

**MINUTES OF MEETING
LOWERY HILLS COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Lowery Hills Community Development District held Public Hearings and a Regular Meeting on December 13, 2023, at 1:30 p.m., at the Lake Alfred Public Library, 245 N Seminole Avenue, Lake Alfred, Florida 33850.

Present at the meeting were:

Candice Bain	Chair
Alex Azan	Vice Chair
Gregory Meath	Assistant Secretary

Also present:

Ernesto Torres	District Manager
Ashley Ligas (via telephone)	District Counsel
Katie Ibarra (via telephone)	Kutak Rock LLP
Jackie Friesen	Member of the public

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Torres called the meeting to order at 1:45 p.m. Supervisors Bain, Azan and Meath were present. Supervisors-Elect Simpson and Livingstone were not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Elected Supervisors (the following will be provided in a separate package)

Mr. Torres, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Candice Bain, Mr. Alex Azan and Mr. Gregory Meath. All Supervisors are familiar with the following items:

- 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 2024-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date

Mr. Torres presented Resolution 2024-01. He recapped the results of the Landowners’ Election as follows:

Seat 1	Candice Bain	131 votes	4-year Term
Seat 2	Alex Azan	131 votes	4-year Term
Seat 3	Alyssa Livingston	121 votes	2-year Term
Seat 4	Troy Simpson	121 votes	2-year Term
Seat 5	Greg Meath	121 votes	2-year Term

On MOTION by Ms. Bain and seconded by Mr. Azan, with all in favor, Resolution 2024-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Acceptance of Alyssa Livingstone Notice of Intent to Decline Seat [Seat 3]

Mr. Torres presented the Notice of Intent to Decline Appointment to Board from Ms. Alyssa Livingstone.

On MOTION by Ms. Bain and seconded by Mr. Azan, with all in favor, the Notice of Intent to Decline Appointment to Board from Alyssa Livingstone, was accepted.

SIXTH ORDER OF BUSINESS

Consider Appointment to Fill Unexpired Term of Seat 3; Term Expires November 2025

- **Administration of Oath of Office to Appointed Supervisor**

This item was deferred.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Designating Certain Officers of the District, and Providing for an Effective Date

Mr. Torres presented Resolution 2024-02. Ms. Bain nominated the following slate:

Chair	Candice Bain
Vice Chair	Alex Azan
Assistant Secretary	Greg Meath
Assistant Secretary	Troy Simpson
Assistant Secretary	Ernesto Torres

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

On MOTION by Mr. Azan and seconded by Mr. Meath, with all in favor, Resolution 2024-02, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on the Intent to Use the Uniform Method; Providing a Severability Clause; and Providing an Effective Date

Mr. Torres presented Resolution 2024-03.

On MOTION by Ms. Bain and seconded by Mr. Azan, with all in favor, Resolution 2024-03, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on the Intent to Use the Uniform Method; Providing a Severability Clause; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Public Hearing Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District’s Jurisdictional Boundaries that May or Shall Be Subject to the Levy of District Non-Ad Valorem Assessments; Providing for Severability; Providing for Conflict and Providing for an Effective Date

A. Affidavit/Proof of Publication

The affidavit of publication was included for informational purposes.

B. Consideration of Resolution 2024-07, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Lowery Hills Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date

On MOTION by Ms. Bain and seconded by Mr. Azan, with all in favor, the Public Hearing was opened.

No affected property owners or members of the public spoke.

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

Mr. Torres presented Resolution 2024-07 and read the title.

On MOTION by Ms. Bain and seconded by Mr. Azan, with all in favor, Resolution 2024-07, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Lowery Hills Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on Debt Assessments; Providing a Severability Clause; and Providing an Effective Date

Mr. Torres presented Resolution 2024-04.

On MOTION by Mr. Azan and seconded by Mr. Meath, with all in favor, Resolution 2024-04, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on Debt Assessments; Providing a Severability Clause; and Providing an Effective Date, was adopted.

ELEVENTH 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.

- C. Master Engineer’s Report (for informational purposes)**

Mr. Torres reviewed the Engineer’s Report dated June 2023, which is unchanged since it was presented at the last meeting. He noted that 678 total units are anticipated; the total estimated cost of improvements is \$27,023,230, including contingency.

- D. Master Special Assessment Methodology Report (for informational purposes)**

Mr. Torres stated the Master Special Assessment Methodology Report dated July 10, 2023, is unchanged since it was presented at the last meeting. He discussed the Development Program, the special and peculiar benefits to the units related to the Capital Improvement Plan (CIP), Financing Program, Assessment Methodology, lienability tests, True-up Mechanism and the Appendix Tables. He noted the following:

- The CDD is located in the City of Lake Alfred, in Polk County, Florida.
- The name of the Developer is BF-KL Lowery Hills, LLC.
- CIP costs are estimated at \$27,023,230.
- The total par amount of bonds, including the cost of financing, capitalized interest and debt service reserve, would be \$37,305,000.
- 678 units are anticipated, to be constructed in six phases.

On MOTION by Mr. Azan and seconded by Ms. Bain, 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.**

A member of the public asked if the Reports can be found online. Mr. Torres replied affirmatively; they are available on the CDD website.

On MOTION by Ms. Bain and seconded by Mr. Azan, 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.

- E. **Consideration of Resolution 2024-08, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments;**

Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date

Mr. Torres presented Resolution 2024-08 and read the title.

On MOTION by Mr. Azan and seconded by Mr. Meath, with all in favor, Resolution 2024-08, Making Certain Findings; Authorizing a Capital Improvement Plan; Adopting an Engineer’s Report; Providing an Estimated Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming and Levying Debt Assessments; Addressing the Finalization of Special Assessments; Addressing the Payment of Debt Assessments and the Method of Collection; Providing for the Allocation of Debt Assessments and True-Up Payments; Addressing Government Property, and Transfers of Property to Units of Local, State and Federal Government; Authorizing an Assessment Notice; and Providing for Severability, Conflicts and an Effective Date, was adopted.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2024-05, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on the Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date

Mr. Torres presented Resolution 2024-05.

On MOTION by Ms. Bain and seconded by Mr. Azan, with all in favor, Resolution 2024-05, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Public Hearing on the Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.

THIRTEENTH ORDER OF BUSINESS

Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes

A. Affidavits of Publication

B. Consideration of Resolution 2024-09, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date

These items were included for informational purposes.

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, the Public Hearing was opened.

No members of the public spoke.

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

Mr. Torres presented Resolution 2024-09.

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, Resolution 2024-09, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FOURTEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-06, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Fiscal Year 2022/2023 and Fiscal Year 2023/2024 Budget Public Hearings; Providing a Severability Clause; and Providing an Effective Date

Mr. Torres presented Resolution 2024-06.

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, Resolution 2024-06, Ratifying the Actions of the District Manager in Re-Setting the Date, Time and Location of the Fiscal Year 2022/2023 and Fiscal Year 2023/2024 Budget Public Hearings; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTEENTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2022/2023 Budget

A. Affidavit of Publication

The proof of publication was included for informational purposes.

B. Consideration of Resolution 2024-10, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date

Mr. Torres presented Resolution 2024-10. He reviewed proposed Fiscal Year 2023 budget, which is a partial year, Landowner-funded budget, with expenses being funded as they are incurred. He noted that the CDD’s budget only affects properties within the CDD’s boundaries.

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, the Public Hearing was opened.

No members of the public spoke.

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

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, Resolution 2024-10, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SIXTEENTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2023/2024 Budget

A. Affidavit of Publication

The proof of publication was provided for informational purposes.

B. Consideration of Resolution 2024-11, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending

September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, the Public Hearing was opened.

Mr. Torres presented Resolution 2024-11. He reviewed the proposed Fiscal Year 2024 budget, which is a Landowner-funded budget, with expenses being funded as they are incurred. No members of the public spoke.

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

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, Resolution 2024-11, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SEVENTEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-12, Designating the Primary Administrative Office of the District and Providing an Effective Date

Mr. Torres presented Resolution 2024-12.

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, Resolution 2024-12, Designating 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 as the Primary Administrative Office of the District and Providing an Effective Date, was adopted.

EIGHTEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-13, Designating the Location of the Local District Records Office of the District and Providing an Effective Date

This item was deferred.

NINETEENTH ORDER OF BUSINESS

Consideration of Resolution 2024-14, 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

Mr. Torres presented Resolution 2024-14.

Discussion ensued regarding the County Ordinance which requires scheduling four evening meetings.

The January 2024 and March 2024 meetings will be deleted and following dates and times will be inserted on the Fiscal Year 2024 Meeting Schedule:

5:00 PM: February 14, 2024; May 15, 2024; July 10, 2024; and September 11, 2024

1:30 PM: April 10, 2024; June 12, 2024; and August 14, 2024

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, Resolution 2024-14, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024, as amended, and Providing for an Effective Date, was adopted.

TWENTIETH ORDER OF BUSINESS

Consideration of Resolution 2024-15, Directing the Chairman and District Staff to Request the Passage of an Ordinance by the City Commission of the City of Lake Alfred, Florida, Amending the District's Boundaries, and Authorizing Such Other Actions as are Necessary in Furtherance of that Process; and Providing an Effective Date

Ms. Ligas presented Resolution 2024-15.

On MOTION by Ms. Bain and seconded by Mr. Azan, with all in favor, Resolution 2024-15, Directing the Chairman and District Staff to Request the Passage of an Ordinance by the City Commission of the City of Lake Alfred, Florida, Amending the District's Boundaries, and Authorizing Such Other

Actions as are Necessary in Furtherance of that Process; and Providing an Effective Date, was adopted.

Ms. Ibarra estimated that it will take between four and six months for passage of the Boundary Amendment. Mr. Earlywine will be asked to advise further based on his conversations with the City.

A. Consideration of Boundary Amendment Funding Agreement

This item was not addressed.

TWENTY-FIRST ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2023

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, the Unaudited Financial Statements as of October 31, 2023, were accepted.

TWENTY-SECOND ORDER OF BUSINESS

Approval of Minutes

Mr. Torres presented the following:

- A. July 21, 2023 Organizational Meeting**
- B. October 9, 2023 Landowners’ Meeting**

On MOTION by Mr. Azan and seconded by Mr. Meath, with all in favor, the July 21, 2023 Organizational Meeting and the October 9, 2023 Landowners’ Meeting Minutes, as presented, were approved.

TWENTY-THIRD ORDER OF BUSINESS

Staff Reports

- A. District Counsel: Kutak Rock, LLP**
- B. District Engineer (Interim): Stephens Barrios Engineering**

There were no District Counsel or District Engineer Reports.

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

- **NEXT MEETING DATE: TBD at 5:00 PM**
 - **QUORUM CHECK**

Supervisors Bain, Azan and Meath confirmed their attendance at the next meeting, which will be held on February 14, 2024, at 5:00 p.m.

TWENTY-FOURTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

TWENTY-FIFTH ORDER OF BUSINESS

Public Comments

Ms. Jackie Friesen asked if the City of Lake Alfred will acquire any additional land for this community. She expressed concern about areas that will affect well water.

The consensus was that the City does not purchase property. As of today, the Developer does not intend to purchase additional property.

TWENTY-SIXTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Azan and seconded by Ms. Bain, with all in favor, the meeting adjourned at 2:30 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair