



Rizzetta & Company

New River Community Development District

Board of Supervisors' Meeting January 6, 2020

**District Office:
5844 Old Pasco Road, Suite 100
Pasco, Florida 33544
813.994.1001**

www.newrivercdd.com

NEW RIVER COMMUNITY DEVELOPMENT DISTRICT

Rizzetta & Company, Inc., 5844 Old Pasco Road, Suite 100, Wesley Chapel, FL 33544

Board of Supervisors	Ross Halle	Chairman
	Eric Marks	Vice Chairman
	Erik Domenech	Assistant Secretary
	Stephanie Lerret	Assistant Secretary
	Marybel Defillo	Assistant Secretary
District Manager	Matthew Huber	Rizzetta & Company, Inc.
District Counsel	Vivek Babbar	Straley & Robin
Interim Engineer	Tonja Stewart	Stantec

All cellular phones must be placed on mute while in the meeting room.

The Audience Comment portion of the agenda is where individuals may make comments on matters that concern the District. Individuals are limited to a total of three (3) minutes to make comments during this time.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at (813) 994-1001. 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), who can aid you in contacting the District Office.

A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the 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 the appeal is to be based.

NEW RIVER COMMUNITY DEVELOPMENT DISTRICT
DISTRICT OFFICE • 5844 OLD PASCO ROAD • SUITE 100 • WESLEY CHAPEL, FL
33544

December 30, 2019

Board of Supervisors
New River Community
Development District

FINAL AGENDA

Dear Board Members:

The regular meeting of New River Community Development District will be held on **Monday, January 6, 2020 at 11:00 a.m., or immediately following the Avalon Park West CDD Meeting**, at the Avalon Park West Amenity Center, located at 5060 River Glen Blvd. Wesley Chapel, FL 33545. The following is the advance agenda for the meeting.

- 1. CALL TO ORDER/ROLL CALL**
- 2. AUDIENCE COMMENTS**
- 3. BUSINESS ADMINISTRATION**
 - A. Consideration of the Minutes of the Board of Supervisors' Meeting held on November 18, 2019..... Tab 1
 - B. Consideration of Operation and Maintenance for October 2019..... Tab 2
- 4. BUSINESS ITEMS**
 - A. Presentation of Bond Related Documents (under separate cover)
 1. Series 2020A-1 Final Assessment Methodology
 2. Series 2020A-2 and B-2 Final Assessment Methodology
 3. Updated Engineer's Report
 - B. Public Hearing on 2020-A1 refunding bonds and Assessments (Parcel D)
 1. Consideration of Resolution 2020-06, Approving Special Assessments..... Tab 3
 - C. Public Hearing on 2010-A2 and B2 Assessments (Parcels E-1, E-2, and F)
 1. Consideration of Resolution 2020-07, Approving Special Assessments..... Tab 4
 - D. Public Hearing on Amenity Center Policies and Fees
 1. Consideration of Resolution 2020-08, Adopting Amenity Center Policies and Fees..... Tab 5
 - E. Consideration of Sidewalk Pressure Washing Proposals..... Tab 6
 - F. Consideration of Proposals for Landscape Services (dropbox)
 - G. Consideration of Community Garden Planters Options..... Tab 7
 - H. Consideration of Dissemination Agent Agreement..... Tab 8
- 5. STAFF REPORTS**
 - A. District Counsel
 - B. District Engineer
 - C. District Manager

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) 994-1001.

Sincerely,

Matthew Huber
District Manager

Cc: Vivek Babbar, Straley Robin Vericker

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.

NEW RIVER COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the New River Community Development District was held on **Monday, November 18, 2019 at 11:00 a.m.** at the New River Amenity Center, 5227 Autumn Ridge Drive, Wesley Chapel, FL 33545.

Present and constituting a quorum:

Ross Halle	Board Supervisor, Chairman
Stephanie Lerret	Board Supervisor, Assistant Secretary
Marybel Defillo	Board Supervisor, Assistant Secretary
Erik Domenech	Board Supervisor, Assistant Secretary
Eric Marks	Board Supervisor, Vice Chairman
	<i>(via Conference Call)</i>

Also present were:

Matthew Huber	District Manager, Rizzetta & Company, Inc.
Scott Brizendine	District Financial Services Manager, Rizzetta & Company, Inc.
Vivek Babbar	District Counsel, Straley, Robin, Vericker
Jon Kessler	Underwriter, FMS Bonds <i>(via Conference Call)</i>
Rick Sandman	Amenity Manager
Gregg Gruhl	RASI
Brian Mortallio	LMP
Audience	

FIRST ORDER OF BUSINESS

Call to Order

Mr. Huber called the regular meeting of New River Community Development District to order.

SECOND ORDER OF BUSINESS

Audience Comments

The Board and Staff responded to resident comments on a variety of issues. It was noted that the sidewalk was being inspected and proposals to divide the dog park were on the agenda for this meeting.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
Audit Committee Meeting on August
19, 2019**

Mr. Huber presented the Minutes of the Audit Committee meeting on August 19, 2019 to the Board of Supervisors.

On a Motion by Ms. Defillo seconded by Ms. Lerret, with all in favor, the Board of Supervisors approved the Minutes of the Audit Committee Meeting held on August 19, 2019, for New River Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of the Minutes of the
Board of Supervisors' Meeting on
August 19, 2019**

On a Motion by Mr. Halle seconded by Ms. Lerret, with all in favor, the Board of Supervisors approved the Minutes of the Board of Supervisors' Meeting held on August 19, 2019, for New River Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of the Operation and
Maintenance Expenditures for August
and September 2019**

Mr. Huber presented the Operation and Maintenance Expenditures to the Board of Supervisors.

On a Motion by Ms. Defillo seconded by Mr. Domenech, with all in favor, the Board of Supervisors approved the Operation and Maintenance Expenditures for August 2019 in the amount of \$35,441.94 and September 2019 in the amount of \$47,775.20 for New River Community Development District.

SIXTH ORDER OF BUSINESS

**Discussion Regarding Possible
Refinancing of Bonds**

Mr. Kessler spoke regarding the process of refinancing the bonds and the engagement letter provided by his firm.

On a Motion by Ms. Defillo seconded by Ms. Lerret, with all in favor, the Board of Supervisors approved the engagement letter from FMS Bonds for New River Community Development District.

NEW RIVER COMMUNITY DEVELOPMENT DISTRICT
November 18, 2019 Minutes of Meeting
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73
74 Mr. Babbar and Ms. Stewart spoke regarding the updated Engineer's Report dated
75 November 15, 2019, which outlines the remaining development plan.
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On a Motion by Ms. Defillo, seconded by Ms. Lerret, with all in favor, the Board of Supervisors approved the Updated Engineer's Report for New River Community Development District.

77
78 Mr. Brizendine presented the Preliminary Special Assessment Allocation Report,
79 noting the proposed/not-to-exceed debt and assessment levels by product type.
80

On a Motion by Ms. Defillo, seconded by Ms. Lerret, with all in favor, the Board of Supervisors approved the Preliminary Special Assessment Allocation Report, in substantial form for New River Community Development District.

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82 **SEVENTH ORDER OF BUSINESS**

Consideration of Resolution 2020-01,
Delegated Award Resolution for 2019-
A-1 Bonds

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86 Mr. Babbar introduced the resolution on behalf of Bond Counsel, Mike Williams
87 and a brief discussion was held regarding minor changes.
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On a Motion by Ms. Defillo, seconded by Mr. Domenech, with all in favor, the Board of Supervisors approved Resolution 2020-01 in substantial form, for New River Community Development District.

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90 **EIGHTH ORDER OF BUSINESS**

Consideration of Resolution 2020-02,
Delegated Award Resolution for 2019-
B-1 Bonds

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94 It was noted that the same recommended changes would apply to this resolution
95 too.
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On a Motion by Mr. Halle, seconded by Ms. Lerret, with all in favor, the Board of Supervisors approved Resolution 2020-02 in substantial form, for New River Community Development District.

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NINTH ORDER OF BUSINESS

**Consideration of Resolution 2020-03;
Declaring Preliminary Assessments for
Refunding**

Mr. Babbar presented Resolution 2020-03 to the Board and a brief discussion ensued.

On a Motion by Mr. Domenech, seconded by Ms. Defillo, with all in favor, the Board of Supervisors approved Resolution 2020-03, Declaring Preliminary Assessments for Refunding, in substantial form, for New River Community Development District.

TENTH ORDER OF BUSINESS

**Consideration of Resolution 2020-04,
Setting a Public Hearing for
Assessments for Refunding**

Mr. Babbar presented Resolution 2020-04 to the Board explaining the need to hold a public hearing in association with the refunding of the 2010-A1 and A2 bonds. Following a brief discussion, the Board decided to move the December meeting to January 6, 2020, in order to meet the advertisement requirements.

On a Motion by Ms. Lerret, seconded by Ms. Defillo, with all in favor, the Board of Supervisors adopted Resolution 2020-4, setting the public hearing on the bond refunding for January 6, 2020 at 11:00 a.m. at the Avalon Park West Amenity Center, located at 5060 River Glen Blvd. Wesley Chapel, FL for New River Community Development District.

ELEVENTH ORDER OF BUSINESS

**Consideration of First Addendum to
Professional Amenity Services
Contract**

Mr. Gruhl introduced Rick Sandman to the Board as the Clubhouse Manager for the Amenity Centers and previewed the adjustments made to the Amenity Services Contract based on the additional staffing.

On a Motion by Ms. Lerret, seconded by Ms. Defillo, with all in favor, the Board of Supervisors approved the First Addendum to the Professional Amenity Services Contract for New River Community Development District.

NEW RIVER COMMUNITY DEVELOPMENT DISTRICT
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TWELFTH ORDER OF BUSINESS

**Consideration of Second Addendum to
Professional District Services Contract**

Mr. Huber presented the Second Addendum to the Professional District Services Contract.

On a Motion by Ms. Defillo, seconded by Mr. Domenech, with all in favor, the Board of Supervisors approved the Second Addendum to the Professional District Services Contract for New River Community Development District.

THIRTEENTH ORDER OF BUSINESS

**Consideration of Continuing
Disclosure Agreements**

The Agreements for the 2020-A1 and A2 Bonds were tabled.

FOURTEENTH ORDER OF BUSINESS

**Consideration of Resolution 2020-05,
Re-designating the Fiscal Year
2019/2020 Meeting Schedule**

The Board indicated its desire to hold the meetings at the Avalon Park West Amenity Center, located at 5060 River Glen Blvd., Wesley Chapel, FL 33545 and to change the December meeting to January 6, 2020.

On a Motion by Ms. Lerret, seconded by Ms. Defillo, with all in favor, the Board of Supervisors approved Resolution 2020-05, re-designating the fiscal Year 2019-2020 as discussed and authorized Staff to submit the required publication for New River Community Development District.

FIFTEENTH ORDER OF BUSINESS

**Consideration of Proposals for Dog
Park Fencing**

A brief discussion was held regarding the pricing to complete the project based on the two proposals received and whether or not more input from residents should be sought before taken any formal action.

SIXTEENTH ORDER OF BUSINESS

**Consideration of Resolution 2020-06,
Amending Due dates for Direct Bill
Components of the O & M and Debt
Assessments**

A request was made to change the payment percentages to 65% on April 15, 2020 and 35% on September 15, 2020.

NEW RIVER COMMUNITY DEVELOPMENT DISTRICT
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On a Motion by Ms. Lerret, seconded by Mr. Domenech, with all in favor, the Board of Supervisors approved Resolution 2020-06, amending the due dates for the direct bill components of the O & M and Debt assessments, in substantial form, and authorized the Chair and Vice Chair to execute once finalized for New River Community Development District.

SEVENTEENTH ORDER OF BUSINESS

**Discussion of Cost Sharing Between
New River and Avalon Park West**

Mr. Huber and Mr. Brizendine sought direction from the Board regarding the financial breakdown of the allocations for the cost sharing allocations. Mr. Babbar and Ms. Stewart provided input on the topic. The Board ultimately decided to table action at this time.

EIGHTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel

Mr. Babbar recommended that the Board Consider re-visiting the current Amenity policies and consider aligning them with the proposed ones for Avalon Park West. He noted that a public hearing would need to be held before any formal vote on the policies/fees could be taken.

On a Motion by Mr. Halle, seconded by Ms. Lerret, with all in favor, the Board of Supervisors authorized Staff to submit the required publication to hold a public hearing to revise Amenity Center policies and fees January 6, 2020 at 11:00 a.m. at the Avalon Park West Amenity Center, located at 5060 River Glen Blvd. Wesley Chapel, FL, 33545 for New River Community Development District.

B. District Engineer

Ms. Stewart updated the Board on the status of SWFWMD and Aberdeen Lakes inquiry, ACE transfer of permits and the sidewalk flooding issues. Mr. Halle stated that he would like to meet with Ms. Stewart and SWFWMD.

A request was made to hold a future workshop to further discuss the sidewalk/builder issue.

C. District Manager

Mr. Huber informed that Board that the new ADA website is anticipated to be online and in compliance by the end of the month.

He reminded the Board that the next meeting will now be held on January 6th at 11:00 a.m. A suggestion was made to hold the sidewalk workshop just prior to the onset of the of the January 6th meeting.

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NINETEENTH ORDER OF BUSINESS **Supervisor Requests**

Mr. Halle asked that quotes be obtained to pressure wash curb and sidewalks and to have the hedges cutback from signs and entry monuments. He also made a motion to go out to bid for landscaping services.

On a Motion by Mr. Halle, seconded by Ms. Defillo, with all in favor, the Board of Supervisors approved initiating the process to go out to bid for landscape services for New River Community Development District.

A brief discussion was held regarding the presence of hogs on property. Mr. Sandman will be the contact person for residents to notify of any hog sightings.

Ms. Lerret stated that the holiday decorations will be installed this week. She also inquired about the community flower beds that were removed.

(Mr. Domenech left the meeting at 12:02 p.m.)

Staff responded to questions about the proposed rules and rates.

TWENTIETH ORDER OF BUSINESS **Adjournment**

On a Motion by Mr. Halle, seconded by Ms. Lerret, with all in favor, the Board of Supervisors adjourned the meeting at 12:13 p.m. for New River Community Development District.

Secretary/Assistant Secretary

Chairman/Vice Chairman

Tab 2

New River Community Development District

DISTRICT OFFICE · 5844 OLD PASCO ROAD · SUITE 100 · WESLEY CHAPEL, FLORIDA 33544

Operations and Maintenance Expenditures October 2019 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from October 1, 2019 through October 31, 2019. This does not include expenditures previously approved by the Board.

The total items being presented: **\$68,071.48**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

New River Community Development District

Paid Operation & Maintenance Expenditures

October 1, 2019 Through October 31, 2019

Vendor Name	Check Number	Invoice Number	Invoice Description	Invoice Amount
Clarissa Maldonado	001396	092519-Maldonado	Refund of Rental Deposit & Partial Rental Fee 09/19	\$ 125.00
Colleen, Nalette	001416	102319-Nalette	Refund of Rental Deposit 10/19	\$ 100.00
Florida Department of Revenue	001404	61-8016369853-0 09/19	Sales & Use Tax Payable 09/19	\$ 11.77
Frontier Communications	001413	239-000-6162-102210-5	Fios Internet 10/19	\$ 170.98
HomeTeam Pest Defense, Inc.	001394	65287134	Quarterly Pest Control Amenity Center 09/19	\$ 104.50
Jayman Enterprises, LLC	001395	914	Pressure Wash Exterior of Playground 09/19	\$ 250.00
Jayman Enterprises, LLC	001399	919	Dog Waste Station Services 09/19	\$ 967.50
Jerry Richardson	001410	1284	Monthly Hog Removal Services 10/19	\$ 1,400.00
Lake & Wetland Management	001414	7112	Aquatic Lake Maintenance & Pest Control 10/19	\$ 1,140.00
Landscape Maintenance Professionals, Inc.	001415	146970	Monthly Landscape Maintenance 10/19	\$ 14,176.08
Landscape Maintenance Professionals, Inc.	001415	147126	Replace Plants - River Glen Boulevard 09/19	\$ 3,434.59
Landscape Maintenance Professionals, Inc.	001415	147210	Replace Plants - New Section 10/19	\$ 15,600.18
Landscape Maintenance Professionals, Inc.	001415	147337	Install Landscape, River Glen Boulevard, Middle Island 10/19	\$ 1,005.10
Landscape Maintenance Professionals, Inc.	001415	147338	Install Landscape, First Island - New Section 10/19	\$ 565.00

New River Community Development District

Paid Operation & Maintenance Expenditures

October 1, 2019 Through October 31, 2019

Vendor Name	Check Number	Invoice Number	Invoice Description	Invoice Amount
Landscape Maintenance Professionals, Inc.	001415	147550	Irrigation Repairs - Controller 1 10/19	\$ 236.57
Landscape Maintenance Professionals, Inc.	001415	147551	Irrigation Repairs - Controller 3 10/19	\$ 429.53
Landscape Maintenance Professionals, Inc.	001415	147582	Irrigation Repairs 10/19	\$ 114.00
Landscape Maintenance Professionals, Inc.	001415	147583	Irrigation Repairs 10/19	\$ 437.76
Lillianie Millan	001400	100119-Millan	Refund of Rental Deposit 10/19	\$ 100.00
New River CDD	CD023	CD023	Debit Card Replenishment	\$ 404.54
Pasco County Utilities	001397	Pasco Summary 08/19	Pasco Water Summary 08/19	\$ 253.79
Pasco County Utilities	001401	Pasco Summary 08/19-2	Pasco Water Summary 08/19	\$ 1,979.25
Rizzetta & Company, Inc.	001402	INV0000043723	Assessment Roll FY 19/20	\$ 5,000.00
Rizzetta & Company, Inc.	001402	INV0000043846	District Management Fees 10/19	\$ 3,065.84
Rizzetta Amenity Services, Inc.	001403	INV00000000006731	Amenity Management Services 10/19	\$ 2,159.00
Rizzetta Amenity Services, Inc.	001405	INV00000000006758	Out of Pocket Expenses 09/19	\$ 140.74
Rizzetta Amenity Services, Inc.	001406	INV00000000006787	Amenity Management Services 10/19	\$ 2,111.59
Rizzetta Amenity Services, Inc.	001418	INV00000000006796	Additional Deposit -Amenity Services 10/19	\$ 2,481.43

New River Community Development District

Paid Operation & Maintenance Expenditures

October 1, 2019 Through October 31, 2019

Vendor Name	Check Number	Invoice Number	Invoice Description	Invoice Amount
Rizzetta Technology Services	001419	INV0000004766	Website Hosting Services 10/19	\$ 100.00
Romaner Graphics	001407	19687	Install Speed Limit Sign 10/19	\$ 175.00
Romaner Graphics	001407	19691	Street Sign Repairs 10/19	\$ 135.00
Rose Paving, LLC	001408	67373	Pothole Repair - Sun Catcher Drive 09/19	\$ 1,610.94
Stantec Consulting Services, Inc.	001409	1569373	Engineering Services 09/19	\$ 1,661.75
Straley Robin Vericker	001398	17475	General Legal Services 08/19	\$ 853.20
Straley Robin Vericker	001420	17566	General Legal Services 09/19	\$ 733.20
Suncoast Pool Service	001421	5662	Pool Maintenance 10/19	\$ 850.00
The Pampering Plumber	001417	22087-70033	Plumbing Repairs 10/19	\$ 223.00
Times Publishing Company	001411	0000016311 10/04/19	Legal Advertising Account #183376 10/19	\$ 92.80
Withlacoochee River Electric Company	001412	Summary Electric 09/19	Summary Electric 09/19	<u>\$ 3,671.85</u>
Report Total				<u>\$ 68,071.48</u>

Tab 3

RESOLUTION 2020-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE NEW RIVER COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING THE REFUNDING OF ITS 2010A-1 BONDS; EQUALIZING, APPROVING, CONFIRMING, AND LEVYING NON-AD VALOREM SPECIAL ASSESSMENTS ON THE PROPERTY SPECIALLY BENEFITED BY THE REFUNDING; PROVIDING A METHOD FOR ALLOCATING THE TOTAL ASSESSMENTS AMONG THE BENEFITED PARCELS WITHIN THE DISTRICT; PROVIDING FOR PENALTIES, CHARGES, DISCOUNTS, AND COLLECTION PROCEDURES; CONFIRMING THE DISTRICT'S INTENTION TO ISSUE ITS CAPITAL IMPROVEMENT REVENUE REFUNDING BONDS, SERIES 2020A-1; PROVIDING FOR CHALLENGES AND PROCEDURAL IRREGULARITIES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to Chapters 170, 190, and 197, Florida Statutes.

SECTION 2. FINDINGS. The Board of Supervisors (the “**Board**”) of the New River Community Development District (the “**District**”) hereby finds and determines as follows:

(a) The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 190, Florida Statutes, as amended;

(b) The Board previously authorized and approved issuance of the District’s Series 2010A-1 Bonds (the “**2010A-1 Bonds**”) for the purpose of restructuring and exchanging a portion of the District’s Series 2006 Bonds;

(c) The 2010A-1 Bonds funded a portion of the construction and acquisition of certain public improvements related to Parcel D as described in the Supplemental Report of the District Engineer dated November 15, 2019 (the “**Parcel D Refunded Project**”) incorporated by reference as part of this Resolution;

(d) The District is authorized by Chapters 170, 190, and 197, Florida Statutes, to levy non-ad valorem special assessments to pay all or any part of the cost of public capital improvements such as the Parcel D Refunded Project and to issue bonds payable from such special assessments as provided in Chapters 170, 190, and 197, Florida Statutes;

(e) It is desirable for the benefit of the affected property owners to achieve an interest rate savings by refunding the 2010A-1 Bonds, that the cost of such refunding be assessed against the lands specially benefited thereby, and that the District issue its \$2,705,000 Senior Capital Improvement Revenue Refunding Bonds, Series 2020A-1 and its \$335,000 Subordinate Capital Improvement Revenue Refunding Bonds, Series 2020A-1 (together, the “**2020A-1 Bonds**”), to provide funds for such purpose pending the receipt of such special assessments;

(f) Refunding the 2010A-1 Bonds, the levying of such special assessments and the sale and issuance of the 2020A-1 Bonds serves a proper, essential, and valid public purpose;

(g) In order to provide funds with which to pay the cost of refunding the 2010A-1 Bonds which are to be assessed against the benefited properties pending the collection of such special assessments, it is necessary for the District to issue the 2020A-1 Bonds;

(h) By Resolution 2020-03, the Board determined to refund the 2010A-1 Bonds and to defray the cost thereof by levying special assessments on benefited property and expressed an intention to issue the 2020A-1 Bonds to provide the funds needed therefor prior to the collection of such special assessments. Resolution 2020-03 was adopted in compliance with the requirements of Section 190.016, Florida Statutes and with the requirements of Section 170.03, Florida Statutes, and prior to the time the same was adopted, the requirements of Section 170.04, Florida Statutes had been complied with;

(i) Resolution 2020-03, was published as required by Section 170.05, Florida Statutes, and a copy of the publisher's affidavit of publication is on file with the District;

(j) A preliminary assessment roll has been prepared and filed with the District as required by Section 170.06, Florida Statutes;

(k) As required by Section 170.07, Florida Statutes, upon completion of the preliminary assessment roll, the Board adopted Resolution 2020-04 fixing the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein may appear before the Board and be heard as to (i) the propriety and advisability of refunding the 2010A-1 Bonds, (ii) the cost thereof, (iii) the manner of payment therefor, and (iv) the amount thereof to be assessed against each specially benefited property;

(l) The Board met as an equalization board, conducted such public hearing and heard and considered all comments and complaints as to the matters described above, and based thereon, has made such modifications in the preliminary assessment roll as it deems desirable in the making of the final assessment roll;

(m) Having considered revised estimates of refunding costs and all complaints and evidence presented at such public hearing, the Board finds and determines:

(i) now that the final terms of the 2020A-1 Bonds have been established the costs of the refunding are as specified in the Final Special Assessment Allocation Report, dated December 12, 2019 (the "**A-1 Assessment Report**") attached hereto as **Exhibit A**, and the amount of such costs is reasonable and proper;

(ii) it is reasonable, proper, just and right to assess the cost of the refunding against the properties specially benefited thereby using the methods determined by the Board, which results in the special assessments set forth on the final assessment roll which is included in the A-1 Assessment Report;

(iii) it is hereby declared that the refunding will constitute a special benefit to all parcels of real property listed on the final assessment roll set forth in the A-1 Assessment Report and that the benefit, in the case of each such parcel, will be equal to or in excess of the special assessments thereon; and

(iv) it is desirable that the non-ad valorem special assessments imposed to repay the 2020A-1 Bonds as described in the A-1 Assessment Report ("**Debt Assessment**" or "**Debt Assessments**") be paid and collected as herein provided.

SECTION 3. DEFINITIONS. Capitalized words and phrases used herein but not defined herein shall have the meaning given to them in the A-1 Assessment Report.

SECTION 4. AUTHORIZATION OF THE REFUNDING OF THE 2010A-1 BONDS. The refunding of the 2010A-1 Bonds as described in Resolution 2020-03 is hereby authorized and approved and the proper officers, employees and agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable to cause the same to be constructed following the issuance of the 2020A-1 Bonds.

SECTION 5. COST OF REFUNDING. The total costs of the refunding and the costs to be paid by the Debt Assessments on all specially benefited property is set forth in the A-1 Assessment Report.

SECTION 6. EQUALIZATION, APPROVAL, CONFIRMATION AND LEVY OF DEBT ASSESSMENTS. The Debt Assessments on the benefited parcels all as specified in the final assessment roll included within the A-1 Assessment Report are hereby equalized, approved, confirmed and levied. Promptly following the adoption of this Resolution, those Debt Assessments shall be recorded by the Secretary of the Board of the District in a special book, to be known as the "**Improvement Lien Book.**" The Debt Assessment or Debt Assessments against the benefited parcels shown on such final assessment roll and interest and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such benefited parcels until paid; such lien shall be coequal with the lien of all state, county, district and municipal taxes and special assessments, and superior in dignity to all other liens, titles, and claims (except for federal liens, titles, and claims).

SECTION 7. FINALIZATION OF DEBT ASSESSMENTS. Pursuant to Resolution 2016-04 the Board has already declared the Parcel D Refunded Project complete as required by Sections 170.08 and 170.09, Florida Statutes and the actual costs to the District for the Parcel D Refunded Project was not less than the amount assessed therefor. Furthermore, now that the final terms of the 2020A-1 Bonds have been established the costs of the refunding are as specified in the A-1 Assessment Report.

SECTION 8. ALLOCATION OF DEBT ASSESSMENTS WITHIN THE BENEFITED PARCELS. As discussed in the A-1 Assessment Report the Board previously adopted a method for allocating the total Debt Assessment among the various lots that have already been platted so that the amount so allocated to each lot will constitute an assessment against, and a lien upon, each such lot without further action by the Board. While it would have been possible to allocate the Debt Assessments among each lot of a particular product type on the basis of the square footage or front footage of each such lot, the Board previously did not and currently does not believe that the special benefits afforded by the refunding to each lot vary to any material degree due to comparatively minor variations in the square footage or front footage of each lot. Instead, the Board believes, and hereby reaffirms and finds, each lot of the same product type (which is approximately the same size as each other lot of the same product type) is benefited equally by the refunding, regardless of minor variations in the square footage or front footage of the lots.

SECTION 9. PAYMENT OF DEBT ASSESSMENTS. The Debt Assessments shall be payable in substantially equal annual installments over a period not to exceed 19 years, in the principal amounts set forth in the A-1 Assessment Report, together with interest at the applicable coupon rate of

the 2020A-1 Bonds, such interest to be calculated on the basis of a 360 day year consisting of 12 months of 30 days each, plus the District's costs of collection and assumed discounts for Debt Assessments paid in November. Any owner of land against which a Debt Assessment has been levied may pay the principal balance of such Debt Assessment, in whole or in part at any time, if there is also paid an amount equal to the interest that would otherwise be due on such balance to the earlier of the next succeeding Bond payment date, which is at least 45 days after the date of payment.

SECTION 10. PAYMENT OF BONDS; REFUNDS FOR OVERPAYMENT. Upon payment of all of the principal and interest on the 2020A-1 Bonds secured by the Debt Assessments, the Debt Assessments theretofore securing the 2020A-1 Bonds shall no longer be levied by the District. If, for any reason, Debt Assessments are overpaid or excess Debt Assessments are collected, or if, after repayment of the 2020A-1 Bonds the Trustee makes payment to the District of excess amounts held by it for payment of the 2020A-1 Bonds, such overpayment or excess amount or amounts shall be refunded to the person or entity who paid the Debt Assessment.

SECTION 11. PENALTIES, CHARGES, DISCOUNTS, AND COLLECTION PROCEDURES. The District anticipates using the "uniform method for the levy, collection and enforcement of non-ad valorem assessment" as provided by Chapter 197, Florida Statutes for the collection of the Debt Assessments. Accordingly, the Debt Assessments, shall be subject to all collection provisions to which non-ad valorem assessments must be subject in order to qualify for collection pursuant to Chapter 197, Florida Statutes as such provisions now exist and as they may exist from time to time hereafter in Chapter 197 or in the corresponding provision of subsequent laws. Without limiting the foregoing, at the present time such collection provisions include provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for non-payment. However, the District may elect to directly collect the Debt Assessments should the uniform method not be available to the District. With respect to any Debt Assessments being directly collected the District shall invoice and collect such Debt Assessments directly from the property owner. Any Debt Assessments that are directly collected by the District shall be due and payable to the District at least 30 days prior to the next bond payment date of each year. If the District does use the direct collection method, the Debt Assessments shall be subject to a penalty at a rate of 1% per month if not paid when due under the provisions of Chapter 170, Florida Statutes or the corresponding provisions of subsequent law.

SECTION 12. CONFIRMATION OF INTENTION TO ISSUE BONDS. The Board hereby confirms its intention to issue the 2020A-1 Bonds.

SECTION 13. DEBT ASSESSMENT CHALLENGES. The adoption of this Resolution shall be the final determination of all issues related to the Debt Assessments as it relates to property owners whose benefitted property is subject to the Debt 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 Debt Assessments, and the levy, collection, and lien of the Debt Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 30 days from the adoption date of this Resolution.

SECTION 14. PROCEDURAL IRREGULARITIES. Any informality or irregularity in the proceedings in connection with the levy of the Debt Assessments shall not affect the validity of the same after the adoption of this Resolution, and any Debt Assessment as finally approved shall be competent and sufficient evidence that such Debt Assessment was duly levied, that the Debt Assessment was duly made and adopted, and that all other proceedings adequate to such Debt Assessment were duly had, taken, and performed as required.

SECTION 15. SEVERABILITY. If any section or part of a section of this Resolution be declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

SECTION 16. CONFLICTS. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

EFFECTIVE DATE. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED on January 6, 2020.

Attest:

**New River
Community Development District**

Matthew Huber
Assistant Secretary

Ross Halle
Chair of the Board of Supervisors

Exhibit A – Final Special Assessment Allocation Report, dated December 12, 2019

Tab 4

RESOLUTION 2020-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE NEW RIVER COMMUNITY DEVELOPMENT DISTRICT ACKNOWLEDGING AN UPDATED DEVELOPMENT PLAN FOR CERTAIN PROPERTIES; EQUALIZING, APPROVING, CONFIRMING, AND LEVYING NON-AD VALOREM SPECIAL ASSESSMENTS ON THE PROPERTY SPECIALLY BENEFITED BY ITS 2010A-2 AND 2010B-2 BONDS; PROVIDING A METHOD FOR ALLOCATING THE TOTAL ASSESSMENTS AMONG THE BENEFITED PARCELS WITHIN THE DISTRICT; PROVIDING FOR PENALTIES, CHARGES, DISCOUNTS, AND COLLECTION PROCEDURES; PROVIDING FOR CHALLENGES AND PROCEDURAL IRREGULARITIES; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to Chapters 170, 190, and 197, Florida Statutes.

SECTION 2. FINDINGS. The Board of Supervisors (the “**Board**”) of the New River Community Development District (the “**District**”) hereby finds and determines as follows:

(a) The District is a local unit of special purpose government organized and existing under and pursuant to Chapter 190, Florida Statutes, as amended;

(b) The Board previously authorized and approved issuance of the District’s Series 2010A-2 Bonds (the “**2010A-2 Bonds**”) and Series 2010B-2 Bonds (the “**2010B-2 Bonds**”) for the purpose of restructuring and exchanging a portion of the District’s Series 2006 Bonds;

(c) The 2010A-2 Bonds and 2010B-2 Bonds funded a portion of the construction and acquisition of certain public improvements related to Parcels E-1, E-2, and F (the “**Refunded Project**”) as described in the Supplemental Report of the District Engineer dated November 15, 2019 (the “**Engineer’s Report**”) incorporated by reference as part of this Resolution;

(d) The District is authorized by Chapters 170, 190, and 197, Florida Statutes, to levy non-ad valorem special assessments to pay all or any part of the cost of public capital improvements such as the Refunded Project and to issue bonds payable from such special assessments as provided in Chapters 170, 190, and 197, Florida Statutes;

(e) Pursuant to Resolution 2020-03, the Board intended to refund the 2010A-2 Bonds, for the benefit of the affected property owners to achieve an interest rate savings, but due to changes in the market the refunding is no longer viable;

(f) The District has been informed of an updated development plan for Parcels E-2 and F as described in the Engineer’s Report;

(g) Although the refunding of the 2010A-2 Bonds is no longer viable the District does desire to allocate the special assessments related to the remaining outstanding 2010A-2 Bonds and 2010B-2 Bonds based upon the updated development plan as described in Final Special

Assessment Allocation Report, dated January 6, 2020 (the "**A-2/B-2 Assessment Report**") attached hereto as **Exhibit A**;

(h) Resolution 2020-03 was adopted in compliance with the requirements of Section 190.016, Florida Statutes and with the requirements of Section 170.03, Florida Statutes, and prior to the time the same was adopted, the requirements of Section 170.04, Florida Statutes had been complied with;

(i) Resolution 2020-03, was published as required by Section 170.05, Florida Statutes, and a copy of the publisher's affidavit of publication is on file with the District;

(j) A preliminary assessment roll has been prepared and filed with the District as required by Section 170.06, Florida Statutes;

(k) As required by Section 170.07, Florida Statutes, upon completion of the preliminary assessment roll, the Board adopted Resolution 2020-04 fixing the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein may appear before the Board and be heard as to (i) the propriety and advisability of allocating the special assessments related to the 2010A-2 Bonds and 2010B-2 Bonds based upon the updated development plan, (ii) the cost thereof, (iii) the manner of payment therefor, and (iv) the amount thereof to be assessed against each specially benefited property;

(l) The Board met as an equalization board, conducted such public hearing and heard and considered all comments and complaints as to the matters described above, and based thereon, has made such modifications in the preliminary assessment roll as it deems desirable in the making of the final assessment roll;

(m) Having considered all complaints and evidence presented at such public hearing, the Board finds and determines:

(i) it is reasonable, proper, just and right to assess the cost of the Refunded Project, as stated in the A-2/B-2 Assessment Report to reflect an update with regards to Parcel E-2 and Parcel F that arose after the Engineer's Report was prepared, against the properties specially benefited thereby using the methods determined by the Board, which results in the special assessments set forth on the final assessment roll which is included in the A-2/B-2 Assessment Report;

(ii) it is hereby declared that the allocation of the special assessments related to the 2010A-2 Bonds and 2010B-2 Bonds in relation to the Refunded Project will constitute a special benefit to all parcels of real property listed on the final assessment roll set forth in the A-2/B-2 Assessment Report and that the benefit, in the case of each such parcel, will be equal to or in excess of the special assessments thereon; and

(iii) it is desirable that the non-ad valorem special assessments imposed to repay the 2010A-2 Bonds as described in the A-2/B-2 Assessment Report ("**2010 A-2 Debt Assessment**" or "**2010A-2 Debt Assessments**") be paid and collected as herein provided.

(iv) it is desirable that the non-ad valorem special assessments imposed to repay the 2010B-2 Bonds as described in the A-2/B-2 Assessment Report ("**2010 B-2 Debt Assessment**" or "**2010B-2 Debt Assessments**") be paid and collected as herein provided.

SECTION 3. DEFINITIONS. Capitalized words and phrases used herein but not defined herein shall have the meaning given to them in the A-2/B-2 Assessment Report.

SECTION 4. COST OF REFUNDED PROJECT. The total costs of the Refunded Project is as stated in the A-2/B-2 Assessment Report and the costs to be paid by the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments on all specially benefited property is set forth in the A-2/B-2 Assessment Report.

SECTION 5. EQUALIZATION, APPROVAL, CONFIRMATION AND LEVY OF DEBT ASSESSMENTS. The 2010A-2 Debt Assessments and 2010B-2 Debt Assessments on the benefited parcels all as specified in the final assessment roll included within the A-2/B-2 Assessment Report are hereby equalized, approved, confirmed and levied. Promptly following the adoption of this Resolution, those 2010A-2 Debt Assessments and 2010B-2 Debt Assessments shall be recorded by the Secretary of the Board of the District in a special book, to be known as the "**Improvement Lien Book.**" The 2010A-2 Debt Assessments and 2010B-2 Debt Assessments against the benefited parcels shown on such final assessment roll and interest and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such benefited parcels until paid; such lien shall be coequal with the lien of all state, county, district and municipal taxes and special assessments, and superior in dignity to all other liens, titles, and claims (except for federal liens, titles, and claims).

SECTION 6. FINALIZATION OF DEBT ASSESSMENTS. Pursuant to Resolution 2016-04 the Board has already declared the Refunded Project complete as required by Sections 170.08 and 170.09, Florida Statutes and the actual costs to the District for the Refunded Project was not less than the amount assessed therefor.

SECTION 7. ALLOCATION OF DEBT ASSESSMENTS WITHIN THE BENEFITED PARCELS. Because it is contemplated that the land will be subdivided into units to be used for the construction of residential units, commercial units, live/work units, multifamily units, townhome units, and villa units, and that such individual units will be sold to numerous purchasers, as discussed in the A-2/B-2 Assessment Report the Board previously adopted a method for allocating the total 2010A-2 Debt Assessment and 2010B-2 Debt Assessment among the various units that will exist so that the amount so allocated to each unit will constitute an assessment against, and a lien upon, each such unit without further action by the Board.

The Board has been informed by the Developer that each unit of a particular product type as identified in the A-2/B-2 Assessment Report will be of approximately the same size as each other unit of the same product type. While it would have been possible to allocate the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments among each unit of a particular product type on the basis of the square footage or front footage of each such unit, the Board previously did not and currently does not believe that the special benefits afforded by the Refunded Project to each unit vary to any material degree due to comparatively minor variations in the square footage or front footage of each unit. Instead, the Board believes, and hereby reaffirms and finds, each unit of the same product type (which is approximately the same size as each other unit of the same product type) is benefited equally by the Refunded Project, regardless of minor variations in the square footage or front footage of the units.

If the Developer's plans change and the size of the assessable units in the product type or unit size as set forth in the A-2/B-2 Assessment Report (the “**Assessable Units**”) vary to a degree such that it would be inequitable to levy 2010A-2 Debt Assessments and 2010B-2 Debt Assessments in equal amounts against each Assessable Unit of the same product type, then the Board may, by a supplemental resolution, reallocate the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments against the Assessable Units on a more equitable basis and in doing so the Board may ignore minor variations among units of substantially equal square footage or front footage; provided, however, that before adoption of any resolution the Board shall have obtained and filed with the trustee for the 2010A-2 Bonds and 2010B-2 Bonds (herein, the “**Trustee**”): (i) an opinion of counsel acceptable to the District to the effect that the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments as reallocated were duly levied in accordance with applicable law, that the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments as reallocated, together with the interest and penalties, if any, thereon, will constitute a legal, valid and binding first lien on the Assessable Units as to which such 2010A-2 Debt Assessments and 2010B-2 Debt Assessments were reallocated until paid in full, and that such lien is coequal with the lien of all state, county, district and municipal taxes and special assessments, and superior in dignity to all other liens, titles, and claims (except for federal liens, titles, and claims), whether then existing or thereafter created; and (ii) a certificate from the District's methodology consultant together with supporting schedule confirming that the aggregate cash flow from the reallocated 2010A-2 Debt Assessments and 2010B-2 Debt Assessments is not less than the aggregate cash flow from the original 2010A-2 Debt Assessments and 2010B-2 Debt Assessments.

If the Board reallocates 2010A-2 Debt Assessments and 2010B-2 Debt Assessments as provided in the preceding paragraph, a certified copy of the supplemental resolution approving such reallocation shall be filed with the Trustee within 30 days after its adoption and a revised Debt Assessment roll shall be prepared and shall be recorded in the Improvement Lien Book created pursuant hereto.

SECTION 8. PAYMENT OF DEBT ASSESSMENTS. The 2010A-2 Debt Assessments and 2010B-2 Debt Assessments shall be payable in substantially equal annual installments over a period not to exceed 19 years, in the principal amounts set forth in the A-2/B-2 Assessment Report, together with interest at the applicable coupon rate of the 2010A-2 Bonds and 2010B-2 Bonds, such interest to be calculated on the basis of a 360 day year consisting of 12 months of 30 days each, plus the District's costs of collection and assumed discounts for 2010A-2 Debt Assessments and 2010B-2 Debt Assessments paid in November. Any owner of land against which a 2010A-2 Debt Assessment and 2010B-2 Debt Assessment has been levied may pay the principal balance of such 2010A-2 Debt Assessment and 2010B-2 Debt Assessment, in whole or in part at any time, if there is also paid an amount equal to the interest that would otherwise be due on such balance to the earlier of the next succeeding Bond payment date, which is at least 45 days after the date of payment.

SECTION 9. PAYMENT OF BONDS; REFUNDS FOR OVERPAYMENT. Upon payment of all of the principal and interest on the 2010A-2 Bonds and 2010B-2 Bonds secured by the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments, the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments theretofore securing the 2010A-2 Bonds and 2010B-2 Bonds shall no longer be levied by the District. If, for any reason, 2010A-2 Debt Assessments and 2010B-2 Debt Assessments are overpaid or excess 2010A-2 Debt Assessments and 2010B-2 Debt Assessments are collected, or if, after repayment of the 2010A-2 Bonds and 2010B-2 Bonds the Trustee makes payment to the District of excess amounts held by it for payment of the 2010A-2 Bonds and 2010B-2 Bonds, such overpayment or excess amount or amounts shall be refunded to the person or entity who paid the 2010A-2 Debt Assessment and 2010B-2 Debt Assessment.

SECTION 10. PENALTIES, CHARGES, DISCOUNTS, AND COLLECTION PROCEDURES. The District plans to initially directly collect the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments. With respect to any 2010A-2 Debt Assessments and 2010B-2 Debt Assessments being directly collected the District shall invoice and collect such 2010A-2 Debt Assessments and 2010B-2 Debt Assessments directly from the property owner. Any 2010A-2 Debt Assessments and 2010B-2 Debt Assessments that are directly collected by the District shall be due and payable to the District at least 30 days prior to the next bond payment date of each year. If the District does use the direct collection method, the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments shall be subject to a penalty at a rate of 1% per month if not paid when due under the provisions of Chapter 170, Florida Statutes or the corresponding provisions of subsequent law. Upon platting of units or when they receive their certificate of occupancy, the District anticipates using the "uniform method for the levy, collection and enforcement of non-ad valorem assessment" as provided by Chapter 197, Florida Statutes for the collection of the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments. Accordingly, when the district elects to use the uniform method the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments shall be subject to all collection provisions to which non-ad valorem assessments must be subject in order to qualify for collection pursuant to Chapter 197, Florida Statutes as such provisions now exist and as they may exist from time to time hereafter in Chapter 197 or in the corresponding provision of subsequent laws. Without limiting the foregoing, at the present time such collection provisions include provisions relating to discount for early payment, prepayment by installment method, deferred payment, penalty for delinquent payment, and issuance and sale of tax certificates and tax deeds for non-payment.

SECTION 11. DEBT ASSESSMENT CHALLENGES. The adoption of this Resolution shall be the final determination of all issues related to the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments as it relates to property owners whose benefitted property is subject to the 2010A-2 Debt Assessments and 2010B-2 Debt 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 2010A-2 Debt Assessments and 2010B-2 Debt Assessments, and the levy, collection, and lien of the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 30 days from the adoption date of this Resolution.

SECTION 12. PROCEDURAL IRREGULARITIES. Any informality or irregularity in the proceedings in connection with the levy of the 2010A-2 Debt Assessments and 2010B-2 Debt Assessments shall not affect the validity of the same after the adoption of this Resolution, and any 2010A-2 Debt Assessment and 2010B-2 Debt Assessment as finally approved shall be competent and sufficient evidence that such 2010A-2 Debt Assessment and 2010B-2 Debt Assessment was duly levied, that the 2010A-2 Debt Assessment and 2010B-2 Debt Assessment was duly made and adopted, and that all other proceedings adequate to such 2010A-2 Debt Assessment and 2010B-2 Debt Assessment were duly had, taken, and performed as required.

SECTION 13. SEVERABILITY. If any section or part of a section of this Resolution be declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

SECTION 14. CONFLICTS. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

EFFECTIVE DATE. This Resolution shall become effective upon its adoption.

PASSED AND ADOPTED on January 6, 2020.

Attest:

**New River
Community Development District**

Matthew Huber
Assistant Secretary

Ross Halle
Chair of the Board of Supervisors

Exhibit A – Final Special Assessment Allocation Report, dated January 6, 2020

Tab 5

RESOLUTION 2020-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE NEW RIVER COMMUNITY DEVELOPMENT DISTRICT ADOPTING RECREATIONAL FACILITIES POLICIES (INCLUDING ACCESS CARD FEES, RENTAL RATES, AND NON-RESIDENT USER FEES); PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the District owns, maintains, and operates certain recreational facilities;

WHEREAS, the Board of Supervisors of the District (the “**Board**”) is authorized by Sections 190.011(15) and 190.035, Florida Statutes, to establish policies and adopt rate and fee schedules for its recreational facilities;

WHEREAS, the Board held a noticed public hearing on January 6, 2020 to receive public comment on the proposed “**Recreational Facilities Policies**”, which includes access card fees, rental rates, and non-resident user fees; and

WHEREAS, after hearing and considering public comment, the Board has determined that the Recreational Facilities Policies should be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

1. **Adoption**. The Board hereby adopts the Recreational Facilities Policies and the rate and fee schedules included therein, as finalized in the form attached hereto as **Exhibit A**.
2. **Conflicts**. All District resolutions or parts thereof or other adopted policies in actual conflict with this Resolution are, to the extent of such conflict, superseded and repealed.
3. **Severability**. If any section or part of a section of this Resolution is declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.
4. **Effective Date**. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED ON JANUARY 6, 2020.

Attest:

**New River
Community Development District**

Matthew Huber
Assistant Secretary

Ross Halle
Chair of the Board of Supervisors

Tab 6

Jayman Enterprises, LLC

1020 HILL FLOWER DR
Brooksville, FL 34604

Phone # (813)333-3008 jaymanenterprises@live.com
www.jaymanenterprises.com

Estimate

Date	Estimate #
12/8/2019	553

Name / Address
New River CDD Avalon Park West 5844 Old Pasco Rd. Wesley Chapel, Fl. 33544

			Project
Description	Qty	Rate	Total
Pressure wash exterior community sidewalks along blvd.	61,000	0.12	7,320.00
Pressure wash exterior curbing along the sidewalk side of the main blvd.	24,500	0.12	2,940.00
Pressure wash exterior curbing along the islands in the middle of the main blvd	22,000	0.12	2,640.00
Pressure wash exterior monument signs throughout community		875.00	875.00
Client Signature		Total	\$13,775.00

Pressure Cleaning Proposal 1/22/18

New River CDD at Avalon Park West

Scope of Work:

All Sidewalks & Curbing to include island curbing along Main Blvd passed bridge to the entrance to phase E1 will be cleaned on both sides of the roadway. Walls on Bridge on both sides of the road will be cleaned as well. All roundabouts islands on Main Blvd will be cleaned.

We will also be cleaning walkways along the Little River Way boulevard both sides, along Autumn Ridge Dr in front of the community Amenity Center, all walkways, hardscape around Amenity Center to include the playground equipment, bench pads, pet station pads, parking lot curbing.

Pocket Park sidewalks on Autumn Ridge Dr to include the Garden Park sidewalks, Harmony Oaks and the Fountain Park on Little River & Coldwater Creek. Sidewalks along the pond on Coldwater Creek. Any and all common area's thru-out the

community will also be cleaned. **Price \$10,640**

Sewer Tops and Aprons will also be cleaned thru-out Community. There are **45 Sewers @ \$15.00 each. \$900.00**

Brick Community Walls and entrance Monuments will be cleaned of all Mold & Mildew. **\$1500.00**

Total for all services. **\$13,040.00**

We will supply our own water for the job.

Nick's Pressure Cleaning Services Inc
727-919-1591

Tab 7

From: Brian Mortillaro <Brian.Mortillaro@lmppro.com>

Sent: Wednesday, December 18, 2019 2:02 PM

To: Matthew E. Huber <MHuber@rizzetta.com>

Cc: Javier Alvarado <Javier.Alvarado@lmppro.com>; Steve Small <Steve.Small@lmppro.com>

Subject: New River CDD - Red Planter replacements

Matt,

We can go with a variety of options on this project. Before we submit 2 or 3 different options, I've been asked to get an opinion on what direction you may go.

There are 3 rectangular areas to repair, all different sizes. You can choose to use

1. All sod
2. All plants
3. 2 with sod, 1 with plants
4. 2 with plants, 1 with sod and so on.

To assist you

Small section plants approx. \$1,500, Med size \$1,800, Large \$2,200 for all plants.

For all sod, small section \$300, Med \$400, large \$500.

SO.. as an example: If you wanted to put plants in the middle and sod the other two areas it would be approx. \$1,800 (med) for plants in the middle and \$300 (small) + \$500 (large) for the sod. Total \$2,600

Can you let me know what option you like best (with a possible second option) and we can draw it up and propose.

Thank you,

Brian Mortillaro

Pasco Branch Manager



O: 813.406.4465 | F: 813.406.4943 | T: 877.LMPPRO1

Brian.Mortillaro@lmppro.com | www.lmppro.com



please consider the environment before printing this document.



Tab 8

DISSEMINATION AGREEMENT

January 9, 2020

District Manager
New River Community Development District
5844 Old Pasco Road
Suite 100
Wesley Chapel, FL 33544

Dear Sir or Madam:

Rizzetta & Company ("Rizzetta" or the "Dissemination Agent") hereby enters into this Dissemination Agreement with the New River Community Development District (the "District") to act as the District's Dissemination Agent. The duties of the Dissemination Agent are set forth in the Continuing Disclosure Agreement dated as of January 9, 2020 for the Senior Capital Improvement Revenue Refunding Bonds, Series 2020A-1 and the Subordinate Capital Improvement Revenue Refunding Bonds, Series 2020A-1, (together the "Series 2020 Bonds") (the "Continuing Disclosure Agreement"). The purpose of this Agreement is to facilitate the District's compliance with the Securities and Exchange Commission's Rule 15c2-12(b)(5) (the "Rule") related to continuing disclosure. In performing its duties as Dissemination Agent, Rizzetta is acting as an independent contractor for the purpose of facilitating the District's Rules obligations and is not an agent of the District. Capitalized terms not otherwise defined herein shall have the meanings assigned to them in the Continuing Disclosure Agreement.

1. **Duties:** The Dissemination Agent shall have only such duties as are specifically set forth in the Continuing Disclosure Agreement. Both the District and Rizzetta understand that the scope of services under this Agreement and the Continuing Disclosure Agreement(s) will change as and when the District is the only remaining Obligated Person (as defined in the Continuing Disclosure Agreement) and Rizzetta will promptly notify the District upon such occurrence.
2. **Fees:** Rizzetta will be responsible for all out-of-pocket expenses. The annual fee for Rizzetta's service under this agreement is \$5,000 for the Series 2020A-1 Bonds and will be \$1,000 per year for each additional bond issuance of the District, subject to these disclosure requirements.
3. **Third Party Assistance:** Rizzetta reserves the right to engage a third party for the purpose of assisting Rizzetta in carrying out the services outlined in this Agreement.
4. **Termination:** Both the District and Rizzetta will have the right to terminate this Agreement upon sixty (60) days prior written notice.
5. **Representations of District:** The District represents and warrants that it will not withhold any information necessary for Rizzetta to carry out its duties under this Agreement and that it will supply all information requested by Rizzetta. The District further acknowledges and agrees that the information to be collected and disseminated by the Dissemination Agent will

be produced by the District and the Developer. The Dissemination Agent's duties are those of collection, collation, and dissemination, and not of authorship or creation. Consequently, the Dissemination Agent shall have no responsibility for the content of the information disseminated by it, except to the extent that such information was/is authored, created, or maintained by Rizzetta (to specifically exclude any information authored or produced by the Developer and/or any other third party) while under contract to provide District Management Services to the District. Compliance with all securities law liabilities, including compliance with the Rule, will remain the obligation of the District and the Developer.

6. **Indemnification:** To the extent permitted by law, the District will indemnify Rizzetta for any action or actions brought by Owners, as defined in the Continuing Disclosure Agreement, as a result of the failure of the District to meet any requirement of this Agreement or the Continuing Disclosure Agreement, except for any action(s) arising from Rizzetta's negligence or willful misconduct. To the extent permitted by law, Rizzetta will indemnify the District for any action or actions brought by Owners as a result of Rizzetta's gross negligence or willful misconduct, as determined by a court of competent jurisdiction.
7. **Waiver of Jury Trial:** EACH OF THE DISTRICT AND RIZZETTA KNOWINGLY WAIVE ANY RIGHT TO TRIAL BY JURY.
8. **Agreement Governed by Florida Law:** The terms and conditions of this Agreement shall be governed by the laws of the State of Florida.

This Agreement shall be effective upon the District's acceptance hereof.

Very truly yours,
Rizzetta & Company, Inc.

By: William J. Rizzetta
President

Approved and Accepted:

New River Community Development District

By: _____

Title: _____

Date: _____

COMPLIANCE WITH PUBLIC RECORDS LAWS:

Consultant understands and agrees that all documents of any kind provided to the District in connection with this Agreement may be public records, and, accordingly, Consultant agrees to comply with all applicable provisions of Florida law in handling such records, including but not limited to Section 119.0701, Florida Statutes. Consultant acknowledges that the designated public records custodian for the District is Rizzetta & Company, Inc. ("Public Records Custodian"). Among other requirements and to the extent applicable by law, the Consultant shall 1) keep and maintain public records required by the District to perform the service; 2) upon request by the Public Records Custodian, provide the District with the requested public records or allow the records to be inspected or copied within a reasonable time period at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes; 3) ensure that public records which are exempt or confidential, and exempt from public records disclosure requirements, are not disclosed except as authorized by law for the duration of the contract term and following the contract term if the Consultant does not transfer the records to the Public Records Custodian of the District; and 4) upon completion of the contract, transfer to the District, at no cost, all public records in Consultant's possession or, alternatively, keep, maintain and meet all applicable requirements for retaining public records pursuant to Florida laws. When such public records are transferred by the Consultant, the Consultant shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the District in a format that is compatible with Microsoft Word or Adobe PDF formats.

IF THE CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT (813) 514-0400, OR BY EMAIL AT INFO@RIZZETTA.COM, OR BY REGULAR MAIL AT 3434 COLWELL AVENUE, SUITE 200, TAMPA, FLORIDA 33614.

MUNICIPAL ADVISOR DISCLAIMER:

Rizzetta & Company, Inc., does not represent the New River Community Development District as a Municipal Advisor or Securities Broker nor is Rizzetta & Company, Inc., registered to provide such services as described in Section 15B of the Securities and Exchange Act of 1934, as amended. Similarly, Rizzetta & Company, Inc., does not provide the New River Community Development District with financial advisory services or offer investment advice in any form.