



Rizzetta & Company

# **Bella Vida Community Development District**

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**Board of Supervisors' Meeting  
November 10, 2020**

**District Office:  
9530 Marketplace Road, Suite 206  
Fort Myers, Florida 33912  
(239) 936-0913**

**[www.bellavidacdd.org](http://www.bellavidacdd.org)**

## **BELLA VIDA COMMUNITY DEVELOPMENT DISTRICT**

Bella Vida Clubhouse, 3427 Malagrotta Circle, Cape Coral, Florida 33909

<b>Board of Supervisors</b>	Sarona Weyant Erik Sandsmark Mary Ann Sipos Jim Benafel Phyllis Roberts	Chairman Vice Chairman Assistant Secretary Assistant Secretary Board Supervisor
<b>District Manager</b>	Belinda Blandon	Rizzetta & Company, Inc.
<b>District Counsel</b>	Lauren Gentry	Hopping Green & Sams, P.A.
<b>District Engineer</b>	Brent Burford	Johnson Engineering, Inc.

**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 (239) 936-0913. 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.

**BELLA VIDA COMMUNITY DEVELOPMENT DISTRICT**  
**DISTRICT OFFICE • 9530 MARKETPLACE ROAD, SUITE 206, FORT MYERS, FL 33912**

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November 17, 2020

Board of Supervisors  
**Bella Vida Community  
Development District**

**REVISED AGENDA**

Dear Board Members:

The regular meeting of the Board of Supervisors of Bella Vida Community Development District will be held on **Tuesday, November 10, 2020 at 5:00 p.m.**, at the Bella Vida Clubhouse, 3427 Malagrotta Circle, Cape Coral, FL 33909. The following is the agenda for this 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 October 14, 2020 ..... Tab 1
  - B. Consideration of the Operation and Maintenance Expenditures for the Month of September 2020 ..... Tab 2
- 4. BUSINESS ITEMS**
  - A. Presentation from MBS Regarding Bond Refunding Options
  - B. Consideration of Resolution 2021-01, Amending the Fiscal Year 2019/2020 Budget..... Tab 3
  - C. Consideration of Pinnacle Landscapes Mulch Proposal..... Tab 4
  - D. Acceptance of Resignation of Andrew Pecora ..... Tab 5
  - E. **Consideration of Resolution 2021-02, Authorizing Refinancing**..... Tab 6
- 5. STAFF REPORTS**
  - A. District Counsel
  - B. District Engineer
  - C. District Manager
- 6. SUPERVISOR REQUESTS AND COMMENTS**
- 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 (239) 936-0913.

Very truly yours,

*Belinda Blandon*

Belinda Blandon  
District Manager

cc: Lauren Gentry, Hopping Green & Sams, P.A.

# 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.*

**BELLA VIDA  
COMMUNITY DEVELOPMENT DISTRICT**

The special meeting of the Board of Supervisors of the Bella Vida Community Development District was held on **Wednesday, October 14, 2020 at 5:04 p.m.** by means of Zoom communications media technology pursuant to Executive Orders 20-52, 20-69, 20-112, 20-114, 20-150, 20-179, 20-193, 20-213 and 20-246 issued by Governor DeSantis on March 9, 2020, March 20, 2020, April 29, 2020, May 8, 2020, June 23, 2020, July 29, 2020, August 7, 2020, September 4, 2020 and September 30, 2020, respectively, and pursuant to Section 120.54(5)(b)2., Florida Statutes.

Present and constituting a quorum:

Sarona Weyant	<b>Board Supervisor, Chairman</b>
Erick Sandsmark	<b>Board Supervisor, Vice Chairman</b>
Mary Ann Sipos	<b>Board Supervisor, Assistant Secretary</b>
Phyllis Roberts	<b>Board Supervisor, Assistant Secretary</b>

Also present were:

Belinda Blandon	<b>District Manager, Rizzetta &amp; Company, Inc.</b>
Scott Brizendine	<b>Rizzetta &amp; Company, Inc.</b>
Lauren Gentry	<b>District Counsel, Hopping Green &amp; Sams, P.A.</b>
Brent Burford	<b>District Engineer, Johnson Engineering, Inc.</b>
Brett Sealy	<b>MBS Capital Markets</b>

**FIRST ORDER OF BUSINESS**

**Call to Order**

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

**SECOND ORDER OF BUSINESS**

**Public Comment**

Ms. Blandon stated for the record that no members of the public were present.

**THIRD ORDER OF BUSINESS**

**Discussion Regarding Refunding of  
Series 2006 Bonds**

Mr. Brett Sealy of MBS Capital Markets introduced himself and spoke regarding the potential of refinancing the Series 2006 bonds.

Ms. Roberts joined the meeting in progress at 5:08 p.m.

Ms. Gentry advised that because the principal amount of the bonds is not increasing, there is no public hearing or notice to residents required.

On a Motion by Ms. Weyant, seconded by Ms. Sipos, with all in favor, the Board Directed Staff to Move Forward with the Bond Refunding, for the Bella Vida Community Development District.

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

#### **Consideration of the Minutes of the Board of Supervisors' Meeting held on August 11, 2020**

Ms. Blandon presented the Minutes of the Board of Supervisors' Meeting held on August 11, 2020. She asked if there were any questions related to the Minutes. There were none.

On a Motion by Ms. Weyant, seconded by Mr. Sandsmark, with all in favor, the Board Approved the Minutes of the Board of Supervisors' Meeting held on August 11, 2020, for the Bella Vida Community Development District.

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

#### **Consideration of the Operations and Maintenance Expenditures for the Month of August 2020**

Ms. Blandon reviewed the expenditures for the period of August 1-31, 2020 which total \$12,836.55 and asked if there were any questions regarding any item of expenditure. There were none.

On a Motion by Mr. Sandsmark, seconded by Ms. Sipos, with all in favor, the Board Approved the Operation and Maintenance Expenditures for the Month of August 2020 (\$12,836.55), for the Bella Vida Community Development District.

#### **SIXTH ORDER OF BUSINESS**

#### **Consideration of Addendum to District Services Contract**

Ms. Blandon provided an overview of the first addendum to the District Services contract advising that this item was discussed and approved during the budget cycle. She asked if there were any questions. There were none.

On a Motion by Ms. Roberts, seconded by Mr. Sandsmark, with all in favor, the Board Approved the First Addendum to the Contract for Professional District Services, for the Bella Vida Community Development District.

#### **SEVENTH ORDER OF BUSINESS**

#### **Staff Reports**

##### **A. District Counsel**

Ms. Gentry advised that letters had been sent to the homeowners with

84 encroachments on District property.

85  
86 B. District Engineer  
87 Mr. Burford advised that he had no report.

88  
89 C. District Manager  
90 Ms. Bandon announced that the next meeting of the Board of Supervisors  
91 is scheduled for Tuesday, November 10, 2020 at 5:00 p.m.

92  
93 Ms. Bandon advised that Pinnacle Landscape has the mulch installation  
94 scheduled.

95  
96 **EIGHTH ORDER OF BUSINESS**

**Supervisor Requests and Audience  
Comments**

97  
98  
99 Ms. Bandon asked if there were any Supervisor requests or comments. There were  
100 none.

101  
102 **NINTH ORDER OF BUSINESS**

**Adjournment**

103  
104 Ms. Bandon advised there is no further business to come before the Board and  
105 asked for a motion to adjourn.

106  

On a Motion by Ms. Sipos, seconded by Ms. Roberts, with all in favor, the Board adjourned the meeting at 5:39 p.m., for the Bella Vida Community Development District.

107  
108  
109  
110 \_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chairman/Vice Chairman

# Tab 2



# BELLA VIDA COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · 9530 MARKETPLACE ROAD · SUITE 206 · FT. MYERS, FLORIDA 33912

## **Operation and Maintenance Expenditures September 2020 For Board Approval**

Attached please find the check register listing the Operation and Maintenance expenditures paid from September 1, 2020 through September 30, 2020. This does not include expenditures previously approved by the Board.

The total items being presented:     **\$ 12,540.17**

Approval of Expenditures:

\_\_\_\_\_

\_\_\_\_\_ Chairperson

\_\_\_\_\_ Vice Chairperson

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

## Bella Vida Community Development District

### Paid Operation & Maintenance Expenditures

September 1, 2020 Through September 30, 2020

Vendor Name	Check Number	Invoice Number	Invoice Description	Invoice Amount
Egis Insurance Advisors, LLC	000628	11315	FL Insurance Alliance Pkg 10/01/20-10/01/2021	\$ 4,380.00
Hopping Green & Sams	000625	116589	General/Monthly Legal Services 07/20	\$ 758.50
Johnson Engineering, Inc.	000629	20170285-001 INV 25	Engineering Services Through 08/16/20	\$ 345.00
Johnson Engineering, Inc.	000629	20170285-003 INV 2	Engineering Services Through 08/20	\$ 3,625.00
Rizzetta & Company, Inc.	000626	INV0000052544	District Management Services 09/20	\$ 3,256.67
Rizzetta Technology Services, LLC	000627	INV0000006187	Website & Email Hosting Services 09/20	<u>\$ 175.00</u>
<b>Report Total</b>				<b><u>\$ 12,540.17</u></b>

# Tab 3

## RESOLUTION 2021-01

### A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BELLA VIDA COMMUNITY DEVELOPMENT DISTRICT ADOPTING AN AMENDED GENERAL FUND BUDGET FOR FISCAL YEAR 2019/2020, PROVIDING FOR APPROPRIATIONS; ADDRESSING CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on August 13, 2019, the Board of Supervisors (“**Board**”) of the Bella Vida Community Development District (“**District**”), adopted Resolution 2019-05 providing for the adoption of the District’s Fiscal Year 2019/2020 annual budget (“**Budget**”); and

**WHEREAS**, the District Manager, at the direction of the Board, has prepared an amended Budget, to reflect changes in the actual appropriations of the Budget; and

**WHEREAS**, Chapters 189 and 190, *Florida Statutes*, and Section 3 of Resolution 2019-05 authorize the Board to amend the Budget within 60 days following the end of the Fiscal Year 2019/2020; and

**WHEREAS**, the Board finds that it is in the best interest of the District and its landowners to amend the Budget to reflect the actual appropriations.

### NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BELLA VIDA COMMUNITY DEVELOPMENT DISTRICT:

#### 1. BUDGET AMENDMENT.

- a. The Board has reviewed the District Manager’s proposed amended Budget, copies of which are on file with the office of the District Manager and at the District’s Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. The amended Budget attached hereto as **Exhibit A** and incorporated herein by reference as further amended by the Board is hereby adopted in accordance with the provisions of Sections 190.008(2)(a) and 189.016(6), *Florida Statutes*; provided, however, that the comparative figures contained in the amended Budget as adopted by the Board (together, “**Adopted Annual Budget**”) may be further revised as deemed necessary by the District Manager to further reflect actual revenues and expenditures for Fiscal Year 2019/2020.
- c. The Adopted Annual Budget shall be maintained in the office of the District Manager and the District Records Office and identified as “The Adopted Budget for the Bella Vida Community Development District for the Fiscal Year Ending September 30, 2020, as amended and adopted by the Board of Supervisors effective November 10, 2020.”

**2. APPROPRIATIONS.** There is hereby appropriated out of the revenues of the District, the fiscal year beginning October 1, 2019, and ending September 30, 2020, the sums set forth below, to be raised by special assessments, which sums are deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND \$ \_\_\_\_\_

DEBT SERVICE FUND, SERIES 2006 \$ \_\_\_\_\_

**TOTAL ALL FUNDS** \$ \_\_\_\_\_

**3. CONFLICTS.** This Resolution is intended to amend, in part, Resolution 2019-05, which remains in full force and effect except as otherwise provided herein. All terms of Resolution 2019-05 that are not amended by this Resolution apply to the Adopted Annual Budget as if those terms were fully set forth herein. All District resolutions or parts thereof in actual conflict with this Resolution are, to the extent of such conflict, superseded and repealed.

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

**5. EFFECTIVE DATE.** This Resolution shall take effect as of November 10, 2020.

Introduced, considered favorably, and adopted this 10th day of November, 2020.

**ATTEST:**

**BELLA VIDA COMMUNITY  
DEVELOPMENT DISTRICT**

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

\_\_\_\_\_  
Chairperson, Board of Supervisors

**Exhibit A:** Amended Fiscal Year 2019/2020 Budget

**Exhibit A**  
Amended Fiscal Year 2019/2020 Budget

*[See attached]*

# Tab 4

**Pinnacle Landscapes, Inc.**

PO Box 100520  
Cape Coral, FL 33910

**Estimate**

Date	Estimate #
8/19/2020	2561

Name / Address
Bella Vida CDD c/o Rizzetta and Company 9530 Marketplace Road, Suite 206 Ft. Myers, FL 33912

			Project
Description	Qty	Cost	Total
Supply & install Cocoa Brown mulch throughout CDD areas		8,925.00	8,925.00
		<b>Total</b>	\$8,925.00

Customer Signature \_\_\_\_\_



# Tab 5

**Andrew F. Pecora, III**

3668 Valle Santa Circle  
Cape Coral, FL 33909  
afpecoraiii@aol.com



September 14, 2020

Rizzetta & Company, Inc.  
9530 Marketplace Road  
Suite 206  
Fort Myers, FL 33912

Dear Ms Blandon,

Please accept this as my letter of intent to withdraw as a newly elected member of the Board of Supervisors for Bella Vida.

I submitted my lawful application to contest Ms Weyant for Seat 1. However, Ms Weyant, rather than earning her seat through a democratic election chosen by the residents of Bella Vida, circumvented the electoral process and slid into an uncontested, open Seat 2 once finding out I was running against her. Lastly, I choose not to serve with an individual designated as the CDD liaison who calls the board president of Bella Vida an a#%hole in an open meeting. This is extremely unprofessional of an elected official.

Best regards,

A handwritten signature in dark ink, appearing to be "A. Pecora", written over a horizontal line.

Andrew F Pecora  
CDD Seat 1-Elect  
(h) 239.800.5144  
(c) 732.406.4059

# Tab 6

## **RESOLUTION 2021-02**

**A RESOLUTION OF THE BELLA VIDA COMMUNITY DEVELOPMENT DISTRICT APPROVING AND CONFIRMING SPECIAL ASSESSMENTS ON PROPERTY SPECIALLY BENEFITTED BY SUCH IMPROVEMENTS AND PROJECTS PREVIOUSLY FINANCED BY THE DISTRICT TO PAY THE COST OF SUCH IMPROVEMENTS; PROVIDING FOR THE PAYMENT AND THE COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE METHODS PROVIDED FOR BY CHAPTERS 170, 190, AND 197 FLORIDA STATUTES; CONFIRMING THE DISTRICT'S INTENTION TO ISSUE SPECIAL ASSESSMENT REFUNDING BONDS FOR THE PURPOSE OF REFUNDING THE DISTRICT'S SERIES 2006 BONDS; MAKING PROVISIONS FOR TRANSFERS OF REAL PROPERTY TO GOVERNMENTAL BODIES; AUTHORIZING STAFF OF THE DISTRICT TO TAKE THE ACTIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS RESOLUTION; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.**

### **RECITALS**

**WHEREAS**, the Bella Vida Community Development District ("District"), was established by Ordinance 48-06 of the City Commission of Cape Coral, Florida, April 27, 2006, for the purpose of providing infrastructure improvements, facilities and services to the lands within the District as provided in Chapter 190, Florida Statutes; and

**WHEREAS**, on May 18, 2006, the District Board of Supervisors ("Board") adopted Resolution 2006-18, authorizing, among other things, the issuance of not to exceed \$9,000,000 aggregate principal amount of its special assessment bonds in order to finance the costs of the construction, installation, and acquisition of public infrastructure, improvements, and services on lands within the District (the "Improvements"); and

**WHEREAS**, on July 20, 2006, the Board adopted Resolution 2006-32 which duly authorized the issuance of Bella Vida Community Development District Special Assessment Bonds, Series 2006, in an aggregate principal amount not to exceed \$7,000,000 (the "Series 2006 Bonds"), for the purpose of funding a portion of the Improvements; and

**WHEREAS**, the *Engineer's Report for the Bella Vida Community Development District*, dated July 20, 2006 (the "Engineer's Report"), as amended, identifies and describes the components of the Improvements financed with the District's Series 2006 Bonds (the "Series 2006 Project"); and

**WHEREAS**, on July 20, 2006, the Board adopted Resolution 2006-30 declaring that the Series 2006 Project costs would be defrayed by the imposition of special assessments pursuant to Chapters 170 and 190, Florida Statutes, and that the special assessments would be paid in annual installments commencing in the year in which the special assessments were confirmed; and

**WHEREAS**, on August 24, 2006, the Board, after notice and public hearing, met as an equalizing Board pursuant to the provisions of Section 170.08, Florida Statutes, and adopted Resolution 2006-33 equalizing and levying special assessments to defray the costs of the Improvements and providing that the levy shall be a lien on the property so assessed co-equal with the lien of all state, county, district, municipal and other governmental taxes, all in accordance with Section 170.08, Florida Statutes (“Series 2006 Special Assessment Lien”); and

**WHEREAS**, the Board previously adopted Resolution 2008-01, declaring the Series 2006 Project complete, directing the redemption of bonds and the re-amortization of debt service payments, finalizing and reducing the special assessments securing the Series 2006 Bonds, declaring no deferred costs due and providing for certification.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD  
OF SUPERVISORS OF THE BELLA VIDA COMMUNITY  
DEVELOPMENT DISTRICT AS FOLLOWS:**

**SECTION 1. AUTHORITY FOR THIS RESOLUTION.** This Resolution is adopted pursuant to Chapters 170, 190 and 197, Florida Statutes, including without limitation, Section 170.08, Florida Statutes, and Resolution 2006-33.

**SECTION 2. FINDINGS.** The Board of Supervisors of the Bella Vida Community Development 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 District is authorized by Chapter 190, Florida Statutes, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct stormwater management facilities, sanitary sewer system, landscaping & irrigation, entrance features, and underground electrical services, and other infrastructure projects, and services necessitated by the development of, and serving lands within, the District.

(c) The District is authorized by Chapter 190, Florida Statutes, to levy and impose special assessments to pay all, or any part of, the cost of such infrastructure projects and services and to issue special assessment bonds payable from such special assessments as provided in Chapters 170 and 190, Florida Statutes.

(d) The District has previously determined it to be necessary for the public health, safety and welfare and in the best interests of the District that (i) the District provide the Series 2006 Project as described in Resolutions 2006-30, 2006-31, 2006-32, and 2006-33; (ii) the cost of such Series 2006 Project be assessed against the lands specially benefited by such Series 2006 Project; and (iii) the District issue bonds to provide funds for the Series 2006 Project, which outstanding Series 2006 Bonds the District now intends to refund using the proceeds of its Series 2020 Special Assessment Refunding Bonds (the “Series 2020 Bonds”); and (iv) the District impose non-ad valorem special assessments (the “Special Assessments”) in accordance with the

District's adopted *Final Special Assessment Allocation Report Bella Vida Community Development District Special Assessment Bonds, Series 2006*, dated August 24, 2006, (the "Special Assessment Report") which secure the Series 2006 Bonds and will secure the Series 2020 Bonds.

(e) The provision of said Series 2006 Project, the levying of such Special Assessments and the sale and issuance of the Series 2006 Bonds did serve, and continues to serve, a proper, essential, and valid public purpose and were, and continue to be, in the best interests of the District, its landowners and residents.

(f) The Board hereby determines it to be in the District's best interest to provide for the refunding of the Districts Series 2006 Bonds and to defray the costs thereof by levying Special Assessments on benefitted property and to issue the Series 2020 Bonds to provide the funds needed for the refunding of the District's Series 2006 Bonds.

(g) Having considered the costs of the refinancing, as applicable, of the Series 2006 Bonds, estimates of financing costs associated with the Series 2020 Bonds, the Board of Supervisors of the District further finds and determines:

(i) that the costs of the Series 2006 Project as specified in the Engineer's Report, are hereby confirmed, and the costs of the Series 2006 Project as stated in Resolution 2006-33 are reasonable and proper; said project having been declared complete by Resolution 2008-01;

(ii) it is reasonable, proper, just and right to assess the cost of the financing and refinancing of the Series 2006 Project and the costs of refunding the outstanding Series 2006 Bonds against the properties specially benefitted thereby;

(iii) it is hereby declared that the Series 2006 Project has constituted and will continue to constitute a special benefit to all parcels of real property listed on the final assessment roll and that the benefit, in the case of each such parcel, will be equal to or in excess of the special assessments thereon when allocated as set forth in District's Special Assessment Report adopted by Resolution 2006-33;

(iv) it is in the best interests of the District that the Special Assessments be paid and collected as herein provided.

**SECTION 3. CONFIRMATION OF DISTRICT PROJECTS.** The District hereby confirms that the Series 2006 Project for construction of infrastructure improvements initially described in Resolutions 2006-30, 2006-31, 2006-32, and 2006-33, is complete.

**SECTION 4. APPROVAL AND CONFIRMATION OF SPECIAL ASSESSMENTS.** The Special Assessment or assessments against each respective parcel shown on the final assessment roll and interest, costs and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such parcel until paid and such lien

shall be coequal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims. The lien embodied in Resolutions 2006-30, 2006-31, and 2006-33, shall remain in full force and effect until such time as the Series 2006 Bonds shall be fully defeased and thereafter shall continue for the benefit of the holder(s) of the Series 2020 Bonds as provided by Section 190.016(7), Florida Statutes, and as more fully provided for herein. In the event the issuance of the Series 2020 Bonds, or any future refunding bonds, by the District would result in a decrease of the Special Assessments, then the District shall by subsequent resolution, adopted within sixty (60) days of the sale of such bonds at a publicly noticed meeting and without the need for further public hearing, evidence such a decrease and amend the final assessment roll as shown in the Improvement Lien Book to reflect such a decrease.

## **SECTION 5. PAYMENT OF 2020 SPECIAL ASSESSMENTS AND METHOD OF COLLECTION.**

(a) Special Assessments securing any particular issue of Bonds, including bond anticipation notes, may be paid in not more than thirty (30) annual principal installments, commencing as provided in a subsequent resolution adopted by the Board at a noticed meeting without need for further public hearing, which resolution shall set forth the terms of a particular series of bonds, the amount of the lien of the special assessments securing that particular series of Bonds, including interest and costs of issuance, setting forth the date upon which such Special Assessments will become due, and any other matters relating to the specifics of the bonds actually issued and the special assessments securing them, as provided in this Resolution.

(b) The District has elected to use the method of collecting Special Assessments authorized by Sections 197.3632 and 197.3635, Florida Statutes, (the "Uniform Method"). The District has heretofore taken or will use its best efforts to take as timely required necessary actions to comply with the provisions of said Sections 197.3632 and 197.3635, Florida Statutes. Such Special Assessments may be subject to all of the collection provisions of Chapter 197, Florida Statutes. Notwithstanding the above, in the event the Uniform Method of collecting its special or non ad valorem assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Special Assessments may be collected as is otherwise permitted by law. The District may, in its sole discretion, collect Special Assessments by directly assessing landowner(s) and enforcing said collection in any manner authorized by law.

(c) For each year the District uses the Uniform Method, the District shall enter into an agreement with the Tax Collector of Lee County who may notify each owner of a lot or parcel within the District of the amount of the Special Assessment, including interest thereon, in the manner provided in Section 197.3635, Florida Statutes.

**SECTION 6. AUTHORITY TO ISSUE REFUNDING BONDS.** District staff, including but not limited to, the District Manager, District Counsel, MBS Capital Markets, LLC, Bond Counsel and the District Engineer, are hereby directed and authorized to commence the process of preparing the necessary documents for presentation to and consideration by the Board

of Supervisors the parameters pursuant to which refunding bonds, including the Series 2020 Bonds, may be issued by the District.

**SECTION 7. GOVERNMENT PROPERTY; TRANSFERS OF PROPERTY TO UNITS OF LOCAL, STATE, AND FEDERAL GOVERNMENT.** Property owned by units of local, state, and federal government shall not be subject to the Special Assessments without specific consent thereto. If at any time, any real property on which Special Assessments are imposed is sold or otherwise transferred to a unit of local, state, or federal government (without consent of such governmental unit to the imposition of Special Assessments thereon), all future unpaid Special Assessments for such tax parcel shall become due and payable immediately prior to such transfer without any further action of the District.

**SECTION 8. 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 9. CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**SECTION 10. EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

Approved and adopted this 18th day of November, 2020.

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Secretary / Assistant Secretary

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Chairperson, Board of Supervisors  
Bella Vida Community Development District