

**MINUTES OF MEETING
PEACE CREEK
COMMUNITY DEVELOPMENT DISTRICT**

The Organizational meeting of the Board of Supervisors of the Peace Creek Community Development District was held on Wednesday, **March 9, 2022** at 11:00 a.m. at the Lake Alfred Public Library, 245 N. Seminole Ave., Lake Alfred, Florida.

Present and constituting a quorum were:

Adam Morgan	Chairman
Steve Greene	Assistant Secretary
Carrie Mitchell	Assistant Secretary

Also, present were:

Jill Burns	District Manager, GMS
Bryan Hunter	Hunter Engineering
Steve Sanford <i>via Zoom</i>	Greenberg Traurig
Jennifer Kilinski	KE Law Group
Jake Whealdon	KE Law Group
Brent Elliott <i>by phone</i>	

The following is a summary of the discussions and actions taken at the March 9, 2022 Peace Creek Community Development District's Organizational Board of Supervisor's Meeting.

FIRST ORDER OF BUSINESS

Introduction

A. Call to Order

Ms. Burns called the meeting to order at 11:00 p.m. Three Supervisors were in attendance at the meeting constituting a quorum.

B. Public Comment Period

There were no public members present.

C. Oath of Office

Ms. Burns conducted the oath of office to the new Supervisors. Ms. Kilinski provided an overview of the Sunshine Law and an ethics update for the new Board members.

March 9, 2022

Peace Creek CDD

SECOND ORDER OF BUSINESS

Organizational Matters

A. Confirmation of Notice of Meeting

Ms. Burns stated that the meeting notice had been documented properly as required by statutes.

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

Ms. Burns explained the duties and responsibilities of the officers. She reviewed the forms to be completed by new Supervisors, and reviewed additional legal statutes including Sunshine law, records keeping, etc.

C. Election of Officers

1. Resolution 2022-01 Appointing Officers

Ms. Burns asked about election of officers. She asked that she be named Secretary and Mr. Flint be appointed as Assistant Secretary. Mr. Adams agreed to be Chair and he nominated Steve Greene and Carrie Mitchell as Assistant Secretaries.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, Resolution 2022-01 Appointing Officers with Mr. Morgan as Chair, Mr. Greene, Ms. Toro, Ms. Furukawa, and Ms. Mitchell as Assistant Secretaries, and GMS staff of George Flint as an Assistant Secretary and Ms. Burns as Secretary, was approved.

2. Resolution 2022-02 Appointing Treasurer and Assistant Treasurer

Ms. Burns suggested GMS staff as George Flint as Treasurer and Katie Costa, as Assistant Treasurer.

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

THIRD ORDER OF BUSINESS

Retention of District Staff

A. Consideration of Agreement for District Management Services

Ms. Burns noted that the District Manager will be GMS.

March 9, 2022

Peace Creek CDD

1. Resolution 2022-03 Appointing District Manager

Ms. Burns notes the agreement form is included with fees for GMS.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, Resolution 2022-03 Appointing District Manager as GMS, was approved.

B. Consideration of Agreement for District Counsel Services

Ms. Burns noted that KE Law Group will be the District Counsel

2. Resolution 2022-04 Appointing District Counsel

Ms. Burns noted fees were included in the packet.

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

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

Ms. Burns stated that this would name Jennifer Kilinski as Registered Agent with KE Law Group and the office in Tallahassee as the registered agent and office.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, Resolution 2022-05 Selection of Registered Agent and Office, was approved.

D. Resolution 2022-06 Appointing Interim District Engineer

Ms. Burns noted the interim engineer would be Hunter Engineering.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, Resolution 2022-06 Appointing Interim District Engineer as Hunter Engineering, was approved.

E. Consideration of Interim District Engineering Agreement

Ms. Burns noted the agreement was in the packet.

March 9, 2022

Peace Creek CDD

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, The Interim District Engineering Agreement, was approved.

F. Request Authorization to Issue RFQ for Engineering Services

Ms. Burns stated he needed a motion to issue the RFQ for engineer services. She suggested the due date of April 18, 2022.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, The Authorization 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 2022

Ms. Burns suggested the 4th Tuesday of the month at 9:30 a.m. The meeting will be at the same location.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, Resolution 2022-07 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2022 as the 4th Tuesday of the Month at 9:30 a.m. at the same location, was approved.

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

Ms. Burns suggested April 26, 2022 at 9:30 a.m. at the same location.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, Resolution 2022-08 Designation of Landowner’s Meeting Date, Time, and Location for April 26, 2022 at 9:30 a.m. at the same location, was approved.

C. Designation of Date 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

March 9, 2022

Peace Creek CDD

Ms. Burns suggested this be held in conjunction with the April 26, 2022 at 9:30 a.m.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, Resolution 2022-09 Setting a Public Hearing to Consider the Proposed Rules of the District for April 26, 2022 at 9:30 a.m., at the same location, was approved.

D. Designation of Dates of Public Hearing on the Budget for Fiscal Year 2022

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

Ms. Burns proposed they set the date for May 24, 2022 at 9:30 a.m. at the same location. She asked about field expenses, amenity and landscaping will be needed. Ms. Burns noted the proposed budget will be amended.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, Resolution 2022-10 Setting the Public Hearing and Approving the Proposed Fiscal Year 2021/2022 and 2022/2023 Budget for May 24, 2022 at 9:30 a.m. at the same location, was approved as amended.

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

Ms. Burns noted this will fund this year's budget. (Lennar Homes, LLC)

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, the Fiscal Year 2021/2022 and 2022/2023 Developer Funding Agreement, was approved.

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 suggested April 26, 2022 at 9:30 a.m. at the same location for this meeting.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, 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 Assessment in

March 9, 2022

Peace Creek CDD

Accordance with Section 197.3632, Florida Statutes for April 26, 2022 at 9:30 a.m. at the same location, was approved.

FIFTH ORDER OF BUSINESS

Other Organizational Matters

A. Resolution 2022-12 Designating a Qualified Public Depository

Ms. Burns proposed using Truist (formerly Sun Trust) as the District's qualified public depository.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-12 Designating a Qualified Public Depository as Truist, was approved.

B. Resolution 2022-13 Authorization of Bank Account Signatories

Ms. Burns noted the approved signatories would be the Treasurer and Assistant Treasurer elected today as Jill Burns, Katie Costa, and George Flint.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, Resolution 2022-13 Authorization of Bank Account Signatories as the Treasurer and Assistant Treasurer (George Flint, Jill Burns and Katie Costa), was approved.

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

Ms. Burns explained the resolution. She noted this sets forth a process if there is a lawsuit filed against a Board member. She noted as long as the Board member was working within the scope of their responsibilities, they would be covered legally.

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

March 9, 2022

Peace Creek CDD

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

Ms. Burns noted this is to ratify the action already noticed.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-15 Authorizing District Counsel Recording the “Notice of Establishment” in the Property Records of Osceola County in Accordance with Chapter 190.0486, Florida Statutes, was ratified.

E. Consideration of Resolution 2022-16 Adopting Investment Guidelines

Ms. Burns noted this would be in accordance with the guidelines established by the state of Florida.

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

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

Ms. Burns noted this authorizes the District Manager or Treasurer to execute the Public Depositor Report and send the report to the Treasurer.

On MOTION by Mr. Morgan, seconded by Mr. Greene, 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 establishes the policy for comments in a meeting.

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

March 9, 2022

Peace Creek CDD

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

Ms. Burns noted this is for travel reimbursement for Supervisors on District business and is in-line with Florida statutes.

On MOTION by Mr. Morgan, seconded by Mr. Greene, 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 that this is in accordance with Florida statutes and is included in the packet.

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

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

Ms. Burns noted this policy is in accordance with Florida statutes and has two options included in the packet. She suggested the Board choose option 1.

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

K. Consideration of Compensation to Board Members

Ms. Burns stated this is for Board members attending CDD meetings to be compensated at \$200 a meeting for a maximum of 24 meetings per year. All Board members agreed to compensation. This is accordance with Florida statute and no vote was needed.

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

Ms. Burns proposed this address be 4900 Dundee Road, Winter Haven, FL 33884 the District Engineer's offices, as the District records office.

March 9, 2022

Peace Creek CDD

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-22 Designating the District Records Office within Polk County as 4900 Dundee Road, Winter Haven, FL 33884 the District Engineer’s offices, was approved.

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

Ms. Burns proposed this be the GMS offices in Orlando, Florida at 219 E. Livingston Street, and the principal headquarters would be the District Engineer’s offices at 4900 Dundee Road, Winter Haven, FL 33884, in Polk County.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-23 Designating the Primary Administrative Office of the District as 219 E. Livingston, Orlando, FL and Principal Headquarters as the Hunter Engineering office, was approved.

N. Consideration of Website Services Agreement

Ms. Burns stated the agreement is in the package and is required by statute. This is with ReAlign Web Design and the set-up fee will be \$1,750.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, the 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 1st for Polk County

Ms. Burns noted this is filed on an annual basis.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, 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, was approved.

SIXTH ORDER OF BUSINESS

Capital Improvements

A. Appointment of Financing Team

Ms. Burns noted this appoints a financing team.

March 9, 2022

Peace Creek CDD

1. Consideration of Resolution 2022-24 Appointing Bond Counsel

Ms. Burns noted this would be for Greenberg Trauig as Bond Counsel and the agreement is in the packet. Mr. Sanford was present via phone.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-24, Appointing Bond Counsel as Greenberg Trauig, was approved.

2. Consideration of Resolution 2022-25 Appointing an Investment Banker

Ms. Burns noted this would appoint FMS Bond Specialist.

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

3. Assessment Administrator

Ms. Burns noted this would be with GMS. The fees are included in the GMS contract.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Assessment Administrator as GMS, was approved.

4. Trustee

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

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, Trustee as US Bank, was approved.

B. Approval of Financing Team Funding Agreement

Ms. Burns noted this is with Lennar Homes, LLC. She explained that under the terms of this agreement any funds provide with Brent Elliot name.

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

March 9, 2022

Peace Creek CDD

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

Bryan Hunter the District Engineer gave an overview of the engineer's report. He noted it contained 154 acres, with 153 single family lots with recreational amenity area and associated infrastructure. The report provides engineering support to fund improvements within the District. It includes public roadways, utilities, water, sewer, storm drainage systems, landscaping, irrigation, and the costs are estimated and the boundaries are laid out in the report. Mr. Hunter noted the costs are reasonable to complete the construction. He added there was no preliminary plat recorded as of today.

Legal questions were reviewed by Steve Sanford:

1. Is there any reason you cannot construct the project as outlined in your report? Mr. Hunter replied no, there is not any other reason this cannot be built.
2. Those improvements and cost estimates that you provided, all the cost estimates are comparable for what you've seen in your other improvements to be constructed? Mr. Hunter replied yes, they are.

On MOTION by Mr. Morgan, seconded by Ms. Mitchell, with all in favor, the Engineer's Report, was approved.
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B. Consideration of Assessment Methodology

Ms. Burns reviewed the Master Assessment Methodology report. She explained this allocates debt to the properties based on the special benefits from the Districts capital improvement plan. She added a supplemental report will be added as they move forward. She reviewed the tables included in the report to include 553 units, 286 40-foot single family lots and 267 50-foot single family lots. The ERU to the 40 foot is 1, and the 50 foot is 1.2. The cost estimates are a total of \$18,755,500. The bond sizing is \$24,000,000. The par debt for the 40-foot is \$39,578, and the 50-foot lots will be \$47,493. The net and annual gross per unit is included and net for 40-foot lots is \$2,875 and the 50-foot lots will be \$3,450. The assessment roll allocates the debt by acre and all 154.5 acres is owned by Lennar Homes. She noted the assessments are fairly and reasonably

March 9, 2022

Peace Creek CDD

apportioned across the product types and the benefit received from the properties is equal to or greater than the burden placed against them by the assessments.

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

Mr. Hunter noted there is adjacent property and may be sold to Lennar. It is anticipated this property will join into the CDD and have bonds issued as well. He asked about making an adjustment for the 120 lots. Ms. Kilinski replied that they should not have to validate more than once. They will investigate adding these and look at this again. This will amend the report.

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

Mr. Sanford noted reviewed this resolution. This will begin the validation process and will authorize the bonds in a principal amount of not more than \$24,000,000 to be issued in one or more series. It also sets forth the public infrastructure, authorized the actual validation of the bonds and appoints the Trustee as US BANK and asks the Board to approve the documents attached.

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

D. Consideration of Resolution 2022-27, Declaring Special Assessments and Approval of Assessment Methodology

Ms. Burns noted the reports are all approved by the Board prior to this. The cost estimates are included with updated amounts.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-27, Declaring Special Assessment and Approval of Assessment Methodology, was approved.

E. Consideration of Resolution 2022-28 Setting a Public Hearing for Special Assessments

Ms. Burns suggested April 26, 2022 at 9:30 a.m. at the same location.

March 9, 2022

Peace Creek CDD

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-28, Setting a Public Hearing for Special Assessments for April 26, 2022 at 9:30 a.m., was approved.

F. Consideration of Resolution 2022-29 Authorizing the Disbursement of Funds

Ms. Burns stated this resolution outlines how we will approve outside the meeting expenses and gives the District Manager and Chair authority to process check without having Board approval.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-29 Authorizing the Disbursement of Funds, was approved.

EIGHTH ORDER OF BUSINESS

Other Business

A. Consideration of Resolution 2022-30 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 Polk County requires this in order for the plats to be recorded.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-30 Granting the Chairperson and Vice Chairperson Authority to Execute Plats and Documents Related to the Development of the District’s Improvements, was approved.

B. Consideration of Resolution 2022-31 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 names the District Engineer or the District manager as the purchasing agent.

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-31 Direct Purchase Resolution, was approved.

C. Consideration of Resolution 2022-32 Authorizing the Use of Electronic Documents

Ms. Burns noted this will allow staff to use electronic signatures on most approvals of agreements and resolutions.

March 9, 2022

Peace Creek CDD

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, Resolution 2022-32 Authorizing the Use of Electronic Documents and Signatures, was approved.

D. Staff Reports

i. Attorney

Ms. Kilinski stated that the validation complaint will be filed as soon as possible.

ii. Manager

Ms. Burns noted she had nothing further.

E. Supervisors Requests

There being none, the next item followed.

F. Approval of Funding Request No. 1

Ms. Burns noted this request is in the package for review, and this was the initial amount to open the account. It was noted that payouts will be submitted to Lennar.

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

NINTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Morgan, seconded by Mr. Greene, with all in favor, the meeting was adjourned.

Jill Burns

Secretary/Assistant Secretary

Adam Morgan

Chairman/Vice Chairman