

**MINUTES OF MEETING
WESTVIEW SOUTH COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Westview South Community Development District held a Continued Public Hearing and Regular Meeting on July 27, 2023 at 2:00 p.m., at the Hampton Inn & Suites Orlando South Lake Buena Vista, 4971 Calypso Cay Way, Kissimmee, Florida 34746.

Present at the meeting were:

Josh Kalin	Chair
Patrick Bonin	Vice Chair
Heather Isaacs	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Jere Earlywine (via telephone)	District Counsel
Ashley Ligas (via telephone)	Kutak Rock, LLP
Katie Ibarra (via telephone)	Kutak Rock, LLP
Bennett Davenport (via telephone)	Kutak Rock, LLP
Santiago Machado	Interim District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 2:27 p.m. Supervisors Kalin, Issacs and Bonin were present. Supervisors Schuster and Lantrip were not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Continued Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements

On MOTION by Ms. Isaacs and seconded by Mr. Kalin, with all in favor, the Continued Public Hearing was opened.

A. Affidavits/Proof of Publication

B. Mailed Notice to Property Owner(s)

These items were included for informational purposes.

C. Engineer’s Report – Restated (for informational purposes)

Mr. Machado stated that the cost estimate for the Capital Improvement Plan (CIP) includes costs for Pods A and B and Assessment Areas One and Two, which are comprised of various public improvements.

D. Amended and Restated Master Special Assessment Methodology Report (for informational purposes)

Ms. Cerbone presented the Amended and Restated Master Special Assessment Methodology Report, which presents the updated projections for financing the CIP, as described in the Engineer’s Restated Report.

E. Consideration of Resolution 2023-36, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date

- **Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.**

No members of the public or affected property owners spoke.

- **Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.**

The Board, sitting as the Equalizing Board, made no changes to the assessment levels.

On MOTION by Mr. Kalin and seconded by Ms. Isaacs, with all in favor, the Continued Public Hearing was closed.

Ms. Cerbone presented Resolution 2023-36 and read the title.

On MOTION by Mr. Kalin and seconded by Ms. Isaacs, with all in favor, Resolution 2023-36, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Presentation of First Supplemental Engineer’s Report, dated May 31, 2023

Mr. Santiago stated that the First Supplemental Engineer’s Report shows cost estimates for Assessment Areas One and Two and the public improvements for Pods A and B.

The Reports behind the Fourth and Fifth Orders of Business will be approved via Resolution 2023-09, which is the Sixth Order of Business.

FIFTH ORDER OF BUSINESS

Presentation of Final First Supplemental Assessment Methodology Report, dated July 11, 2023

Ms. Cerbone presented the Final First Supplemental Assessment Methodology Report. She stated that it is specific to the bond issue for the Assessment Area One and Assessment Area Two 2023 projects.

District Staff responded to questions and noted that the contingency amount is 10%, based on project cost, and that changes were made to the lots and recorded in the Amended and Restated Master Special Assessment Methodology Report.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2023-39, Setting Forth the Specific Terms of the Westview South Community Development District’s \$48,000,000 Special Assessment Bonds, Series 2023 (Assessment Area One – 2023 Project Area) and \$8,740,000 Special Assessment Bonds, Series 2023 (Assessment Area Two); Making Certain Additional Findings and Confirming and/or Adopting a Supplemental Engineer’s Report and a Supplemental Assessment Report; Confirming the Maximum Assessment Lien Securing the 2023 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

Ms. Cerbone presented Resolution 2023-39 and read the title.

On MOTION by Mr. Kalin and seconded by Ms. Isaacs, with all in favor, Resolution 2023-39, Setting Forth the Specific Terms of the Westview South Community Development District’s \$48,000,000 Special Assessment Bonds, Series 2023 (Assessment Area One – 2023 Project Area) and \$8,740,000 Special Assessment Bonds, Series 2023 (Assessment Area Two); Making Certain Additional Findings and Confirming and/or Adopting a Supplemental Engineer’s Report and a Supplemental Assessment Report; Confirming the Maximum Assessment Lien Securing the 2023 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.

SEVENTH ORDER OF BUSINESS

Consideration of Issuer’s Counsel Documents

Ms. Ibarra presented the following:

- A. True-Up Agreement (Assessment Area One)
- B. True-Up Agreement (Assessment Area Two)
- C. Collateral Assignment Agreement (Assessment Area One)
- D. Collateral Assignment Agreement (Assessment Area Two)
- E. Completion Agreement (Assessment Area One)
- F. Completion Agreement (Assessment Area Two)
- G. Notice of Special Assessments
- H. Disclosure of Public Finance
- I. Declaration of Consent (Assessment Area One)
- J. Declaration of Consent (Assessment Area Two)

On MOTION by Mr. Kalin and seconded by Ms. Isaacs, with all in favor, the Issuer’s Counsel Documents, True-Up Agreement (Assessment Area One), True-Up Agreement (Assessment Area Two), Collateral Assignment Agreement (Assessment Area One), Collateral Assignment Agreement (Assessment Area Two), Completion Agreement (Assessment Area One), Completion Agreement (Assessment Area Two), Notice of Special Assessments, Disclosure of Public Finance, Declaration of Consent (Assessment Area One), Declaration of Consent (Assessment Area Two), were approved.

EIGHTH ORDER OF BUSINESS

Consideration of Construction Related Items

A. Assignment of Site Work Contract(s)

Ms. Ibarra stated that the construction and site work contracts are not executed so they have not formally started this process. She requested a motion authorizing the Chair and Staff to proceed with the process when the contracts are executed.

Mr. Kalin stated that the next contract assignment is for the Pod B infrastructure improvements.

Discussion ensued regarding processing payout requisitions from the site contractor.

Ms. Ibarra advised that she corrected the street name on the signature page of the following document to read “Cypress Parkway”.

On MOTION by Ms. Isaacs and seconded by Mr. Kalin, with all in favor, authorizing the Chair to proceed with the process and execute the contract and for District Staff to work on the assignment of the site construction contracts when they are executed, was approved.

Ms. Ligas presented the following:

B. Acquisitions of Work Product and Improvements

Ms. Ligas stated she reviewed the invoices. The following change was made:

Cost of Work Product Table: Change “RVE, Inc.” to “RVI, Inc.”

On MOTION by Ms. Isaacs and seconded by Mr. Kalin, with all in favor, the Acquisitions of Work Product of Pod A and Phase 1A Improvements, totaling \$668,976.37 and \$7,182,746.31, respectively, as amended, were approved.

C. Other Items

There was nothing further to discuss.

NINTH ORDER OF BUSINESS

Consideration of CDD HOA Maintenance Agreement

This item was deferred.

TENTH ORDER OF BUSINESS

Consideration of Bio-Tech Consulting, Inc., Agreement for Environmental Maintenance Services [Westview Pod B, Pod E Mitigation Tract]

Ms. Cerbone requested approval of this Agreement plus an additional \$100,000 for signage, as it was omitted from the original proposal.

Mr. Kalin stated that the Environmental Resource Permit (ERP) includes wetlands, which obligates the CDD to mitigate the area and perform prescribed burns over a 10-year period.

Ms. Isaacs asked about obtaining other quotes. Ms. Cerbone stated that, once costs exceed the \$195,000 threshold, the Request for Proposals (RFP) process will be required.

The consensus was to issue a separate Signage Agreement.

On MOTION by Ms. Isaacs and seconded by Mr. Bonin, with all in favor, the Bio-Tech Consulting, Inc., Agreement for Environmental Maintenance Services of Westview Pod B, Pod E Mitigation Tract and a separate Signage Agreement, in a not-to-exceed amount of \$100,000, was approved.

ELEVENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel: Kutak Rock LLP
- B. District Engineer (Interim): Atwell, LLC
- C. District Manager: Wrathell, Hunt and Associates, LLC

There were no Staff reports.

- **NEXT MEETING DATE: August 9, 2023 at 2:00 PM [Adoption of FY2024 Budget]**
 - **QUORUM CHECK**

TWELFTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

THIRTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Isaacs and seconded by Mr. Kalin, with all in favor, the meeting adjourned at 3:04 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair