effective February 23, 2024, whose term is set to expire November 2026

- a) **Appointment of individual to fill Seat 3**
- b) **Oath of Office**
- c) **Guide to the Sunshine Law and Code of Ethics for Public Employees**
- d) **Sample of E-filed Form 1 – Statement of Financial Interests (Changes to the Law and filing requirements)**

Mr. Ward called for a motion to accept Mr. Dean’s resignation into the record.

On MOTION made by Barry Ernst, seconded by Scott Edwards, and with all in favor, Tommy Dean’s Resignation was accepted into the record.

Mr. Ward explained Statute enabled the remaining members of the Board to appoint by simple motion and second an individual to fill Seat 3 with a term to expire November 2026.

On MOTION made by Scott Edwards, seconded by Barry Ernst, and with all in favor, Dalton Drake was appointed to fill Seat 3 with a term to expire November 2026.

As a Notary Public, Mr. Ward administered the Oath of Office to Mr. Dalton Drake. He stated he would instruct the whole board, including Mr. Drake, regarding the Form 1 toward the end of the meeting.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2024-1

Consideration of Resolution 2024-1, a Resolution of the Board of Supervisors re-designating the officers of the Timber Creek Southwest Community Development District

Mr. Ward noted currently Barry Ernst served as Chairperson, there was no Vice Chairperson, while the remaining Board Members served as Assistant Secretaries. He asked how the Board wished to designate the officers.

The Board chose Dalton Drake to serve as Vice Chairperson and keep the remaining Board Members in their current positions; Mr. Ward would serve as Secretary and Treasurer.

On MOTION made by Barry Ernst, seconded by Ashley Kingston, and with all in favor, Resolution 2024-1 was adopted, and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS

Consideration of Minutes

July 21, 2023 – Public Hearing and 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 July 21, 2023, Public Hearing and Regular Meeting Minutes were approved.

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, 2023

Mr. Ward introduced Ben Steets with Grau and Associates.

Mr. Ben Steets with Grau and Associates indicated this audit was performed in accordance with the standards set by the Florida Auditor General and the generally accepted auditing standards. He declared the auditor’s opinion was clean, which meant Grau and Associates believed the financial statements were fairly presented in accordance with generally accepted accounting principles (GAP). He stated there were no instances of noncompliance with Florida Statutes and there were no findings. He concluded the District was in compliance, Grau issued a clean opinion, and there were no findings.

On MOTION made by Scott Edwards, seconded by Fernanda Martinho, and with all in favor, the Audited Financial Statements for the Fiscal Year ended September 30, 2023 were accepted for purposes of inclusion in the record.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2024-2

Consideration of Resolution 2024-2, a Resolution of the Board of Supervisors approving the Proposed Fiscal Year 2025 Budget and setting the Public Hearing to be held on Thursday, June 20, 2024, at 9:30 A.M. at the offices of Lennar Homes LLC, 10461 Six Mile Cypress Parkway, Fort Myers, Florida 33966.

Mr. Ward explained this Resolution set the Public Hearing date for Thursday June 20, 2024 at 9:30 a.m. at the offices of Lennar Homes LLC, 10461 Six Mile Cypress Parkway, Fort Myers, Florida 33966. He explained approval of the Budget today did not bind the Board to any of the costs or assessment rates contemplated, it merely set the cap rates. He stated the assessment rate for fiscal year 2025 was \$173.33 per year. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made Barry Ernst, seconded by Ashley Kingston, and with all in favor, Resolution 2024-2 was adopted, and the Chair was authorized to sign.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-3

Consideration of Resolution 2024-3 a Resolution of the Board of Supervisors Reaffirming, Restating and Re-Establishing the District’s adoption of an Electronic Records Policy and a Policy on the use of Electronic Signatures; addressing severability, conflicts and an effective date

Mr. Ward stated Resolution 2024-3 updated the District’s electronic records policy to bring it into alignment with some minor changes to State Statute. He 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, Resolution 2024-3 was adopted, and the Chair was authorized to sign.

EIGHTH ORDER OF BUSINESS

Staff Reports

I. District Attorney

a) New performance requirements for CDDs

Mr. Greg Urbancic reported a new bill passed, pending Governor approval, which would require the District to establish goals, objectives, and performance measures, and annual reports regarding these performance measures. He stated he would keep the CDD Board updated regarding this bill. He stated Mr. Ward would discuss ethics training.

II. District Engineer

Mr. Shute: No formal report. I just wanted to acknowledge that the construction phases are starting to wind down over the next few months and getting the final certifications in place as they complete construction.

III. District Manager

- a) Florida Law changes to Form 1 Filings**
- b) Important Board Meeting Dates for Balance of Fiscal Year 2024**
 - 1. June 20, 2024 - Public Hearings: Proposed Fiscal Year 2025 Budget**
 - 2. November 21, 2024 - Landowners Election (Seats 1, 2 & 5)**
- c) Financial Statement for period ending December 31, 2023 (unaudited)**
- d) Financial Statement for period ending January 31, 2024 (unaudited)**
- e) Financial Statement for period ending February 29, 2024 (unaudited)**
- f) Financial Statement for period ending June 30, 2023 (unaudited)**

Mr. Ward: The changes to the ethics law this year require you to file your Form 1's by July 1 of each year. It is now an electronic filing. We will send you the links for the State's Ethics website. You will have to create a username and password, go on there and do your Form 1 filing. It is due by July 1. The Form that you file this year is for 2023. There is no ethics training required for the 2023 form, so you do not need to check the box this year. Going forward, you will need to do your ethics training. We will also send you the links to do this ethics training, public records, and sunshine law training. This is required to be completed this calendar year. It is for your 2024 Form 1 filing due by July 1, 2025. It is the same process, you will log onto the State's website, you will file your Form 1 that way. The one change to the law that's important is the new ethics website, when you file your Form 1 it logs it, so if you don't file your Form 1 on time, the fine automatically kicks in at \$25 dollars per day, not to exceed \$1,500 dollars. There are no more days of calling and

asking for a reduction or extra time to file. Just make sure you file it on time otherwise you will be charged \$25 dollars per day until you file. Hopefully, they will send you an email if you miss the filing date, but I wouldn't rely on that. There is a memo in your Agenda Package, but you will also get the memo separately in a Word document. We will remind you a number of times before the filing date because of the new procedures in place.

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 9:45 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


James P. Ward, Secretary


Barry Ernst, Chairperson