

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

The Board of Supervisors of the Avalon Park West Community Development District held a Public Hearing and Regular Meeting on August 26, 2022, at 10:00 a.m., at the New River Amenity Center, 5227 Autumn Ridge Drive, Wesley Chapel, Florida 33545.

Present were:

Christian Cotter	Chair
Mary Moulton	Vice Chair
Marybel DeFillo	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
Meredith Hammock	KE Law Group, PLLC
Tonja Stewart	District Engineer
Cynthia Wilhelm	Bond Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 12:37 p.m. Supervisors Cotter, Moulton and DeFillo were present, in person. Supervisors Demby and Halle were not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Presentation of Supplemental Engineers' Report

Ms. Stewart reported the following:

- Engineering staff has been working on the Supplemental Engineer's Report for a few weeks and discussing what is going to be acquired.
- The Report is being finalized.
- The improvements for Phases 2A and 3 will be acquired.

- There were discussions about the previous 2020 bond series and whether the Developer fund can be accessed to complete the project, which was removed from the acquisition plan.
- Currently, the total requisition in the cost estimate is \$12,982,388, with a reduction of the \$3,210,915 for the 2020 bonds.

Mr. Earlywine stated, as Ms. Stewart indicated, the Engineer’s Report is somewhat fluid, as exactly how much there is in Phase 2A pre-cost is being determined; those figures will be the final numbers or costs for the project. The bonds were recently issued for \$5.5 million and Staff’s expectation is there is plenty of infrastructure within Phases 2A and 3 that is completed and towards pay applications to finalize the Report. He recommended approval of the Report, in substantial form for purposes of bond issuance.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, the Supplemental Engineers’ Report – 2022 Project, in substantial form, was approved.

FOURTH ORDER OF BUSINESS

Presentation of Supplemental Special Assessment Methodology Report

Ms. Cerbone stated the Supplemental Special Assessment Methodology Report is in line with the information presented by the District Engineer and, when approval of the Methodology Report is requested, it will be in substantial form to facilitate any changes related to the Engineer’s Report.

Ms. Cerbone stated the main purpose of this is to address the 404 units, also known as the 2022 Project Number of Units. She discussed the unit types, estimated acquisition costs, par amount of bond proceeds and unit type Equivalent Residential Units (ERUs) weightings.

Asked about the \$7.2 million bond proceeds, Ms. Cerbone stated nothing was final; there are no proceeds yet and all the figures are estimates, as the numbers will change. This is simply a framework to validate the number of units and the weightings; everything is very fluid.

Mr. Earlywine stated, after the Board authorizes the issuance of the bonds, the corporate office at DR Horton will review an offering statement that will be completed once the numbers on the Engineer’s Report are finalized. The bonds will likely be sold and priced the first week of September, with a closing the third or fourth week of September. The balance of the

infrastructure for Phases 2A and 3 will be acquired and the account updated on the same day. He recommended approval, in substantial form, for the purpose of bond issuance.

On MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor, the Second Supplemental Special Assessment Methodology Report dated August 26, 2022, in substantial form, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-10, 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 2022 (2022 Project Area), as a Single Series of Bonds Under the Master Trust Indenture(the "Series 2022 Bonds") in Order to Finance the Series 2022 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 2022 Bonds; Approving a Negotiated Sale Of The Series 2022 Bonds To The Underwriter; Ratifying The Master Trust Indenture and Approving the Form of Third 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 2022 Bonds; Approving the Form of the Series 2022 Bonds; Approving the Form of and Authorizing the Use of the Preliminary Limited Offering Memorandum and Limited Offering Memorandum Relating to the Series 2022 Bonds; Approving the Form of the Continuing Disclosure Agreement Relating to the Series 2022 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 2022 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 2022 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 2022 Project; and Providing an Effective Date

Ms. Wilhelm stated Resolution 2022-10 is also known as the Delegated Award Resolution and accomplishes the following:

- Delegates authority to the Chair to enter into a Bond Purchase Contract (BPC), as long as the terms of the Contract are within the parameters being approved by the Board today.
- Approves the forms of certain documents that are needed to market, price and sell the bonds, including the BPC, Supplemental Indenture, Preliminary Limited Offering Memorandum (PLOM) and the Continuing Disclosure Agreement.

The parameters within which the Chair could enter into the BPC are attached in Schedule I of the Resolution, as follows:

- The maximum principal amount is not to exceed \$7.5 million.
- The maximum coupon rate is the maximum statutory rate.
- The maximum Underwriting discount is 2.0%.
- The not to exceed maturity date is the maximum allowed by law.
- The redemption provisions are as provided in the form of the bonds, which is attached to the form of Supplemental Indenture.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, Resolution 2022-10, 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 2022 (2022 Project Area), as a Single Series of Bonds Under the Master Trust Indenture(the "Series 2022 Bonds") in Order to Finance the Series 2022 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 2022 Bonds; Approving a Negotiated Sale Of The Series 2022 Bonds To The Underwriter; Ratifying The Master Trust Indenture and Approving the Form of Third 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 2022 Bonds; Approving the Form of the Series 2022 Bonds; Approving the Form of and Authorizing the Use of the Preliminary Limited Offering Memorandum and Limited Offering Memorandum Relating to the Series 2022 Bonds; Approving the Form of the Continuing Disclosure Agreement Relating to the Series 2022 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 2022 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 2022 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 2022 Project; and Providing an Effective Date, in substantial form, was adopted.

SIXTH ORDER OF BUSINESS

Resolution 2022-11, Setting Forth the Specific Terms of the District's Capital Improvement Revenue Bonds, Series 2022; 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 Series 2022 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 2022-11, which accomplishes the following:

- Sizes the assessments to match the final pricing of the Underwriter.
- Confirms and updates the Engineer's Report and Assessment Methodology with new pricing information.

- Delegates authority to Staff to update the Reports and attach them to the Resolution.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, Resolution 2022-11, Setting Forth the Specific Terms of the District’s Capital Improvement Revenue Bonds, Series 2022; 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 Series 2022 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.

SEVENTH ORDER OF BUSINESS

Consideration of Bond Related Items

Mr. Earlywine presented the following and recommended approval in substantial form:

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

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, the Bond Related Items, including the Acquisition Agreement, Completion Agreement, True-Up Agreement, Collateral Assignment Agreement, Declaration of Consent Notice of Special Assessments/Governmental Lien of Record, Disclosure of Public Finance, all in substantial form, were approved.

EIGHTH ORDER OF BUSINESS

Consideration of FMSbonds, Inc., Agreement for Underwriter Services and Rule G-17 Disclosure

Ms. Cerbone presented the FMSbonds, Inc., Agreement for Underwriter Services and Rule G-17 Disclosure.

On MOTION by Mr. Cotter and seconded by Ms. DeFillo, with all in favor, the FMSbonds, Inc., Agreement for Underwriter Services and Rule G-17 Disclosure, was approved.

NINTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2022/2023 Budget

- A. Proof/Affidavit of Publication**
- B. Consideration of Resolution 2022-12, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Cerbone recapped the decisions made at the April meeting, including the transfer of field operations over to the HOA, termination and/or assignment of various agreements and termination of the Interlocal Agreement. She was asked to adjust the proposed Fiscal Year 2023 budget and keep the operation and maintenance (O&M) portion of the assessments at a certain level and, in doing so, she included a Developer contribution and sent the Truth in Millage (TRIM) notice. However, upon a closer review, it was noted that it would be necessary to terminate the Developer contribution and place dollar amounts on the units to show either on-roll or off-roll assessments with no Developer contribution. Staff then informed Pasco County of the issue and forwarded updated notices to the property owners. Thus, today’s public hearing would be opened and continued to give property owners a chance to voice their opinions.

Ms. Cerbone reviewed the proposed Fiscal Year 2023 budget, highlighting line-item increases, decreases, adjustments and total assessments assigned to the various product types.

Discussion ensued regarding the Fiscal Year 2022 assessments, the increase in HOA fees and resulting decrease in O&M fees and the April meeting.

Ms. Cerbone reiterated that the public hearing will be opened and continued to September 20, 2023. The Fiscal Year 2023 budget will not be adopted today because there is a slight change in the TRIM files. Management contacted the County and sent new Mailed Notices to the property owners, as required by the Florida Statutes. Asked why the Fiscal Year 2023 budget cannot be adopted, Ms. Cerbone explained that Florida Statutes require budgets to be adopted by September 15th but it cannot be adopted in its present form because it differs from the preliminary TRIM file that was sent to the County by approximately \$50,000.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, the Public Hearing was opened.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, continuing the Public Hearing to September 20, 2022 at 10:00 a.m., at the New River Amenity Center, 5227 Autumn Ridge Drive, Wesley Chapel, Florida 33545 was approved.

Mr. Earlywine asked for approval of the acquisition of the work product and improvements in the Engineer’s Report, in a not to exceed amount of \$12 million.

On MOTION by Mr. Cotter and seconded by Ms. DeFillo, with all in favor, acquisition of the work product and improvements in the Engineer’s Report, from the Developer to the CDD, in a not to exceed amount of \$12 million, was approved.

Mr. Earlywine left the call.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2022-13, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including But Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

This item was deferred.

ELEVENTH ORDER OF BUSINESS

Consideration of Fiscal Year 2023 Deficit Funding Agreement

Ms. Cerbone stated this item should read “Fiscal Year 2022 Deficit Funding Agreement” instead of “2023” and will be discussed after Resolution 2022-09 is presented.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2022-09, Relating to the Amendment of the Annual

Budget for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022; and Providing for an Effective Date

Ms. Cerbone stated landscaping changes were made at the beginning of the year because Field Operations would be transferred to the HOA and significant landscaping expenses started to accrue in the CDD's budget and closure of the Amenity Center resulted in a loss of \$50,000 in the Interlocal Agreement with New River. With the amended budget, there were no leftover funds from Fiscal Year 2022 and Staff opted against obtaining funds from the Developer to fund expenses. Given that the transition to the HOA is occurring slower than previously anticipated, this Resolution is a safeguard in the event the CDD runs out of cash related to the Fiscal Year 2022 expenses. Ms. Moulton stated she expects most of this will be paid through the HOA and it is acceptable although she doubts it is necessary.

Ms. Cerbone presented Resolution 2022-09 and read the title.

On MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor, the Resolution 2022-09, Relating to the Amendment of the Annual Budget for the Fiscal Year Beginning October 1, 2021 and Ending September 30, 2022; and Providing for an Effective Date, was adopted.

▪ **Consideration of Fiscal Year 2022 Deficit Funding Agreement**

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

Ms. Cerbone presented the Fiscal Year 2022 Deficit Funding Agreement.

On MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor, the Fiscal Year 2022 Deficit Funding Agreement, was approved.

THIRTEENTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2021, Prepared by Berger, Toombs, Elam, Gaines & Frank

Ms. Cerbone presented the Audited Financial Report for the Fiscal Year Ended September 30, 2021 and noted the pertinent information. There were no findings, recommendations, deficiencies on internal control or instances of non-compliance; it was a clean audit.

**AVALON PARK WEST CDD
FOURTEENTH ORDER OF BUSINESS**

August 26, 2022

**Consideration of Resolution 2022-14,
Hereby Accepting the Audited Financial
Report for the Fiscal Year Ended
September 30, 2021**

Ms. Cerbone presented Resolution 2022-14.

**On MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor,
Resolution 2022-14, Hereby Accepting the Audited Financial Report for the
Fiscal Year Ended September 30, 2021, was adopted.**

FIFTEENTH ORDER OF BUSINESS

**Ratification of Stormwater Management
Needs Analysis**

Ms. Cerbone presented the Stormwater Management Needs Analysis Report, which was completed and submitted to the County by the June 20, 2022 due date.

**On MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor, the
Stormwater Management Needs Analysis Report, was ratified.**

SIXTEENTH ORDER OF BUSINESS

**Update: Monuments and Future
Connection**

This item was deferred.

SEVENTEENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of July 31, 2022**

Ms. Cerbone presented the Unaudited Financial Statements as of July 31, 2022.

**On MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor, the
Unaudited Financial Statements as of July 31, 2022, were accepted.**

EIGHTEENTH ORDER OF BUSINESS

**Approval of April 22, 2022 Regular Meeting
Minutes**

Ms. Cerbone presented the April 22, 2022 Regular Meeting Minutes.

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, the April 22, 2022 Regular Meeting Minutes, as presented, were approved.

NINETEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *KE Law Group, PLLC*

B. District Engineer: *Stantec Consulting Services*

District Counsel and the District Engineer had nothing further to report.

C. Operations Manager: *Access Management*

The July Operations Report was presented. It was noted that there were some issues with Grandview Landscaping and the contract might be terminated.

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

I. 3 Registered Voters in District as of April 15, 2022

II. NEXT MEETING DATE: September 23, 2022 *immediately following the adjournment of the Silverado CDD Meeting, scheduled to commence at 10:00 A.M.*

○ **QUORUM CHECK**

The next meeting will be the Continued Meeting on September 20, 2022.

TWENTIETH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

TWENTY-FIRST ORDER OF BUSINESS

Public Comments

There were no public comments.

TWENTY-SECOND ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Cotter and seconded by Ms. Moulton, with all in favor, the meeting adjourned at 1:09 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair