

# *Two Rivers West Community Development District*

## **Board of Supervisors**

Nicholas Dister, Chair  
Carlos de la Ossa, Vice-Chair  
Ryan Motko, Assistant Secretary  
Thomas Spence, Assistant Secretary  
Micheal Rainer, Assistant Secretary

Brian Lamb, District Manager  
Angie Grunwald, District Manager  
John Vericker, District Counsel  
Tonja Stewart, District Engineer

## **Public Hearings & Regular Meeting Agenda**

Tuesday, August 15, 2023, at 11:00 a.m.

The Public Hearings & Regular Meetings of the **Two Rivers West Community Development District** will be held on **August 15, 2023, at 11:00 a.m. at the SpringHill Suites by Marriott Tampa Suncoast Parkway located at 16615 Crosspointe Run, Land O' Lakes, FL 34638.** Please let us know at least 24 hours in advance if you are planning to call into the meeting. Following is the Agenda for the Meeting:

**Call In Number: 1 (305) 224 1968**

**Meeting ID: 863 9686 1686**

**Passcode: 117533**

<https://us06web.zoom.us/j/86396861686?pwd=WjdORVluaVVxUGRXUXFaU1prTjVqQT09>

*All cellular phones and pagers must be turned off during the meeting.*

### **PUBLIC HEARINGS AND REGULAR MEETINGS OF THE BOARD OF SUPERVISORS**

- 1. CALL TO ORDER/ROLL CALL**
- 2. PUBLIC COMMENTS ON AGENDA ITEMS**
- 3. RECESS TO PUBLIC HEARINGS**
- 4. PUBLIC HEARING ON ADOPTING FISCAL YEAR 2024 FINAL BUDGET**
  - A. Open Public Hearing on Adopting Fiscal Year 2024 Final Budget
  - B. Staff Presentations
  - C. Public Comments
  - D. Consideration of Resolution 2023-07; Adopting Final Fiscal Year 2024 Budget..... Tab 01
  - E. Close Public Hearing on Adopting Fiscal Year 2024 Final Budget
- 5. PUBLIC HEARING ON LEVYING O&M ASSESSMENTS**
  - A. Open Public Hearing on Levying O&M Assessments
  - B. Staff Presentations
  - C. Public Comment
  - D. Consideration of Resolution 2023-08; Levying O&M Assessments..... Tab 02
  - E. Consideration of Developer Funding Agreement for FY 2024..... Tab 03
  - F. Close Public Hearing on Levying O&M Assessments
- 6. RETURN TO REGULAR MEETING**
- 7. VENDOR AND STAFF REPORTS**
  - A. District Counsel
  - B. District Manager
  - C. District Engineer
- 8. BUSINESS ITEMS**
  - A. Consideration of Resolution 2023-09; Setting Fiscal Year 2024 Meeting Schedule..... Tab 04
  - B. General Matters of the District
- 9. CONSENT AGENDA ITEMS**
  - A. Consideration of Regular Board of Supervisors Meeting July 18, 2023, ..... Tab 05
  - B. Consideration of Operations and Maintenance Expenditures July 2023,..... *Under Separate Cover*
  - C. Review of Financial Statements for Month Ended July 31, 2023,..... *Under Separate Cover*
- 10. BOARD OF SUPERVISORS REQUESTS AND COMMENTS**
- 11. ADJOURNMENT**

Sincerely,



District Manager

## RESOLUTION 2023-07

### A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TWO RIVERS WEST COMMUNITY DEVELOPMENT DISTRICT ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the District Manager submitted, prior to June 15<sup>th</sup>, to the Board of Supervisors (“**Board**”) of the Two Rivers West Community Development District (“**District**”) a proposed budget for the next ensuing budget year (“**Proposed Budget**”), along with an explanatory and complete financial plan for each fund, pursuant to the provisions of Sections 189.016(3) and 190.008(2)(a), Florida Statutes;

**WHEREAS**, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District at least 60 days prior to the adoption of the Proposed Budget pursuant to the provisions of Section 190.008(2)(b), Florida Statutes;

**WHEREAS**, the Board held a duly noticed public hearing pursuant to Section 190.008(2)(a), Florida Statutes;

**WHEREAS**, the District Manager posted the Proposed Budget on the District’s website at least 2 days before the public hearing pursuant to Section 189.016(4), Florida Statutes;

**WHEREAS**, the Board is required to adopt a resolution approving a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year pursuant to Section 190.008(2)(a), Florida Statutes; and

**WHEREAS**, the Proposed Budget projects the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

#### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:**

##### **Section 1. Budget**

- a.** That the Board has reviewed the Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s records office, and hereby approves certain amendments thereto, as shown below.
- b.** That the Proposed Budget as amended by the Board attached hereto as **Exhibit A**, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for fiscal year 2022-2023 and/or revised projections for fiscal year 2023-2024.
- c.** That the adopted budget, as amended, shall be maintained in the office of the District Manager and at the District’s records office and identified as “The Budget for the

Two Rivers West Community Development District for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024.”

- d. The final adopted budget shall be posted by the District Manager on the District’s website within 30 days after adoption pursuant to Section 189.016(4), Florida Statutes.

**Section 2. Appropriations.** There is hereby appropriated out of the revenues of the District (the sources of the revenues will be provided for in a separate resolution), for the fiscal year beginning October 1, 2023, and ending September 30, 2024, the sum of \$201,125.00, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

Total General Fund	<u>\$201,125.00</u>
<b>Total All Funds*</b>	<b><u>\$201,125.00</u></b>

\*Not inclusive of any collection costs or early payment discounts.

**Section 3. Budget Amendments.** Pursuant to Section 189.016(6), Florida Statutes, the District at any time within the fiscal year or within 60 days following the end of the fiscal year may amend its budget for that fiscal year as follows:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.
- c. Any other budget amendments shall be adopted by resolution and be consistent with Florida law. This includes increasing any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and making the corresponding change to appropriations or the unappropriated balance.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this section and Section 189.016, Florida Statutes, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any amendments to budget(s) under subparagraph c. above are posted on the District’s website within 5 days after adoption pursuant to Section 189.016(7), Florida Statutes.

**Section 4. Effective Date.** This Resolution shall take effect upon the passage and adoption of this Resolution by the Board.

**Passed and Adopted on August 15, 2023.**

Attested By:

**Two Rivers West  
Community Development District**

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Chair/Vice Chair of the Board of Supervisors

**Exhibit A: FY 2023-2024 Adopted Budget**

2024

**TWO RIVERS WEST**  
COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2024  
PROPOSED ANNUAL OPERATING  
BUDGET



August 15, 2023

# TWO RIVERS WEST COMMUNITY DEVELOPMENT DISTRICT

	Fiscal Year 2023 Final Operating Budget	Fiscal Year 2024 Final Operating Budget	Increase / Decrease from FY 2023 to FY 2024
<b>REVENUES</b>			
<b>SPECIAL ASSESSMENTS - SERVICE CHARGES</b>			
Operations & Maintenance Assmts-Tax Roll	\$ 684,517	\$ -	\$ (684,517)
Operations & Maintenance Assmts- Off Roll	\$ -	\$ -	\$ -
<b>TOTAL SPECIAL ASSESSMENTS - SERVICE CHARGES</b>	<b>\$ 684,517</b>	<b>\$ -</b>	<b>\$ (684,517)</b>
<b>CONTRIBUTIONS &amp; DONATIONS FROM PRIVATE SOURCES</b>			
Developer Funding	\$ -	\$ 201,125	\$ 201,125
<b>TOTAL CONTRIBUTIONS &amp; DONATIONS FROM PRIVATE SOURCES</b>	<b>\$ -</b>	<b>\$ 201,125</b>	<b>\$ 201,125</b>
<b>TOTAL REVENUES</b>	<b>\$ 684,517</b>	<b>\$ 201,125</b>	<b>\$ (483,392)</b>
<b>EXPENDITURES</b>			
<b>LEGISLATIVE</b>			
Supervisor Fees	\$ -	\$ 3,000	\$ 3,000
<b>TOTAL LEGISLATIVE</b>	<b>\$ -</b>	<b>\$ 3,000</b>	<b>\$ 3,000</b>
<b>FINANCIAL &amp; ADMINISTRATIVE</b>			
Administrative Services	\$ 4,200	\$ 4,500	\$ 300
District Manager	\$ 500	\$ 25,000	\$ 24,500
District Engineer	\$ 2,000	\$ 9,500	\$ 7,500
Trustee Fees	\$ 2,625	\$ 6,500	\$ 3,875
Recording Secretary	\$ 9,500	\$ 2,400	\$ (7,100)
Organizational Meeting/Initial Set Up	\$ 3,750	\$ 4,000	\$ 250
Construction Accounting	\$ 9,000	\$ 9,000	\$ -
Dissemination Services	\$ 20,834	\$ 4,200	\$ (16,634)
Financial & Revenue Collections	\$ 10,000	\$ 1,200	\$ (8,800)
Rentals & Leases	\$ 6,000	\$ 600	\$ (5,400)
Office Supplies	\$ 1,800	\$ 100	\$ (1,700)
Technology Services	\$ 500	\$ 600	\$ 100
Accounting Services	\$ 500	\$ 9,000	\$ 8,500
Auditing Services	\$ 2,500	\$ 6,000	\$ 3,500
Postage, Phone, Faxes, Copies	\$ -	\$ 500	\$ 500
Public Officials Insurance	\$ 3,500	\$ 5,000	\$ 1,500
Legal Advertising	\$ 200	\$ 3,500	\$ 3,300
Bank Fees	\$ 4,000	\$ 200	\$ (3,800)
Dues, Licenses & Fees	\$ 2,000	\$ 175	\$ (1,825)
Miscellaneous Fees	\$ 250	\$ 250	\$ -
Website Development & Maintenance	\$ 100	\$ 1,200	\$ 1,100
ADA Website Compliance	\$ 175	\$ 1,800	\$ 1,625
<b>TOTAL FINANCIAL &amp; ADMINISTRATIVE</b>	<b>\$ 83,934</b>	<b>\$ 95,225</b>	<b>\$ 11,291</b>
<b>LEGAL COUNSEL</b>			
District Counsel	\$ 9,500	\$ 9,500	\$ -
<b>TOTAL DISTRICT COUNSEL</b>	<b>\$ 9,500</b>	<b>\$ 9,500</b>	<b>\$ -</b>
<b>Electric Utility Services</b>			
Electric Utility Services - StreetLights	\$ 135,000	\$ -	\$ (135,000)
Electric Utility Services - All Others	\$ 6,000	\$ -	\$ (6,000)
<b>TOTAL ELECTRIC UTILITY SERVICES</b>	<b>\$ 141,000</b>	<b>\$ -</b>	<b>\$ (141,000)</b>
<b>Stormwater Control</b>			
Aquatic Maintenance	\$ 30,000	\$ -	\$ (30,000)
Aquatic Plant Replacement	\$ 500	\$ -	\$ (500)
<b>TOTAL STORMWATER CONTROL</b>	<b>\$ 30,500</b>	<b>\$ -</b>	<b>\$ (30,500)</b>
<b>OTHER PHYSICAL ENVIRONMENT</b>			
Aquatic Maintenance	\$ 30,000	\$ 38,000	\$ 8,000
General Liability Insurance	\$ 3,200	\$ 5,000	\$ 1,800
Landscape Maintenance-Pond Banks	\$ 22,500	\$ 25,000	\$ 2,500
Debris Cleanup	\$ 5,000	\$ 9,000	\$ 4,000
Wildlife Control	\$ 40,000	\$ 6,400	\$ (33,600)
Landscape Maintenance	\$ 277,383	\$ -	\$ (277,383)
Entry/Gate/Walls Maintenance	\$ 2,500	\$ -	\$ (2,500)
Plant Replacement Program	\$ 15,000	\$ -	\$ (15,000)
Irrigation Maintenance	\$ 5,000	\$ -	\$ (5,000)
<b>TOTAL OTHER PHYSICAL ENVIRONMENT</b>	<b>\$ 400,583</b>	<b>\$ 83,400</b>	<b>\$ (317,183)</b>
<b>OTHER PHYSICAL ENVIRONMENT</b>			
Pavement & Drainage Maintenance	\$ 1,500	\$ -	\$ (1,500)
<b>TOTAL PAVEMENT &amp; DRAINAGE MAINTENANCE</b>	<b>\$ 1,500</b>	<b>\$ -</b>	<b>\$ (1,500)</b>
<b>PARKS &amp; RECREATION</b>			
Field Services	\$ 12,000	\$ -	\$ (12,000)
Playground Equipment Maintenance	\$ 1,000	\$ -	\$ (1,000)
Events Service & Supplies	\$ 500	\$ -	\$ (500)
Dog Waste Station Service & Supplies	\$ 1,500	\$ -	\$ (1,500)
<b>TOTAL PARKS &amp; RECREATION</b>	<b>\$ 15,000</b>	<b>\$ -</b>	<b>\$ (15,000)</b>
<b>CONTINGENCY</b>			

# TWO RIVERS WEST COMMUNITY DEVELOPMENT DISTRICT

Miscellaneous Contingency	\$	2,500	\$	10,000	\$	7,500
<b>TOTAL CONTINGENCY</b>	<b>\$</b>	<b>2,500</b>	<b>\$</b>	<b>10,000</b>	<b>\$</b>	<b>7,500</b>
<b>TOTAL EXPENDITURES</b>	<b>\$</b>	<b>684,517</b>	<b>\$</b>	<b>201,125</b>	<b>\$</b>	<b>(483,392)</b>
<b>EXCESS OF REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>	<b>\$</b>	<b>-</b>

## TWO RIVERS WEST

### SCHEDULE OF ANNUAL ASSESSMENTS<sub>(1)</sub>

Lot Size	EAU Value	O&M Unit Count	Debt Service Unit Count	Debt Service Per Unit	O&M Per Unit	FY 2024 Total Assessment
<b>SERIES 2022 - PARCEL B1, B2, B3, B4, C1</b>						
<b>Townhome 28'</b>	0.70	155			\$49.69	\$49.69
<b>Twin Villa 35'</b>	0.88	116			\$62.47	\$62.47
<b>Single Family 40'</b>	1.00	104			\$70.98	\$70.98
<b>Single Family 50'</b>	1.25	880	338	\$1,728.26	\$88.73	\$1,816.99
<b>Single Family 60'</b>	1.50	681	262	\$2,073.91	\$106.48	\$2,180.39
<b>Single Family 65'</b>	1.63	43	42	\$2,246.74	\$115.92	\$2,362.66
<b>Single Family 70'</b>	1.75	170	128	\$2,419.56	\$124.22	\$2,543.78
<b>Single Family 74'</b>	1.85	16			\$131.32	\$131.32
<b>TOTAL</b>		<b>2,165</b>	<b>770</b>			

**Notations:**

<sup>(1)</sup> Annual assessments include Hillsborough County collection costs and statutory discounts for early payment.



**RESOLUTION 2023-\_\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TWO RIVERS WEST COMMUNITY DEVELOPMENT DISTRICT IMPOSING ANNUALLY RECURRING OPERATIONS AND MAINTENANCE NON-AD VALOREM SPECIAL ASSESSMENTS; PROVIDING FOR COLLECTION AND ENFORCEMENT OF ALL DISTRICT SPECIAL ASSESSMENTS; CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENT OF THE ASSESSMENT ROLL; PROVIDING FOR CHALLENGES AND PROCEDURAL IRREGULARITIES; APPROVING THE FORM OF A BUDGET FUNDING AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Two Rivers West Community Development District (“**District**”) is a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes for the purpose of providing, preserving, operating, and maintaining infrastructure improvements, facilities, and services to the lands within the District;

**WHEREAS**, the District is located in Pasco County, Florida (“**County**”);

**WHEREAS**, the Board of Supervisors of the District (“**Board**”) hereby determines to undertake various activities described in the District’s adopted budget for fiscal year 2023-2024 attached hereto as **Exhibit A (“FY 2023-2024 Budget”)** and incorporated as a material part of this Resolution by this reference;

**WHEREAS**, the District must obtain sufficient funds to provide for the activities described in the FY 2023-2024 Budget;

**WHEREAS**, the provision of the activities described in the FY 2023-2024 Budget is a benefit to lands within the District;

**WHEREAS**, the District may impose non-ad valorem special assessments on benefited lands within the District pursuant to Chapter 190, Florida Statutes;

**WHEREAS**, such special assessments may be placed on the County tax roll and collected by the local Tax Collector (“**Uniform Method**”) pursuant to Chapters 190 and 197, Florida Statutes;

**WHEREAS**, the District has, by resolution and public notice, previously evidenced its intention to utilize the Uniform Method;

**WHEREAS**, the District has approved an agreement with the County Property Appraiser (“**Property Appraiser**”) and County Tax Collector (“**Tax Collector**”) to provide for the collection of special assessments under the Uniform Method;

**WHEREAS**, it is in the best interests of the District to proceed with the imposition, levy, and collection of the annually recurring operations and maintenance non-ad valorem special assessments on all assessable lands in the amount contained for each parcel’s portion of the FY 2023-2024 Budget (“**O&M Assessments**”);

**WHEREAS**, the Board desires to collect the annual installment for the previously levied debt service non-ad valorem special assessments (“**Debt Assessments**”) in the amounts shown in the FY 2023-2024 Budget;

**WHEREAS**, the District adopted an assessment roll as maintained in the office of the District Manager, available for review, and incorporated as a material part of this Resolution by this reference (“**Assessment Roll**”);

**WHEREAS**, it is in the best interests of the District to certify a portion of the Assessment Roll on the parcels designated in the Assessment Roll to the Tax Collector pursuant to the Uniform Method and to directly collect a portion of the Assessment Roll on the parcels designated in the Assessment Roll through the direct collection method pursuant to Chapter 190, Florida Statutes;

**WHEREAS**, it is in the best interests of the District to permit the District Manager to amend the Assessment Roll, including the property certified to the Tax Collector by this Resolution, as the Property Appraiser updates the property roll, for such time as authorized by Florida law; and

**WHEREAS**, **EPG-Two Rivers, LLC**, a Florida limited liability company, **EPG Two Rivers I, LLC**, a Florida limited liability company, **EPG Two Rivers II, LLC**, a Florida limited liability company, **EPG Two Rivers IV, LLC**, a Florida limited liability company, **EPG Two Rivers Holdings VII, LLC**, a Florida limited liability company, **EPG Two Rivers Holdings VIII, LLC**, a Florida limited liability company (collectively, the “**Developer**”), as the developer of certain lands within the District, has agreed to fund (in addition to its portion of the O/M Assessments) up to \$ [redacted] of the FY 2023-2024 Budget as shown in the revenues line item of the FY 2023-2024 Budget pursuant to a budget funding agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:**

**Section 1. Benefit from Activities and O&M Assessments.** The provision of the activities described in the FY 2023-2024 Budget confer a special and peculiar benefit to the lands within the District, which benefits exceed or equal the O&M Assessments allocated to such lands. The allocation of the expenses of the activities to the specially benefited lands is shown in the FY 2023-2024 Budget and in the Assessment Roll.

**Section 2. O&M Assessments Imposition.** Pursuant to Chapter 190, Florida Statutes and procedures authorized by Florida law for the levy and collection of special assessments, the O&M Assessments are hereby imposed and levied on benefited lands within the District in accordance with the FY 2023-2024 Budget and Assessment Roll. The lien of the O&M Assessments imposed and levied by this Resolution shall be effective upon passage of this Resolution.

### **Section 3. Collection and Enforcement of District Assessments.**

- a. **Uniform Method for certain Debt Assessments and certain O&M Assessments.** The collection of the Debt Assessments and O&M Assessments on certain lands designated for collection using the Uniform Method as described in the Assessment Roll, shall be at the same time and in the same manner as County taxes in accordance with the Uniform Method. All assessments collected by the Tax Collector shall be due, payable, and enforced pursuant to Chapter 197, Florida Statutes.
  
- b. **Direct Bill for Certain Debt Assessments.**
  - i. The Debt Assessments on undeveloped and unplatted lands will be collected directly by the District in accordance with Florida law, as set forth in the Assessment Roll.
  - ii. Debt Assessments directly collected by the District are due in full on December 1, 2023; provided, however, that, to the extent permitted by law, the Debt Assessments due may be paid in several partial, deferred payments and according to the following schedule:
    - 1. 50% due no later than October 1, 2023
    - 2. 25% due no later than February 1, 2024
    - 3. 25% due no later than April 1, 2024
  - iii. In the event that a Debt Assessment payment is not made in accordance with the schedule stated above, the whole Debt Assessment – including any remaining partial or deferred payments for Fiscal Year 2023-2024 as well as any future installments of the Debt Assessment – shall immediately become due and payable. Such Debt Assessment shall accrue interest (at the applicable rate of any bonds or other debt instruments secured by the Debt Assessment), statutory penalties in the amount of 1% per month, and all costs of collection and enforcement. Such Debt Assessment shall either be enforced pursuant to a foreclosure action, or, at the District’s sole discretion, collected pursuant to the Uniform Method on a future tax bill, which amount may include penalties, interest, and costs of collection and enforcement.
  - iv. In the event a Debt Assessment subject to direct collection by the District shall be delinquent, the District Manager and District Counsel, without further authorization by the Board, may initiate foreclosure proceedings pursuant to Chapter 170, Florida Statutes or other applicable law to collect and enforce the whole assessment, as set forth herein.
  
- c. **Direct Bill for Certain O&M Assessments.**
  - i. The O&M Assessments on certain lands (as designated for direct collection in the Assessment Roll) will be collected directly by the District in accordance with Florida law, as set forth in the Assessment Roll.
  - ii. O&M Assessments directly collected by the District are due in full on December 1, 2023; provided, however, that, to the extent permitted by law, the O&M Assessments due may be paid in several partial, deferred payments and according to the following schedule:

1. 50% due no later than October 1, 2023
  2. 25% due no later than February 1, 2024
  3. 25% due no later than April 1, 2024
- iii. In the event that an O&M Assessment payment is not made in accordance with the schedule stated above, the whole O&M Assessment may immediately become due and payable. Such O&M Assessment shall accrue statutory penalties in the amount of 1% per month and all costs of collection and enforcement. Such O&M Assessment shall either be enforced pursuant to a foreclosure action, or, at the District's sole discretion, collected pursuant to the Uniform Method on a future tax bill, which amount may include penalties and costs of collection and enforcement.
- d. **Future Collection Methods.** The decision to collect special assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.

**Section 4. Certification of Assessment Roll.** The Assessment Roll is hereby certified and authorized to be transmitted to the Tax Collector.

**Section 5. Assessment Roll Amendment.** The District Manager shall keep apprised of all updates made to the County property roll by the Property Appraiser after the date of this Resolution and shall amend the Assessment Roll in accordance with any such updates, for such time as authorized by Florida law. After any amendment of the Assessment Roll, the District Manager shall file the updates to the tax roll in the District records.

**Section 6. Assessment Challenges.** The adoption of this Resolution shall be the final determination of all issues related to the O&M Assessments as it relates to property owners whose benefited property is subject to the O&M Assessments (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment, the maximum rate of the O&M Assessments, and the levy, collection, and lien of the O&M Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 30 days from adoption date of this Resolution.

**Section 7. Procedural Irregularities.** Any informality or irregularity in the proceedings in connection with the levy of the O&M Assessments shall not affect the validity of the same after the adoption of this Resolution, and any O&M Assessments as finally approved shall be competent and sufficient evidence that such O&M Assessment was duly levied, that the O&M Assessment was duly made and adopted, and that all other proceedings adequate to such O&M Assessment were duly had, taken, and performed as required.

**Section 8. Approving the Form of a Budget Funding Agreement with Developer.** The Budget Funding Agreement between the District and Developer attached hereto as **Exhibit B** is hereby approved in substantial form. The Chair or the Vice-Chair of the Board are hereby authorized and directed to execute and deliver said agreement on behalf

of and in the name of the District. The Secretary or any Assistant Secretary of the Board are hereby authorized to attest such execution. Any additions, deletions or modifications may be made and approved by the Chair or the Vice-Chair and their execution of the agreement shall be conclusive evidence of such approval.

**Section 9. Severability.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

**Section 10. Effective Date.** This Resolution shall take effect upon the passage and adoption of this Resolution by the Board.

**Passed and Adopted on August 15, 2023.**

Attested By:

**Two Rivers West  
Community Development District**

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Chair/Vice Chair of the Board of Supervisors

**Exhibit A: FY 2023-2024 Budget**

**Exhibit B: Form of Budget Funding Agreement with Developer**

**FY 2023-2024 Operations and Maintenance  
Budget Funding Agreement  
(Two Rivers West Community Development District)**

This FY 2023-2024 Operations and Maintenance Budget Funding Agreement (this “**Agreement**”) is made and entered into as of August 15, 2023, between the **Two Rivers West Community Development District**, a local unit of special-purpose government, established pursuant to Chapter 190, Florida Statutes (the “**District**”), whose mailing address is 2005 Pan Am Circle, Suite 300, Tampa, Florida 33607 and **EPG-Two Rivers, LLC**, a Florida limited liability company, **EPG Two Rivers I, LLC**, a Florida limited liability company, **EPG Two Rivers II, LLC**, a Florida limited liability company, **EPG Two Rivers IV, LLC**, a Florida limited liability company, **EPG Two Rivers Holdings VII, LLC**, a Florida limited liability company, **EPG Two Rivers Holdings VIII, LLC**, a Florida limited liability company , (collectively, the “**Developer**”), whose mailing addresses are 111 S. Armenia Avenue, Suite 201, Tampa, Florida 33609.

**Recitals**

**WHEREAS**, the District was established for the purpose of providing, preserving, operating, and maintaining infrastructure improvements, facilities, and services to the lands within the District;

**WHEREAS**, the District is adopting its budget for fiscal year 2023-2024 as attached hereto as **Exhibit A** (the “**FY 2023-2024 Budget**”), which commences on October 1, 2023, and concludes on September 30, 2024;

**WHEREAS**, the District has the option of levying non-ad valorem assessments on all lands that will benefit from the activities set forth in the FY 2023-2024 Budget, and/or utilizing such other revenue sources as may be available to it;

**WHEREAS**, the District is willing to allow the Developer to provide such funds as are necessary to allow the District to proceed with its activities as described the FY 2023-2024 Budget so long as payment is timely provided;

**WHEREAS**, the Developer presently owns certain property within the District as reflected on the assessment roll on file with the District Manager (the “**Property**”);

**WHEREAS**, the Developer agrees that the activities of the District described in the FY 2023-2024 Budget provide a special and peculiar benefit to the Property that is equal to or in excess of the expenses reflected in the FY 2023-2024 Budget; and

**WHEREAS**, the Developer has agreed to enter into this Agreement in addition to the non-ad valorem special assessments allocated to the Property to fund the activities of the District as set forth in the FY 2023-2024 Budget.

**Operative Provisions**

Now, therefore, based upon good and valuable consideration and the mutual covenants of the parties, the receipt of which and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Funding Obligations.** From time to time during the 2023-2024 fiscal year, the Developer agrees to make available to the District the aggregate sum of up to \$ [Insert Adopted 2023-2024 Budget Amount] in accordance with the FY 2023-2024 Budget as such expenses are incurred by the District. Such payments shall be made within 30 days of written request for funding by the District. All funds provided hereunder shall be placed in the District's general operating account.
2. **FY 2023-2024 Operations and Maintenance Reports, Budget Reports and Budget Amendments.** Each month during FY 2023-2024, the Developer shall provide the District Manager with a written report on the projected additions to the completed and developed phases within the District during FY 2023-2024. The District Manager shall provide the Developer with a monthly written report with the actual expenses for the previous month and anticipated expenses and operational activities for the remainder of the year based on current District operations and additional maintenance responsibilities which may be added during FY 2023-2024. The District and Developer agree that the FY 2023-2024 Budget shall be revised at the end of the 2023-2024 fiscal year to reflect the actual expenditures of the District for the period beginning on October 1, 2023 and ending on September 30, 2024. The Developer shall not be responsible for any additional costs other than those costs provided for in the FY 2023-2024 Budget. However, if the actual expenditures of the District are less than the amount shown in the FY 2023-2024 Budget, the Developer's funding obligations under this Agreement shall be reduced by that amount.
3. **Right to Lien Property.**
  - a. The District shall have the right to file a continuing lien (“**Lien**”) upon the Property for all payments due and owing under this Agreement and for interest thereon, and for reasonable attorneys' fees, paralegals' fees, expenses and court costs incurred by the District incident to the collection of funds under this Agreement or for enforcement of this Lien. In the event the Developer sells any portion of the Property after the execution of this Agreement, the Developer's rights and obligations under this Agreement shall remain the same, provided however that the District shall only have the right to file a Lien upon the remaining Property owned by the Developer.
  - b. The Lien shall be effective as of the date and time of the recording of a “Notice of Lien for the FY 2023-2024 Budget” in the public records of the county, stating among other things, the description of the real property and the amount due as of the recording of the Notice, and the existence of this Agreement.
  - c. The District Manager, in its sole discretion, is hereby authorized by the District to file the Notice on behalf of the District, without the need of further Board action authorizing or directing such filing. At the District Manager's direction, the District may also bring an action at law against the record title holders to the Property to pay the amount due under this Agreement, may foreclose the Lien against the Property in any manner authorized by law, or may levy special assessments for the Lien amount and certify them for collection by the tax collector.
4. **Default.** A default by either party under this Agreement shall entitle the other to all remedies available at law or in equity, which shall include, but not be limited to, the right to seek specific performance of the Developer's payment obligations under this Agreement, but shall not include special, consequential, or punitive damages.
5. **Enforcement and Attorney Fees.** In the event either party is required to enforce this Agreement, then the prevailing party shall be entitled to all fees and costs, including reasonable attorney's fees and costs, from the non-prevailing party.

6. **Governing Law and Venue.** This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida with venue in the county where the District is located.
7. **Interpretation.** This Agreement has been negotiated fully between the parties as an arm's length transaction. The parties participated fully in the preparation of this Agreement with the assistance of their respective counsel. In the case of a dispute concerning the interpretation of any provision of this Agreement, the parties are each deemed to have drafted, chosen and selected the language, and the doubtful language will not be interpreted or construed against any party.
8. **Termination of Agreement.** The Agreement shall be effective upon execution by both parties hereto and shall remain in force until the end of the 2023-2024 fiscal year on September 30, 2024. The lien and enforcement provisions of this Agreement shall survive its termination, until all payments due under this Agreement are paid in full.
9. **Third Parties.** This Agreement is solely for the benefit of the parties hereto and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person or corporation other than the parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns.
10. **Amendments.** Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.
11. **Assignment.** This Agreement may be assigned, in whole or in part, by either party only upon the written consent of the other, which consent shall not be unreasonably withheld.
12. **Authority.** The execution of this Agreement has been duly authorized by the appropriate body or official of all parties hereto, each party has complied with all the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.
13. **Entire Agreement.** This instrument shall constitute the final and complete expression of this Agreement between the parties relating to the subject matter of this Agreement.

*[Signature Pages on the following page.]*



IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

**EPG-Two Rivers, LLC,**  
a Florida limited liability company

**Two Rivers West Community  
Development District**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_  
Chair/Vice-Chair of the Board of Supervisors

**EPG Two Rivers I, LLC,**  
a Florida limited liability company

**EPG Two Rivers II, LLC,**  
a Florida limited liability company

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EPG Two Rivers IV, LLC,**  
a Florida limited liability company

**EPG Two Rivers Holdings VII, LLC,**  
a Florida limited liability company

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EPG Two Rivers Holdings VIII, LLC,**  
a Florida limited liability company

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Exhibit A: FY 2023-2024 Budget**

**RESOLUTION 2023-09**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF TWO RIVERS WEST COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIME AND LOCATION FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, Two Rivers West Community Development District (hereinafter the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within County of Pasco, Florida; and

**WHEREAS**, the District’s Board of Supervisors (hereinafter the “Board”), is statutorily authorized to exercise the powers granted to the District, but has not heretofore met; and

**WHEREAS**, all meetings of the Board shall be open to the public and governed by the provisions of Chapter 286, Florida Statutes; and

**WHEREAS**, the District is required by Florida law to prepare an annual schedule of its regular public meetings which designates the date, time, and location of the District’s meetings.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF TWO RIVERS WEST COMMUNITY DEVELOPMENT DISTRICT THAT:**

**Section 1.** The annual public meeting schedule of the Board of Supervisors of the for the Fiscal Year 2024 attached hereto and incorporated by reference herein as Exhibit A is hereby approved and will be published and filed in accordance with the requirements of Florida law.

**Section 2.** The District Manager is hereby directed to submit a copy of the Fiscal Year 2024 annual public meeting schedule to Pasco County and the Department of Economic Opportunity.

**Section 3.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED THIS 15<sup>TH</sup> DAY OF AUGUST 2023**

**ATTEST:**

**TWO RIVERS WEST  
COMMUNITY DEVELOPMENT  
DISTRICT**

\_\_\_\_\_  
**SECRETARY/ASSISTANT SECRETARY**

\_\_\_\_\_  
**CHAIR/VICE-CHAIRMAN**

**EXHIBIT A**

**BOARD OF SUPERVISORS MEETING DATES  
TWO RIVERS WEST COMMUNITY DEVELOPMENT DISTRICT  
FISCAL YEAR 2024**

<b>October 24, 2023</b>	<b>11:00 a.m</b>
<b>November 21, 2023</b>	<b>11:00 a.m.</b>
<b>December 19, 2023</b>	<b>11:00 a.m.</b>
<b>January 16, 2024</b>	<b>11:00 a.m.</b>
<b>February 20, 2024</b>	<b>11:00 a.m.</b>
<b>March 19, 2024</b>	<b>11:00 a.m.</b>
<b>April 16, 2024</b>	<b>11:00 a.m.</b>
<b>May 21, 2024</b>	<b>11:00 a.m.</b>
<b>June 18, 2024</b>	<b>11:00 a.m.</b>
<b>July 16, 2024</b>	<b>11:00 a.m.</b>
<b>August 20, 202</b>	<b>11:00 a.m.</b>
<b>September 17, 2024</b>	<b>11:00 a.m.</b>

**All meetings will convene at the SpringHill Suites by Marriott Tampa Suncoast Parkway  
located at 16615 Bexley Village Dr, Land O' Lakes, FL 34638.**

**MEETING MINUTES  
TWO RIVERS WEST  
COMMUNITY DEVELOPMENT DISTRICT**

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The Regular Meetings of the Board of Supervisors for the Two Rivers West Community Development District was held on Tuesday, July 18, 2023, at 11:21 a.m. at Springhill Suites by Marriott Tampa Suncoast Parkway located at 16615 Bexley Village Dr., Land O’Lakes, FL 34638.

Present and constituting a quorum were:

Nicholas Dister	Chairman
Carlos de la Ossa	Vice-Chairman
Ryan Motko	Supervisor
Thomas Spence	Supervisor
Michael Rainer	Supervisor

Also present were:

Angie Grunwald	District Manager
Brian Lamb	District Manager
Vivek Babbar	District Counsel
Michael Broadus	District Counsel

*The following is a summary of the discussions and actions taken at the meeting,*

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Grunwald called the meeting to order, and a quorum was established.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There being none, the next order of business followed.

**THIRD ORDER OF BUSINESS**

**Vendor and Staff Reports**

- A. District Counsel**
- B. District Engineer**
- C. District Manager**

There being no reports, the next order of business followed.

44 **FOURTH ORDER OF BUSINESS** **Business Items**

45 **A. Consideration of Second Supplemental Engineers Report AA2**

46 Mr. Lamb briefly discussed the acceptance of assignments from business items A  
47 through D with the Board. A motion was assessed by the Board of Supervisors to  
48 approve all as presented.  
49

50 On MOTION by Mr. de la Ossa seconded by Mr. Spense with  
51 all in favor the Second Supplemental Engineers Report AA2  
52 was approved. 5/0

53  
54  
55 **B. Consideration of Second Supplemental Assessment Methodology Report AA2**

56  
57 On MOTION by Mr. de la Ossa seconded by Mr. Spense with  
58 all in favor the Second Supplemental Assessment Methodology  
59 Report AA2 was approved. 5/0

60  
61  
62 **C. Consideration of Resolution 2023-06; Delegation Award**

63  
64 On MOTION by Mr. de la Ossa seconded by Mr. Dister with  
65 all in favor the Resolution 2023-06 Delegation Award was  
66 approved. 5/0

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68  
69 **D. General Matters of District**

70 There were no additional general matters of the district, the next order of business  
71 followed.  
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76 **FIFTH ORDER OF BUSINESS** **Consent Agenda Items**

- 77 **A. Consideration of Regular Board of Supervisors Meeting June 20, 2023**
- 78 **B. Consideration of Operations and Maintenance Expenditures June 2023**
- 79 **C. Review of Financial Statements for Month Ended June 30, 2023**

80 The Board reviewed the consent agenda items.  
81  
82

83 On MOTION by Mr. de la Ossa seconded by Mr. Spense with  
84 all in favor Consent Agenda Items A-C were approved. 5/0  
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91 **SIXTH ORDER OF BUSINESS** **Board Supervisors Requests/Comments**

92 There being none, the next order of business followed.

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95 **SEVENTH ORDER OF BUSINESS** **Adjournment**

96 There being no further business.

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On MOTION by Mr. de la Ossa seconded by Mr. Dister with all in favor the meeting was adjourned. 5/0

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Brian Lamb  
District Manager

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Nicholas Dister  
Chairman

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