

# **SUNGATE**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**August 16, 2023**

**BOARD OF SUPERVISORS**

**PUBLIC HEARING AND  
REGULAR MEETING  
AGENDA**

**SUNGATE**

**COMMUNITY DEVELOPMENT DISTRICT**

**AGENDA**

**LETTER**

**Sungate Community Development District**  
**OFFICE OF THE DISTRICT MANAGER**  
**2300 Glades Road, Suite 410W•Boca Raton, Florida 33431**  
**Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013**

August 9, 2023

**ATTENDEES:**

**Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.**

Board of Supervisors  
Sungate Community Development District

Dear Board Members:

The Board of Supervisors of the Sungate Community Development District will hold a Public Hearing and Regular Meeting on August 16, 2023 at 9:30 a.m., at the offices of Cobb Cole, 149 S. Ridgewood Suite 700 Daytona Beach, Florida 32114. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Acceptance of Resignation of Troy Rentz [Seat 5]; *Term Expires November 2024*
4. Consider Appointment to Fill Unexpired Term of Seat 5
  - Administration of Oath of Office (*the following to be provided in a separate package*)
    - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
    - B. Membership, Obligations and Responsibilities
    - C. 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
    - D. Form 8B: Memorandum of Voting Conflict
5. Consideration of Resolution 2023-36, Designating Certain Officers of the District, and Providing for an Effective Date
6. Public Hearing on Adoption of Fiscal Year 2023/2024 Budget
  - A. Proof/Affidavit of Publication
  - B. Consideration of Resolution 2023-35, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments and Providing an Effective Date

7. Consideration of Fiscal Year 2023/2024 Funding Agreement
8. Consideration of Resolution 2023-33, 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
9. Acceptance of Unaudited Financial Statements as of June 30, 2023
10. Approval of Minutes
  - A. June 14, 2023 Regular Meeting
  - B. July 5, 2023 Special Meeting
11. Staff Reports
  - A. District Counsel: *Cobb Cole*
  - B. District Engineer (Interim): *Parker Mynchenberg & Associates, Inc.*
  - C. District Manager: *Wrathell, Hunt and Associates, LLC*

- NEXT MEETING DATE: TBD

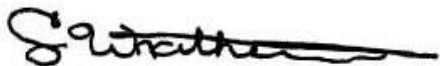
○ QUORUM CHECK

SEAT 1	E SCOTT BULLOCK	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 2	VICTORIA HENIGE	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 3	ETHAN BULLOCK	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 4	CARL LENTZ	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 5		<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No

12. Board Members' Comments/Requests
13. Public Comments
14. Adjournment

If you should have any questions or concerns, please do not hesitate to contact me directly at (561) 719-8675 or Ernesto Torres (904) 295-5714.

Sincerely,



Craig Wrathell  
District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE**

**CALL-IN NUMBER: 1-888-354-0094**

**PARTICIPANT PASSCODE: 782 134 6157**

# **SUNGATE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **3**

**NOTICE OF TENDER OF RESIGNATION**

To: Board of Supervisors  
Sungate Community Development District  
Attn: Craig Wrathell/Ernesto Torres, District Managers  
2300 Glades Road, Suite 410W  
Boca Raton, Florida 33431

From: Troy Rantz  
Printed Name

Date: 8/10/2023  
Date

I hereby tender my resignation as a member of the Board of Supervisors of the *Sungate Community Development District*. My tendered resignation will be deemed to be effective as of the time a quorum of the remaining members of the Board of Supervisors accepts it at a duly noticed meeting of the Board of Supervisors.

I certify that this Notice of Tender of Resignation has been executed by me and ☐ personally presented at a duly noticed meeting of the Board of Supervisors, ☒ scanned and electronically transmitted to [gillyardd@whhassociates.com](mailto:gillyardd@whhassociates.com) or ☐ faxed to 561-571-0013 and agree that the executed original shall be binding and enforceable and the fax or email copy shall be binding and enforceable as an original.

Troy Rantz  
Signature

# **SUNGATE**

**COMMUNITY DEVELOPMENT DISTRICT**

**5**

**RESOLUTION 2023-36**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SUNGATE  
COMMUNITY DEVELOPMENT DISTRICT DESIGNATING CERTAIN  
OFFICERS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE  
DATE.**

**WHEREAS**, the Sungate Community Development District ("District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, the Board of Supervisors of the District desires to designate certain Officers of the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF  
SUPERVISORS OF THE SUNGATE COMMUNITY DEVELOPMENT  
DISTRICT:**

**SECTION 1.** \_\_\_\_\_ is appointed Chair.

**SECTION 2.** \_\_\_\_\_ is appointed Vice Chair.

**SECTION 3.** \_\_\_\_\_ is appointed Assistant Secretary.

\_\_\_\_\_ is appointed Assistant Secretary.

\_\_\_\_\_ is appointed Assistant Secretary.

**Ernesto Torres** is appointed Assistant Secretary.

**SECTION 4.** This Resolution supersedes any prior appointments made by the Board for Chair, Vice Chair and Assistant Secretaries; however, prior appointments by the Board for Secretary, Treasurer and Assistant Treasurer(s) remain unaffected by this Resolution.

**SECTION 5.** This Resolution shall become effective immediately upon its adoption.

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**PASSED AND ADOPTED THIS 16TH DAY OF AUGUST, 2023.**

**ATTEST:**

**SUNGATE COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary/Assistant Secretary

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Chair/Vice Chair, Board of Supervisors

# **SUNGATE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **6A**

**PROOF OF PUBLICATION**

Sungate Community Development District  
2300 Glades RD # 410W  
Boca Raton FL 33431-8556

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of The News-Journal, published in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of Volusia and Flagler Counties, Florida, or in a newspaper by print in the issues of, on:

07/27/2023, 08/03/2023

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 08/03/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$692.04

Order No: 9083527

# of Copies:

Customer No: 868570

-1

PO #: LDTB0014272

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

KAITLYN FELTY  
Notary Public  
State of Wisconsin

SUNGATE COMMUNITY DEVELOPMENT DISTRICT

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2023/2024 BUDGET; AND NOTICE OF REGULAR BOARD OF SUPERVISORS' MEETING. The Board of Supervisors ("Board") of the Sungate Community Development District ("District") will hold a public hearing on August 16, 2023 at 9:30 a.m., at the offices of Cobb Cole, 149 S. Ridgewood Suite 700 Daytona Beach, Florida 32114 for the purpose of hearing comments and objections on the adoption of the proposed budget ("Proposed Budget") of the District for the fiscal year beginning October 1, 2023 and ending September 30, 2024 ("Fiscal Year 2023/2024"). A regular board meeting of the District will also be held at that time where the Board may consider any other business that may properly come before it. A copy of the agenda and Proposed Budget may be obtained by contacting the offices of the District Manager, Wrathell, Hunt & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010, during normal business hours.

The public hearing and meeting are open to the public and will be conducted in accordance with the provisions of Florida law. The public hearing and meeting may be continued to a date, time, and place to be specified on the record at the meeting. There may be occasions when Board Supervisors or District Staff may participate by speaker telephone.

Any person requiring special accommodations at this hearing and meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearing or meeting is advised that person will need a record of proceedings and that accordingly, 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.

District Manager

July 27, August 3 2023 LDTB0014272

# **SUNGATE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **6B**

## RESOLUTION 2023-35

**THE ANNUAL APPROPRIATION RESOLUTION OF THE SUNGATE COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET(S) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the District Manager has submitted to the Board of Supervisors ("**Board**") of the Sungate Community Development District ("**District**") proposed budget(s) ("**Proposed Budget**") for the fiscal year beginning October 1, 2023 and ending September 30, 2024 ("**Fiscal Year 2023/2024**") along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

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

**WHEREAS**, the Board set a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), *Florida Statutes*; and

**WHEREAS**, the District Manager posted the Proposed Budget on the District's website at least two days before the public hearing; and

**WHEREAS**, Section 190.008(2)(a), *Florida Statutes*, requires that, prior to October 1<sup>st</sup> of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt 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; and

**WHEREAS**, the District Manager has prepared a Proposed Budget, whereby the budget shall project 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 OF SUPERVISORS OF THE SUNGATE COMMUNITY DEVELOPMENT DISTRICT:**

### **SECTION 1. BUDGET**

- a. 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 Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

- b. The Proposed Budget, attached hereto as **Exhibit "A,"** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* ("**Adopted Budget**"), 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.
- c. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District's Local Records Office and identified as "The Budget for the Sungate Community Development District for the Fiscal Year Ending September 30, 2024."
- d. The Adopted Budget shall be posted by the District Manager on the District's official website within thirty (30) days after adoption, and shall remain on the website for at least 2 years.

## **SECTION 2. APPROPRIATIONS**

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2023/2024, the sums set forth in **Exhibit A** to be raised by the levy of assessments, a funding agreement and/or otherwise. Such sums are deemed by the Board to be necessary to defray all expenditures of the District during said budget year, and are to be divided and appropriated in the amounts set forth in **Exhibit A**.

## **SECTION 3. BUDGET AMENDMENTS**

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2023/2024 or within 60 days following the end of the Fiscal Year 2023/2024 may amend its Adopted Budget for that fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate change in the original appropriation item does not exceed the greater of \$15,000 or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.
- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must ensure that any amendments to the budget under paragraph c. above are posted on the District's website within 5 days after adoption and remain on the website for at least 2 years.

**SECTION 4. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED THIS 16TH DAY OF AUGUST, 2023.**

**ATTEST:**

**SUNGATE COMMUNITY DEVELOPMENT  
DISTRICT**

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Secretary/Assistant Secretary

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Chair/Vice Chair, Board of Supervisors

**Exhibit A:** Fiscal Year 2023/2024 Budget



**Exhibit A:** Fiscal Year 2023/2024 Budget

**SUNGATE  
COMMUNITY DEVELOPMENT DISTRICT  
PROPOSED BUDGET  
FISCAL YEAR 2024**

**SUNGATE  
COMMUNITY DEVELOPMENT DISTRICT  
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**SUNGATE  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2024**

	Fiscal Year 2023				
	Adopted Budget FY 2023	Actual through 3/31/2023	Projected through 9/30/2023	Total Actual & Projected	Proposed Budget FY 2024
<b>REVENUES</b>					
Landowner contribution	\$ 78,765	\$ 14,746	\$ 64,019	\$ 78,765	\$ 91,040
Total revenues	<u>78,765</u>	<u>14,746</u>	<u>64,019</u>	<u>78,765</u>	<u>91,040</u>
<b>EXPENDITURES</b>					
<b>Professional &amp; administrative</b>					
Management/accounting/recording**	32,000	10,000	22,000	32,000	48,000
Legal	25,000	1,994	23,006	25,000	25,000
Engineering	2,000	-	2,000	2,000	2,000
Audit*	-	-	-	-	-
Arbitrage rebate calculation*	-	-	-	-	-
Debt service fund accounting	3,667	-	3,667	3,667	5,500
Dissemination agent*	333	-	333	333	500
Trustee*	-	-	-	-	-
Telephone	200	83	117	200	200
Postage	250	-	250	250	250
Printing & binding	500	263	237	500	500
Legal advertising	6,500	4,344	2,156	6,500	1,750
Annual special district fee	175	-	175	175	175
Insurance	5,500	-	5,500	5,500	5,500
Contingencies/bank charges	750	-	750	750	750
Website hosting & maintenance	1,680	-	1,680	1,680	705
Website ADA compliance	210	210	-	210	210
Total expenditures	<u>78,765</u>	<u>16,894</u>	<u>61,871</u>	<u>78,765</u>	<u>91,040</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	(2,148)	2,148	-	-
Fund balance - beginning (unaudited)	-	-	(2,148)	-	-
Fund balance - ending (projected)	-	-	-	-	-
Unassigned	-	(2,148)	-	-	-
Fund balance - ending	<u>\$ -</u>	<u>\$ (2,148)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

\* These items will be realized when bonds are issued

\*\* WHA will charge a reduced management fee of \$2,000 per month until bonds are issued.

**SUNGATE  
COMMUNITY DEVELOPMENT DISTRICT  
DEFINITIONS OF GENERAL FUND EXPENDITURES**

**EXPENDITURES**

**Professional & administrative**

Management/accounting/recording**	\$ 48,000
<p><b>Wrathell, Hunt and Associates, LLC</b> (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.</p>	
Legal	25,000
<p>General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.</p>	
Engineering	2,000
<p>The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.</p>	
Audit	-
<p>Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.</p>	
Arbitrage rebate calculation*	-
<p>To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.</p>	
Debt service fund accounting	5,500
Dissemination agent*	500
<p>The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt &amp; Associates serves as dissemination agent.</p>	
Telephone	200
<p>Telephone and fax machine.</p>	
Postage	250
<p>Mailing of agenda packages, overnight deliveries, correspondence, etc.</p>	
Printing & binding	500
<p>Letterhead, envelopes, copies, agenda packages</p>	
Legal advertising	1,750
<p>The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.</p>	
Annual special district fee	175
<p>Annual fee paid to the Florida Department of Economic Opportunity.</p>	
Insurance	5,500
<p>The District will obtain public officials and general liability insurance.</p>	
Contingencies/bank charges	750
<p>Bank charges and other miscellaneous expenses incurred during the year and automated AP routing etc.</p>	
Website hosting & maintenance	705
Website ADA compliance	210
Total expenditures	<u><u>\$ 91,040</u></u>

# **SUNGATE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **7**

**SUNGATE COMMUNITY DEVELOPMENT DISTRICT  
FISCAL YEAR 2023/2024 BUDGET FUNDING AGREEMENT**

This Agreement ("**Agreement**") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between:

**Sungate Community Development District**, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and with an address of c/o Wrathell, Hunt and Associates LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 ("**District**"), and

**TLO 12 Sungate, LLC**, a Texas limited liability company, and the developer of the lands in the District ("**Developer**") with a mailing address of 3736 Bee Caves Road, Ste 1-177, W Lake Hills, Texas 78746.

**RECITALS**

**WHEREAS**, the District was established for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure; and

**WHEREAS**, the District, pursuant to Chapter 190, Florida Statutes, is authorized to levy such taxes, special assessments, fees and other charges as may be necessary in furtherance of the District's activities and services; and

**WHEREAS**, Developer presently is developing the majority of all real property ("**Property**") within the District, which Property will benefit from the timely construction and acquisition of the District's facilities, activities and services and from the continued operations of the District; and

**WHEREAS**, the District is adopting its general fund budget for Fiscal Year 2023/2024, which year concludes on September 30, 2024; and

**WHEREAS**, this general fund budget, which the parties recognize may be amended from time to time in the sole discretion of the District, is attached hereto and incorporated herein by reference as **Exhibit A**; and

**WHEREAS**, the District has the option of levying non-ad valorem assessments on all land, including the Property owned by the Developer, that will benefit from the activities, operations and services set forth in the Fiscal Year 2023/2024 budget, or utilizing such other revenue sources as may be available to it; and

**WHEREAS**, in lieu of levying assessments on the Property, the Developer is willing to provide such funds as are necessary to allow the District to proceed with its operations as described in **Exhibit A**; and

**WHEREAS**, the Developer agrees that the activities, operations and services provide a special and peculiar benefit equal to or in excess of the costs reflected on **Exhibit A** to the Property; and

**WHEREAS**, the Developer has agreed to enter into this Agreement in lieu of having the District levy and collect any non-ad valorem assessments as authorized by law against the Property located within the District for the activities, operations and services set forth in **Exhibit A**;

**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.** The Developer agrees to make available to the District the monies ("**Funding Obligation**") necessary for the operation of the District as called for in the budget attached hereto as **Exhibit A** (and as **Exhibit A** may be amended from time to time pursuant to Florida law, but subject to the Developer's consent to such amendments to incorporate them herein), within thirty (30) days of written request by the District. The funds shall be placed in the District's general checking account. These payments are made by the Developer in lieu of taxes, fees, or assessments which might otherwise be levied or imposed by the District. Nothing contained herein shall constitute or be construed as a waiver of the District's right to levy assessments in the event of a funding deficit.

2. **ENTIRE AGREEMENT.** This instrument shall constitute the final and complete expression of the agreement among the parties relating to the subject matter of this Agreement. 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.

3. **AUTHORIZATION.** 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 of the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.

4. **ASSIGNMENT.** This Agreement may be assigned, in whole or in part, by either party only upon the written consent of the other. Any purported assignment without such consent shall be void.

5. **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 of damages, injunctive relief and specific performance.

6. **ENFORCEMENT.** In the event that any party is required to enforce this Agreement by court proceedings or otherwise, then the parties agree that the prevailing party shall be



entitled to recover from the other all costs incurred, including reasonable attorneys' fees and costs for trial, alternative dispute resolution, or appellate proceedings.

7. **THIRD PARTY BENEFICIARIES.** This Agreement is solely for the benefit of the formal parties herein 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.

8. **CHOICE OF LAW.** This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida.

9. **ARM'S LENGTH.** This Agreement has been negotiated fully among 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.

10. **EFFECTIVE DATE.** The Agreement shall be effective after execution by the parties hereto.

[SIGNATURES ON NEXT PAGE]

**IN WITNESS WHEREOF**, the parties execute this Agreement the day and year first written above.

**SUNGATE COMMUNITY DEVELOPMENT  
DISTRICT**

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

**TLO 12 SUNGATE, LLC**

\_\_\_\_\_  
By: \_\_\_\_\_

Its: \_\_\_\_\_

**Exhibit A:**      Fiscal Year 2023/2024 General Fund Budget

# **SUNGATE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **8**

**RESOLUTION 2023-33**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE SUNGATE COMMUNITY DEVELOPMENT DISTRICT 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**

**WHEREAS**, the Sungate Community Development District ("**District**") is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

**WHEREAS**, the District is required by Section 189.015, *Florida Statutes*, to file quarterly, semi-annually, or annually a schedule (including date, time, and location) of its regular meetings with local governing authorities; and

**WHEREAS**, further, in accordance with the above-referenced statute, the District shall also publish quarterly, semi-annually, or annually the District's regular meeting schedule in a newspaper of general paid circulation in the county in which the District is located.

**WHEREAS**, the Board desires to adopt the Fiscal Year 2023/2024 meeting schedule attached as **Exhibit A**.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE SUNGATE COMMUNITY DEVELOPMENT DISTRICT:**

1. **ADOPTING FISCAL YEAR 2023/2024 ANNUAL MEETING SCHEDULE.** The Fiscal Year 2023/2024 annual meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and shall be published in accordance with the requirements of Florida law and also provided to applicable governing authorities.

2. **EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

ATTEST:

**SUNGATE COMMUNITY DEVELOPMENT  
DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

EXHIBIT "A"

SUNGATE COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE		
LOCATION		
<i>Cobb Cole, 149 S. Ridgewood Suite 700 Daytona Beach, Florida 32114</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October __, 2023	Regular Meeting	__:__ AM/PM
November __, 2023	Regular Meeting	__:__ AM/PM
December __, 2023	Regular Meeting	__:__ AM/PM
January __, 2024	Regular Meeting	__:__ AM/PM
February __, 2024	Regular Meeting	__:__ AM/PM
March __, 2024	Regular Meeting	__:__ AM/PM
April __, 2024	Regular Meeting	__:__ AM/PM
May __, 2024	Regular Meeting	__:__ AM/PM
June __, 2024	Regular Meeting	__:__ AM/PM
July __, 2024	Regular Meeting	__:__ AM/PM
August __, 2024	Regular Meeting	__:__ AM/PM
September __, 2024	Regular Meeting	__:__ AM/PM

# **SUNGATE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **UNAUDITED FINANCIAL STATEMENTS**

**SUNGATE  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
JUNE 30, 2023**

**SUNGATE  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
JUNE 30, 2023**

	General Fund	Total Governmental Funds
<b>ASSETS</b>		
Cash	\$ 6,000	6,000
Due from Landowner	9,049	9,049
Total assets	<u>\$ 15,049</u>	<u>\$ 15,049</u>
<b>LIABILITIES AND FUND BALANCES</b>		
Liabilities:		
Accounts payable	\$ 9,049	\$ 9,049
Landowner advance	6,000	6,000
Total liabilities	<u>15,049</u>	<u>15,049</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>		
Deferred receipts	9,049	9,049
Total deferred inflows of resources	<u>9,049</u>	<u>9,049</u>
Fund balances:		
Unassigned	(9,049)	(9,049)
Total fund balances	<u>(9,049)</u>	<u>(9,049)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 15,049</u>	<u>\$ 15,049</u>



**SUNGATE  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED JUNE 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Landowner contribution	\$ 2,853	\$ 19,748	\$ 78,765	25%
Total revenues	<u>2,853</u>	<u>19,748</u>	<u>78,765</u>	25%
<b>EXPENDITURES</b>				
<b>Professional &amp; administrative</b>				
Management/accounting/recording**	2,000	16,000	32,000	50%
Legal	-	2,265	25,000	9%
Engineering	-	600	2,000	30%
Debt service fund accounting	-	-	3,667	0%
Dissemination agent*	-	-	333	0%
Telephone	17	133	200	67%
Postage	-	-	250	0%
Printing & binding	423	770	500	154%
Legal advertising	-	8,819	6,500	136%
Annual special district fee	-	-	175	0%
Insurance	-	-	5,500	0%
Contingencies/bank charges	-	-	750	0%
Website hosting & maintenance	-	-	1,680	0%
Website ADA compliance	-	210	210	100%
Total expenditures	<u>2,440</u>	<u>28,797</u>	<u>78,765</u>	37%
Excess/(deficiency) of revenues over/(under) expenditures	413	(9,049)	-	
Fund balances - beginning	(9,462)	-	-	
Fund balances - ending	<u>\$ (9,049)</u>	<u>\$ (9,049)</u>	<u>\$ -</u>	

\*These items will be realized when bonds are issued

\*\*WHA will charge a reduced management fee of \$2,000 per month until bonds are issued.

# **SUNGATE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **MINUTES A**

**DRAFT**

**MINUTES OF MEETING  
SUNGATE COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Sungate Community Development District held a Regular Meeting on June 14, 2023 at 11:00 a.m., at the offices of Cobb Cole, 149 S. Ridgewood, Suite 700, Daytona Beach, FL 32114.

**Present at the meeting were:**

Scott Bullock	Chair
Victoria Henige	Assistant Chair
Ethan S. Bullock	Assistant Secretary
Troy Rentz	Assistant Secretary
Carl Lentz (via telephone)	Assistant Secretary

**Also present were:**

Ernesto Torres	District Manager
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**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Torres called the meeting to order at 11:07 a.m. Supervisors Scott Bullock, Henige, Ethan Bullock and Rentz were present. Supervisor Lentz attended via telephone.

**SECOND ORDER OF BUSINESS**

**Public Comments**

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2023-32, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; And Providing for an Effective Date**

Mr. Torres presented Resolution 2023-32. He reviewed the proposed Fiscal Year 2024 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2023 budget, and explained the reasons for any changes. This is a Landowner-funded budget with expenses paid as they are incurred.

**On MOTION by Mr. Scott Bullock and seconded by Ms. Henige, with all in favor, Resolution 2023-32, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law on August 16, 2023 at 9:30 a.m., at the offices of Cobb Cole, 149 S. Ridgewood, Suite 700, Daytona Beach, FL 32114; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; And Providing for an Effective Date, was adopted.**

#### **FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-33, 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 2023-33. The consensus was to meet when needed.

**On MOTION by Mr. Scott Bullock and seconded by Mr. Rentz, with all in favor, continuing to meet on an as-needed basis, was approved.**

Resolution 2023-33 was deferred.

#### **FIFTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of April 30, 2023**

Mr. Torres presented the Unaudited Financial Statements as of April 30, 2023.

**On MOTION by Mr. Scott Bullock and seconded by Mr. Ethan Bullock, with all in favor, the Unaudited Financial Statements as of April 30, 2023, were accepted.**

**SIXTH ORDER OF BUSINESS****Approval of January 23, 2023 Public Hearings and Regular Meeting Minutes**

Mr. Torres presented the January 23, 2023 Public Hearings and Regular Meeting Minutes.

**On MOTION by Scott Bullock and seconded by Ms. Henige, with all in favor, the January 23, 2023 Public Hearings and Regular Meeting Minutes, as presented, were approved.**

**SEVENTH ORDER OF BUSINESS****Staff Reports**

- A. District Counsel: Cobb Cole**
- B. District Engineer (Interim): Parker Mynchenberg & Associates, Inc**
- C. District Manager: Wrathell, Hunt and Associates, LLC**

There were no District Counsel, District Engineer or District Manager reports.

- **NEXT MEETING DATE: TBD**

The next meeting will be held on July 5, 2023 at 11:30 a.m.

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

Discussion ensued regarding possibly having two Board Members resign and maintaining a three-member Board.

**NINTH ORDER OF BUSINESS****Public Comments**

No members of the public spoke.

**TENTH ORDER OF BUSINESS****Adjournment**

**On MOTION by Mr. Scott Bullock and seconded by Mr. Rentz, with all in favor, the meeting adjourned at 11:25 a.m.**

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Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair

# **SUNGATE**

**COMMUNITY DEVELOPMENT DISTRICT**

# **MINUTES B**

**DRAFT**

**MINUTES OF MEETING  
SUNGATE COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Sungate Community Development District held a Special Meeting on July 5, 2023 at 11:30 a.m., at the offices of Cobb Cole, 149 S. Ridgewood Suite 700 Daytona Beach, Florida 32114.

**Present at the meeting were:**

Scott Bullock	Chair
Victoria Henige	Assistant Chair
Ethan S. Bullock	Assistant Secretary
Carl Lentz (via telephone)	Assistant Secretary

**Also present were:**

Ernesto Torres	District Manager
Mark Watts	District Counsel
Parker Mynchenberg (via telephone)	District Engineer
Sete Zare (via telephone)	MBS Capital Markets, LLC (MBS)
Lo Etienne (via telephone)	Bond Counsel

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Torres called the meeting to order at 11:38 a.m.

Supervisors Scott Bullock, Henige, and Ethan Bullock were present. Supervisor Lentz attended via telephone. Supervisor Rentz was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Presentation of Supplemental Engineer's Report**

Mr. Mynchenberg presented the Supplemental Engineer's Report. He noted the following:



- 39 ➤ This is the Supplemental Engineer's Report for the Phase 1 improvements.  
40 ➤ Costs are based on bids and current pricing.  
41

**FOURTH ORDER OF BUSINESS****Presentation of Supplemental Special  
Assessment Methodology Report**

42 Mr. Torres presented the Supplemental Special Assessment Methodology Report. He  
43  
44  
45 noted the following

- 46  
47 ➤ This Methodology Report supports the Master Special Assessment Methodology that  
48 was presented in November 2022.  
49 ➤ The Methodology Report is for the Phase 1 improvements.  
50 ➤ It compliments the Supplemental Engineer's Report.  
51 ➤ The CDD consists of approximately 859.608 acres.  
52 ➤ The Developer is TLO Sungate, LLC.

53 Ms. Zare noted that assessments will be assigned on a net developable acreage based  
54 on the Site Plan approval, which, in this case is the 314.34 developable or net acres.

55 Mr. Torres discussed the Development and Financing Programs, Capital Improvement  
56 Plan (CIP) Lienability Tests, Assessment Methodology, True-up Mechanism and Appendix  
57 Tables.  
58

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-34,  
Authorizing the Issuance of Not to Exceed  
\$46,000,000 Aggregate Principal Amount  
of Its Sungate Community Development  
District Special Assessment Bonds, Series  
2023, in One or More Series (the "Series  
2023 Bonds"); Determining Certain Details  
of the Series 2023 Bonds; Approving the  
Form of and Authorizing the Execution and  
Delivery of a First Supplemental Trust  
Indenture; Authorizing the Negotiated Sale  
of the Series 2023 Bonds; Appointing the  
Underwriter; Approving the Form of and  
Authorizing the Execution and Delivery of a  
Contract of Purchase With Respect to the**

Series 2023 Bonds and Awarding the Series 2023 Bonds to the Underwriter Named Therein Pursuant to the Parameters Set Forth in this Resolution; Approving the Form of and Authorizing the Distribution of the Preliminary Limited Offering Memorandum and Its Use by the Underwriter in Connection with the Offering for Sale of the Series 2023 Bonds and Approving the Execution and Delivery of a Final Limited Offering Memorandum; Appointing a Dissemination Agent; Authorizing the Execution and Delivery of a Continuing Disclosure Agreement, and Providing for the Application of the Series 2023 Bond Proceeds; Authorizing the Proper Officials to Do All Things Deemed Necessary in Connection with the Issuance, Sale and Delivery of the Series 2023 Bonds; Making Certain Declarations; Providing for the Registration of the Series 2023 Bonds Pursuant to the DTC Book-Entry System; Providing an Effective Date and for Other Purposes

Ms. Zare presented Resolution 2023-34, which accomplishes the following:

- Authorizes the marketing of the bonds.
- Authorizes issuance of the bonds in the maximum not-to-exceed \$46,000,000 aggregate principal amount, within the parameters set forth in the Resolution.
- Appoints the Underwriter, Trustee, Disclosure Representative and Dissemination Agent.
- Approves, in form, several documents that will be revised based on comments received throughout the Financing Schedule, including the Supplemental Indenture, Bond Purchase Agreement, Preliminary Limited Offering Memorandum (PLOM), Continuing Disclosure Agreement.
- Authorizes the Chair and others to execute documents and all things necessary to allow the transaction to close.

On MOTION by Mr. Scott Bullock and seconded by Ms. Henige, with all in favor, Resolution 2023-34, Authorizing the Issuance of Not to Exceed \$46,000,000 Aggregate Principal Amount of Its Sungate Community Development District Special Assessment Bonds, Series 2023, in One or More Series (the "Series 2023 Bonds"); Determining Certain Details of the Series 2023 Bonds; Approving the Form of and Authorizing the Execution and Delivery of a First Supplemental Trust Indenture; Authorizing the Negotiated Sale of the Series 2023 Bonds; Appointing the Underwriter; Approving the Form of and Authorizing the Execution and Delivery of a Contract of Purchase With Respect to the Series 2023 Bonds and Awarding the Series 2023 Bonds to the Underwriter Named Therein Pursuant to the Parameters Set Forth in this Resolution; Approving the Form of and Authorizing the Distribution of the Preliminary Limited Offering Memorandum and Its Use by the Underwriter in Connection with the Offering for Sale of the Series 2023 Bonds and Approving the Execution and Delivery of a Final Limited Offering Memorandum; Appointing a Dissemination Agent; Authorizing the Execution and Delivery of a Continuing Disclosure Agreement, and Providing for the Application of the Series 2023 Bond Proceeds; Authorizing the Proper Officials to Do All Things Deemed Necessary in Connection with the Issuance, Sale and Delivery of the Series 2023 Bonds; Making Certain Declarations; Providing for the Registration of the Series 2023 Bonds Pursuant to the DTC Book-Entry System; Providing an Effective Date and for Other Purposes, was adopted.

On MOTION by Mr. Scott Bullock and seconded by Mr. Ethan Bullock, with all in favor, the Supplemental Engineer's Report, in substantial form, was approved.

On MOTION by Mr. Scott Bullock and seconded by Ms. Henige, with all in favor, the Supplemental Special Assessment Methodology Report, in substantial form, was approved.

#### SIXTH ORDER OF BUSINESS

#### Consideration of Ancillary Documents

Mr. Watts stated there are no ancillary documents to consider at this time.

#### SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-33, 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

This item was deferred.

**EIGHTH ORDER OF BUSINESS****Staff Reports**

- A. District Counsel: Cobb Cole
- B. District Engineer (Interim): Parker Mynchenberg & Associates, Inc
- C. District Manager: Wrathell, Hunt and Associates, LLC

There were no District Counsel or District Engineer reports.

- **NEXT MEETING DATE: August 16, 2023 at 9:30 AM [Adoption of Fiscal Year 2024 Budget]**
  - **QUORUM CHECK**

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

There were no Board Members' comments or requests.

**TENTH ORDER OF BUSINESS****Public Comments**

No members of the public spoke.

**ELEVENTH ORDER OF BUSINESS****Adjournment**

<b>On MOTION by Mr. Scott Bullock and seconded by Ms. Henige, with all in favor, the meeting adjourned at 11:50 a.m.</b>
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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

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Chair/Vice Chair