

**MINUTES OF MEETING
LAKE MATTIE PRESERVE
COMMUNITY DEVELOPMENT DISTRICT**

The Organizational meeting of the Board of Supervisors of the Lake Mattie Preserve Community Development District was held Monday, **September 26, 2022** at 1:04 p.m. at 2235 Crump Road, Winter Haven, Florida.

Present and constituting a quorum:

Wes Donley	Chairman
Les Dunson	Vice Chairman
Lee Moore	Assistant Secretary
Tom Franklin	Assistant Secretary

Also present were:

Jill Burns	District Manager, GMS
Grace Kobitter	KE Law
Jennifer Kilinski <i>by Zoom</i>	KE Law
Bryan Hunter <i>by Zoom</i>	Hunter Engineering
Brett Sealy	MBS
Cynthia Wilhelm	Bond Counsel

FIRST ORDER OF BUSINESS

Introduction

A. Call to Order

Ms. Burns called the meeting to order and called the roll. Four Board members were present constituting a quorum.

B. Public Comment Period

There were no members of the public present for the meeting.

C. Oath of Office

Ms. Burns swore in Tom Franklin, Lee Moore, Les Dunson, and Wes Donley. She provided Board information and forms that need to be signed and returned. She updated Board members on the Sunshine Law, public disclosure forms, and record requests.

SECOND ORDER OF BUSINESS

Organizational Matters

A. Confirmation of Notice of Meeting

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Ms. Burns confirmed that the meeting had been properly noticed as required by the statutes.

B. Information on Community Development Districts and Public Official Responsibilities and Florida Statutes Chapter 190

Ms. Burns stated that since the Supervisors were familiar with the Sunshine Law, they would not cover this item in detail.

C. Election of Officers

1. Resolution 2022-01 Appointing Officers

Ms. Burns stated that the Board is required to elect officers. Ms. Burns asked that she be appointed Secretary and Mr. George Flint be appointed as an Assistant Secretary. The Board nominated Mr. Wes Donley as Chairman, Mr. Les Dunson as Vice Chairman, and Tom Franklin Lee Moore and Rocky Owen as Assistant Secretaries.

On MOTION by Mr. Moore, seconded by Mr. Franklin, with all in favor, Resolution 2022-01 Appointing Officers with Mr. Wes Donley as Chair, Mr. Les Dunson as Vice Chair, and Mr. Tom Franklin, Mr. Lee Moore and Mr. Rocky Owen as Assistant Secretaries, Ms. Burns as Secretary, and Mr. George Flint as Assistant Secretary, was approved.

2. Resolution 2022-02 Appointing Treasurer and Assistant Treasurer

Ms. Burns stated that the Board is required to elect officers and asked that Mr. George Flint be named the Treasurer, and Ms. Katie Costa as Assistant Treasurer.

On MOTION by Mr. Dunson, seconded by Mr. Donley, with all in favor, Resolution 2022-02 Appointing Mr. George Flint as Treasurer and Ms. Katie Costa as Assistant Treasurer, was approved.

THIRD ORDER OF BUSINESS Retention of District Staff

A. Consideration of Contract for District Management Services

i. Resolution 2022-03 Appointing District Manager

Ms. Burns reported that this resolution would appoint GMS as the District Manager. She noted the fee schedule was attached.

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On MOTION by Mr. Dunson, seconded by Mr. Moore, with all in favor, Resolution 2022-03 Appointing GMS as the District Manager, was approved.

B. Consideration of Contract for District Counsel Services

i. Resolution 2022-04 Appointing District Counsel

Ms. Burns stated that this resolution will appoint KE Law Group as District Counsel.

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, Resolution 2022-04 Appointing KE Law Group as District Counsel, was approved.

C. Resolution 2022-05 Selection of Registered Agent and Office

Ms. Burns stated that it is required by the state to have a registered agent and to designate the office of this agent. Ms. Burns noted this would name her as a registered agent and her office address in Orlando as the registered office location.

On MOTION by Mr. Moore, seconded by Mr. Dunson, with all in favor, Resolution 2022-05 Selecting Ms. Burns as the Registered Agent and her office as the Registered Office, was approved.

D. Resolution 2022-06 Appointing Interim District Engineer

Ms. Burns noted these could be taken together and stated this would appoint Hunter Engineering as the Interim District Engineer.

E. Consideration of Interim District Engineering Agreement

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, Resolution 2022-06 Appointing Hunter Engineering as the Interim District Engineer, and Approving the District Engineering Agreement, was approved.

F. Request Authorization to Issue RFQ for Engineering Services

Ms. Burns stated the form for the RFP is included in the packet and the due date for qualifications statements is October 28th. This will authorize staff to issue the RFP.

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On MOTION by Mr. Donley, seconded by Mr. Franklin, with all in favor, Authorization To Allow Staff to Issue RFQ for Engineering Services, was approved.

FOURTH ORDER OF BUSINESS

Designation of Meetings and Hearing Dates

A. Consideration of Resolution 2022-07 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2023

Ms. Burns stated the District is required to develop a meeting schedule. She proposed the meeting date for the fourth Tuesday of the month at 9:15 a.m. There was further discussion of what worked for everyone. After discussion the Board decided to hold the meeting on the fourth Tuesday at 9:30 a.m. Ms. Burns noted the exception to this schedule would be in November which will be moved back a week due to Thanksgiving.

On MOTION by Mr. Moore, seconded by Mr. Dunson, with all in favor, Resolution 2022-07 Designation of Regular Monthly Meeting Date, Time, and Location for remaining Fiscal Year 2022 and Fiscal Year 2023 for the 4th Tuesday at 9:30 a.m. at the 2235 Crump Road, Winter Haven, FL 33881, was approved.

B. Consideration of Resolution 2022-08 Designation of Landowner’s Meeting Date, Time, and Location

Ms. Burns recommended that the Landowner meeting be held on November 29, 2022 at 9:30 a.m. at 2235 Crump Road, Winter Haven, FL 33881.

On MOTION by Mr. Moore, seconded by Mr. Dunson, with all in favor, Resolution 2022-08 Designation of Landowner’s Meeting for November 29, 2022 at 9:30 a.m., at 2235 Crump Road, Winter Haven, FL 33881, was approved.

C. Designation of Dates of Public Hearing to Adopt Rules of Procedure in accordance with Section 120.54, Florida Statutes

1. Consideration of Resolution 2022-09 Setting a Public Hearing to Consider the Proposed Rules of the District

a. Rules of Procedure

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Ms. Burns noted the Rules of Procedure were included in the agenda package. She suggested the public hearing be November 29, 2022 at 9:30 a.m. at 2235 Crump Road, Winter Haven, FL 33881.

On MOTION by Mr. Donley, seconded by Mr. Dunson, with all in favor, Resolution 2022-09 Setting the Public Hearing for November 29, 2022 at 9:30 a.m. at 2235 Crump Road, Winter Haven, FL 33881, was approved.

D. Designation of Dates of Public Hearing on the Budgets for Fiscal Year 2022 and 2023

1. Consideration of Resolution 2022-10 Setting the Public Hearing and Approving the Proposed Fiscal Year 2021/2022 and 2022/2023 Budgets

Ms. Burns noted this was included in the package. She suggested the meeting be set for Tuesday, January 24, 2023 at 9:30 a.m. at the same location. She added that the Fiscal Year 2022 budget was minimal, and it was a prorated version of the 2023 budget. She explained how the prorated budget worked.

On MOTION by Mr. Moore, seconded by Mr. Dunson, with all in favor, Resolution 2022-10 Setting the Public Hearing for January 24, 2023 at 9:30 a.m. at 2235 Crump Road, Winter Haven, FL 33881 and Approving the Proposed Budgets for Fiscal Years 2021/2022 and 2022/2023, was approved.

2. Approval of the Fiscal Year 2021/2022 and 2022/2023 Developer Funding Agreement

Ms. Burns presented the Budget Funding Agreement.

On MOTION by Mr. Donley, seconded by Mr. Dunson, with all in favor, the Developer Funding Agreement, was approved as amended.

E. Resolution 2022-11 Setting Date of Public Hearing Expressing the District's Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non-Ad-Valorem Assessments in accordance with Section 197.3632, Florida Statutes

Ms. Burns noted that this outlined the District's process to collect assessments using the Polk County tax bill when they were ready to do so. She suggested the public hearing for November 29, 2022 at 9:30 a.m. at 2235 Crump Road, Winter Haven, FL 33881.

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On MOTION by Mr. Dunson, seconded by Mr. Donley, with all in favor, Resolution 2022-11 Setting the Public Hearing Expressing the District’s Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non-Ad-Valorem Assessments in Accordance with Section 197.3632, Florida Statutes for November 29, 2022 at 9:30 a.m. at 2235 Crump Road, Winter Haven, FL 33881, was approved.

FIFTH ORDER OF BUSINESS

Other Organizational Matters

A. Resolution 2022-12 Designating a Qualified Public Depository

Ms. Burns stated that this would appoint the depository as Truist which is used at all of the Districts.

On MOTION by Mr. Donley, seconded by Mr. Franklin, with all in favor, Resolution 2022-12 Designating Truist Bank as the District Depository, was approved.

B. Resolution 2022-13 Authorization of Bank Account Signatories

Ms. Burns asked that the signatories be herself, George Flint, and Katie Costa.

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, Resolution 2022-13 Authorizing Jill Burns, George Flint and Katie Costa as Bank Account Signatories, was approved.

C. Consideration of Resolution 2022-14 Relating to Defense of Board Members

Ms. Burns noted that this resolution outlines legal support to Board members and staff as outlined in the resolution when acting in their capacity as Board members.

On MOTION by Mr. Dunson, seconded by Mr. Donley, with all in favor, Resolution 2022-14, Relating to Defense of Board Members, was approved.

D. Consideration of Resolution 2022-15 Authorizing District Counsel to Record in the Property Records of Polk County the “Notice of Establishment” in accordance with Chapter 190.0485, Florida Statutes

1. Notice of Establishment

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Ms. Burns noted that this is a statutory requirement. She also noted this had already been done so a motion to ratify was needed.

On MOTION by Mr. Moore, seconded by Mr. Dunson, with all in favor, Resolution 2022-15 Authorizing District Counsel to Record in the Property Records of Polk County the Notice of Establishment in Accordance with Chapter 190.0485, Florida Statutes, was ratified.

E. Consideration of Resolution 2022-16 Adopting Investment Guidelines

Ms. Burns stated was included in the package and this an alternative investment guideline for investment of public funds that are in excess of the amounts needed to make current operating expenses. She explained the four options.

On MOTION by Mr. Donley, seconded by Mr. Dunson, with all in favor, Resolution 2022-16 Adopting Alternative Investment Guidelines, was approved.

F. Consideration of Resolution 2022-17 Authorizing Execution of Public Depositor Report

Ms. Burns reported that this authorizes the District Manager or Treasurer to file the report with the Treasurer of the State of Florida. The Board had no questions.

On MOTION by Mr. Moore, seconded by Mr. Dunson, with all in favor, Resolution 2022-17 Authorizing Execution of Public Depositor Report, was approved.

G. Consideration of Resolution 2022-18 Designating a Policy for Public Comment

Ms. Burns stated that this resolution sets forth guidelines and rules to govern public comment at public meetings. Florida Statute required that members be given a reasonable opportunity to be heard on any proposition.

On MOTION by Mr. Dunson, seconded by Mr. Donley, with all in favor, Resolution 2022-18 Designating a Policy for Public Comment, was approved.

H. Consideration of Resolution 2022-19 Adopting a Travel and Reimbursement Policy

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Ms. Burns stated that the Florida statutes establish travel reimbursement rates, applicable to all public officers, employees, and authorized persons who are authorized to travel on behalf of a public agency, and this adopts those rates. The Board had no questions.

On MOTION by Mr. Donley, seconded by Mr. Dunson, with all in favor, Resolution 2022-19 Adopting a Travel and Reimbursement Policy, was approved.

I. Consideration of Resolution 2022-20 Adopting Prompt Payment Policy

Ms. Burns noted Florida statutes require timely payment to vendors and contractors and this policy outlines the terms attached.

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, Resolution 2022-20 Adopting Prompt Payment Policy, was approved.

J. Consideration of Resolution 2022-21 Adopting a Records Retention Policy

Ms. Burns stated that Resolution 2022-21 provides two options for retaining records and they recommend option one allowing staff to dispose of records as needed by the statutory schedule and the Board agreed. She suggested the Board adopt Option 1.

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, Resolution 2022-21 Adopting a Records Retention Policy of Option 1, was approved.

K. Consideration of Compensation to Board Members

Ms. Burns reviewed the subject of Board compensation of \$200 per meeting. Mr. Franklin and Mr. Moore agreed to accept compensation. Mr. Donley and Mr. Dunson did not accept compensation.

L. Resolution 2022-22 Selecting District Records Office Within Polk County

Ms. Burns stated the District office would be the office in Polk County at 2235 Crump Road, Winter Haven, Florida 33881.

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On MOTION by Mr. Donley, seconded by Mr. Dunson, with all in favor, Resolution 2022-22 Selecting District Records Office Within Polk County Located at the Office in Polk County, was approved.

M. Resolution 2022-23 Designating the Primary Administrative Office and Principal Headquarters of the District

Ms. Burns stated the Primary Administrative Office would be GMS’s office in Orlando at 219 East Livingston Street. The principal headquarters for establishing a venue would be 2235 Crump Road, Winter Haven, Florida.

On MOTION by Mr. Donley, seconded by Mr. Dunson, with all in favor, Resolution 2022-23 Designating the Primary Administrative Office in Orlando and Principal Headquarters of the District Located at 2235 Crump Road, Winter Haven, Florida 33880, was approved.

N. Consideration of Website Services Agreement

Ms. Burns stated this agreement would be with ReAlign Web Design and noted the fee for \$1,750 is a one-time fee.

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, the Agreement with ReAlign Web Design for \$1,750, was approved.

O. Authorization to Prepare Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date of August 1st for Polk County

Ms. Burns stated this will authorize staff to prepare a Public Facilities Report to be filed in Polk County.

On MOTION by Mr. Donley, seconded by Mr. Dunson, with all in favor, Authorization for staff to prepare a Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing in Polk County, was approved.

SIXTH ORDER OF BUSINESS

Capital Improvements

A. Appointment of Financing Team

Ms. Burns noted this appoints a financing team.

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1. Consideration of Resolution 2022-24 Appointing Bond Counsel

Ms. Burns noted this would be for NGN Counsel and the agreement is in the packet.

On MOTION by Mr. Dunson, seconded by Mr. Donley, with all in favor, Resolution 2022-24, Appointing Bond Counsel as NGN, was approved.

2. Consideration of Resolution 2022-25 Appointing Investment Banker

Ms. Burns noted FMBS Bond Specialist would be the investment banker.

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, Resolution 2022-25, Appointing an Investment Banker as MBS Bond Specialist, was approved.

3. Assessment Administrator

Ms. Burns noted this would be with GMS and has been previously approved. She added the fee is included in the GMS contract already approved.

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, the Assessment Administrator as GMS, was approved.

4. Trustee

Ms. Burns noted this proposal in the packet is with US Bank.

On MOTION by Mr. Dunson, seconded by Mr. Donley, with all in favor, Trustee as US Bank, was approved.

B. Approval of Financing Team Funding Agreement

Ms. Burns explained that under the terms of this agreement any funds provided as part of this agreement would be reimbursed under the future bond issuance.

On MOTION by Mr. Dunson, seconded by Mr. Donley, with all in favor, the Financing Team Funding Agreement, was approved.

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SEVENTH ORDER OF BUSINESS**Financing Matters****A. Consideration of Engineer's Report**

Mr. Hunter provided a brief overview of the Engineer's Report. He noted the land consisted of 234.16 acres and will consist of approximately 124 single family lots, recreational area, stormwater amenities associated with the structure. He added the purpose of this report is to provide engineering support necessary to fund improvements in the District. He noted this is a summary of the public improvements.

On MOTION by Mr. Donley, seconded by Mr. Franklin, with all in favor, the Engineer's Report, was approved.

B. Consideration of Assessment Methodology

Ms. Burns reviewed the Assessment Methodology report. She noted the tables contained within the report show the development program with 90 town homes and 734 single family units for a total of 824 residential units. The ERU for the townhomes is .75 and the single-family homes have an ERU of 1. The cost estimates are at \$33,959,200. The estimated bond sizing is \$41,110,000 and will be used for validation. The par debt per unit for the townhomes is \$38,468 and the single family is \$51,291. She added this will be setting the cap and will be the most issued. She also noted the amount collected on the tax bill annually for the townhome is \$3,075.21 and the single-family home is \$4,100.28. The preliminary assessment roll allocates the debt by acre, and each are listed.

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, the Assessment Methodology, was approved.

C. Consideration of Resolution 2022-26 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings

Ms. Kobitter explained the resolution for the Board.

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, Resolution 2022-26 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings, was approved.

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D. Consideration of Resolution 2022-27, Declaring Special Assessments and Setting the Public Hearing Date for Special Assessments

Ms. Burns noted this will kick off our assessment process. The cost estimates are included with updated amounts. She noted the public hearing date for November 29, 2022 at 9:30 a.m. at 2235 Crump Road, Winter Haven, FL 33881.

On MOTION by Mr. Dunson, seconded by Mr. Franklin, with all in favor, Resolution 2022-27, Declaring Special Assessment and Setting the Public Hearing for November 29, 2022 at 9:30 AM at 2235 Crump Road, Winter Haven, FL 33881, was approved.

EIGHTH ORDER OF BUSINESS **Other Business**

A. Consideration of Resolution 2022-28 Authorizing the Disbursement of Funds

Ms. Burns presented the resolution which outlines and authorizes the Chair and Manager to approve continual and non-continual expenses outside of a meeting.

On MOTION by Mr. Dunson, seconded by Mr. Donley, with all in favor, Resolution 2022-28 Authorizing the Disbursement of Funds, was approved.

B. Consideration of Resolution 2022-29 Granting the Chairperson and Vice Chairperson the Authority to Execute Plats and Documents Related to the Development of the District's Improvements

Ms. Burns stated this authorizes the Chair and Vice Chair to execute plats and other documents.

On MOTION by Mr. Donley, seconded by Mr. Dunson, with all in favor, Resolution 2022-29 Granting the Chairperson and Vice Chairperson Authority to Execute Plats and Documents Related to the Development of the District's Improvements, was approved.

C. Consideration of Resolution 2022-30 Direct Purchase Resolution

Ms. Burns noted this allows the District to directly purchase construction materials since they are tax exempt. She added this is in the packet and it named the District Engineer or the District manager as the purchasing agent. She also stated that it adopted forms of the direct purchase forms.

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On MOTION by Mr. Donley, seconded by Mr. Dunson, with all in favor, Resolution 2022-30 Direct Purchase Resolution, was approved.

D. Consideration of Resolution 2022-31 Authorizing the Use of Electronic Documents

Ms. Burns presented the resolution and noted it allows DocuSign for most items.

On MOTION by Mr. Dunson, seconded by Mr. Donley, with all in favor, Resolution 2022-31 Authorizing the Use of Electronic Documents, was approved.

E. Consideration of Resolution 2022-32 Adopting an Internal Controls Policy

Ms. Burns presented the resolution. This is a requirement for detecting fraud and/or waste.

On MOTION by Mr. Moore, seconded by Mr. Dunson, with all in favor, Resolution 2022-32 Adopting an Internal Controls Policy, was approved.

F. Staff Reports

i. Attorney

Ms. Kobitter stated she had nothing to add.

ii. Manager

Ms. Burns had nothing further to report.

G. Supervisors Requests

There being none, the next item followed.

H. Approval of Funding Request No. 1

Ms. Burns noted this request was in the package for review. This is an initial startup cost for ads, public hearings, and insurance.

On MOTION by Mr. Dunson, seconded by Mr. Donley, with all in favor, Funding Request No. 1, was approved.

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NINTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Moore, seconded by Mr. Dunson, with all in favor, the meeting was adjourned.

Jill Burns

Secretary/Assistant Secretary

Wes Donley

Chairman/Vice Chairman