

MINUTES OF MEETING
WESTSIDE
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Westside Community Development District was held Tuesday, September 6, 2022 at 11:00 a.m. at the offices of Hanson Walter & Associates, 8 Broadway Avenue, Suite 104, Kissimmee, Florida.

Present and constituting a quorum were:

Tom Franklin	Chairman
Scott Stewart	Vice Chairman
Robert Bagwell	Assistant Secretary
Jose Lagunilla, Jr.	Assistant Secretary

Also present were:

Jason Showe	District Manager
Jan Carpenter	District Counsel
Jay Lazarovich	District Counsel
Mark Vincutonis	District Engineer
Andy Hatton	Field Manager
Sete Zare <i>by telephone</i>	MBS Capital Markets

FIRST ORDER OF BUSINESS

Roll Call

Mr. Showe called the meeting to order, called the roll and stated Mr. Lagunilla was sworn in prior to the start of the meeting.

SECOND ORDER OF BUSINESS

Public Comment Period

There being none, the next item followed.

THIRD ORDER OF BUSINESS

Organizational Matters

- A. Appointment of Individuals to Fill General Elector Seats 3 & 5**
- B. Oath of Office for Newly Appointed Supervisors**
- C. Election of Officers Resolution 2022-12 Electing Officers**

This item was tabled to a future meeting.

FOURTH ORDER OF BUSINESS

Approval of the Minutes of the July 19, 2022 Meeting

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor the minutes of the July 19, 2022 meeting were approved as amended.

FIFTH ORDER OF BUSINESS

Review and Acceptance of the Fiscal Year 2021 Audit

Mr. Showe stated the audit has similar comments as in past audits due to the 2005 and 2007 bonds. Those were cancelled during Fiscal Year 2021 but they did miss one payment and that will be cleared up in the next audit. The financial analysis is the same, we did meet a financial condition trigger and that is due to not making the Debt Service payment.

On MOTION by Mr. Bagwell seconded by Mr. Franklin with all in favor the Fiscal Year 2021 Audit was accepted.

SIXTH ORDER OF BUSINESS

Financing Matters

A. Consideration of Engineer’s Report

Mr. Showe stated we handed out a revised engineer’s report and revised assessment methodology report that incorporates some changes received over the weekend.

Mr. Vincutonis stated the revised report incorporates comments from Jan’s office, from Sete’s office, and Akerman’s office had one comment. This is very similar to what was done with Solara Phases 1 and 2 and this is Solara Phase 3 and Soleil and the cost estimates are on the last two pages of the report and that outlines what the District could fund towards public infrastructure. The goal is that the bond amounts will be substantially less than that. It contains background information, a description of the different categories.

Ms. Carpenter stated Mattamy approached the District’s underwriter saying they wanted to issue bonds for their last two phases, Phase 3 of Solara and Soleil, which is a single-family development right next to it.

Ms. Zare joined the meeting by telephone at this time.

Ms. Carpenter stated to do the process we need an engineer’s report that lays out what the District’s project is, that is the only infrastructure that will be built and acquired by the District. In this case, this is the same report we have had, the same category of improvements throughout all of Westside. The estimated probable cost is much more than will actually be paid for with bonds; the developer will contribute the rest and the amount we will actually put an assessment

will be what the market will bear. The developer will decide how much they can issue in bonds to make sure the amount of assessments on the homes are not too high for their market.

The first step is to adopt the Engineer’s Report that lays out the project, the infrastructure, which is the same as throughout the rest of Westside.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor the revised Engineer’s Report was accepted.

B. Consideration of Assessment Methodology Report

Mr. Showe stated this revised assessment methodology report incorporates the changes the Mark made to the engineer’s report and other changes that were made. This lays out the entire project and recognized these are two separate projects because there is different infrastructure being funded by each one. We lay out all the costs of improvements, we are looking at maximum bond value and don’t think we would issue that amount, allocation of assessments, par debt, annual bond expenditure and the preliminary assessment roll. This will be updated as we get updated numbers and will incorporate any changes in those figures.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor the revised Assessment Methodology report was approved.

C. Consideration of Resolution 2022-09 Declaring Special Assessments

Mr. Showe stated Resolution 2022-09 declares the special assessments, the blanks in the resolution will be filled out with the final numbers we just approved. The assessment methodology and engineer’s report will be attached to the resolution as exhibits.

Ms. Carpenter stated there is a three-part process for issuing and putting a lien with the assessments on the property. The first part is declaring the assessments, which is what we are doing today and that means that we say based upon the engineer’s report and the assessment report these would be the maximum assessments on the property. This lays out the advertising that is required, incorporates the engineer’s report and the assessment report and the Board says yes, we have the intent to place these liens on the property. The second part will be to hold a public hearing, which will be the next resolution that sets the public hearing for the assessments and at the public hearing the Board acts as a Board of equalization, looks at all costs and imposes the lien on the property. That gives the public an opportunity to come in and comment if they

don't want that lien. In this case Mattamy owns all the property so it is highly unlikely that anyone will appear at the hearing but that is the process we do in all cases.

On MOTION by Mr. Franklin seconded by Mr. Bagwell with all in favor Resolution 2022-09 Declaring Special Assessments was approved.

D. Consideration of Resolution 2022-10 Setting a Public Hearing for Special Assessments

Ms. Carpenter stated this is setting the public hearing and it has to be at least 28 days for advertising and to issue mailed notice. We are recommending the November 1st meeting.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor Resolution 2022-10 Setting a Public Hearing for Special Assessments on November 1, 2022 was approved.

E. Consideration of Bond Issue Funding Agreement with Mattamy Orlando

Ms. Carpenter stated these are two agreements that we like to have in place. We want to make sure that if there are any costs that are incurred prior to the issuance of the bonds, that Mattamy pays it and not the residents of the District. This is the same form agreement that Mattamy has signed before, but we would like to get this in place. This requires that Mattamy pay the District for any costs incurred related to the bond issue.

On MOTION by Mr. Bagwell seconded by Mr. Stewart with all in favor the Bond Issue Funding Agreement with Mattamy Orlando, LLC was approved.

F. Consideration of Acquisition Agreement with Mattamy Orlando

Ms. Carpenter stated the acquisition agreement triggers for the developer the beginning for the tax issue, that they are intending to issue bonds so the costs they incur from now on can be part of that tax-exempt bond and they can be reimbursed for it. When we issue the bonds, we will amend this and restate it and make it related to those bonds. We like to have this agreement in place so that any work they are doing is reimbursable under the tax code.

On MOTION by Mr. Franklin seconded by Mr. Stewart with all in favor the acquisition agreement with Mattamy Orlando, LLC was approved.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2022-11
Declaring Vacancies in Certain Seats**

Mr. Showe stated Resolution 2022-11 declares vacancies in seats 3, 4 and 5 effective November 22nd. This allows the remaining supervisor to stay in those seats until such time as a qualified elector is appointed by the Board.

On MOTION by Mr. Bagwell seconded by Mr. Franklin with all in favor Resolution 2022-11 Declaring Vacancies in Certain Seats was approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Carpenter stated as a reminder to the new Board member the sunshine law is the most concerning. You have to be very cautious when using social media we recommend you don't put anything on Facebook or social media sites because people can respond and can communicate to other Board members, your thoughts. We are strongly against any social media. When you respond to an email or have something you want the Board to know, send it to Jason at GMS and he can distribute as appropriate. We want to avoid that anyone is sending something to other Board members.

B. Engineer

There being none, the next item followed.

C. Manager

i. Approval of Check Register

Mr. Showe presented the check register from July 26, 2022 through August 28, 2022 in the amount of \$94,092.39.

On MOTION by Mr. Bagwell seconded by Mr. Lagunilla with all in favor the check register was approved.

ii. Balance Sheet and Income Statement

A copy of the balance sheet and income statement were included in the agenda package.

iii. Discussion of Direct Bill Status

A copy of the direct bill status was included in the agenda package.

iv. Field Manager

Mr. Hatton stated we talked about the signs and however you want to proceed with that.

Ms. Carpenter stated the issue that came up are the number of signs out there on Westside Boulevard. The County has strong code requirements and permitting requirements for new construction and for elections signs and junk signs.

Mr. Hatton stated for the landscape we had Exclusive doing Phase 3 pod and the boulevard, we are going to switch over and let Yellowstone take care of all that so we are writing one check at the end of the day.

Mr. Showe stated Westside and Windsor at Westside have a cost share agreement and for consistency we used the prior landscaper at Windsor at Westside to do some of the Westside work, but they are no longer with Windsor at Westside, they changed vendors so we are going to have the current Westside CDD vendor do it.

NINTH ORDER OF BUSINESS

Supervisor's Requests

There being none, the next item followed.

TENTH ORDER OF BUSINESS

Other Business

There being none,

On MOTION by Mr. Stewart seconded by Mr. Bagwell with all in favor the meeting adjourned at 11:24 a.m.



Secretary/Assistant Secretary



Chairman/Vice Chairman