

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

CFM COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the CFM Community Development District was held on **Thursday, August 17, 2017 at 11:00 a.m.** at the office of Rizzetta & Company, Inc., located at 9530 Marketplace Road, Suite 206, Fort Myers, FL 33912.

Present and constituting a quorum:

Mike Dady	Board Supervisor, Chairman
Leah Popelka	Board Supervisor, Vice Chair
Adam Lerner	Board Supervisor, Assistant Secretary
Paul Mayotte	Board Supervisor, Assistant Secretary
Bob Bishop	Board Supervisor, Assistant Secretary (via speaker phone)

Also present were:

Belinda Blandon	District Manager, Rizzetta & Company, Inc.
Mike Eckert	District Counsel, Hopping Green & Sams, P.A.
David Robson	District Engineer, Johnson Engineering
Mallory Clancy	Johnson Engineering
Ken Neighbors	Greenberg Traurig (via speaker phone)
Audience	

FIRST ORDER OF BUSINESS

Call to Order

Ms. Blandon called the meeting to order and read the roll call.

SECOND ORDER OF BUSINESS

Public Comment

Ms. Blandon opened the floor for public comment.

Ms. Streeter inquired regarding the 2017/2018 meeting schedule and asked if there is interest in moving the meetings to Magnolia Landing. Mr. Dady advised arrangements would have to be made and a fee would have to be paid. Ms. Streeter inquired regarding utilizing the fitness center. Mr. Dady suggested a test run on site at the fitness room. Discussion ensued.

Ms. Peterson inquired regarding the general fund equity. Mr. Dady advised this item should be discussed during the budget hearing. Ms. Popelka provided input regarding an operating reserve that is necessary at the beginning of the fiscal year before tax collector funding is received.

Ms. Henderson advised her fobs for gate entry in not functioning and she is being charged for a new fob and she does not feel she should have to pay for replacements. Mr. Dady suggested that Ms. Henderson contact the HOA. Discussion ensued. Mr. Dady advised he will look into it.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting held on
May 18, 2017**

Ms. Blandon presented the Minutes of the Board of Supervisors' meeting held on May 18, 2017. She asked if there were any additions, deletions, or corrections to the minutes. There were none.

On a Motion by Ms. Popelka, seconded by Mr. Mayotte, with all in favor, the Board Approved the Minutes of the Board of Supervisors' Meeting held on May 18, 2017, for the CFM Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of the Operations and
Maintenance Expenditures for the
Months of May, June, and July 2017**

Ms. Blandon provided an overview of the expenditures paid for the period of May 1-31, 2017 which totaled \$18,254.60, the period of June 1-30, 2017 which totaled \$36,406.39 and the period of July 1-31, 2017 which totaled \$17,795.16. She asked if there were any questions related to any item of expenditure. Mr. Dady inquired regarding the high expenses in June. Ms. Blandon advised lake bank repairs were completed in June. Discussion ensued.

On a Motion by Mr. Dady, seconded by Mr. Mayotte, with all in favor, the Board Approved the Operations and Maintenance Expenditures for the Months of May 2017 (\$18,254.60), June 2017 (\$36,406.39), and July 2017 (\$17,795.16), for the CFM Community Development District.

FIFTH ORDER OF BUSINESS

**Review and Acceptance of Arbitrage
Rebate Calculations, Series 2004AB, as
Prepared by LLS Tax Solutions for the
Period Ending April 30, 2017**

Ms. Blandon provided an overview of the Arbitrage Rebate Calculations, related to bond Series 2004AB, for the period ending April 30, 2017, as prepared by LLS Tax Solutions, advising that as per the report, there is no rebate liability at this time.

On a Motion by Ms. Popelka, seconded by Mr. Dady, with all in favor, the Board Accepted the Arbitrage Rebate Calculations, Series 2004AB, as prepared by LLS Tax Solutions, for the Period Ending April 30, 2017, for the CFM Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2017-06,
Designating Primary Administrative
Office**

Ms. Blandon provided an overview of the resolution advising that the Primary Administrative Office is designated as the office of Rizzetta & Company, Inc., which is located at 9530 Marketplace Road, Suite 206, Fort Myers, Florida 33912. She asked if there were any questions related to the resolution. There were none.

On a Motion by Mr. Dady, seconded by Mr. Lerner, with all in favor, the Board Adopted Resolution 2017-06, Designating Primary Administrative Office, for the CFM Community Development District.

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2017-07,
Adopting the Fiscal Year 2017/2018
Meeting Schedule**

Ms. Blandon provided an overview of the resolution and asked if the Board would consider switching to bi-monthly or quarterly meetings. Mr. Dady advised he would like to have the February meeting at the fitness center on site at Magnolia Landing. Discussion ensued. Ms. Blandon advised she would need to move the meeting to a later time in order to attend a meeting onsite. Mr. Dady suggested the February meeting be held at 12:00 p.m.

On a Motion by Mr. Dady, seconded by Ms. Popelka, with all in favor, the Board Adopted Resolution 2017-07, Fiscal Year 2017/2018 Meeting Schedule, as amended for the month of February on the record, for the CFM Community Development District.

EIGHTH ORDER OF BUSINESS

**Public Hearing to Consider the Adoption
of the Fiscal Year 2017/2018 Budget**

Ms. Blandon provided an overview of the public hearing process and asked for a motion to open the public hearing.

On a Motion by Mr. Dady, seconded by Mr. Lerner, with all in favor, the Board Opened the Public Hearing to Consider the Adoption of the Fiscal Year 2017/2018 Budget, for the CFM Community Development District.

NINTH ORDER OF BUSINESS

**Presentation of the Proposed Final
Budget for Fiscal Year 2017/2018 Budget**

Ms. Blandon provided an overview of the proposed final budget for Fiscal Year 2017/2018, advising that the general fund budget is being increased by \$32,360.00.

Ms. Blandon opened the floor for public comments. Questions and comments from the public were entertained. Discussion ensued regarding capital expenses and funds.

Mr. Dady stated for the record that the District has not experienced an increase in the Operations and Maintenance budget since 2010.

On a Motion by Mr. Lerner, seconded by Mr. Mayotte, with all in favor, the Board Closed the Public Hearing to Consider the Adoption of the Fiscal Year 2017/2018 Budget, for the CFM Community Development District.

TENTH ORDER OF BUSINESS

**Consideration of Resolution 2017-08,
Annual Appropriations and Adopting the
Final Budget for Fiscal Year 2017/2018**

Ms. Blandon provided an overview of the resolution advising that the total General Fund Budget is \$366,398.00, and the Debt Service Budget for Series 2004A is \$467,117.88, thereby making \$833,515.88 as the total for all funds for Fiscal Year 2017/2018. She asked if there were any questions. There were none.

On a Motion by Mr. Dady, seconded by Mr. Lerner, with all in favor, the Board Adopted Resolution 2017-08, Annual Appropriations and Adopting the Final Budget, in the Amount of \$833,515.88, for Fiscal Year 2017/2018, for the CFM Community Development District.

ELEVENTH ORDER OF BUSINESS

**Public Hearing to Consider the
Imposition of Operations and
Maintenance Special Assessments,
Adoption of an Assessment Roll, and the
Levy, Collection, and Enforcement of the
Same**

Ms. Blandon provided an overview of the public hearing process and asked for a motion to open the public hearing.

On a Motion by Ms. Popelka, seconded by Mr. Mayotte, with all in favor, the Board Opened the Public Hearing to Consider the Imposition of Operations and Maintenance Special Assessments Adoption of an Assessment Roll, and the Levy, Collection, and Enforcement of the Same, for the CFM Community Development District.

TWELFTH ORDER OF BUSINESS

**Presentation of the Assessment Lien Roll
for Fiscal Year 2017/2018**

Ms. Blandon presented the Assessment Lien Roll for Fiscal Year 2017/2018 and also advised there are 338 platted lots, of which only 329 are paying debt service as 9 have prepaid the debt assessment.

Ms. Blandon opened the floor for public comments. There were none.

On a Motion by Mr. Lerner, seconded by Mr. Dady, with all in favor, the Board Closed the Public Hearing to Consider the Imposition of Operations and Maintenance Special Assessments Adoption of an Assessment Roll, and the Levy, Collection, and Enforcement of the Same, for the CFM Community Development District.

THIRTEENTH ORDER OF BUSINESS

**Consideration of Resolution 2017-09,
Making a Determination of Benefit,
Imposing Special Assessments for Fiscal
Year 2017/2018; Providing for the
Collection and Enforcement of Special
Assessments; Certifying an Assessment
Roll**

Ms. Blandon provided an overview of the resolution and advised \$87,936.00 of the Operation and Maintenance assessment is collected on roll and \$278,462.00 of the Operation and Maintenance assessment is off roll or direct billed. She asked if there were any questions. There were none.

On a Motion by Mr. Dady, seconded by Mr. Mayotte, with all in favor, the Board Adopted Resolution 2017-09, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2017/2018; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll, for the CFM Community Development District.

FOURTEENTH ORDER OF BUSINESS

**Consideration of Forbearance Agreement
with D.R. Horton, Inc. in Conjunction
with Parcel A and Parcel J**

Mr. Eckert asked that the four Board members, who are employed by Lerner Real Estate Advisors, declare a conflict and file a form 8B. Mr. Dady, Mr. Lerner, Mr. Bishop, and Ms. Popelka declared a conflict. Mr. Dady provided an overview of the forbearance agreement advising that the agreement provides for a two-year period whereby D.R. Horton will be accruing but not paying the debt assessment for the bonds.

Mr. Ken Neighbors of Greenburg Traurig provided an explanation on the bondholders' transaction scheduled for September 1st. He advised the bondholders have required a forbearance agreement and payment will be required in compliance with the agreement. Mr. Neighbors advised at the end of the two year forbearance period the developer is required to pay the balance of the principle and debt for which they did not pay in the two year forbearance period.

Mr. Eckert advised he has reviewed the agreement and provided his comments to Mr. Neighbors and most of those comments have been included; he advised that one concept he requested, which is not incorporated, is that there be a recognition of a cancellation of bond principal and interest in like amount for the assessment principal and interest that is past due and is being waived but the Trustee did not agree with those comments. Mr. Eckert advised he is not in a position to recommend the forbearance agreement for approval for that reason. It is ultimately a Board decision.

Mr. Dady thanked Mr. Eckert and advised he feels comfortable entering into the agreement as it is a standard in District's that are healing from the recession.

On a Motion by Mr. Dady, seconded by Mr. Lerner, with all in favor, the Board Approved the Forbearance Agreement by and between CFM Community Development District, US Bank National Association and D.R. Horton, Inc., as presented, for the CFM Community Development District.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

- A. District Counsel
Mr. Eckert advised the legislature did not approve the bill requiring ethics training for Board members. He advised his firm will continue to monitor the proposed legislation.

- B. District Engineer
Mr. Robson provided an updated related to the NPDES MS4 permit. He further advised the Board of his upcoming retirement and introduced Ms. Mallory Clancy, who will be taking his place to represent CFM CDD.

- C. District Manager
Ms. Blandon advised the next meeting of the Board of Supervisors is scheduled for Thursday, September 21, 2017 at 11:00 a.m.

Residents advised Ms. Blandon of potholes.

SIXTEENTH ORDER OF BUSINESS

Supervisor Requests and Comments

Ms. Blandon opened the floor for Supervisor requests and comments. There were none.

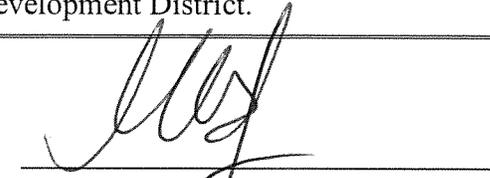
SEVENTEENTH ORDER OF BUSINESS

Adjournment

On a Motion by Ms. Popelka, seconded by Mr. Dady, with all in favor, the Board adjourned the meeting at 11:47 a.m., for the CFM Community Development District.



Secretary/Assistant Secretary



Chairman/Vice Chairman