

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

The Regular Meeting of the Timber Creek Southwest Community Development District was held on Friday, May 15, 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
Theodore Denti	Vice Chairperson
Andrew “Chase” Kollman	Assistant Secretary
Thomas Dean	Assistant Secretary

**Absent:**

Scott Edwards	Assistant Secretary
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**Also present were:**

James P. Ward	District Manager
Greg Urbancic	District Counsel
Steve Sanford	Bond 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 8:43 a.m. He reported with the State of Emergency in Florida, and pursuant to Executive Orders 20-52 and 20-69 issued by Governor DeSantis on March 9, 2020 and March 20, 2020 respectively, 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 constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Consideration of Minutes**

**January 17, 2020 – Regular Meeting**

Mr. Ward stated the second order of business was consideration of the January 17, 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. Chase Kollman, and with all in favor, the January 17, 2020 Regular Minutes were approved.**

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2021-21**

**Consideration of Resolution 2020-21, a Resolution of the Board of Supervisors of Timber Creek Southwest Approving the Proposed Fiscal Year 2021 Budget and setting the Public Hearing to be held on August 21, 2020 at 8:15 A.M. at the offices of LENNAR HOMES, 10481 Six Mile Cypress Parkway, Fort Myers, Florida 33966 or as otherwise permitted by law at said date and time in the event Executive Order 20-69 is still in effect due to public health emergency**

Mr. Ward noted Resolution 2020-21 approved the proposed Fiscal Year 2021 Budget for purposes of setting a public hearing only. He reported the attached Budget was the same budget as the Fiscal Year 2020 Budget; it did not deal with any operations; it was administrative only. He indicated the Resolution set the public hearing for Friday, August 21, 2020 at 8:15 a.m. at the offices of LENNAR HOMES, 10481 Six Mile Cypress Parkway, Fort Myers, Florida 33966. He noted the Governor’s order may extend into the August period; if so, the meeting would also be held by audio/video conferencing technology.

Mr. Barry Ernst indicated the Resolution should read Lennar Homes 10481 Six Mile Cypress Parkway, not Six Mile Cypress Highway. Mr. Ward stated he would make the correction.

**On MOTION made by Mr. Theodore Denti, seconded by Mr. Barry Ernst, and with all in favor, Resolution 2020-21 was adopted, and the Chair was authorized to sign.**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2020-22**

**Consideration of Resolution 2020-22, a Resolution of the Board of Supervisors of Timber Creek Southwest Community Development District declaring special assessments; indicating the location, nature and estimated cost of those improvements which cost is to be defrayed in whole or in part by the special assessments; providing the portion of the estimated cost of the improvements to be defrayed in whole or in part by the Special Assessments of this Resolution**

Mr. Ward stated this was the first Resolution the Board would consider with respect to levying Capital Improvement Assessments for the capital infrastructure required for the development of the infrastructure within the Timber Creek Community Development District. He explained there were two Resolutions on today’s Agenda, this one which included the Engineer’s Report and the methodology

attached to it. He noted the Engineer's Report outlined the infrastructure which would be constructed, and the methodology outlined how the assessments would be levied across all the properties within the District. He stated the second Resolution (Item 5) was the resolution which would set a public hearing for these assessments; the hearing would be in June, and this would finalize the assessment process. He noted the final piece of today's action with respect to this would be to begin the process of authorizing the documents necessary for the issuance of the District's bonds.

Mr. Ryan Shute indicated he prepared the Engineer's Report for Timber Creek CDD with the help of his co-engineer Paul Torocco. He highlighted this report with the following points:

- The District was established for the purpose of financing, acquiring, constructing, and maintaining a portion of the public infrastructure as necessary to serve the community.
- The District had approximately 654 acres and was located in unincorporated Lee County.
- The District had zoning approval for 1,315 single and multifamily units combined.
- The District would finance, acquire, and maintain a portion of the public infrastructure and allocate the cost of the improvements to the accessible lands within the District.
- The developer would construct the balance of the infrastructure improvements needed for the development; these would not be financed by the District. These improvements included private roads, recreational facilities, and landscaping; these would be dedicated to the HOA.
- The exterior landscaping, hardscaping and irrigation would be funded and owned by the CDD.
- Wastewater and water facilities within the development would be funded by the CDD but would be dedicated to Lee County Utilities and owned by Lee County Utilities.
- Public irrigation facilities, stormwater management, the portions of roadways which were public, and the preserve area would be funded and owned by the CDD and would be operated and maintained by the CDD and homeowner's association.
- No private earthwork was included.
- CIP included only the portion of the water management system from the control elevation to the depth required to meet the water quality criteria set forth by the South Florida Water Management District.
- The identifiable total cost was an estimated \$43 million dollars; actual cost may vary.
- The development was anticipated to be completed by December 23, 2023.

Mr. Ward reviewed the assessment methodology. He explained the purpose of the methodology was to identify the benefits which would accrue to all property within the District based upon the types of infrastructure which would be developed within the Timber Creek CDD. He noted there was an estimated 1,447 units within the District.

*Mr. Ward: Generally, the way an assessment report worked was the assessments were levied first on an unplatted acre basis since none of the land was platted. Once it becomes what we call an "approved state" which is was generally at some point when the developer has received approval for a site plan development from the County for a particular type of building, we begin the process starting to allocate those properties to specific types of land uses that will occur within the District. Then the third state is the development status in which the development enters a platted state, and the land is platted for specific single family or filler type of uses, and then to the extent that there are additional multifamily units which receive separate approval process through the filing of specific condominium declaration or homeowner declaration. They are not necessarily identified as a platted state of land pursuant to a plat that's done. Those land uses are assigned at that time. This methodology goes through a process of allocating those assessments on*

*equivalent residential unit bases to all properties within the District such that at the end of the day we end up with an estimated amount of debt that will be levied on all property within the District based upon the equivalent residential unit (ERU) factors that are identified in the report. Those ERU factors range anywhere from 0.7 units per acre, which means the higher density products within the unit will have more infrastructure assigned to it by the mere fact of the density allocation, and then obviously the larger lots have lesser costs, but a higher equivalent residential unit factor assigned to it. We will get to that. From there we then add the specific costs of doing the financing for this project and then create an assessment level based upon either platted lots which in Timber Creek already do exist and product types that do exist within the project. If, at some point, a product is already platted and the developer, for whatever reason, changes the product type, there is a mechanism in the methodology to allow us to make the appropriate changes in those unit types if, and to the extent that, we still have unplatted land within the project that can continue to be assigned to until such time that all of the land is platted within the District itself. He asked if there were any questions. He noted there would be approximately \$43 million dollars in infrastructure which would equate to roughly to \$54 million or \$55 million dollars in total bond costs which would be levied across all District properties.*

*Mr. Barry Ernst: In our packet we actually have another Lennar Community, Tern Bay, instead of Timber Creek methodology.*

Mr. Ward stated this was an insert error and he would replace this with the correct methodology. He noted what he said was consistent with Timber Creek.

Mr. Theodore Denti stated he thought the Timber Creek unit count was 1,315.

Mr. Ward stated this was correct; the number of Timber Creek units was 1,315. He stated the total par debt for Timber Creek was \$51,580,000 dollars in anticipated hard debt on the lots. He explained this set the maximum assessment levels at this time. He noted the Board would be able to decrease this number moving forward; however, it was not permitted to go above this number; this was the capped number.

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Chase Kollman, and with all in favor, Resolution 2020-22 was adopted, and the Chair was authorized to sign.**

## **FIFTH ORDER OF BUSINESS**

### **Consideration of Resolution 2020-23**

**Consideration of Resolution 2020-23, a Resolution of the Board of Supervisors of Timber Creek Southwest Community Development District Setting a Public Hearing to be held on August 21, 2020 at 8:15 A.M. at the offices of LENNAR HOMES, 10481 Six Mile Cypress Parkway, Fort Myers, Florida 33966 or as otherwise permitted by law at said date and time in the event Executive Order 20-69 is still in effect due to public health emergency**

Mr. Ward reported Resolution 2020-23 would set the public hearing date and this date was being changed to June 19, 2020 at 8:15 a.m. at LENNAR HOMES, 10481 Six Mile Cypress Parkway, Fort Myers, Florida 33966. He noted this meeting would be conducted by audio/video conferencing.

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Chase Kollman, and with all in favor, Resolution 2020-23 was adopted as amended, and the Chair was authorized to sign.**

**SIXTH ORDER OF BUSINESS****Consideration of Resolution 2020-24****Consideration of Resolution 2020-24, a Resolution of the Board of Supervisors of Timber Creek Southwest Community Development District Authorizing the Issuance of not to exceed \$55,000,000.00 aggregate principal amount of Timber Creek Southwest Community Development District Special Assessment Bonds**

Mr. Ward asked Mr. Steve Sanford, Bond Counsel, to discuss Resolution 2020-24.

*Mr. Steve Sanford: Under the Florida Statutes that govern Community Development Districts, any time a CDD wants to issue bonds and have a term longer than five years we have to go before the Circuit Court and basically get the Courts blessing that we have the authority to issue the bonds with a particular purposes. I call this resolution both an authorizing resolution and a validation resolution because in order to get into the court to validate the bonds, the district will have had to authorize the bonds for a particular purpose, and that is what this resolution is doing. Jim, I think I have an error in the not to exceed amount. Looking at my draft of the resolution, and I think it should be based on your agenda, a not to exceed amount of \$55 million, not \$35 million.*

*Mr. Ward: It should be \$55 million. You're right Steve.*

*Mr. Sanford: I'll send you a change page after this gets adopted so we will have the correct amount for the record. Anyway, this resolution authorizes the bonds for the purposes described in the Engineer's Report. We are only able to finance public infrastructure and this resolution contemplates that up to \$55 million will be issued in one or more series. So, #1 it doesn't commit the District issue up to \$55 million, that's the maximum cap and it's possible and likely that there will be more than one series of bonds. This resolution also asks that the Board approves certain documents which would be part of the validation and also part of the final proceedings when we issue the bonds. The first is what I call a master trust indenture and that's going to be the documents between the District and U.S. Bank as the bond trustee. That document will cover the basic terms of every bond issue that the District issues. It's sort of the governing document for every series of bonds being issued. The next exhibit is the supplemental indenture and that's a form, but that will be used for each series of bonds, and that will have all of the particulars of a particular series, namely interest rate, redemption provisions and the like. Both the supplemental and the master trust indenture are just forms and they will get finalized as we get closer to an actual issuance of the bonds, but it's also a necessary ingredient so to speak in getting into the validation hearing and having the court approve who we appointed as trustee and the forms of those documents. Lastly, this Resolution specifically authorizes that these bonds be validated in the Circuit Court. After the adoption of this Resolution and the validation we will come back to the Board with more specificity with another resolution for each series of bonds that the District decides to issue. He recommended the Board move to adopt Resolution 2020-24 with the amended not to exceed amount of \$55 million dollars.*

Mr. Ernst noted the first page of the Resolution, the fourth whereas, contained an incorrect name and should be corrected to Timber Creek. Mr. Sanford indicated this correction would be made.

**On MOTION made by Mr. Barry Ernst, seconded by Mr. Theodore Denti, and with all in favor, Resolution 2020-24 was adopted as amended, and the Chair was authorized to sign.**

**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

Staff Reports

**a) District Attorney**

No report.

**b) District Engineer**

No report.

**c) District Manager**

- I. Report Number of Registered Voters as of April 15, 2020
- II. Financial Statement ending January 31, 2020 (Unaudited)
- III. Financial Statement ending February 29, 2020 (Unaudited)
- IV. Financial Statement ending March 31, 2020 (Unaudited)
- V. Financial Statement ending April 30, 2020 (Unaudited)

*Mr. Ward: There is a requirement under the Statute that the Supervisor of Elections in the County where the District is located provide to you the number of registered voters within the District as of April 15 of each year. The significance of that report is that once a CDD meets two thresholds, one is 6 years from the date of establishment, and the second is 250 qualified electors within the District, you will begin the process to transition the Board from a landowner election board to a qualified elector based board. There is no action required of the District at this time. Pursuant to the Supervisor of Elections notice there are zero qualified electors within the District. I will say this to you every single year the exact same words until you begin the process of transitioning. You were established October 3, 2019, so October of 2025 would be your earliest date, which means the election in November of 2026 would be the earliest point at which you would begin this transition. Unless you have any questions there are no actions required of the Board.*

**EIGHTH ORDER OF BUSINESS**

**Supervisor’s Requests and Audience Comments**

There were no Supervisor’s requests and no audience comments.

**NINTH ORDER OF BUSINESS**

**Adjournment**

Mr. Ward adjourned the meeting at approximately 9:11 a.m.

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

ATTEST:

  
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James P. Ward, Secretary

Timber Creek Southwest Community  
Development District

  
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Barry Ernst, Chairperson