

FISHHAWK COMMUNITY DEVELOPMENT DISTRICT IV

District Office – Tampa, Florida (813) 933-5571

Mailing Address – 3434 Colwell Avenue Suite 200, Tampa, Florida 33614

www.fishhawkcdd4.org

**Board of Supervisors
FishHawk Community
Development District IV**

January 23, 2023

AGENDA

Dear Board Members:

The continued/special meeting of the Board of Supervisors of FishHawk Community Development District IV will be held on **Monday, January 30, 2023 at 10:00 a.m.** at the Lake House of FishHawk Ranch West, located at 6001 Village Center Drive, Lithia, Florida 33547. The following is the agenda for this meeting:

- 1. CALL TO ORDER/ROLL CALL**
- 2. AUDIENCE COMMENTS**
- 3. BUSINESS ADMINISTRATION**
 - A.** Consideration of Minutes of Board of Supervisors'
Regular Meeting held on January 5, 2023 Tab 1
 - B.** Ratification of Operations & Maintenance
Expenditures for November 2022..... Tab 2
- 4. STAFF REPORTS**
 - A.** Landscape Inspection Services Report (under separate cover)
 - B.** Landscape Report
 - i. Consideration of Landscape Addendum..... Tab 3
 - ii. Response to County Letter..... Tab 4
 - C.** Irrigation Report (under separate cover)
 - D.** Aquatic Services Report..... Tab 5
 - E.** District Counsel
 - F.** District Engineer
 - i. Resignation of JMT..... Tab 6
 - ii. Consideration of BDI Proposal (under separate cover)
 - G.** HOA Property Manager
 - H.** District Manager..... Tab 7
- 5. BUSINESS ITEMS**
 - A.** Consideration of Bond Refunding Items
 - i. Summary of Bond Refinancing by MBS Capital Markets
 - ii. Presentation of Special Assessment Allocation
Reports, Series 2023 Bonds (under separate cover)
 - iii. Presentation of Second Supplemental Special Assessment
Allocation Report, Special Assessment Refunding Bonds,
Series 2023 (under separate cover)

- iv. Consideration of Resolution 2023-02; Setting forth the Specific the Specific Terms of the District's Special Assessment Refunding Bonds, Series 2023 Confirming and Adopting the Second Supplemental Special Assessment Allocation Report Confirming, Allocating and Authorizing the Collection of Special Assessments Securing the Series 2023 Refunding Bonds (under separate cover)
- v. Consideration of Amended and Restated Notice of Imposition of Special Assessments (under separate cover)
- vi. Consideration of Resolutions 2023-03; Bond Delegation Resolution Tab 8
- vii. Consideration of Any Other Documents or Matters Related to the Series 2023 Refunding Bonds

6. SUPERVISOR REQUESTS

7. ADJOURNMENT

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call us at (813) 933-5571.

Sincerely,

Debby Wallace

Debby Wallace
District Manager

Tab 1

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.

**FISHHAWK
COMMUNITY DEVELOPMENT DISTRICT IV**

The regular meeting of the Board of Supervisors of the FishHawk Community Development District IV was held on **Thursday, January 5, 2023 at 10:07 a.m.** at the Lake House of FishHawk Ranch West, located at 6001 Village Center Drive, Lithia, Florida 33547.

Present and constituting a quorum were:

Daniel Rothrock	Board Supervisor, Vice-Chairman
Brian Steever	Board Supervisor, Assistant Secretary
Jeffrey Stewart	Board Supervisor, Assistant Secretary
Esther Wisdom	Board Supervisor, Assistant Secretary
	(via conf. call)

Also present were:

Debby Wallace	District Manager; Rizzetta & Company, Inc.
Erin McCormick	District Counsel; Erin McCormick Law (via conf. call)
Steve Brletic	District Engineer, JMT
John Fowler	Field Services, Rizzetta & Company, Inc.
Gail Huff	Representative, Ballenger Irrigation
Jeff Blackburn	Representative, Brightview (joined at 10:55 a.m.)

Audience	Present
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FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Ms. Wallace called the meeting to order and read roll call, confirming a quorum.

SECOND ORDER OF BUSINESS

Audience Comments

An audience member addressed the Board regarding the cypress trees at the Encore entrance and pond 100 midge flies.

An audience member addressed the Board regarding irrigation.

THIRD ORDER OF BUSINESS

**Consideration of Minutes of Board of
Supervisors' Workshop Meeting Held
November 30, 2022**

Ms. Wallace presented the minutes of the Board of Supervisors' workshop meeting November 30, 2022 to the Board.

On a Motion by Mr. Steever, seconded by Mr. Stewart, with all in favor, the Board of Supervisors approved the Minutes of the Board of Supervisors' workshop meeting held on November 30, 2022, as presented, for the FishHawk Community Development District IV.

FOURTH ORDER OF BUSINESS

**Consideration of Minutes of Board of
Supervisors' Regular Meeting Held
December 1, 2022**

Ms. Wallace presented the minutes of the Board of Supervisors' meeting December 1, 2022 to the Board.

On a Motion by Mr. Rothrock, seconded by Mr. Steever, with all in favor, the Board of Supervisors approved the Minutes of the Board of Supervisors' meeting held on December 1, 2022, as presented, for the FishHawk Community Development District IV.

FIFTH ORDER OF BUSINESS

**Ratification of Operations &
Maintenance Expenditures for
October 2022**

Ms. Wallace presented the October 2022 Operation & Maintenance Expenditures to the Board.

On a Motion by Mr. Steever, seconded by Mr. Stewart, with all in favor, the Board of Supervisors ratified the Operations & Maintenance expenditures for October 2022 (\$71,679.53) for the FishHawk Community Development District IV.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Field Services Report

Mr. Fowler presented the field inspection report to the Board.

Mr. Fowler will follow-up with Brightview on the cypress trees and hanging branches along Circa Fishhawk Boulevard.

B. Landscape Report

C. Irrigation Services Report

Ms. Huff reviewed the irrigation report with the Board.

D. Aquatic Services Report

The Board reviewed the aquatic report.

E. District Counsel

No report.

F. District Engineer

Mr. Brletic provided an update on the Gopher Tortoise Preservation and is waiting for Florida Wildlife Commission report.

JMT will submit resignation for next meeting agenda and a proposal from BDI (Brletic Dvorak, Inc.) will be presented.

G. HOA Property Manager

Not present.

H. District Manager

The next CDD meeting will be held February 2, 2023 at 10:00 a.m.

Ms. Wallace stated that prior to New Years, she asked the HOA to send out an email reminder to residents of no fireworks on CDD property.

SEVENTH ORDER OF BUSINESS

Establish Audit Committee

On a Motion by Mr. Stewart, seconded by Mr. Steever, with all in favor, the Board of Supervisors established the Audit Committee consisting of all five Board Supervisors and stated the advertisement will be for 3 years not 5 years as per the Rules of Procedure, for the FishHawk Community Development District IV.

EIGHTH ORDER OF BUSINESS

Consideration of Tri-Party Agreement

Mr. Wallace and Ms. McCormick reviewed the Tri-Party Agreement with the Board.

On a Motion by Mr. Rothrock, seconded by Mr. Steever, with all in favor, the Board of Supervisors approved subject to District Counsel approval of Tri-Party Agreement and speaking with Finance Department, for the FishHawk Community Development District IV.

NINTH ORDER OF BUSINESS

Consideration of Consent Form

On a Motion by Mr. Rothrock, seconded by Mr. Steever, with all in favor, the Board of Supervisors approved subject to District Counsel approval of Consent Form and speaking with Finance Department, for the FishHawk Community Development District IV.

TENTH ORDER OF BUSINESS

Consideration of Methodology Report

This item was tabled.

ELEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2023-02;
Bond Assessment**

This item was tabled.

TWELFTH ORDER OF BUSINESS

**Consideration of Resolution 2023-03;
Bond**

This item was tabled.

Mr. Blackburn joined the meeting at 10:55 a.m.

THIRTEENTH ORDER OF BUSINESS

Supervisor Comments

There were no supervisor comments.

FOURTEENTH ORDER OF BUSINESS

Continued

On a Motion by Mr. Rothrock, seconded by Mr. Steever, with all in favor, the Board of Supervisors continued the meeting at 11:05 a.m. to January 30, 2023 at 10:00 a.m., at Lake House of FishHawk Ranch West, located at 6001 Village Center Drive, Lithia, Florida 33547, for the FishHawk Community Development District IV.

Assistant Secretary

Chair / Vice Chair

Tab 2

FISHHAWK IV COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · RIVERVIEW, FLORIDA

MAILING ADDRESS · 3434 COLWELL AVENUE, SUITE 200 · TAMPA, FLORIDA 33614

Operation and Maintenance Expenditures November 2022 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from November 1, 2022 through November 30, 2022. This does not include expenditures previously approved by the Board.

The total items being presented: **\$76,501.46**

Approval of Expenditures:

_____Chairperson

_____Vice Chairperson

_____Assistant Secretary

Fishhawk IV Community Development District

Paid Operation & Maintenance Expenditures

November 1, 2022 Through November 30, 2022

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Amount</u>
BCI Entities, LLC	100057	222234	Irrigation Repairs 10/22	\$ 204.00
BCI Entities, LLC	100064	222249	Irrigation Repairs - Lightning Damage	\$ 11,705.00
BCI Entities, LLC	100065	222261	Irrigation Maintenance 11/22	\$ 4,550.00
BCI Entities, LLC	100064	222280	Irrigation Repairs 11/22	\$ 1,334.00
BCI Entities, LLC	100068	222282	Irrigation Repairs 11/22	\$ 375.00
Brian T Steever	100058	BS110322	Board of Supervisors 11/03/2022	\$ 200.00
BrightView Landscape Service	100069	8172681	Sod Replacement 11/22	\$ 182.85
BrightView Landscape Service	100069	8173845	Sod Replacement 11/22	\$ 498.83
BrightView Landscape Service	100069	8173850	Sod Replacement 11/22	\$ 249.75
BrightView Landscape Service	100069	8173854	Mulch Install 11/22	\$ 1,051.47
BrightView Landscape Service	100069	8173859	Mulch Install 11/22	\$ 1,635.23
BrightView Landscape Service	100069	8173871	Mulch Install 11/22	\$ 703.40
Dayna J. Kennington	100059	DK110322	Board of Supervisors 11/03/2022	\$ 200.00
Erin McCormick Law, P.A.	100066	10621	Legal Services 10/22	\$ 3,640.56

Fishhawk IV Community Development District

Paid Operation & Maintenance Expenditures

November 1, 2022 Through November 30, 2022

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Description</u>	<u>Invoice Amount</u>
Esther Wisdom	100060	EW110322	Board of Supervisors 11/03/2022	\$ 200.00
Fourquarean Well Drilling	100061	1149	Well Service 10/22	\$ 1,424.00
Jeffrey Stewart	100062	JS110322	Board of Supervisors 11/03/2022	\$ 200.00
Poop 911	100063	6172319	11 Doggie Stations 10/22	\$ 702.00
Rizzetta & Company, Inc.	100067	INV0000071957	Assessment Roll Preparation FY 22/23	\$ 5,200.00
Rizzetta & Company, Inc.	100055	INV0000072646	District Management Services 11/22	\$ 4,674.67
Sitex Aquatics, LLC	100070	6848B	Monthly Lake Maintenance 11/22	\$ 1,350.00
TECO		211009775761 5/11	13773 FishHawk Blvd 10/22	\$ 24.64
TECO		211009776033 5/11	5601 Balcony Bridge Place 10/22	\$ 148.48
TECO		211017320014 5/11	Village Center Dr - PH2 10/22	\$ 10,999.06
TECO		321000017145 5/11	Electric Summary 10/22	\$ 23,449.52
Times Publishing Company	100056	0000232991 07/13/2022	Legal Advertising 07/22	<u>\$ 1,599.00</u>
TOTAL				<u>\$ 76,501.46</u>

Tab 8

RESOLUTION NO. 2023-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF FISHHAWK COMMUNITY DEVELOPMENT DISTRICT IV (THE "DISTRICT") APPROVING THE SALE AND TERMS OF SALE OF THE DISTRICT'S SPECIAL ASSESSMENT REVENUE REFUNDING BOND, SERIES 2023 (THE "2023 BOND"); ESTABLISHING THE INTEREST RATE, MATURITY DATE, AND REDEMPTION PROVISIONS THEREOF; APPROVING A PRIVATE PLACEMENT FOR THE 2023 BOND; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL TRUST INDENTURE; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT; APPOINTING A TRUSTEE AND ESCROW AGENT; AUTHORIZING THE REFUNDING OF THE DISTRICT'S OUTSTANDING SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2013A; AUTHORIZING AND RATIFYING CERTAIN ACTIONS OF THE OFFICIALS AND STAFF OF THE DISTRICT, INCLUDING THE EXECUTION AND DELIVERY OF ALL DOCUMENTS, INSTRUMENTS, AGREEMENTS AND CERTIFICATES NECESSARY IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF THE 2023 BOND AND THE REFUNDING OF THE REFUNDED BONDS; APPOINTING A VERIFICATION AGENT; SPECIFYING THE APPLICATION OF THE PROCEEDS OF THE 2023 BOND; PROVIDING CERTAIN OTHER DETAILS WITH RESPECT TO THE 2023 BOND; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of Supervisors of Fishhawk Community Development District IV (the "Board" and the "District," respectively) has determined to proceed at this time with the sale and issuance of the Fishhawk Community Development District IV Special Assessment Revenue Refunding Bond, Series 2023 (the "2023 Bond"), which 2023 Bond is to be issued under and pursuant to a Master Trust Indenture, dated as of September 1, 2013 (the "Master Indenture"), between the District and U.S. Bank Trust Company, National Association, as successor in trust to U.S. Bank National Association, as trustee (the "Trustee"), as supplemented by a Second Supplemental Trust Indenture, to be dated as of February 1, 2023 (the "Supplemental Indenture" and, together with the Master Indenture, the "Indenture"), between the District and the Trustee, which 2023 Bond is to be issued and the proceeds thereof applied, together with other funds held by the Trustee with respect to the Refunded Bonds (as hereinafter defined), for the purposes of (i) currently refunding and defeasing all of the outstanding principal amount of the District's Special Assessment Revenue Bonds, Series 2013A (the "Refunded Bonds") in order to achieve debt service savings; (ii) paying the debt service to become due on the 2023 Bond on May 1, 2023 and November 1, 2023; and (iii) funding the costs of issuance for the 2023 Bond; and

WHEREAS, the Board has previously received the proposal (the "Proposal") attached hereto as Exhibit B from SouthState Bank, N.A., a national banking association (the "Bank")

submitted through MBS Capital Markets, LLC (the "Placement Agent") for the purchase of the 2023 Bond, and the Board previously approved and accepted such Proposal; and

WHEREAS, in conjunction with the sale and issuance of the 2023 Bond, it is necessary to approve the form of the Supplemental Indenture to establish the principal amount, interest rate, maturity, redemption provisions, costs and certain other details with respect thereto, to approve the form of an Escrow Deposit Agreement to effect the defeasance of the Refunded Bonds, and to provide for various other matters with respect to the issuance and sale of the 2023 Bond and the refunding of the Refunded Bonds;

NOW, THEREFORE, BE IT RESOLVED that:

1. Definitions. All words and phrases used herein in capitalized form, unless otherwise defined herein, shall have the meanings ascribed to them in the Indenture.

2. Private Placement. The Board hereby determines that a private placement of the 2023 Bond through the facilities of the Placement Agent is in the best interest of the District because the market for instruments such as the 2023 Bond is limited, because of prevailing market conditions and because the delays caused by soliciting competitive bids could adversely affect the District's ability to timely issue and deliver the 2023 Bond.

3. Award. Pursuant to Section 190.016(7), Florida Statutes, the Board hereby determines that, in its judgment, the issuance of the 2023 Bond will be advantageous to the District. The sale of the 2023 Bond to the Bank upon the terms and conditions set forth in the Proposal, and in a principal amount not to exceed \$[_____], is hereby authorized and approved.

4. Supplemental Indenture. Attached hereto as Exhibit A is the form of Supplemental Indenture, which is hereby authorized and approved, subject to such changes, additions, deletions and insertions as shall be approved by the Chair or Vice Chair, which approval shall be conclusively evidenced by the execution thereof. The Chair or Vice Chair is hereby authorized to execute and the Secretary or any Assistant Secretary is hereby authorized to attest such Supplemental Indenture, and the Chair or Vice Chair is hereby authorized to deliver to the Trustee the Supplemental Indenture, which, when executed and delivered by the Trustee, shall constitute a legal, valid and binding obligation of the District, enforceable in accordance with its terms.

5. Description of 2023 Bond. The 2023 Bond shall be dated as of the date of issuance and delivery to the Bank and may be issued in one series having such details as are set forth in the Proposal and as reflected in the Supplemental Indenture. The 2023 Bond shall be in the form and subject to redemption on the terms, at the times and prices and in the manner provided in the Proposal and in the form of 2023 Bond attached to the Supplemental Indenture, which form is hereby approved, subject to such changes, additions, deletions and insertions as shall be approved by the Chair or Vice Chair, which approval shall be conclusively evidenced by the execution thereof. The Chair or Vice Chair is hereby authorized to execute and the Secretary or any Assistant Secretary is hereby authorized to attest the 2023 Bond, and the Chair or Vice Chair is hereby

authorized to deliver to the Trustee for authentication and delivery to the Bank, upon payment therefor, 2023 Bond, which, when executed and delivered by the Trustee, shall be a legal, valid and binding obligation of the District, enforceable in accordance with its terms.

The 2023 Bond shall be secured by, and the District in the Supplemental Indenture grants to the Trustee for the benefit of the Bank, a lien on and a pledge of the Series 2023 Assessments imposed, levied and collected by the District in accordance with the Act, as more specifically described in the Supplemental Indenture and the Proposal. In addition, the 2023 Bond shall be secured by a lien and pledge of all amounts on deposit in the Funds and Accounts established under the Supplemental Indenture, except for any amounts in the Series 2023 Rebate Account in the Rebate Fund, all in accordance with the Supplemental Indenture and the Proposal.

6. Approval of Escrow Deposit Agreement. The Escrow Deposit Agreement, pursuant to which certain proceeds of the 2023 Bond and other legally available moneys of the District will be deposited to provide for the refunding and defeasance of the Refunded Bonds, is hereby approved in substantially the form attached hereto as Exhibit C and the Chair or the Vice Chair of the Board are hereby authorized and directed to execute and deliver such Agreement on behalf of and in the name of the District and the Secretary or any Assistant Secretary of the Board is hereby authorized to attest such execution, with such additions and deletions therein as may be made and approved by the Chair or the Vice Chair executing the same, such execution to be conclusive evidence of such approval. U.S. Bank Trust Company, National Association is hereby appointed to serve as Escrow Agent under the Escrow Deposit Agreement.

7. Open Meetings. It is hereby found and determined that all official acts of this Board concerning and relating to the issuance, sale, and delivery of the 2023 Bond, including but not limited to adoption of this Resolution, were taken in open meetings of the Board and all deliberations of the members of the Board that resulted in such official acts were in meetings open to the public, in compliance with all legal requirements including, but not limited to, the requirements of Section 286.011, Florida Statutes.

8. Other Actions. The Chair, the Vice Chair, the Secretary, any Assistant Secretary and all other members, officers and staff of the Board and the District are hereby authorized and directed to take all actions necessary or desirable in connection with the issuance and delivery of the 2023 Bond and the consummation of all transactions in connection therewith, including the execution of all necessary or desirable certificates, documents, papers, and agreements and the undertaking and fulfillment of all transactions referred to in or contemplated by the Indenture, this Resolution and the Proposal.

9. Deposits to Funds and Accounts. The Trustee is hereby authorized and directed to apply the proceeds of the 2023 Bond and the amounts on deposit in the Funds and Accounts for the Refunded Bonds in the amounts and in the manner set forth in Section 402 of the Supplemental Indenture.

10. Undertaking of the Refunding. The Board hereby authorizes the refunding of the Refunded Bonds, which are currently Outstanding in the principal amount of \$[_____], upon the terms and conditions as shall be set forth in the Indenture and in the Escrow Deposit Agreement.

11. Appointment of Trustee, Paying Agent and Bond Registrar. U.S. Bank Trust Company, National Association is hereby appointed to serve as Trustee, Paying Agent, and Bond Registrar under the Indenture.

12. Appointment of Verification Agent. Causey Demgen & Moore P.C. is hereby appointed to serve as verification agent with respect to the refunding of the Refunded Bonds.

13. Approval of Prior Actions. All actions taken to date by the members of the Board and the District officers, agents and consultants of the District in furtherance of the issuance of the 2023 Bond, including, but not limited to, the approval of the Proposal, are hereby approved, confirmed and ratified.

[Remainder of page intentionally left blank]

14. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED in Public Session of the Board of Supervisors of Fishhawk Community Development District IV, this 30th day of January, 2023.

**FISHHAWK COMMUNITY
DEVELOPMENT DISTRICT IV**

Attest:

Assistant Secretary,
Board of Supervisors

Chair,
Board of Supervisors