

**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, October 14, 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
Scott Edwards	Assistant Secretary
Ashley Kingston	Assistant Secretary
Fernanda Martinho	Assistant Secretary

Absent:

Thomas Dean	Vice Chairperson
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Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel
Ryan Shute	District Engineer
Paul Toscano	District Engineer
Steve Sanford	Bond Counsel

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 8:30 a.m. He conducted roll call; all Members of the Board were present, save Supervisor Dean, constituting a quorum.

SECOND ORDER OF BUSINESS

Consideration of Resignation

Consideration of acceptance of the resignation of Mr. Andrew "Chase" Kollman from Seat 2 effective August 21, 2021

Mr. Ward: Mr. Kollman’s resignation is effective by law as a matter of record as of the date it was sent which is 10/21/2021. He asked the Board to accept the resignation for the purpose of inclusion in the record.

On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, Mr. Andrew “Chase” Kollman’s letter of resignation from Seat 2 effective August 21, 2021, was accepted.

- a) Appointment of individual to fill Seat 2 – whose term will expire November 2022
- b) Oath of Office
- c) Guide to the Sunshine Law and Code of Ethics for Public Employees
- d) Form 1 – Statement of Financial Interests

Mr. Ward explained the Board could replace Mr. Kollman’s seat by way of simple motion and second. He asked if the Board had a nomination.

On MOTION made by Mr. Scott Edwards, seconded by Mr. Barry Ernst, and with all in favor, Ms. Fernanda Martinho was elected to fill Seat 2, term to expire November 2022.

Mr. Ward ensured Ms. Fernanda Martinho was qualified to serve on the Board. As a notary public, he administered the Oath of Office to Ms. Martinho. He asked Ms. Martinho to sign the Oath of Office and return the signed Oath to himself for notarization and to be made part of the public record. He discussed the Form 1 – Statement of Financial Interests and noted Ms. Martinho should call himself (Mr. Ward) with any questions regarding Form 1. He encouraged Ms. Martinho not to forget to file Form 1 or risk incurring fees for late filing. He discussed the Sunshine Law and Code of Ethics noting no two Board Members were permitted to discuss/conduct Board business in any fashion outside of an open noticed public Board Meeting. He discussed the penalties associated with violations of the Sunshine Law and Code of Ethics. He indicated Ms. Martinho was welcome to contact himself or Mr. Greg Urbancic with any questions regarding the Sunshine Law or Code of Ethics.

THIRD ORDER OF BUSIENSS

Consideration of Minutes

August 20, 2021 – 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 Ms. Ashley Kingston, and with all in favor, the August 20, 2021, Regular Minutes were approved.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2022-1

Consideration of Resolution 2022-1, a resolution of the Board of Supervisors of Timber Creek Southwest Community Development District: (i) Supplementing Resolution No. 2020-26 which Resolution previously Equalized, Approved, Confirmed, Imposed And Levied Special Assessments on and peculiar to Property specially benefited (apportioned fairly and reasonably) by the District's Projects; (ii) Approving and Adopting the Timber Creek Southwest Community Development District Final Supplemental Special Assessment Methodology –Series 2021 Bonds prepared by JP Ward & Associates, LLC dated September 30, 2021, which applies the Methodology previously adopted to Special Assessments reflecting the specific terms of the Timber Creek Southwest Community Development District Special Assessment Bonds, Series 2021 (Assessment Area Two Project); and (iii) Providing for the update of the District's assessment records

Mr. Ward: This Resolution and the next are Mr. Urbancic's.

Mr. Urbancic: What we have today is, we originally did our master assessment process back in 2020. We started it with Resolution 2020-22, and we did a final assessment Resolution 2020-26. The final assessment resolution contemplated that when we got to the point of issuing bonds as to specific assessment areas, that we would do a "bring down resolution" to supplement what we have already done. No public hearing is required. We are just acknowledging the fact of what we are doing with respect to the issuance of bonds. This resolution in front of you acknowledges the fact that we are going to issue \$20,695,000 dollars' worth of bonds. It also acknowledges the fact that Morris-Depew has created a second supplemental engineer's report for Phase II dated June 2021 and also Jim's office has prepared a supplemental assessment methodology report. It's called the final supplemental special assessment methodology report dated 09/30/2021. Ultimately, what this does is, we had an original assessment methodology when we adopted those two resolutions I mentioned. This is applying the methodology in those resolutions to this specific assessment area and this size bonds, and attached is Jim's report as exhibit A, and it sets forth what the ultimate assessments on these various properties and this assessment area will be and we will just update the assessment records accordingly. He asked if there were any questions.

Mr. Edwards: This sets the assessment amount for each individual lot size, not necessarily the quantity of lots as that is going to be changing slightly?

Mr. Ward: It sets the assessment level on a per lot basis to the extent they are platted. To the extent that you change the mix of the lots within the parameters of the methodology, then we assign that debt based upon --.

Mr. Edwards: Okay, because I think what we had talked about previously was there were some unit counts previously given in the last few months. That number is going to be changing slightly with our last phase.

Mr. Ward: No shock there. You guys always change. We anticipate it.

Mr. Ward called for a motion.

On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2022-1 was adopted, and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS**Consideration of Resolution 2022-2**

Mr. Ward: I just provided you a copy of Resolution 2022-2 which are some additional documents related to the issuance of your Series 2021 Bonds. Again, Mr. Urbancic, I will ask you to go through this with the Board.

Mr. Urbancic: As part of our process, you previously authorized a delegation resolution. In that delegation resolution there was a bond purchase contract, and in that bond purchase contract it is contemplated that we would do various closing agreements with respect to the developers and landowners, who I call the landowners collectively, and they included a collateral assignment, a completion agreement, a true-up agreement, and also recognition that a lien of record and a notice of special assessments would be put of record pursuant to applicable law. This is carrying through what's required from that bond purchase contract and authorizing the chair and secretary to execute those documents which were distributed today and will be executed as part of the preclosing. Your law firm has reviewed and commented on those documents.

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

On MOTION made by Mr. Scott Edwards, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2022-2 was adopted, and the Chair was authorized to sign.

SIXTH ORDER OF BUSINESS**Consideration of Resolution 2022-3****Consideration of Resolution 2022-3, a resolution which re-designates the officers of the Timber Creek Southwest Community Development District**

Mr. Ward noted with the addition of Ms. Martinho to the Board, the Board could either re-designate the officers' positions, or designate Ms. Martinho to fill Mr. Kollman's Assistant Secretary position and leave the remaining positions the same. The Board wished to add Ms. Martinho as an Assistant Secretary and keep the remaining positions the same.

On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2022-3 was adopted, and the Chair was authorized to sign.

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

No report.

II. District Engineer

No report.

III. District Manager

- a) **Financial Statements for period ending August 31, 2021 (unaudited)**
- b) **Financial Statements for period ending September 30, 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 members present in person or by audio or video with questions or comments; there were none.

NINTH ORDER OF BUSINESS

Adjournment

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

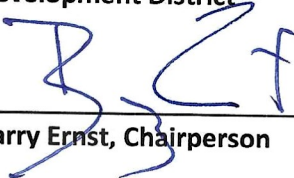
On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, the Meeting was adjourned.

ATTEST:

**Timber Creek Southwest Community
Development District**



James P. Ward, Secretary



Barry Ernst, Chairperson