

**MINUTES OF MEETING  
CYPRESS PARK ESTATES  
COMMUNITY DEVELOPMENT DISTRICT**

An Organizational meeting of the Board of Supervisors of the Cypress Park Estates Community Development District was held Wednesday, **December 11, 2019** at 11:35 a.m. at 1925 US Hwy 98 S., Suite 201, Lakeland, FL.

Present and constituting a quorum:

Scott Shapiro  
McKinzie Terrill  
Allan Keen  
Steve Rosser  
Hyzens Marc *via phone*

Chairman  
Vice Chairman  
Assistant Secretary  
Assistant Secretary  
Assistant Secretary

Also present were:

Jill Burns  
Sarah Warren  
Ashton Bligh *via phone*  
Emma Gregory *via phone*  
Rodney Gadd

District Manager, GMS  
Hopping Green & Sams  
Greenberg Traurig  
Hopping Green & Sams  
Gadd Engineering

**FIRST ORDER OF BUSINESS**

**Introduction**

**A. Call to Order**

Ms. Burns called the meeting to order and called the roll. There were four members 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 the four supervisors listed above at the meeting as a group. Since Mr. Hyzens Marc was present via phone, it was clarified that he will be sworn in at the next meeting since he must be present. Ms. Burns clarified the procedure for completing forms and signatures.

**SECOND ORDER OF BUSINESS                      Organizational Matters**

**A. Confirmation of Notice of Meeting**

Ms. Burns stated this meeting was advertised in the newspaper and the affidavit of publication was included in the agenda package.

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

Ms. Burns stated that they have provided the board members with information on Community Development Districts and with information on being a public official. They have also provided them with a copy of Chapter 190 of the Florida Statutes. Ms. Burns clarified that forms must be sent by each board member to the Supervisor of Elections in the County that they live in, and they have 30 days to do so. The W-9 Form is for receiving compensation of up to \$200. Ms. Burns instructed new board members if they elected to receive compensation, they must complete the form and return to her. The attorney reminded all board members about the Sunshine Law, including phone calls, texts, emails and any outside discussion of sharing of information. No two members are to discuss information. Ms. Burns reminded board members that emails could be set up through GMS. Also, board members were reminded that GMS would keep all official CDD documents, and official public records requests. Reminders of note taking of all members should be kept in a file of their own. The sunshine law booklet was given to each board member.

**C. Election of Officers**

**1. Resolution 2020-01 Appointing Officers**

Ms. Burns presented Resolution 2020-01, which designates the officers for the District. Mr. Scott Shapiro was appointed as Chairman, McKinzie Terrill was appointed as Vice Chairman, and the other three supervisors, Allan Keen, Steve Rosser, and Hyzens Marc were appointed as Assistant Secretaries. Ms. Jill Burns was appointed as Secretary, and George Flint was appointed as Assistant Secretary, Ariel Lovera as Treasurer, and Ms. Jill Burns as Assistant Treasurer. It was requested the GMS assignments be made to process all checks, etc.

On MOTION by Mr. Shapiro, seconded by Mr. Keen, with all in favor, Resolution 2020-01 Designating Officers with Mr. Shapiro as Chairman, Mr. Terrill as Vice Chairman, Mr. Keen as Assistant Secretary, Mr. Rosser as Assistant Secretary, Mr. Hyzenz as Assistant Secretary, Ms. Burns as Secretary and Assistant Treasurer, Mr. Lovera as Treasurer, and Mr. Flint as Assistant Secretary, was approved.

**THIRD ORDER OF BUSINESS**

**Retention of District Staff**

**A. Consideration of Contract for District Management Services**

**i. Resolution 2020-02 Appointing District Manager**

Ms. Burns stated included in the agenda package is a contract with Governmental Management Services to provide District Management Services. The fee schedule is included in the package as discussed. Ms. Burns clarified that board members get a check run summary on every agenda that shows all checks that have been issued and the general liability for all board members. CDD property insurance coverage was discussed. Further clarification on contracts for the CDD, and the agreement with GMS and fees ensued. Bond issue was discussed as to how the process works as far as fees collected.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Resolution 2020-02 and the Contract with GMS to Provide District Management Services, was approved.

**B. Consideration of Contract for District Counsel Services**

**i. Resolution 2020-03 Appointing District Counsel**

Ms. Burns stated included in your agenda package is an agreement with Hopping Green & Sams, as well as their fees, to serve as the District legal counsel representing the firm. Sarah Warren represented Hopping Green & Sams as legal counsel and explained the cover letter and then noted hourly rates of Mr. Van Wyk, Ms. Warren, and all other associates.

On MOTION by Mr. Rosser, seconded by Mr. Terrell, with all in favor, Resolution 2020-03 the Agreement Letter with Hopping Green & Sams to Provide District Counsel Services, was approved.

**C. Resolution 2020-04 Selection of Registered Agent and Office**

Ms. Burns stated that Resolution 2020-04 names Roy Van Wyk as the registered agent and designates Hopping Green and Sams as the registered office.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Resolution 2020-04 Selecting Roy Van Wyk and Hopping, Green & Sams as the Registered Agent and Office, was approved.

**D. Resolution 2020-05 Appointing Interim District Engineer**

Ms. Burns stated this would appoint Gadd & Associates as the Interim District Engineer. The resolution was included in the packet.

On MOTION by Mr. Shapiro, seconded by Mr. Terrill, with all in favor, Resolution 2020-05 Appointing Gadd and Associates as the Interim District Engineer, was approved.

**E. Consideration of Interim District Engineering Agreement**

Ms. Burns stated this agreement, included in your packet is for engineering services, also naming Gadd & Associates and a standard form of agreement they will send to them.

On MOTION by Mr. Shapiro, seconded by Mr. Keen, with all in favor, the Interim District Engineer Agreement with Gadd & Associates, was approved.

**F. Request Authorization to Issue RFQ for Engineering Services**

Ms. Burns stated they would place an ad in the paper and send it to the Interim Engineer so they have due dates. Ms. Burns suggested the due date as January 17<sup>th</sup>. Later in the meeting, Ms. Burns did clarify the RFQ selection process and the pricing is not a consideration it is a qualification statement. The price is not included, it's just a statement of the qualifications and then board members can rank accordingly based on qualification statement.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Authorization of Staff to Issue an RFQ for Engineering Services, was approved.

**FOURTH ORDER OF BUSINESS**

**Designation of Meetings and Hearing Dates**

**A. Consideration of Resolution 2020-06 Designation of Regular Monthly Meeting Date, Time and Location for Fiscal Year 2020**

Ms. Burns stated as previously discussed the suggestion would be for the 4<sup>th</sup> Tuesday of the month at 11:30 a.m. at the same location, to hold the regular meetings. It was clarified that three members were always needed to hold a meeting.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Resolution 2020-06, Designating the Regular Board Meetings to be held on the 4<sup>th</sup> Tuesday of each month at 11:30 a.m., at 1925 US Hwy 98 S., Suite 201, Lakeland, Florida, was approved.

**B. Consideration of Resolution 2020-07 Designation of Landowner's Meeting Date, Time and Location**

Ms. Burns suggested January 28<sup>th</sup> 11:30a.m. at the same location and time, which would be the regular monthly meeting in January.

On MOTION by Mr. Shapiro, seconded by Mr. Rosser, with all in favor, Resolution 2020-07 Designating the Landowners Meeting for January 28, 2020 at 11:30 a.m. at 1925 US Hwy 98S., Suite 201 Lakeland, Florida, was approved.

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

**i. Consideration of Resolution 2020-08 Setting a Public Hearing to Consider the Proposed Rules of the District**

**A. Rules of Procedure**

Ms. Burns stated the rules and procedures are included in your package. Ms. Burns suggested January 28, 2020 at 11:30 a.m. at the same location, which would be the regular monthly meeting. Discussion of the actual rules and procedures can be discussed prior to the meeting or reach out to the District Counsel.

On MOTION by Mr. Shapiro, seconded by Mr. Keen, with all in favor, the 2020-08 Resolution Setting a Public Hearing to Adopt the Rules of Procedure for January 28, 2020 at 11:30 a.m. at 1925 US Hwy 98 S., Suite 201, Lakeland, FL, was approved.

**D. Designation of Dates of Public Hearing on the Budget for Fiscal Year 2020**

**1. Consideration of Resolution 2020-09 Setting the Public Hearing and Approving the Proposed Fiscal Year 2019/2020 Budget**

Ms. Burns stated they Resolution 2020-09 was in the package with a copy of the proposed budget. Ms. Burns stated this will be sent to the county at least 60 days prior to the public hearing, as required. It was a standard budget, only for general administration fees and no field

service, landscaping or other budgeting needs. Ms. Burns clarified question by board member that what was incurred would be paid. Ms. Burns suggested the public hearing date for February 25, 2020 at 11:30 a.m. at the same location, which will be the regular monthly meeting.

On MOTION by Mr. Keen, seconded by Mr. Rosser, with all in favor, Resolution 2020-09 Setting a Public Hearing Date to Approve the Fiscal Year 2020 Budgets for February 25, 2020 at 11:30 a.m. at 1925 US Hwy 98 S., Suite 201 Lakeland, Florida, was approved.

## **2. Approval of the Fiscal Year 2020 Budget Funding Agreement**

Ms. Burns stated this is the agreement where the developer KRPC East Johnson, LLC will agree to fund the operation of the District.

On MOTION by Mr. Shapiro, seconded by Mr. Rosser, with all in favor, the Funding Agreement with KRPC East Johnson, LLC for the Fiscal Year 2020 Budget, was approved.

## **FIFTH ORDER OF BUSINESS**

### **Other Organizational Matters**

#### **A. Resolution 2020-10 Designating a Qualified Public Depository**

Ms. Burns noted this is the bank where they will open the District's bank account for the general fund. She recommended SunTrust Bank as used by GMS but the board could use another bank if they preferred.

On MOTION by Mr. Keen, seconded by Mr. Terrill, with all in favor, Resolution 2020-10 Designating SunTrust Bank as the District Depository, was approved.

#### **B. Resolution 2020-11 Authorization of Bank Account Signatories**

Ms. Burns asked that the signatories be herself and George Flint as signers for the District allowing them to sign checks and process invoices.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Resolution 2020-11 Authorizing Jill Burns and George Flint as Bank Account Signatories, was approved.

#### **C. Consideration of Resolution 2020-12 Relating to Defense of Board Members**

Ms. Burns noted that this resolution where the District will provide legal support to board members and staff outlined in the resolution when acting in your capacity as board members.

On MOTION by Mr. Terrill, seconded by Mr. Keen, with all in favor Resolution 2020-12 Relating to Defense of Board Members, was approved.

**D. Consideration of Resolution 2020-13 Authorizing District Counsel to Record in the Property Records of Polk County the “Notice of Establishment” in accordance with Chapter 190.0485, Florida Statutes**

Ms. Burns stated Resolution 2020-13 is in the board package for review and it authorizes District Counsel to record the notice of establishment in the County

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Resolution 2020-13, Authorization for District Counsel to Record in the Property Records of Polk County the Notice of Establishment in Accordance with Chapter 190.0485, Florida Statutes, was approved.

**E. Consideration of Resolution 2020-14 Adopting Investment Guidelines**

Ms. Burns stated the statutes requires the board to adopt an investment policy that outlines the four options if they have excess funds, to invest any public funds that are in excess amounts from the operating expenses, and outlines where they can invest those funds.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Resolution 2020-14, Adopting Investment Guidelines, was approved.

**F. Consideration of Resolution 2020-15 Authorizing Execution of Public Depositor Report**

Ms. Burns stated this resolution would authorize the District Manager or Treasurer to execute or file the public depositor report.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Resolution 2020-15, Authorizing Execution of Public Depositor Report, was approved.

**G. Consideration of Resolution 2020-16 Designating a Policy for Public Comment**

Ms. Burns stated this outlines a public comment policy, speaking time limits, and how to deal with procedures if they have members of the public present. Ms. Burns clarified for board

members the time limits is 3 minutes. Ms. Warren did say this time could be adjusted later if needed.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Resolution 2020-16 Designating a Policy for Public Comment, was approved.

**H. Consideration of Resolution 2020-17 Adopting a Travel and Reimbursement Policy**

Ms. Burns stated this is in line with Florida State Statutes on the fees and rates at which they can reimburse.

On MOTION by Mr. Keen, seconded by Mr. Shapiro with all in favor, Resolution 2020-17 Adopting a Travel and Reimbursement Policy, was approved.

**I. Consideration of Resolution 2020-18 Adopting Prompt Payment Policy**

Ms. Burns stated in the agenda package is Resolution 2020-18 and the policy is in line with Florida Statutes to timely pay vendors and contractors.

On MOTION by Mr. Shapiro, seconded by Mr. Terrill, with all in favor, Resolution 2020-18 Adopting Prompt Payment Policy, was approved.

**J. Consideration of Resolution 2020-19 Adopting a Records Retention Policy**

Ms. Burns stated Resolution 2020-19 outlines the record management liaison and establishes a retention schedule.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Resolution 2020-19 Adopting Records Retention Policy, was approved.

**K. Consideration of Compensation to Board Members**

Ms. Burns stated this was covered earlier in discussion of forms and does not need further discussion. No motion was needed. The board members in attendance elected not to receive compensation.



**L. Resolution 2020-20 Selecting District Records Office Within Polk County**

Ms. Burns suggested selecting the address of the current office at 1925 US Hwy 98 S., Suite 201 Lakeland, Florida as the local records office. Ms. Burns stated that a filing cabinet would be needed for filing for records sent from her office.

On MOTION by Mr. Keen, seconded by Mr. Terrill, with all in favor, Resolution 2020-20 Selecting the Local District Records Office at 1925 US Hwy 98 S., Suite 201 Lakeland, Florida, was approved.

**M. Resolution 2020-21 Designating the Primary Administrative Office and Principal Headquarters of the District**

Ms. Burns stated the primary Administrative Office would be her office in Orlando. The Principal Headquarters office will be the current office at 1925 US Hwy 98 S. Suite 201 Lakeland, FL.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, Resolution 2020-21 Designating the Primary Administrative Office as Ms. Burns' office in Orlando and the Principal Headquarters of the District at 1925 US Hwy 98 S. Suite 201 Lakeland, Florida, was approved.

**N. Consideration of Website Services Agreement**

Ms. Burns stated there was an agreement in the package from VGlobal Tech which is the company used to create almost all Districts and most of the CDD websites in the state. There is a one-time fee of \$2,375 for an ADA compliant website. Once it is set up GMS can maintain it. Ms. Burns clarified that the \$1,200/year in the budget is to add everything (minutes, agenda, etc.) to the website moving forward. Ms. Burns and Ms. Warren held some discussion about litigation/issues with ADA complaint websites and changing fees as the CDD moved forward.

On MOTION by Mr. Keen, seconded by Mr. Terrill, with all in favor, the VGlobal Tech Website Services Agreement, 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 1<sup>st</sup> for Polk County**

Ms. Burns stated Chapter 189 of the Florida Statutes requires the District to prepare a Public Facilities Report and file it with the County. This authorizes staff to prepare that report. No backup was needed in the agenda. Ms. Burns clarified for board members this was required.

On MOTION by Mr. Shapiro, seconded by Mr. Keen, with all in favor, the Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date for Polk County, was approved.

**P. Consideration of Resolution 2020-22 Authorizing Chairperson to Execute Plats, Permits, and Conveyances**

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, the Resolution 2020-22 Authorizing a Chairperson to Execute Plats, Permit, and Conveyances, was approved.

**SIXTH ORDER OF BUSINESS**

**Capital Improvements**

**A. Appointment of Financing Team**

**1. Bond Counsel**

Ms. Burns stated included in your agenda package is an agreement letter from Greenberg Traurig to provide bond counsel services. Ashton Bligh was available via phone for any questions.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, the Agreement with Greenburg Traurig to Serve as Bond Counsel, was approved.

**2. Investment Banker**

Ms. Burns stated this is with FMS Bonds.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, the Agreement with FMS Bonds, was approved.

**3. Assessment Administrator**

Ms. Burns stated this was covered in GMS's management contract, no motion was needed since it was already approved.

**4. Trustee**

Ms. Burns stated they have an agreement from US Bank to serve as the Trustee. This was in-line with what is seen in other districts.

On MOTION by Mr. Keen, seconded by Mr. Terrill, with all in favor, the Proposal from US Bank to Serve as the Trustee, was approved.

**B. Approval of Financing Team Funding Agreement**

Ms. Burns stated this is the agreement where the developer will fund the needs of the district in order to move forward with the bond issuance and they will then be reimbursed from the bond proceeds once they are issued.

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

**SEVENTH ORDER OF BUSINESS****Financing Matters****A. Consideration of Engineer's Report for Capital Improvements dated December 11, 2019**

Ms. Burns asked for Mr. Gadd to give an overview of the report. Mr. Gadd explained the report covers the first two phases of the 703 lots in the subdivision. He gave a brief description of where utilities are coming from and the improvements of roadways, and recreation. Jurisdiction goes to city of Haines City for internal site, Polk County is over site work. Additional permitting was discussed. Legal counsel (Ms. Warren) asked if all costs outlined were reasonable, he answered yes.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, the Engineer's Report for Capital Improvements dated December 11, 2019, was approved.

**B. Consideration of Assessment Methodology dated December 11, 2019**

Ms. Burns stated the methodology allocates the debt to the persons that benefit from the capital improvements, based on the benefits they received. Ms. Burns referred to the tables attached. There are 703 units they are similar product types; they all have the same ERU. The capital improvement plan costs provided in the Engineer's Report is in Table 2. Table 3 is the bond sizing which is at 29 million dollars in order to generate the construction proceeds. Table 4 is the improvement costs per unit. Table 5 shows \$41,252 per unit. Table 6 shows the net and gross

annual assessment per unit. The interest rate is 7% for collection on the Polk County tax bill, which covers cost with the property appraiser and tax collector, as well as the early payment discount. The interest rate of 7% is just for the collection cost with the tax collector and property appraiser. The 4% discount when you pay taxes early is accounted for. Ms. Burns clarified for board members that this is their maximum cap, it's what they are allowed to do, not necessarily what they will do.

On MOTION by Mr. Keen, seconded by Mr. Terrill, with all in favor, the Financing Team Funding Agreement from December 11, 2019, was approved.

**C. Consideration of Resolution 2020-23 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings**

Ms. Bligh stated Resolution 2020-23 is the first step in the bond issuance process. She noted this resolution authorizes an amount not to exceed \$30 million in special assessment bonds in one or more series to pay for certain projects. They will come back to the board with a delegation resolution with details describing a series of bonds that the district intends to issue. Certain sections of the bond resolution were outlined, Chapter 75 requires that any bonds with a maturity beyond 5 years must be validated. Under section 8, Chapter 190 requires any bonds to be secured by a trust agreement. The projects related to the District's capital improvement plan described in the master Engineer's report were covered. District counsel and bond counsel to the district are authorized and directed to proceed with validation in court. Under Section 7, the district appoints US Bank to be the Trustee on any series of bonds.

On MOTION by Mr. Shapiro, seconded by Mr. Terrill, with all in favor, the Resolution 2020-23 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings, was approved.

**D. Consideration of Resolution 2020-24 Declaring Special Assessments and Approval of Assessment Methodology**

It was noted this was the first step in the process for levying assessments to repay any bonds that are issued by the district. It declares the district's intent to levy a master assessment lean to secure repayment of the bonds that may be issued by the District to fund the improvements that are outlined in the Engineer's report. This resolution also adopts the preliminary master Assessment Methodology and provides that the method for allocating is fair and reasonable for the

allocation, and that the benefit provided by the improvements exceeds the amount of special assessments to be levied. This puts in place a cap on the highest amount of assessments that could be placed on the property at the time that bonds are actually issued, they will come back and do a supplemental assessment resolution which will impose the exact amount of assessments that are necessary to repay the bonds actually issued. This also sets a public hearing for the master assessment meeting for Tuesday, January 28, 2020 at 11:30 am.

On MOTION by Mr. Keen, seconded by Mr. Shapiro, with all in favor, the Resolution 2020-24 Declaring Special Assessment and Approval of Assessment Methodology, was approved.

**E. Resolution 2020-25 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 suggested January 28, 2020 at 11:30 a.m., which will be the regular monthly board meeting, at 1925 US Hwy 98 S., Suite 201 Lakeland, FL.

On MOTION by Mr. Shapiro, seconded by Mr. Keen, with all in favor, Resolution 2020-25 Setting Public Hearing for Special Assessments for January 28, 2020, at 1925 US Hwy 98 S., Suite 201 Lakeland, FL, was approved.

**EIGHTH ORDER OF BUSINESS**

**Other Business**

**A. Staff Reports**

**i. Attorney**

Sarah Warren, District Counsel, stated the intention was to file bond validation by the end of the week, and then send to bond counsel this afternoon. They will file the complaint and the judge will be assigned as well as the State Attorney and they will find a hearing time that will work for all parties. The notice must be published to show cause, which is notice of the hearing, that must run for about 4 weeks. It will be the beginning of February. Assuming all goes as planned, the Judge should give final judgement validating the bonds, which will start the 30-day appeal period. During that time, counsel can prepare offering statements. Bonds close the day after the 30 day appeal period.

**ii. Manager**

There being none, the next item following.

**B. Supervisors Requests**

There being none, the next item followed.

**C. Approval of Funding Request No. 1**

Ms. Burns stated she had approval of funding request #1, which will get the funds to open the account, get the insurance, and do the legal ads for all hearings that the board approved. \$20,000 is the total amount. All funding request will come through the district office.

On MOTION by Mr. Shapiro, seconded by Mr. Keen, with all in favor, the Funding Request No. 1, was approved.

**NINTH ORDER OF BUSINESS**

**Adjournment**

Ms. Burns adjourned the meeting at 11:43 a.m. Clarification was made by Ms. Burns that for all board members emails about future meetings and notices will be sent to their new CDD emails.

On MOTION by Mr. Shapiro, seconded by Mr. Keen, with all in favor, the meeting was adjourned at 11:43 a.m.

  
Secretary/Assistant Secretary

  
Chairman/Vice Chairman