

**MINUTES OF MEETING
AVALON PARK WEST
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Avalon Park West Community Development District held a Regular Meeting on July 28, 2023 at 10:00 a.m., at the Avalon Park West Amenity Center, 5060 River Glen Boulevard, Wesley Chapel, Florida 33545.

Present were:

Christian Cotter	Chair
Mary Moulton	Vice Chair
Ty Vincent	Assistant Secretary

Also present, were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates LLC (WHA)
Andrew Kantarzhi	Wrathell, Hunt and Associates LLC (WHA)
Jere Earlywine (via telephone)	District Counsel
Tonja Stewart (via telephone)	District Engineer
Lori Lansing	Access Management
Alex Gormley	Access Management
David Lione	Resident
Jen Huff	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Sanchez called the meeting to order at 10:03 a.m.

Supervisors Cotter, Moulton and Vincent were present. Supervisor-Appointee Hart and Supervisor-Elect Carmack were not present.

SECOND ORDER OF BUSINESS

Public Comments

Resident Jen Huff voiced her opinion that the landscaping in Westgate is lacking and that the area near a pond needs to be mowed; she admitted to mowing the area behind her home. Ms. Moulton stated that two CDDs oversee River Glen and noted that New River CDD

(NRCDD) should be maintaining the area in question, not the Avalon Park West CDD (APWCDD). Ms. Cerbone noted that the APWCDD has an agreement with the HOA for the HOA to maintain the CDD improvements.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Supervisors Andre Carmack [Seat 1] and Steve Hart [Seat 2] (the following will be provided in a separate package)

This item was deferred as Mr. Andre Carmack and Mr. Steve Hart were not present.

- 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**

FOURTH ORDER OF BUSINESS

Presentation of Annual Financial Report for Fiscal Year Ended September 30, 2022, Prepared by Berger, Toombs, Elam, Gaines & Frank

Ms. Sanchez presented the Annual Financial Report for Fiscal Year Ended September 30, 2022 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022

On MOTION by and Mr. Cotter seconded by Ms. Moulton, with all in favor, Resolution 2023-05, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022, was adopted.

SIXTH ORDER OF BUSINESS

Presentation of Supplemental Engineer’s Report

Ms. Stewart presented the Supplemental Engineer’s Report and noted the following:

- The Report relates to Phases 2B and 2C, which includes 200 units
- The estimated construction cost of \$5,932,102 will include the typical water management and control facilities, wetlands, sewer and wastewater management, internal roadways, electric undergrounding, and professional and permitting fees.

Mr. Earlywine stated that this will finish the last phases of the APWCDD. Bonds were issued in 2020 and 2022 for earlier phases and this will be the third bond issuance and is for the most recent phases. This bond issuance will relate only to phases 2B and 2C; it will not affect any other lots in the CDD.

Mr. Earlywine noted that the Supplemental Engineer’s Report will be approved as part of Resolution 2023-06; however, he recommended a motion approving acquisition of the items in the Supplemental Engineer’s Report because, as soon as bonds are issued, the first thing will be to acquire the improvements and complete them.

On MOTION by Mr. Cotter and seconded by Mr. Vincent, with all in favor, the Supplemental Engineer’s Report, in substantial form, and acquisition of the improvements set forth in the Report, was approved.

SEVENTH ORDER OF BUSINESS

Presentation of Supplemental Special Assessment Methodology Report

Ms. Cerbone presented Supplemental Special Assessment Methodology Report and noted the following:

- The Report is specific to the final 200 units and does not affect the prior units.

➤ Anticipated issuance of the estimated principal amount of \$3,450,000 in bonds to finance an estimated \$2,999,047.50 in construction acquisition costs.

➤ The Report sets forth the structure of the bonds.

Ms. Cerbone reviewed the Tables in the Methodology Report.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, the Supplemental Special Assessment Methodology Report, in substantial form, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-06, Delegating to the Chairman of the Board of Supervisors of Avalon Park West Community Development District (the "District") the Authority to Approve the Sale, Issuance and Terms of Sale of Avalon Park West Community Development District Special Assessment Revenue Bonds, Series 2023 (2023 Project Area), as a Single Series of Bonds Under the Master Trust Indenture (the "Series 2023 Bonds") in Order to Finance the Series 2023 Project; Establishing the Parameters for the Principal Amounts, Interest Rates, Maturity Dates, Redemption Provisions and Other Details Thereof; Approving the Form of and Authorizing the Chairman to Accept the Bond Purchase Contract for the Series 2023 Bonds; Approving a Negotiated Sale of the Series 2023 Bonds to the Underwriter; Ratifying the Master Trust Indenture and Approving the Form of Fourth Supplemental Trust Indenture and Authorizing the Execution and Delivery Thereof By Certain Officers of the District; Appointing a Trustee, Paying Agent and Registrar for the Series 2023 Bonds; Approving the Form of the Series 2023 Bonds; Approving the Form of and Authorizing the Use of the Preliminary Limited Offering Memorandum And

Limited Offering Memorandum Relating to the Series 2023 Bonds; Approving the Form of the Continuing Disclosure Agreement Relating to the Series 2023 Bonds; Authorizing Certain Officers of the District to Take All Actions Required and to Execute and Deliver All Documents, Instruments And Certificates Necessary In Connection With The Issuance, Sale and Delivery of the Series 2023 Bonds; Authorizing the Vice Chairman and Assistant Secretaries to Act in the Stead of the Chairman or the Secretary, as the Case May Be; Specifying the Application of the Proceeds of the Series 2023 Bonds; Authorizing Certain Officers of the District to Take All Actions and Enter Into All Agreements Required in Connection with the Acquisition and Construction of the Series 2023 Project; and Providing an Effective Date

Mr. Earlywine presented Resolution 2023-06, known as the Delegated Award Resolution, which accomplishes the following:

- Authorizes the sale of the bonds, subject to the provisions and parameters related to the sale of the bonds as set forth.
- Approves the forms of the bond-related documents.
- Authorizes Staff and the Chair, etc., to take any other actions necessary in connection with the issuance of the bonds.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, Resolution 2023-06, Delegating to the Chairman of the Board of Supervisors of Avalon Park West Community Development District (the "District") the Authority to Approve the Sale, Issuance and Terms of Sale of Avalon Park West Community Development District Special Assessment Revenue Bonds, Series 2023 (2023 Project Area), as a Single Series of Bonds Under the Master Trust Indenture (the "Series 2023 Bonds") in Order to Finance the Series 2023 Project; Establishing the Parameters for the Principal Amounts, Interest Rates, Maturity Dates, Redemption Provisions and Other Details Thereof; Approving

the Form of and Authorizing the Chairman to Accept the Bond Purchase Contract for the Series 2023 Bonds; Approving a Negotiated Sale of the Series 2023 Bonds to the Underwriter; Ratifying the Master Trust Indenture and Approving the Form of Fourth Supplemental Trust Indenture and Authorizing the Execution and Delivery Thereof By Certain Officers of the District; Appointing a Trustee, Paying Agent and Registrar for the Series 2023 Bonds; Approving the Form of the Series 2023 Bonds; Approving the Form of and Authorizing the Use of the Preliminary Limited Offering Memorandum And Limited Offering Memorandum Relating to the Series 2023 Bonds; Approving the Form of the Continuing Disclosure Agreement Relating to the Series 2023 Bonds; Authorizing Certain Officers of the District to Take All Actions Required and to Execute and Deliver All Documents, Instruments And Certificates Necessary In Connection With The Issuance, Sale and Delivery of the Series 2023 Bonds; Authorizing the Vice Chairman and Assistant Secretaries to Act in the Stead of the Chairman or the Secretary, as the Case May Be; Specifying the Application of the Proceeds of the Series 2023 Bonds; Authorizing Certain Officers of the District to Take All Actions and Enter Into All Agreements Required in Connection with the Acquisition and Construction of the Series 2023 Project; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2023-07, Setting Forth the Specific Terms of the District's Capital Improvement Revenue Bonds, Series 2023; Making Certain Additional Findings and Confirming and/or Adopting a Supplemental Engineer's Report and a Supplemental Assessment Report; Delegating Authority to Prepare Final Reports and Update this Resolution; Confirming the Maximum Assessment Lien Securing the Bonds; Addressing the Allocation and Collection of the Assessments Securing the 2023 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 2023-07, known as the Delegated Assessment Resolution.

On MOTION by Mr. Cotter and seconded by Mr. Vincent, with all in favor, Resolution 2023-07, Setting Forth the Specific Terms of the District’s Capital Improvement Revenue Bonds, Series 2023; Making Certain Additional Findings and Confirming and/or Adopting a Supplemental Engineer’s Report and a Supplemental Assessment Report; Delegating Authority to Prepare Final Reports and Update this Resolution; Confirming the Maximum Assessment Lien Securing the Bonds; Addressing the Allocation and Collection of the Assessments Securing the 2023 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.

TENTH ORDER OF BUSINESS

Consideration of Ancillary Financing Document

Mr. Earlywine presented the following:

- A. Acquisition Agreement**
- B. Collateral Assignment Agreement**
- C. Completion Agreement**
- D. Declaration of Consent**
- E. Disclosure of Public Finance**
- F. Notice of Special Assessments**

On MOTION by Mr. Cotter and seconded by Mr. Vincent, with all in favor, the Acquisition Agreement, Collateral Assignment Agreement, Completion Agreement, Declaration of Consent, Disclosure of Public Finance and Notice of Special Assessments, all in substantial form, were approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Quit Claim Deed for Stormwater & Conservation Areas

Mr. Earlywine stated that the Eleventh, Twelfth and Thirteenth Orders of Business are related. He presented the Quit Claim Deed for Stormwater & Conservation Areas.

Ms. Moulton asked if these actions will enable the Stormwater Permits to be transferred to operational status and if that is the reason these actions are being taken. Mr. Earlywine replied affirmatively.

Ms. Moulton stated that these activities were already HOA maintenance expenses so this cleans up ownership and responsibility and enables a uniform maintenance standard for the Avalon Park West HOA and includes the APWCDD Amenity Center and that the HOA has the ability to maintain, as it is already doing. Mr. Earlywine stated Ms. Moulton’s explanation is accurate.

On MOTION by Mr. Cotter and seconded by Mr. Vincent, with all in favor, the Quit Claim Deed for Stormwater & Conservation Areas, in substantial form, was approved.

TWELFTH ORDER OF BUSINESS

Consideration of Amended and Restated CDD/HOA Maintenance Agreement

On MOTION by Mr. Cotter and seconded by Mr. Vincent, with all in favor, the Amended and Restated CDD/HOA Maintenance Agreement, in substantial form, was approved.

THIRTEENTH ORDER OF BUSINESS

Consideration of Easement Agreement

Ms. Cerbone stated that the CDD is not a party to the Easement Agreement.

- **Consideration of Permit Transfer**
This item was an addition to the agenda.

On MOTION by Ms. Moulton and seconded by Mr. Vincent, with all in favor, the Permit Transfer from Forestar to the Avalon Park West HOA and/or CDD, in substantial form, was approved.

On MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor, adding the CDD as a third-party to the Easement Agreement to include the lake in front, in substantial form, was approved.

FOURTEENTH ORDER OF BUSINESS

Ratification of Stantec Consulting Services, Inc., Professional Services Agreement Change Order #201-1

Ms. Stewart presented Stantec Consulting Services, Inc., Professional Services Agreement Change Order #201-1, for preparation of the Supplemental Engineer’s Report.

On MOTION by Mr. Cotter and seconded by Mr. Vincent, with all in favor, Stantec Consulting Services, Inc., Professional Services Agreement Change Order #201-1, was ratified.

FIFTEENTH ORDER OF BUSINESS

Consideration of Resolution 2023-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

Ms. Cerbone presented Resolution 2023-08.

On MOTION by Mr. Vincent and seconded by Mr. Cotter, with all in favor, Resolution 2023-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date, was adopted.

SIXTEENTH ORDER OF BUSINESS

Consideration of FMSbonds, Inc., Rule G-17 Disclosure Letter

On MOTION by Mr. Vincent and seconded by Ms. Moulton, with all in favor, the FMSbonds, Inc., Rule G-17 Disclosure Letter, was approved.

SEVENTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of June 30, 2023

On MOTION by Mr. Cotter and seconded by Mr. Vincent, with all in favor, the Unaudited Financial Statements as of June 30, 2023, were accepted.

EIGHTEENTH ORDER OF BUSINESS

Approval of April 28, 2023 Regular Meeting Minutes

On MOTION by Mr. Cotter and seconded by Mr. Vincent, with all in favor, the April 28, 2023 Regular Meeting Minutes, as presented, were approved.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

Mr. Earlywine stated that, once the bonds close, the bond funds should be available by late-August or early-September.

B. District Engineer: Stantec Consulting Services

There was no report.

C. Operations Manager: Access Management

There was no report.

D. District Manager: Wrathell, Hunt and Associates, LLC

- **193 Registered Voters in District as of April 15, 2023**
- **NEXT MEETING DATE: August 25, 2023 at 10:00 AM [Adoption of FY2024 Budget]**
 - **QUORUM CHECK**

The next meeting will be held on May 26, 2023, unless cancelled.

TWENTIETH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

TWENTY-FIRST ORDER OF BUSINESS

Public Comments

Resident David Lione asked when the CDD will transition to a resident Board. Ms. Cerbone stated that the CDD must be in existence for six years and have at least 250 registered voters residing within the CDD. Mr. Earlywine stated that the seats will begin transferring in the 2024 General Election, if the CDD meets the required number of registered voters. Ms. Cerbone explained the General Election process.

TWENTY-SECOND ORDER OF BUSINESS


Adjournment

On MOTION by Mr. Cotter and seconded by Mr. Vincent, with all in favor, the meeting adjourned at 10:41 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair