

**MINUTES OF MEETING
CYPRESS BAY WEST
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Cypress Bay West Community Development District held a Public Hearing and Regular Meeting on November 15, 2023 at 11:00 a.m., at Kays Bar-B-Que & Steaks, 1552 West King Street, Cocoa, Florida 32926.

Present at the meeting were:

William (Bill) Fife
Roger Van Auker
Robyn Bronson
Shelley Kaercher

Vice Chair
Assistant Secretary
Assistant Secretary
Assistant Secretary (appointed at meeting)

Also present:

Cindy Cerbone
Katie Ibarra (via telephone)
Bennett Davenport (via telephone)

District Manager
District Counsel
Kutak Rock LLP

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 11:03 a.m. Supervisors Fife, Van Auker and Bronson were present. Supervisors Tyree and Wiggins were not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of John Wiggins
[Seat 2]; Term Expires November 2024**

Ms. Cerbone presented Mr. John Wiggins' resignation letter.

On MOTION by Mr. Fife and seconded by Ms. Bronson, with all in favor, the resignation of Mr. John Wiggins, from Seat 2, was accepted.

FOURTH ORDER OF BUSINESS

**Consideration of Appointment of Shelley
Kaercher to Fill Unexpired Term of Seat 2**

Mr. Fife nominated Ms. Shelley Kaercher to fill Seat 2.

No other nominations were made.

On MOTION by Mr. Fife and seconded by Ms. Bronson, with all in favor, the appointment of Ms. Shelley Kaercher to fill the unexpired term of Seat 2, was approved.

- **Administration of Oath of Office to Appointed Supervisor (the following to be provided in a separate package)**

Ms. Cerbone, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Kaercher. Ms. Kaercher is already familiar with the following:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B: Memorandum of Voting Conflict**

Ms. Cerbone presented Form 8B for Ms. Kaercher to complete to disclose the continuing conflict present with Landowner representatives serving on the Board and eliminate the need to declare a conflict at every vote. Ms. Cerbone read Form 8B into the record, as follows:

“I am a member of the Board of Supervisors of the Cypress Bay West 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 might 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 112.3134, Florida Statutes, and for the duration of my term and any subsequent terms.”

Mr. Davenport encouraged Ms. Kaercher to contact his office with any questions or concerns.

FIFTH ORDER OF BUSINESS**Consideration of Resolution 2024-01,
Appointing and Removing Officers of the
District and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2024-01. Mr. Fife nominated the following slate:

Chair	Chris Tyree
Vice Chair	William (Bill) Fife
Assistant Secretary	Robyn Bronson
Assistant Secretary	Roger Van Auker
Assistant Secretary	Shelley Kaercher

No other nominations were made. Prior appointments by the Board for Secretary, Treasurer, Assistant Treasurer and Assistant Secretaries Cindy Cerbone and Jamie Sanchez, remain unaffected by this Resolution.

On MOTION by Mr. Fife and seconded by Mr. Van Auker, with all in favor, Resolution 2024-01, Appointing and Removing Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS**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**

- A. Affidavit/Proof of Publication**
- B. Mailed Notice to Property Owner(s)**

These items were included for informational purposes.

Ms. Cerbone stated the purpose of this Public Hearing is to proceed with having assessments off roll, with invoices created by the District Manager's office, or submitting a tax roll so assessments are on property tax bills. The debt is already on the tax roll; each property owner will receive a tax bill that includes the debt but does not include the Operation & Maintenance (O&M) assessments. The intent is to assess a certain number of lots, via off-roll assessments to the current property owner(s), rather than via a Landowner contribution from

Forestar. This was communicated to DR Horton and Mr. John Lynch confirmed that he is aware of this plan. Upon Board approval, she will inform Mr. Lynch that he will receive an off-roll assessment notice in the coming weeks. The budget will be amended accordingly to show the shift from a Landowner-contribution funded budget to off-roll assessments.

On MOTION by Ms. Bronson and seconded by Ms. Kaercher, with all in favor, the Public Hearing was opened.

- **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 affected property owners or members of the public spoke.

On MOTION by Mr. Fife and seconded by Ms. Bronson, with all in favor, the Public Hearing was closed.

- **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.

- C. **Consideration of Resolution 2024-02, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Ms. Cerbone presented Resolution 2024-02 and read the title.

On MOTION by Mr. Fife and seconded by Ms. Kaercher, with all in favor, Resolution 2024-02, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2023/2024; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

Consideration of Resolution 2024-03, Relating to the Amendment of the Budget for the Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024; and Providing for an Effective Date

Ms. Cerbone presented Resolution 2024-03. She reviewed the amended Fiscal Year 2024 budget, which reflects revenues moved from “Landowner contribution” to “Assessment levy: off-roll” to be directed to property owners.

On MOTION by Mr. Fife and seconded by Ms. Bronson, with all in favor, Resolution 2024-03, Relating to the Amendment of the Budget for the Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024; and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Ratifying, Confirming, and Approving the Sale of the Cypress Bay West Community Development District Capital Improvement Revenue Bonds, Series 2023 (Assessment Area One); Ratifying, Confirming and Approving the Actions of the Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretaries, and All District Staff Regarding the Sale and Closing of the Bonds; Determining Such Actions as Being in Accordance with the Authorization Granted by the Board; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2024-04 and read the title.

On MOTION by Mr. Fife and seconded by Mr. Kaercher, with all in favor, Resolution 2024-04, Ratifying, Confirming, and Approving the Sale of the Cypress Bay West Community Development District Capital Improvement Revenue Bonds, Series 2023 (Assessment Area One); Ratifying, Confirming and Approving the Actions of the Chairman, Vice Chairman, Treasurer, Secretary, Assistant Secretaries, and All District Staff Regarding the Sale and Closing of the Bonds; Determining Such Actions as Being in Accordance with the Authorization Granted by the Board; Providing a Severability Clause; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS**Ratification of Acquisition of Phases 1, 1A and 2 Stormwater and Roadway Improvements**

Ms. Cerbone discussed the acquisition of Phases 1, 1A and 2 Stormwater and Roadway Improvements and noted that the necessary documents were previously executed by the Chair.

On MOTION by Ms. Bronson and seconded by Mr. Fife, with all in favor, acquisition of Phases 1, 1A and 2 Stormwater and Roadway Improvements, was ratified.

TENTH ORDER OF BUSINESS**Acceptance of Unaudited Financial Statements as of September 30, 2023**

Ms. Cerbone noted that some Field Operations work is beginning; she will work with Mr. Fife and Access Management in this regard. Mr. Fife stated an Access Management representative will likely attend the next meeting.

Ms. Cerbone stated a "Field Operations Report" agenda item will be added accordingly.

On MOTION by Ms. Bronson and seconded by Mr. Fife, with all in favor, the Unaudited Financial Statements as of September 30, 2023, were accepted.

ELEVENTH ORDER OF BUSINESS**Approval of June 21, 2023 Public Hearing and Regular Meeting Minutes**

On MOTION by Ms. Bronson and seconded by Mr. Fife, with all in favor, the June 21, 2023 Public Hearing and Regular Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Kutak Rock LLP**

Mr. Davenport requested an updated construction timeline for the next Phase for the purposes of planning for a bond issuance.

Mr. Van Auken discussed the pending completion of Phase 2 and sub-Phase 5, which includes lots to be sold to DR Horton; some will be sold this month and completion is projected for December 2023 or January 2024.

The need for a Supplemental Methodology Report and Supplemental Engineer's Report for the next bond issuance was noted.

Discussion ensued regarding the complexity of the project, pending acquisitions, circulating a map of areas and items and the need to wait for a pending sewage treatment plant to come online for capacity.

Ms. Ibarra stated Staff will follow up via email regarding timing.

B. District Engineer: Dewberry Engineers, Inc.

There was no report.

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

- **NEXT MEETING DATE: January 17, 2024 at 11:00 AM**
 - **QUORUM CHECK**

The next meeting will be held on January 17, 2024, unless canceled.

THIRTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

FOURTEENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

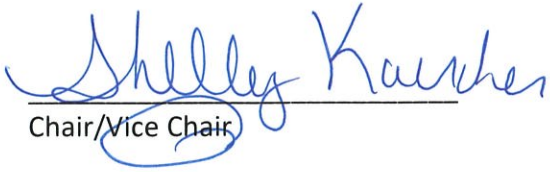
FIFTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Fife and seconded by Ms. Kaercher, with all in favor, the meeting adjourned at 11:24 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair