

**MINUTES OF MEETING
TIMBER CREEK SOUTHWEST
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Timber Creek Southwest Community Development District was held on Friday, June 19, 2020 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	Assistant Secretary
Scott Edwards	Assistant Secretary

Absent:

Andrew “Chase” Kollman	Assistant Secretary
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Also present were:

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

District Manager James P. Ward called the meeting to order at approximately 8:24 a.m. He reported with the State of Emergency in Florida, and pursuant to Executive Orders 20-52, 20-69, 20-112, 20-114, and 20-150 issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 29, 2020, May 8, 2020, and June 23, 2020, and pursuant to Section 120.54(5)9b)2., Florida, Statutes, this meeting was being held utilizing communication media technology due to the current COVID-19 public health emergency. He explained all Members of the Board and Staff were present via videoconference or telephone; no persons were present in the on-site meeting room location. He asked all speakers to state their names for the record prior to speaking. He conducted roll call; all Members of the Board were present with the exception of Supervisor Theodore Denti who resigned and Supervisor Andrew Kollman who was absent, constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Minutes

May 15, 2020 – Regular Meeting

Mr. Ward stated the second order of business was consideration of the May 15, 2020 Regular Meeting Minutes. He asked if there were any additions, corrections, or deletions to these 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 May 15, 2020 Regular Minutes were approved.

THIRD ORDER OF BUSINESS**Acceptance of Resignation****Acceptance of resignation of Supervisor Theodore Denti from Seat 4 and consideration of Replacement Member for Seat 4, whose resignation was effective June 12, 2020**

Mr. Ward reported Supervisor Denti's resignation was effective as of June 12, 2020. He read the resignation letter. He asked the Board for a motion to accept the resignation letter for purposes of inclusion in the record.

On MOTION made by Mr. Barry Ernst, seconded by Mr. Scott Edwards, and with all in favor, the resignation of Supervisor Denti was accepted for purposes of inclusion in the record.

Mr. Ward stated the Board had a right to fill Mr. Denti's vacated seat by simple motion and second. He noted this could be done immediately or deferred until the next Meeting if the Board so chose. Mr. Ernst recommended deferring the selection until the next Board Meeting. The Board agreed.

FOURTH ORDER OF BUSINESS**PUBLIC HEARING**

Mr. Ward indicated the next order of business was the public hearing with respect to the Fiscal Year 2021 Budget for the District.

PUBLIC HEARING – FISCAL YEAR 2021 BUDGET**I. Public Comment and Testimony**

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

On MOTION made by Mr. Scott Edwards, seconded by Mr. Thomas Dean, and with all in favor, the Public Hearing was opened.

Mr. Ward noted this was the opportunity for any members of the public present by phone or video conference to ask questions or make comments with respect to the Budget. He indicated he saw no members of the public on present via audio or video conference. He asked if there were any public comments or questions; hearing none, he called for a motion to close the Public Hearing.

On MOTION made by Mr. Barry Ernst, seconded by Mr. Thomas Dean, and with all in favor, the Public Hearing was closed.

II. Board Comment

Mr. Ward asked if there were any comments or questions regarding the Budget. He noted this was essentially the exact same Budget as the Fiscal Year 2020 Budget. There were no questions or comments from the Board.

III. Consideration of Resolution 2020-25 adopting the annual appropriation and Budget for Fiscal Year 2021

Mr. Ward called for a motion for Resolution 2020-25.

On MOTION made by Mr. Scott Edwards, seconded by Mr. Barry Ernst, and with all in favor, Resolution 2020-25 was adopted, and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS

PUBLIC HEARING

PUBLIC HEARING TO CONSIDER THE ADOPTION OF CAPITAL SPECIAL ASSESSMENTS

Mr. Ward: This is the public hearing related to your Capital Assessments for your future bond issues. As you recall, both your Engineer and I made presentations to you at your last meeting to review both the Engineer's Report and the special assessment methodology. Unless requested to do so by the Board, neither the Engineer or I have any additional comments or presentations that we need to make today.

I. Public Comment and Testimony

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

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

Mr. Ward indicated he saw no members of the public on present via audio or video conference. He asked if there were any public comments or questions; hearing none, he called for a motion to close the Public Hearing.

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

II. Board Comment

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

III. Consideration of Resolution 2020-26, of the Board of Supervisors of Timber Creek Southwest Community Development District making certain findings; Authorizing a Capital Improvement plan; Adopting an engineer’s report; providing an estimated cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Special Assessments; Addressing the finalization of Special Assessments; addressing the payment of Special Assessments and the method of collection; providing for the allocation of Special Assessments and true-up payments; Addressing Government Property, and making provisions relating to the transfer of Real Property to units of Local, State and Federal Government; Authorizing the Recording of an Assessment

Mr. Greg Urbancic: This is the extension of the process that we started at the last meeting where we adopted the Engineer’s Report and the Assessment Methodology. We equalize the assessments based upon any comments that we have received, and we have not received any comments, so this is the final step in that process. When we do issue bonds we will do what we call a bring down resolution which will be specific to the actual bonds and fix the assessments on the various properties based upon the bonds issued, but this is the last step in the assessment process, at least at this point the master assessment process, and if there are any questions I am happy to answer those with regard to the resolution.

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

On MOTION made by Mr. Barry Ernst, seconded by Mr. Thomas Dean, and with all in favor, Resolution 2020-26 was adopted, and the Chair was authorized to sign.

SIXTH ORDER OF BUSINESS

Ratification of Agreements

Ratification of Agreements with the Lee County Property Appraiser and Tax Collector to utilize the Uniform Method of Collections for assessments imposed by the District

Mr. Ward: As you may recall a number of months ago, we started a procedure under Chapter 197.3632 to utilize the uniform method of collection for your future assessment. This is a procedure that we are required to go through that at such time as the District would like to put assessments on the rolls for Lee County for the collection of the District’s operating and/or capital assessments, we had to go through a process where we had a public hearing. I notified the State, both the Offices of the Appraiser and Tax Collector and two agreements then are the final piece of the puzzle: The Uniform Collection Agreement for both the Tax Collector and Property Appraiser. If you have any questions on them, these are standard form agreements that they use. We couldn’t change them if we wanted to. They don’t need to be changed anyway, but they do permit the District to put our assessments on the roll. He asked if there were any questions; 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 Agreements with the Lee County Property

Appraiser and Tax Collector to utilize the Uniform Method of Collections for assessments imposed by the District were ratified.

SEVENTH ORDER OF BUSINESS

Consideration of Agreement

Consideration of Agreement with Lennar Homes to fund the District’s Fiscal Year 2021 General Fund Operating Budgets in lieu of the District levying assessments

Mr. Ward: The final thing on the Agenda today is the Agreement with Lennar Homes to fund the District’s Fiscal Year 2021 General Fund Operating Budget in lieu of levying assessments. This is the same agreement that we are using in Fiscal Year 2020 to fund out Budget. 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, the Agreement with Lennar Homes to fund the District’s Fiscal Year 2021 General Fund Operating Budgets in lieu of the District levying assessments was approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

Staff Reports

a) District Attorney

Mr. Urbancic: Just before this meeting I was provided a copy of the order from the Judge and the validation. I will be sending that out to the team members. We have Judge Fuller and I don’t know whether or not Judge Fuller has handled one of these before, so it is possible he could have questions, but he set the hearing for August 10 at 9:30 a.m. I will send that to everybody, so everybody has the information. If you have any questions let me know and hopefully you can make it. It will be at the courthouse in Lee County, but I’ll send it out. If you have any questions or conflicts or anything let me know. Like I said, I haven’t had Judge Fuller before, so it’s possible we could get questions on this one. The only other thing is, Jim and I were chatting before the meeting. We will let everybody know if the Governor extends the order that would allow us to hold these hearings in this manner going forward.

Mr. Ward: I will add to Greg’s comments. Once we have a signed order from the Judge there is a 30 day appeal period, so early September 10, September 11, in that time schedule, will be the final piece of the puzzle that we need in order for the District to proceed forward with the issuance of bonds. We will obviously then gear up the team at that point to start the issue of some bonds and work with Lennar Homes, the property owner, with respect to that issuance.

b) District Engineer

No report.

c) District Manager

I. Financial Statement ending May 31, 2020 (Unaudited)

No report.

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; there were none.

TENTH ORDER OF BUSINESS

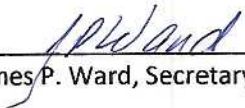
Adjournment

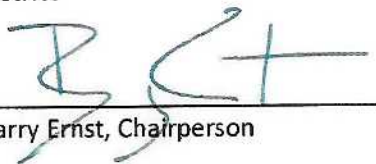
Mr. Ward adjourned the meeting at approximately 8:40 a.m.

On MOTION made by Mr. Scott Edwards, seconded by Mr. Barry Ernst, and with all in favor, the Meeting was adjourned.

ATTEST:

Timber Creek Southwest Community Development District


James P. Ward, Secretary


Barry Ernst, Chairperson