

**MINUTES OF MEETING
WEST PORT
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the West Port Community Development District held a Special Meeting on January 11, 2021 at 11:00 a.m., at the Centennial Park Recreation Center, 1120 O'Donnell Boulevard, Port Charlotte, Florida 33953.

Present were:

Jim Harvey	Chair
Dave Truxton	Vice Chair
Paul Martin	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates, LLC
Daniel Rom	Wrathell, Hunt and Associates, LLC
Jere Earlywine	District Counsel
Matt Morris	District Engineer
Tim Martin	Forestar
Christian Cotter	Forestar
Candace Smith	Kolter
Linda Harrison	Public

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 11:00 a.m. Supervisors Harvey, Truxton and Martin were present. Supervisors Moulton and Schrotenboer were not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Mary Moulton, Seat 5, Term Expires November 2022

Mr. Wrathell presented Ms. Moulton’s resignation letter.

On MOTION by Mr. Martin and seconded by Mr. Truxton, with all in favor, the resignation of Supervisor Mary Moulton from Seat 5, was accepted.

• **Consider Appointment of Christian Cotter to Fill Unexpired Term of Seat 5**

Mr. Harvey nominated Mr. Christian Cotter to fill the unexpired term of Seat 5. No other nominations were made.

On MOTION by Mr. Harvey and seconded by Mr. Martin, with all in favor, the appointment of Mr. Christian Cotter to Seat 5, term expires November 2022, was approved.

FOURTH ORDER OF BUSINESS

Administration of Oath of Office to Newly Appointed Supervisor, Christian Cotter *(the following to be provided in a separate package)*

This item was presented following the Fifth Order of Business.

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

FIFTH ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Don Schrotenboer Seat 4, Term Expires November 2022

Mr. Wrathell presented Mr. Schrotenboer’s resignation letter.

On MOTION by Mr. Martin and seconded by Mr. Harvey, with all in favor, the Resignation of Supervisor Don Schrottenboer from Seat 4, was accepted.

• **Consider Appointment to Fill Unexpired Term of Seat 4**

Mr. Martin nominated Ms. Candice Smith to fill the unexpired term of Seat 4. No other nominations were made.

On MOTION by Mr. Harvey and seconded by Mr. Martin, with all in favor, the appointment of Ms. Candice Smith to Seat 4, term expires November 2022, was approved.

○ **Administration of Oath of Office to Newly Appointed Supervisor**

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Candice Smith and Mr. Christian Cotter. He discussed the Sunshine Laws and public records laws, presented the documents listed under the Fourth Order of Business and stated that Form 1F would be sent to all departing Board Members.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the West Port Community Development District, and Providing for an Effective Date

This item was presented following the Eighteenth Order of Business.

SEVENTH ORDER OF BUSINESS

Consideration of Matters Regarding Assessment Area Two Bonds, Assessments & Project

A. Presentation of Final Pricing Figures for Bond Issue

Mr. Wrathell reviewed the Closing Memorandum related to the Assessment Area Two Special Assessment Bonds, Series 2020 and responded to questions.

B. Presentation of Supplemental Engineer’s Report, dated December 2020 (Assessment Area Two Project) for informational purposes

This item was included for informational purposes.

C. Presentation of Final Second Supplemental Special Assessment Methodology Report, dated December 18, 2020 (Assessment Area Two) for informational purposes

Mr. Wrathell presented the Final Second Supplemental Special Assessment Methodology Report.

D. Resolution 2021-02, (Supplemental Assessment Resolution) Setting Forth the Specific Terms of the District’s \$6,900,000 Special Assessment Bonds, Series 2020 (Assessment Area Two); Making Certain Additional Findings and Confirming and/or Adopting an Engineer’s Report and a Supplemental Assessment Report; Confirming the Maximum Assessment Lien Securing the 2020 Bonds; Addressing the Allocation and Collection of the Assessments Securing the 2020 Bonds; Addressing Prepayments; Addressing True-Up Payments; Providing for the Supplementation of the Improvement Lien Book; and Providing for Conflicts, Severability and an Effective Date

Mr. Earlywine presented Resolution 2021-02.

On MOTION by Mr. Harvey and seconded by Mr. Martin, with all in favor, Resolution 2021-02, (Supplemental Assessment Resolution) Setting Forth the Specific Terms of the District’s \$6,900,000 Special Assessment Bonds, Series 2020 (Assessment Area Two); Making Certain Additional Findings and Confirming and/or Adopting an Engineer’s Report and a Supplemental Assessment Report; Confirming the Maximum Assessment Lien Securing the 2020 Bonds; Addressing the Allocation and Collection of the Assessments Securing the 2020 Bonds; Addressing Prepayments; Addressing True-Up Payments; Providing for the Supplementation of the Improvement Lien Book; and Providing for Conflicts, Severability and an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Issuer’s Counsel Documents for Assessment Area Two Bonds

Mr. Earlywine presented the following documents:

- A. Acquisition Agreement
- B. Completion Agreement
- C. Collateral Assignment Agreement
- D. True-Up Agreement
- E. Notice of Special Assessments / Governmental Lien of Record
- F. Supplemental Disclosure of Public Finance
- G. Declaration(s) of Consent

On MOTION by Mr. Harvey and seconded by Mr. Martin, with all in favor, the Issuer's Counsel Documents for Assessment Area Two Bonds, in substantial form, and authorizing the Chair or Vice Chair to execute, were approved.

NINTH ORDER OF BUSINESS

Consideration of Construction Related Matters for Assessment Area Two

A. Approval of Proposal for Appraisal

Mr. Earlywine discussed the need for an Appraisal.

On MOTION by Mr. Truxton and seconded by Mr. Martin, with all in favor, the Proposal for Appraisal, in an amount not-to-exceed the amount of the last appraisal plus a 20% contingency, was approved.

B. Temporary Construction Easement

Mr. Earlywine discussed the need for the Temporary Construction Easement and responded to questions.

On MOTION by Mr. Martin and seconded by Mr. Harvey, with all in favor, the Temporary Construction Easement and authorizing the Chair to execute, was approved.

- C. Assignment of Site Work Contract
- D. Cost Share Agreement

Mr. Earlywine discussed the Assignment of Site Work Contract and the accompanying Cost Share Agreement.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Assignment of Site Work Contract and the Cost Share Agreement, in substantial form, and authorizing the Chair to execute, were approved.

E. Assignment of Engineering Agreement

Mr. Earlywine discussed the need for the Engineering Agreement.

On MOTION by Mr. Martin and seconded by Ms. Smith, with all in favor, the Assignment of Engineering Agreement, in substantial form, and authorizing the Chair to execute, was approved.

F. Acquisition of Existing Site Work and Work Product

Mr. Earlywine discussed the District's Acquisition of Existing Site Work and Work Product.

On MOTION by Mr. Martin and seconded by Mr. Harvey, with all in favor, the Acquisition of Existing Site Work and Work Product, in substantial form, and authorizing the Chair to execute, was approved.

Discussion ensued regarding closing documents requiring signature, requisitions and necessary paperwork.

On MOTION by Mr. Martin and seconded by Mr. Truxton, with all in favor, rescinding the Reciprocal Easement Agreement, as discussed, was approved.

TENTH ORDER OF BUSINESS

**Consideration of Matters Regarding
Master Assessments [TO BE CONTINUED]**

- A. Revised Master Engineer’s Report
- B. Revised Master Special Assessment Methodology Report
- C. Resolution 2021-03, Re-Declaring Master Special Assessments and Setting a Hearing Thereon Re-Declaring Master Special Assessments; Designating the Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to Be Paid By Assessments, and the Manner and Timing In Which the Assessments Are To Be Paid; Designating the Lands Upon Which the Assessments Shall Be Levied; Providing for an Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings; Providing for Publication of This Resolution; and Addressing Conflicts, Severability and an Effective Date

These items were deferred.

ELEVENTH ORDER OF BUSINESS

Consideration of Matters Regarding Assessment Area Three Bonds, Assessments & Project [TO BE CONTINUED]

- A. Engineer’s Report *for informational purposes*
- B. Supplemental Special Assessment Methodology Report *for informational purposes*
Resolution 2021-04
- C. Resolution 2021-04, Authorizing the Issuance of Not Exceeding \$_____ West Port Community Development District, Special Assessment Bonds, Series 2020 (Assessment Area Three) (the “Bonds”)

These items were deferred.

TWELFTH ORDER OF BUSINESS

Consideration of Other Business

There being no other business, the next item followed.

THIRTEENTH ORDER OF BUSINESS

Ratification of Forterra Pipe & Precast Purchase Requisition Request Forms

- A. West Port Tract B

B. West Port Tract H

On MOTION by Mr. Martin and seconded by Ms. Smith, with all in favor, the Forterra Pipe & Precast Purchase Requisition Requests for West Port Tract B and West Port Tract H, were ratified.

FOURTEENTH ORDER OF BUSINESS

Ratification of Stark Sullen Grading, Inc., Change Order No. 7 [West Port Pods B & H]

On MOTION by Mr. Martin and seconded by Mr. Cotter with all in favor, Stark Sullen Grading, Inc., Change Order No. 7 for West Port Pods B & H, was ratified.

FIFTEENTH ORDER OF BUSINESS

Discussion: Operations and Maintenance Assessments / Funding Agreement

Mr. Wrathell discussed the need for a Deficit Funding Agreement between the District and the Developers, KL West Port, LLC, Forestar (USA) and KL JAK WWP LLC.

Discussion ensued regarding the calculation and sharing of costs for Fiscal Year 2021.

On MOTION by Mr. Martin and seconded by Mr. Cotter, with all in favor, the Deficit Funding Agreement between the District and the Developers, KL West Port, LLC, Forestar (USA) and KL JAK WWP LLC, in substantial form, as discussed, subject to the three Developers agreement to the cost split ratio, and authorizing the Chair to execute, was approved.

SIXTEENTH ORDER OF BUSINESS

Consideration of Resolution 2021-03, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Remainder of Fiscal Year 2020/2021 and Providing for an Effective Date

Mr. Wrathell presented Resolution 2021-03. Discussion ensued regarding the meeting dates and times. It was decided that meetings would be held at the current meeting location.

The following changes were made to the Fiscal Year 2021 Meeting Schedule:

Dates and Time: The second Tuesday of each month at 12:00 p.m.

On MOTION by Mr. Martin and seconded by Ms. Smith, with all in favor, Resolution 2021-03, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Remainder of Fiscal Year 2020/2021, as amended, and Providing for an Effective Date, was adopted.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2020

Mr. Wrathell presented the Unaudited Financial Statements as of November 30, 2020.

On MOTION by Mr. Harvey and seconded by Mr. Martin, with all in favor, the Unaudited Financial Statements as of November 30, 2020, were accepted.

EIGHTEENTH ORDER OF BUSINESS

Consideration of September 21, 2020 Special Public Meeting Minutes

Mr. Wrathell presented the September 21, 2020 Special Public Meeting Minutes.

On MOTION by Mr. Harvey and seconded by Mr. Martin with all in favor, the September 21, 2020 Special Public Meeting Minutes, as presented, were approved.

Discussion ensued regarding the provisions of the Utility Agreement, which provided for the connection fees for water and sewer service.

On MOTION by Mr. Harvey and seconded by Mr. Martin, with all in favor, authorizing the District to make connection fee payments and to enter into utilities agreements, as necessary, was approved.

Mr. Truxton noted Phase I infrastructure was nearly complete. The District was paying for the assets so a Bill of Sale would be needed from the District to the County, once the District Engineer certifies the improvements for Phase 1 construction. Discussion ensued regarding stormwater pond improvement, easements, conveyances and plat tracts not separated.

- **Acceptance of Resignation of Supervisor Dave Truxton, Seat 2, Term Expires November 2024**

This item was an addition to the agenda.

Mr. Wrathell presented Mr. Truxton’s resignation letter.

On MOTION by Mr. Harvey and seconded by Mr. Martin, with all in favor, the resignation of Supervisor Dave Truxton from Seat 2, was accepted.

Consideration of filling vacant Seat 2 would be included on the next agenda.

- **Consideration of Resolution 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the West Port Community Development District, and Providing for an Effective Date**

This item, previously the Sixth Order of Business, was presented out of order.

Mr. Wrathell presented Resolution 2021-01. Mr. Harvey nominated the following slate of officers:

Chair	James (Jim) Harvey
Vice Chair	Candice Smith
Secretary	Craig Wrathell
Assistant Secretary	Paul Martin
Assistant Secretary	Christian Cotter
Assistant Secretary	Cindy Cerbone
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION by Mr. Harvey and seconded by Mr. Martin, with all in favor, Resolution 2021-01, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the West Port Community Development District, as nominated, and Providing for an Effective Date, was adopted.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Hopping Green & Sams, P.A.*

There being nothing further to report, the next item followed.

B. District Engineer: *Morris Engineering and Consulting, LLC*

There being nothing further to report, the next item followed.

C. District Manager: *Wrathell, Hunt and Associates, LLC*

- **NEXT MEETING DATE: February 9, 2021 at 12:00 p.m.**
 - **QUORUM CHECK**

The next meeting would be held on February 9, 2021 at 12:00 p.m., unless canceled.

TWENTIETH ORDER OF BUSINESS

Board Members' Comments/Requests

There being no Board Members' comments or requests, the next item followed.

TWENTY-FIRST ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

TWENTY-SECOND ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Harvey and seconded by Mr. Martin with all in favor, the meeting adjourned at 12:11 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Present were:

Jim Harvey	Chair
Dave Truxton	Vice Chair
Paul Martin	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates, LLC
Daniel Rom	Wrathell, Hunt and Associates, LLC
Jere Earlywine	District Counsel
Matt Morris	District Engineer
Tim Martin	Forestar
Christian Cotter	Forestar
Candace Smith	Kolter
Linda Harrison	Public

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 11:00 a.m. Supervisors Harvey, Truxton and Martin were present. Supervisors Moulton and Schrottenboer were not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
Mary Moulton, Seat 5, Term Expires
November 2022**