

**MINUTES OF MEETING
WINDWARD PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

An Organizational Meeting of the Windward Preserve Community Development District was held on April 16, 2024, immediately following the adjournment of the Landowners' Meeting, scheduled to commence at 3:00 p.m., at the Brevard County Government Center (Atlantic Room), 2725 Judge Fran Jamieson Way, Viera, Florida 32940.

Present were:

Susan Kane	Chair
Nora Schuster	Vice Chair
Tyler Harding	Assistant Secretary
Kevin LaRue	Assistant Secretary
George Nesov	Assistant Secretary

Also present:

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC
Antonio Shaw	Wrathell, Hunt and Associates, LLC
Jere Earlywine (via telephone)	District Counsel
Bennett Davenport (via telephone)	Kutak Rock, LLP
David Stokes (via telephone)	Interim District Engineer
Cynthia Wilhelm (via telephone)	Bond Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Kantarzhi called the meeting to order at 3:09 p.m. He noted that the Landowners' Election was held just prior to this meeting. The Oath of Office was administered to all the Supervisors before the meeting.

Supervisors Caputo, Kane, Schuster, Harding, LaRue and Nesov were present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public were present.

Ms. Cerbone stated, because Management works with Taylor Morrison so much and, in the interest of time, Mr. Earlywine developed a means of addressing numerous organizational

agenda items via a Consent Agenda. She gave an overview of the agenda and explained the Consent Agenda process; whereby, the Board can consider approving all Consent Agenda Items in a single motion or, if there are questions or issues, the Board can withdraw items from the Consent Agenda.

The Board Members confirmed that the meeting can proceed accordingly.

PART 1: GENERAL DISTRICT ITEMS

GENERAL DISTRICT ITEMS

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Elected Board of Supervisors (the following will also be provided in a separate package)

The Oath of Office was administered to all Supervisors before the meeting.

Mr. Kantarzhi and Ms. Cerbone provided and discussed the following:

A. Required Ethics Training and Disclosure Filing

- **Sample Form 1 2023/Instructions**

Mr. Kantarzhi stated Form 1 is now filed electronically with the Florida Commission on Ethics (FCOE). Board Members will receive an email with links and further information. He discussed the new requirement to complete four hours of ethics continuing education by December 31st, every year, beginning with 2024; however, brand new Supervisors are not required to meet the continuing education requirement until December 31, 2025.

B. Membership, Obligations and Responsibilities

C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees

Mr. Kantarzhi reviewed the guidelines for interactions among Supervisors, CDD emails, recordkeeping and avoiding conflicts of interest.

D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers

Mr. Kantarzhi provided Form 8B, which each Supervisor will complete to disclose their relationship with the Landowner. He read the disclosure into the record, as follows:

"I am a member of the Board of Supervisors of the Windward Preserve Community Development District created under Chapter 190, Florida Statutes, and I am a principal,

employee and/or business associate, or relative, of a landowner in the District. Decisions potentially affecting the landowner may come before the Board from time to time. Pursuant to Section 112.3143(3)(b), and 190.007(1), Florida Statutes, I understand that I do not have a conflict of interest when voting on such matters, and that I am not prohibited from voting on such matters. That said, I am filing this disclosure of voting conflict in an abundance of caution, and to follow the procedures required by section 112.3143, Florida Statutes, and for the duration of my term and any subsequent terms.”

Mr. Kantarzhi stated that each Board Member’s Form 8B will be noted and attached to specific meeting minutes, when necessary, to disclose a conflict of interest. If a Board Member has any additional, separate conflict of interest, a separate Form 8B will be filed at that time.

Mr. Earlywine noted that civil and criminal penalties are associated with violations of the Sunshine Law and Public Records Laws. He stated that all public records requests should be forwarded to Staff right away, within 24 to 48 hours, so that a response can be provided. He discussed the Sunshine Laws, ethics laws and the need to avoid conflicts of interest. He noted that gifts may require disclosure and may be prohibited if in excess of \$100 from a non-relative or from a lobbyist; District Counsel should be consulted regarding gifts, as numerous exceptions apply. Board Members are prohibited from use of a public office for one’s own personal gain; voting on measures that benefit oneself, one’s relative or employer; accepting or soliciting a gift in exchange for a vote or benefit; disclosing confidential information obtained through one’s role as a public official; employing, appointing or promoting relatives in a CDD position; and doing business with or lobbying the CDD within two years of leaving office.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2024-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date

Mr. Kantarzhi presented Resolution 2024-01 and recapped the results of the Landowners’ Election, which will be inserted into Sections 1 and 2, as follows:

Seat 1	Susan Kane	100 votes	4-Year Term
--------	------------	-----------	-------------

Seat 2	Nora Shuster	100 votes	4-Year Term
Seat 3	Tyler Harding	50 votes	2-Year Term
Seat 4	Kevin LaRue	50 votes	2-Year Term
Seat 5	George Nesov	50 votes	2-Year Term

On MOTION by Ms. Kane and seconded by Ms. Schuster, with all in favor, Resolution 2024-01, Canvassing and Certifying the Results of the Landowners' Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date, was adopted.

Ms. Cerbone discussed the option for Board Members to receive compensation of \$200 per meeting attended, with a maximum amount of \$4,800 per year, per Board Member.

This item will be removed from the Consent Agenda, as the Board Members declined compensation.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Designating Certain Officers of the District, and Providing for an Effective Date

Mr. Kantarzhi presented Resolution 2024-02. Ms. Schuster nominated the following:

Chair	Susan Kane
Vice Chair	Nora Schuster
Secretary	Craig Wrathell
Assistant Secretary	Tyler Harding
Assistant Secretary	Kevin LaRue
Assistant Secretary	George Nesov
Assistant Secretary	Cindy Cerbone
Assistant Secretary	Andrew Kantarzhi
Treasurer	Craig Wrathell
Assistant Treasurer	Jeffrey Pinder

No other nominations were made.

On MOTION by Mr. LaRue and seconded by Mr. Harding, with all in favor, Resolution 2024-02, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

PART 2: CONSENT AGENDA (ORGANIZATIONAL MATTERS, BANKING MATTERS & BUDGETARY MATTERS)

ORGANIZATIONAL MATTERS

SIXTH ORDER OF BUSINESS

**Consideration of the Following
Organizational Matters**

Mr. Kantarzhi presented the Consent Agenda Items, as follows:

- A. Resolution 2024-03, Appointing and Fixing the Compensation of the District Manager and Methodology Consultant; Providing an Effective Date**
 - **Agreement for District Management Services: Wrathell, Hunt and Associates, LLC**
- B. Resolution 2024-04, Appointing District Counsel for the District, and Authorizing Compensation; and Providing for an Effective Date**
 - **Fee Agreement: Kutak Rock LLP**
- C. Resolution 2024-05, Designating a Registered Agent and Registered Office of the District; and Providing for an Effective Date**

Mr. Kantarzhi noted that Mr. Craig Wrathell will be the Registered Agent and the office of Wrathell, Hunt and Associates, in Boca Raton, will be the Registered Office.
- D. Resolution 2024-06, Appointing an Interim District Engineer for the Windward Preserve Community Development District, Authorizing Its Compensation and Providing for an Effective Date**
 - **Interim Engineering Services Agreement: Madden, Moorhead & Stokes, LLC**
- E. Authorization of Request for Qualifications (RFQ) for Engineering Services**
- F. Board Member Compensation: 190.006 (8), F.S.**

As discussed, following the Fourth Order of Business, this item is being removed from the Consent Agenda, as the Board Members declined compensation.

G. Resolution 2024-07, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date.

Mr. Kantarzhi noted that the office of Wrathell, Hunt and Associates, in Boca Raton, will be the Primary Administrative Office.

H. Resolution 2024-08, Setting Forth the Policy of the District Board of Supervisors with Regard to the Support and Legal Defense of the Board of Supervisors and District Officers and Providing for an Effective Date

- **Authorization to Obtain General Liability and Public Officers' Insurance**

I. Resolution 2024-09, Providing for the Public's Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; and Providing for Severability and an Effective Date

J. Resolution 2024-10, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; and Providing for Severability and Effective Date

K. Resolution 2024-11, Authorizing Actions to Implement Capital Improvement Plan, Including the Conveyance and/or Acquisition of Real and Personal Property, Execution of Plats, Transfer of Permits, Execution of Contracts and Change Orders, Payment of Requisitions, and Other Actions as Described Herein, Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date

Mr. Kantarzhi noted that this Resolution grants the Chair and Vice Chair and other officers, in the Chair's absence, the authority to work with the District Engineer, District Counsel, Developer Counsel and District Staff and to execute certain documents in between meetings, to avoid delays in construction. The documents are then presented for ratification at the next meeting.

L. Resolution 2024-12, Ratifying, Confirming and Approving the Recording of the Notice of Establishment of the District

M. Authorization of Request for Proposals (RFP) for Annual Audit Services

- **Designation of Board of Supervisors as Audit Committee**

- N. **Strange Zone, Inc., Quotation #M24-1006 for District Website Design, Maintenance and Domain Web-Site Design Agreement**
- O. **ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit**
- P. **Resolution 2024-13, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date**
- Q. **Memorandum to District Manager Regarding E-Verify Requirements**

Mr. Kantarzhi stated that all CDDs are registered with E-Verify and the CDD will require all contractors to certify that they will comply with the E-Verify requirements.

BANKING MATTERS

SEVENTH ORDER OF BUSINESS

Consideration of the Following Banking Matter:

- A. **Resolution 2024-14, Directing the District Manager to Establish a Local Bank Account and Appoint Signors on the Account; and Providing an Effective Date**

Mr. Kantarzhi noted that the Treasurer, Assistant Treasurer and Chair will be the authorized signors on the account.

BUDGETARY MATTERS

EIGHTH ORDER OF BUSINESS

Consideration of the Following Budgetary Matters:

- A. **Budget Funding Agreements**
 - I. **Fiscal Year 2023/2024**
 - II. **Fiscal Year 2024/2025**

Mr. Kantarzhi stated that these are the standard form of Taylor Morrison Funding Agreements.

- B. **Resolution 2024-15, Adopting the Alternative Investment Guidelines for Investing Public Funds in Excess of Amounts Needed to Meet Current Operating Expenses, in Accordance with Section 218.415(17), Florida Statutes**

Mr. Kantarzhi noted that funds in the CDD's operating account can only be placed in government-secured investment accounts.

- C. **Resolution 2024-16, Authorizing the Disbursement of Funds for Payment of Certain Continuing Expenses Without Prior Approval of the Board of Supervisors; Authorizing the Disbursement of Funds for Payment of Certain Non-Continuing Expenses Without Prior Approval of the Board of Supervisors; Providing for a Monetary Threshold; and Providing for an Effective Date**
- D. **Resolution 2024-17, Adopting a Policy for Reimbursement of District Travel Expenses; and Providing for Severability and an Effective Date**
- E. **Resolution 2024-18, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date**
- F. **Resolution 2024-19, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date**

Mr. Kantarzhi discussed Management's Internal Controls Policy, which includes ensuring division of duties, accounts payable and accounts receivable, in the best interests of the CDD.

On MOTION by Ms. Schuster and seconded by Mr. LaRue, with all in favor, the Consent Agenda Items listed in the Sixth, Seventh and Eighth Orders of Business, except for any that were removed, were approved and/or adopted.

PART 3: NON-CONSENT AGENDA (ORGANIZATIONAL MATTERS, BANKING MATTERS & BUDGETARY MATTERS)

ORGANIZATIONAL MATTERS

NINTH ORDER OF BUSINESS

Consideration of the Following Non-Consent Organizational Matters:

- A. **Resolution 2024-20, Designating the Location of the Local District Records Office and Providing an Effective Date**

This item was deferred.

- **Resolution 2024-23, Designating a Public Depository for Funds of the District and Providing an Effective Date**

This item, previously Item 10A, was presented out of order.

On MOTION by Ms. Schuster and seconded by Ms. Kane, with all in favor, Resolution 2024-23, Designating Truist Bank as Public Depository for Funds of the District and Providing an Effective Date, was adopted.

- B. **Resolution 2024-21, To Designate Date, Time and Place of Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date**

- I. **Rules of Procedure**

- II. **Notices of Rule Development and Rulemaking**

These items were included for informational purposes.

Mr. Kantarzhi presented Resolution 2024-21 and the accompanying Exhibits.

On MOTION by Mr. LaRue and seconded by Mr. Harding, with all in favor, Resolution 2024-21, To Designate June 21, 2024 at 11:00 a.m., at the Brevard County Government Center (Atlantic Room), 2725 Judge Fran Jamieson Way, Viera, Florida 32940, as the Date, Time and Place of Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date, was adopted.

- C. **Resolution 2024-22, 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**

Mr. Kantarzhi will confer with Staff and the meeting location and email all parties regarding options and availability, in advance of the next meeting.

This item was deferred.

BANKING MATTERS

TENTH ORDER OF BUSINESS

Consideration of the Following Non-Consent Banking Matter(s):

- A. Resolution 2024-23, Designating a Public Depository for Funds of the District and Providing an Effective Date**

This item was presented following Item 9A.

BUDGETARY MATTERS

ELEVENTH ORDER OF BUSINESS

Consideration of the Following Non-Consent Budgetary Matter(s):

- A. Resolution 2024-24, Approving a Proposed Budget for Fiscal Year 2023/2024 and Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date**

Mr. Kantarzhi presented Resolution 2024-24 and the proposed Fiscal Year 2024 and Fiscal Year 2025 budgets, which are Landowner-funded, with expenses funded as incurred.

On MOTION by Ms. Schuster and seconded by Mr. LaRue, with all in favor, Resolution 2024-24, Approving a Proposed Budget for Fiscal Year 2023/2024 and Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law on June 21, 2024 at 11:00 a.m., at the Brevard County Government Center (Atlantic Room), 2725 Judge Fran Jamieson Way, Viera, Florida 32940; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date, was adopted.

PART 4: BOND FINANCING & PROJECT RELATED MATTERS

FINANCING RELATED MATTERS

TWELFTH ORDER OF BUSINESS

Consideration of the Following Bond Financing Related Matters:

- A. Bond Financing Team Funding Agreement**

Mr. Earlywine presented the Bond Financing Team Funding Agreement.

On MOTION by Ms. Kane and seconded by Ms. Schuster, with all in favor, the Bond Financing Team Funding Agreement, in substantial form, was approved.

Mr. Kantarzhi presented the following:

B. Engagement of Bond Financing Professionals

I. Underwriter/Investment Banker: FMSbonds, Inc.

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

II. Bond Counsel: Nabors Giblin & Nickerson, PA

On MOTION by Mr. Harding and seconded by Ms. Kane, with all in favor, the Nabors Giblin & Nickerson, Bond Counsel Agreement, was approved.

III. Trustee, Paying Agent and Registrar: U.S. Bank Trust Company, N.A.

On MOTION by Ms. Kane and seconded by Mr. LaRue, with all in favor, the U.S. Bank Trust Company, N.A. Engagement Letter to Serve as Trustee, Paying Agent and Registrar, was approved.

C. Resolution 2024-25, Designating a Date, Time, and Location of a Public Hearing Regarding the District's Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date

Mr. Kantarzhi presented Resolution 2024-25. This Resolution enables placement of the assessments on the tax bill utilizing the services of the Property Appraiser and Tax Collector.

On MOTION by Ms. Schuster and seconded by Ms. Kane, with all in favor, Resolution 2024-25, Designating a Date, Time, and Location of June 21, 2024 at 11:00 a.m., at the Brevard County Government Center (Atlantic Room), 2725 Judge Fran Jamieson Way, Viera, Florida 32940, for a Public Hearing Regarding the District's Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing; and Providing an Effective Date, was adopted.

▪ **Presentation of Master Engineer's Report**

This item, previously Item 12E, was presented out of order.

Mr. Stokes presented the Master Engineer's Report dated February 2024 and noted the following:

- The CDD consists of approximately 212 acres of land.
- 188 units are anticipated in Phase 1 and 197 units are anticipated in Phase 2, for a gross total of 385 units comprised of a mixture of 50' and 60' lots.
- The project includes construction of roads, utilities and stormwater facilities to service the proposed project, as well as improvements to James Road, which is adjacent to the project.
- The improvements to James Road consist of the extension from Friday Road to the project entrances, as well as stormwater piping utilities for that section of road.
- The CDD will connect to City water and sewer facilities brought into the property by the City of Cocoa.
- The project includes the perimeter landscaping, hardscape elements, amenity center, club facilities spread over two main park features, lighting and underground utilities, wetland impact and wetlands preservation, as shown on the approved construction plans.
- All permits are pending and anticipated to be approved soon.
- The Capital Improvement Plan (CIP) estimates a total cost of \$15,519,547, including Professional Services and Contingency.

Ms. Kane asked for a color-coded map showing ownership to be attached to the Report for the next meeting. Mr. Stokes stated those Exhibits will be included in the Report.

Asked if the James Road Traffic Calming is in addition to the Permits shown, Mr. Stokes stated it is separate from this project; however, the County has tied approval of each independent permit together. The permits will be issued simultaneously. The Traffic Calming area is not included in the CDD.

▪ **Presentation of Master Special Assessment Methodology Report**

This item, previously Item 12F, was presented out of order.

Mr. Kantarzhi presented the Master Special Assessment Methodology Report dated February 29, 2024. He reviewed the pertinent information found in each section of the Report including the Tables, and noted the following:

- The Methodology will be updated to mirror the costs in the updated Engineer's Report.
- The CDD consists of approximately 212 acres in the City of Cocoa, in Brevard County, Florida.
- The current Development Plan anticipates 385 residential dwelling units.
- The CIP total cost of Master Infrastructure Improvements is estimated at \$15,519,547.
- The total par amount of bonds to be issued is \$21,570,000, including the costs of financing, capitalized interest and debt service reserve.
- No bond assessments are allocated to any private amenities or other common areas planned for the development.

Ms. Cerbone asked if one or two bond issuances are anticipated.

A Board Member believes that there will be two bond issuances, one for Phase 1 and one for Phase 2; the total number of lots shown represents the total project.

Ms. Cerbone noted that the Engineer's Report breaks out the lots for Phase 1 and Phase 2 but the Assessment Methodology Report does not.

Mr. Kantarzhi stated that the Supplemental Methodology will reflect that, accordingly.

- D. Resolution 2024-26, Declaring 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

Mr. Kantarzhi presented Resolution 2024-26.

On MOTION by Ms. Schuster and seconded by Mr. LaRue, with all in favor, Resolution 2024-26, Declaring 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 on June 21, 2024 at 11:00 a.m., at the Brevard County Government Center (Atlantic Room), 2725 Judge Fran Jamieson Way, Viera, Florida 32940; Providing for Publication of This Resolution; and Addressing Conflicts, Severability and an Effective Date, was adopted.

E. Presentation of Master Engineer's Report

This item was presented following Item 12C and approved in substantial form below.

F. Presentation of Master Special Assessment Methodology Report

This item was presented following Item 12C and approved in substantial form below.

G. Resolution 2024-27, Authorizing the Issuance of Not to Exceed \$21,570,000 Windward Preserve Community Development District Capital Improvement Revenue Bonds, in One or More Series; Approving the Form of a Master Trust Indenture; Appointing a Trustee, Registrar and Paying Agent; Approving a Capital Improvement Program; Authorizing the Commencement of Validation Proceedings Relating to the Bonds; and Providing an Effective Date

Ms. Wilhelm presented Resolution 2024-27, which accomplishes the following:

- Authorizes issuance of a not to exceed \$21,570,000 aggregate principal amount of bonds.
- Approves the form of the Master Indenture, which is needed to file for bond validation.
- Appoints U.S. Bank Trust Company, N.A as the Trustee, Registrar and Paying Agent.
- Approves the CIP.

- Authorizes District Counsel to commence validation proceedings.

On MOTION by Mr. LaRue and seconded by Ms. Kane, with all in favor, Resolution 2024-27, Authorizing the Issuance of Not to Exceed \$21,570,000 Windward Preserve Community Development District Capital Improvement Revenue Bonds, in One or More Series; Approving the Form of a Master Trust Indenture; Appointing a Trustee, Registrar and Paying Agent; Approving a Capital Improvement Program; Authorizing the Commencement of Validation Proceedings Relating to the Bonds; and Providing an Effective Date, was adopted.

On MOTION by Ms. Schuster and seconded by Mr. Harding, with all in favor, the Master Engineer's Report dated February 2024, in substantial form, was approved.

On MOTION by Mr. LaRue and seconded by Mr. Nasov, with all in favor, the Master Special Assessment Methodology Report dated February 29, 2024, in substantial form, was approved.

Ms. Kane asked for the Table to be broken out by Phase, to correspond with the Engineer's Report. Ms. Cerbone noted that the numbers will not change but the Table will be bifurcated, accordingly.

PROJECT RELATED MATTERS

THIRTEENTH ORDER OF BUSINESS

Consideration of the Following Project Related Matters:

A. Temporary Construction Easement

This item was presented following Item 13B.

B. Acquisition Agreement

Mr. Earlywine presented the Acquisition Agreement, which essentially obligates the CDD to acquire completed improvements from the Developer and provides certain easement rights to the Developer.

On MOTION by Ms. Kane and seconded by Ms. Schuster, with all in favor, the Acquisition Agreement, in substantial form, was approved.

▪ **Temporary Construction Easement**

This item, previously Item 13A, was presented out of order.

Mr. Earlywine presented the Temporary Construction Easement, which applies to construction and maintenance required for unplatted property; the Easement will release when lots are platted.

On MOTION by Mr. LaRue and seconded by Ms. Kane, with all in favor, the Temporary Construction Easement, in substantial form, and authorizing the Chair to execute, was approved.

C. Interlocal Agreement Regarding James Road Segment

Mr. Earlywine presented the Interlocal Agreement between the CDD and the City of Cocoa, which provides for the CDD's obligation and right to construct, install, acquire and operate and maintain the roadway, as well as the hardscape, landscape and irrigation features within the James Road Segment extension, pursuant to the permits and approvals. A Bill of Sale will be executed to the City for the right-of-way (ROW) improvements. He believes that a transfer of utilities to the City will occur whereby the CDD will construct the utilities and convey them to the City and, while the City would own the improvements, the CDD would retain the obligation to maintain the road segment, including any drainage facilities, with the exception of the adjacent ditch. A County Reservation of Easement also applies.

On MOTION by Ms. Kane and seconded by Ms. Schuster, with all in favor, the Interlocal Agreement Regarding the James Road Segment, in substantial form, was approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

Mr. Earlywine stated the bond validation complaint will be filed this week and the hearing will likely be held on June 21, 2024. If bond validation is done in July, bonds could be issued in August.

Discussion ensued regarding construction and the financing timeline.

Mr. LaRue believes that bonds will be issued for Phase 1 by the end of 2024. He estimated that the James Road Extension and the Phase 1 utility will be substantially complete by June 2025. Mr. Earlywine stated that bonds will be issued by the end of the summer.

B. District Engineer (Interim): Madden, Moorhead & Stokes, LLC

There was no report.

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

Mr. Kantarzhi stated the next meeting will be on June 21, 2024 at 11:00 a.m., at this location, unless something changes. He will email information and links related to Form 1 and ethics training.

Ms. Cerbone discussed the free ethics training course offerings, which will be emailed to the Board. She noted that the first course offering is a legitimate YouTube video. Her understanding is that the 50-minute courses will be honored as a one-hour course.

FIFTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

Ms. Kane stated there is a Holiday Inn Express nearby that might serve as potential meeting location. Mr. Kantarzhi will research the options.

SIXTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Schuster and seconded by Mr. LaRue, with all in favor, the meeting adjourned at 4:18 p.m.
--

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair