MINUTES OF MEETING
LOWERY HILLS COMMUNITY DEVELOPMENT DISTRICT

An Organizational Meeting of the Lowery Hills Community Development District was held on July 21, 2023 at 5:00 p.m., at the Lake Alfred Public Library, 245 N Seminole Avenue, Lake Alfred, Florida 33850.

Present at the meeting were:

Candice Smith	Chair
Alejandro Azan	Vice Chair
Gregory Meath	Assistant Secretary
Troy Simpson	Assistant Secretary
Roger Aman	Assistant Secretary

Also present were:

Ernesto Torres	District Manager
Jere Earlywine (via telephone)	District Counsel
Steve Sanford (via telephone)	Bond Counsel

FIRST ORDER OF BUSINESS **Call to Order/Roll Call**

Mr. Torres called the meeting to order at 5:00 p.m. He stated this is the first meeting of the Lowery Hills CDD. Mr. Greg Meath, Mr. Troy Simpson and Mr. Roger Aman, named in the Petition to Establish the District as Initial Board Supervisors, were present. Ms. Candice Smith, also named in the Petition to Establish the District as an Initial Board Supervisor, was not present. Mr. Brad Walker, also named in the Petition to Establish the District as an Initial Board Supervisors, declined his seat.

SECOND ORDER OF BUSINESS **Public Comments**

No members of the public spoke.

GENERAL DISTRICT ITEMS

THIRD ORDER OF BUSINESS **Administration of Oath of Office to Initial Board of Supervisors (the following will be provided in a separate package)**

Mr. Earlywine stated Mr. Alejandro Azan can be sworn in, in place of Mr. Brad Walker.

Mr. Torres, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Greg Meath, Mr. Troy Simpson, Mr. Roger Aman and Mr. Alejandro Azan.

All are familiar with the following:

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

B. Membership, Obligations and Responsibilities

C. Chapter 190, Florida Statutes

D. 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**

E. Form 8B: Memorandum of Voting Conflict

FOURTH ORDER OF BUSINESS **Consideration of Resolution 2023-01, Designating Certain Officers of the District, and Providing for an Effective Date**

Mr. Torres presented Resolution 2023-01. Mr. Meath nominated the following slate:

Chair	Candice Smith
Vice Chair	Alejandro Azan
Secretary	Craig Wrathell
Assistant Secretary	Gregory Meath
Assistant Secretary	Troy Simpson
Assistant Secretary	Roger Aman
Assistant Secretary	Ernesto Torres
Treasurer	Craig Wrathell
Assistant Treasurer	Jeffrey Pinder

No other nominations were made.

On MOTION by Mr. Meath and seconded by Mr. Aman, with all in favor, Resolution 2023-02, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS **Consideration of Resolution 2023-02, Designating a Date, Time, and Location for**

Landowners' Meeting of the District, and Providing for an Effective Date

Mr. Torres presented Resolution 2023-02.

On MOTION by Mr. Meath and seconded by Mr. Azan, with all in favor, Resolution 2023-02, Designating a Date, Time, and Location of October 9, 2023 at 5:00 p.m., at the Lake Alfred Public Library, 245 N Seminole Avenue, Lake Alfred, Florida 33850 for a Landowners' Meeting of the District, and Providing for an Effective Date, was adopted.

ORGANIZATIONAL ITEMS

SIXTH ORDER OF BUSINESS **Consideration of the Following Organizational Items:**

Mr. Earlywine stated the Board Members are familiar with all the items in the Sixth Order of Business. He suggested the Board make one motion to approve Items 6A through 6R, with all Public Hearings to be set for the October 9, 2023 meeting.

A. Resolution 2023-03, 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 2023-04, Appointing District Counsel for the District, and Authorizing Compensation; and Providing for an Effective Date

- **Fee Agreement: Kutak Rock LLP**

C. Resolution 2023-05, Designating a Registered Agent and Registered Office of the District, and Providing for an Effective Date

D. Resolution 2023-06, Appointing an Interim District Engineer for the Lowery Hills Community Development District, Authorizing Its Compensation and Providing for an Effective Date

- **Interim Engineering Services Agreement: Stephens Barrios Engineering**

E. Authorization of Request for Qualifications (RFQ) for Engineering Services

F. Board Member Compensation: 190.006 (8), F.S.

The Board Members declined compensation.

G. Resolution 2023-07, Designating the Primary Administrative Office, Principal Headquarters and local District Records office of the District and Providing an Effective Date

H. Resolution 2023-08, Setting Forth the Policy of the Lowery Hills Community Development 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 2023-09, 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 2023-10, 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 2023-11, Granting the Chair and Vice Chair the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District's Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date

L. Resolution 2023-12, Ratifying, Confirming and Approving the Recording of the Notice of Establishment for the Lowery Hills Community Development 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 #M23-1020 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 2023-13, 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 [Rule Development and Rulemaking]

Q. Resolution 2023-14, 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

R. Resolution 2023-15, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date

On MOTION by Mr. Aman and seconded by Mr. Azan, with all in favor, the Resolutions, Agreements, authorizations and all other necessary actions related to Items 6A through 6R, with all Public Hearings set for October 9, 2023 at 5:00 p.m., at the Lake Alfred Public Library, 245 N Seminole Avenue, Lake Alfred, Florida 33850, were adopted and/or approved.

S. Stormwater Management Needs Analysis Reporting Requirements

Mr. Earlywine noted that there is no interim reporting requirement. The Report will be prepared and submitted when necessary.

T. Consider Ratification and Acceptance of Petitioner's Agreement

U. Consideration of Interlocal Agreement

Mr. Earlywine discussed the Petitioner's Agreement and the Interlocal Agreement, of which the Board Members are familiar.

On MOTION by Mr. Azan and seconded by Mr. Meath, with all in favor, the Petitioner's Agreement, was ratified and accepted, and authorizing Staff to review and enter into an Interlocal Agreement substantially similar to the Petitioner's Agreement, with the same obligations, subject to Staff's preparation of the documents and the Chair's approval and execution, was approved.

BANKING ITEMS

SEVENTH ORDER OF BUSINESS **Consideration of the Following Banking Items:**

Mr. Torres presented the following:

A. Resolution 2023-16, Designating a Public Depository for Funds of the Lowery Hills Community Development District and Providing an Effective Date

B. Resolution 2023-17, Directing the District Manager to Appoint Signors on the Local Bank Account; and Providing an Effective Date

On MOTION by Mr. Aman and seconded by Mr. Azan, with all in favor, Resolution 2023-16, Designating Truist Bank as a Public Depository for Funds of the Lowery Hills Community Development District and Providing an Effective Date and Resolution 2023-17, Directing the District Manager to Appoint Signors on the Local Bank Account; and Providing an Effective Date, were adopted.

BUDGETARY ITEMS

EIGHTH ORDER OF BUSINESS **Consideration of the Following Budgetary Items:**

Mr. Earlywine stated the Board Members are familiar with all the items in the Eighth Order of Business. He suggested the Board make one motion to approve Items 8A through 8H, with the Budget Funding Agreements approved in substantial form and the Public Hearing set for the October 9, 2023 meeting.

A. Resolution 2023-18, Approving a Proposed Budget for Fiscal Year 2022/2023 and Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date

B. Fiscal Year 2022/2023 and Fiscal Year 2023/2024 Budget Funding Agreements

C. Resolution 2023-19, 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

D. Resolution 2023-20, 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

E. Resolution 2023-21, Adopting a Policy for Reimbursement of District Travel Expenses; and Providing for Severability and an Effective Date

F. Resolution 2023-22, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date

G. Resolution 2023-23, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date

H. Consideration of E-Verify Memo with MOU

On MOTION by Mr. Simpson and seconded by Mr. Meath, with all in favor, the Resolutions, Agreements and E-Verify actions, in Items 8A through 8HR, with the Budget Funding Agreements in substantial form and the Public Hearings set for October 9, 2023 at 5:00 p.m., at the Lake Alfred Public Library, 245 N Seminole Avenue, Lake Alfred, Florida 33850, were adopted and/or approved.

BOND FINANCING ITEMS

NINTH ORDER OF BUSINESS **Consideration of the Following Bond Financing Related Items:**

Mr. Earlywine presented the following:

A. Bond Financing Team Funding Agreement

B. Engagement of Bond Financing Professionals

I. Underwriter/Investment Banker: FMSbonds, Inc.

II. Bond Counsel: Greenberg Traurig, PA

III. Trustee, Paying Agent and Registrar: Regions Bank

On MOTION by Mr. Simpson and seconded by Mr. Mr. Azan, with all in favor, the Bond Financing Team Funding Agreement, the FMSbonds, Inc., Agreement for Underwriter and Rule G-17 Disclosure, the Greenberg Traurig, PA Bond Counsel Agreement for Bond Counsel Services, and the Regions Bank Fee Proposal to serve as Trustee, Paying Agent and Registrar, was approved.

C. Resolution 2023-24, 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. Earlywine presented Resolution 2023-24.

On MOTION by Mr. Azan and seconded by Mr. Simpson, with all in favor, Resolution 2023-24, Designating a Date, Time, and Location of October 9, 2023 at 5:00 p.m., at the Lake Alfred Public Library, 245 N Seminole Avenue, Lake Alfred, Florida 33850 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.

D. Consideration of Resolution 2023-25, 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. Earlywine presented Resolution 2023-25.

E. Presentation of Master Engineer's Report

Mr. Earlywine presented the Master Engineer's Report dated June 2023, which describes the CDD's Capital Improvement Plan (CIP). He noted the following:

- The CIP Estimate of Total Costs is $27,023,230.
- The Report finds that the costs are reasonable and the project is feasible to construct.

F. Presentation of Master Special Assessment Methodology Report

Mr. Earlywine presented the Master Special Assessment Methodology Report dated July 10, 2023. He reviewed the pertinent information and discussed the Development Program, CIP, Financing Program, Assessment Methodology, lienability tests, True-up Mechanism and Appendix Tables. He noted the following:

- The proposed financing plan provides for issuance of bonds in the approximate principal amount of $37,305,000 to finance approximately $27,023,230 in CIP costs, as reflected in the Engineer's Report.
- The current Development Plan anticipates 678 single-family residential units.

> **On MOTION by Mr. Azan and seconded by Aman, with all in favor, Resolution 2023-25, 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 for October 9, 2023 at 5:00 p.m., at the Lake Alfred Public Library, 245 N Seminole Avenue, Lake Alfred, Florida 33850; Providing for Publication of This Resolution; and Addressing Conflicts, Severability and an Effective Date, in substantial form, was adopted, and the form of the Master Engineer's Report and the Master Special Assessment Methodology Report, were approved.**

G. Resolution 2023-26, Authorizing the Issuance of Not To Exceed $37,305,000 Aggregate Principal Amount of Lowery Hills Community Development District Special Assessment Bonds, in One or More Series, to Pay All or a Portion of the Design, Acquisition, Construction Costs of Certain Public Infrastructure Improvements, Including, but Not Limited to, Stormwater Management and Control Facilities, Including, but Not Limited to, Related Earthwork and Acquisition or Conveyance of Lands Relating Thereto; Roadway Improvements, Including any Impact Fees; Water and Wastewater Systems, Including any Connection Charges; Landscaping, Conservation Areas, Hardscaping and Irrigation in Public Rights-of-Way; Public Amenities; Undergrounding Differential Cost Of Utilities; and All Related Soft and Incidental Costs (Collectively, the "Project"), Pursuant to Chapter 190, Florida Statutes, as Amended; Appointing Regions Bank to Serve as Trustee; Approving the Execution and Delivery of a Master Trust Indenture and a Supplemental Trust Indenture in Substantially the Forms Attached Hereto; Providing that Such Bonds Shall Not Constitute a Debt, Liability or Obligation of Lowery Hills Community Development District (Except as Otherwise Provided Herein), the City of Lake Alfred, Florida, Polk County, Florida, or of the State of Florida or of Any Other Political Subdivision Thereof, But Shall Be Payable Solely From Special Assessments Assessed and Levied on The Property Within the District Benefited by the Project and Subject to Assessment; Providing for the Judicial Validation of Such Bonds; and Providing for Other Related Matters

Mr. Earlywine presented Resolution 2023-27, which accomplishes the following:

- Authorizes issuance of not to exceed $37,305,000 aggregate principal amount of bonds.
- Appoints Regions Bank as the Trustee, Registrar and Paying Agent.
- Authorizes and approves execution and delivery of the Master Trust Indenture.
- Authorizes and directs District Counsel and Bond Counsel to file for validation.

On MOTION by Simpson and seconded by Mr. Azan, with all in favor, Resolution 2023-26, Authorizing the Issuance of Not To Exceed $37,305,000 Aggregate Principal Amount of Lowery Hills Community Development District Special Assessment Bonds, in One or More Series, to Pay All or a Portion of the Design, Acquisition, Construction Costs of Certain Public Infrastructure Improvements, Including, but Not Limited to, Stormwater Management and Control Facilities, Including, but Not Limited to, Related Earthwork and Acquisition or Conveyance of Lands Relating Thereto; Roadway Improvements, Including any Impact Fees; Water and Wastewater Systems, Including any Connection Charges; Landscaping, Conservation Areas, Hardscaping and Irrigation in Public Rights-of-Way; Public Amenities; Undergrounding Differential Cost Of Utilities; and All Related Soft and Incidental Costs (Collectively, the "Project"), Pursuant to Chapter 190, Florida Statutes, as Amended; Appointing Regions Bank to Serve as Trustee; Approving the Execution and Delivery of a Master Trust Indenture and a Supplemental Trust Indenture in Substantially the Forms Attached Hereto; Providing that Such Bonds Shall Not Constitute a Debt, Liability or Obligation of Lowery Hills Community Development District (Except as Otherwise Provided Herein), the City of Lake Alfred, Florida, Polk County, Florida, or of the State of Florida or of Any Other Political Subdivision Thereof, But Shall Be Payable Solely From Special Assessments Assessed and Levied on The Property Within the District Benefited by the Project and Subject to Assessment; Providing for the Judicial Validation of Such Bonds; and Providing for Other Related Matters, and authorizing the Chair to execute, was adopted.

CONSTRUCTION RELATED ITEMS

TENTH ORDER OF BUSINESS **Consideration of the Following Construction Related Items:**

Mr. Earlywine presented the following, with which the Board Members are familiar:

A. Acquisition Agreement

B. Temporary Construction Easement

On MOTION by Mr. Azan and seconded by Simpson, with all in favor, the Acquisition Agreement and the Temporary Construction Easement, were approved.

ELEVENTH ORDER OF BUSINESS **Staff Reports**

A. District Counsel: Kutak Rock LLP

Mr. Earlywine discussed the need to assign construction contracts. A Board Member stated mass grading started and earthwork is underway. It is hoped that permits will be received by the end of August or early September. Site work commenced, as a mass clearing and grading permit was issued. Materials have not been ordered.

Discussion ensued regarding the site work contract and a change orders.

On MOTION by Mr. Azan and seconded by Simpson, with all in favor, assigning the Grading Contract to the CDD and authorizing a Change Order to include the Site Work, subject to Staff preparation of the documents, and approval of the Chair, were approved.

Mr. Steve Sanford joined the meeting briefly.

B. District Engineer (Interim): Stephens Barrios Engineering

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

There were no District Engineer or District Manager reports.

TWELFTH ORDER OF BUSINESS **Board Members' Comments/Requests**

There were no Board Members' comments or requests.

THIRTEENTH ORDER OF BUSINESS **Public Comments**

No members of the public spoke.

FOURTEENTH ORDER OF BUSINESS **Adjournment**

On MOTION by Mr. Simpson and seconded by Mr. Azan, with all in favor, the meeting adjourned at 5:23 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

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Chair/Vice Chair