

*Windward
Community Development District*

Agenda

January 20, 2021

AGENDA

Windward

Community Development District

219 East Livingston Street, Orlando, FL 32801
Phone: 407-841-5524 – Fax: 407-839-1526

January 13, 2021

Board of Supervisors
Windward
Community Development District

Dear Board Members:

The regular meeting of the Board of Supervisors of the Windward Community Development District will be held **Wednesday, January 20, 2021 at 2:00 p.m. at 7813 Four Seasons Blvd., Kissimmee, Florida 34747.** Following is the agenda for the meeting:

- I. Roll Call
- II. Public Comment Period
- III. Approval of Minutes of November 18, 2020 Meeting
- IV. Consideration of Data Sharing and Usage Agreement with the Osceola County Property Appraiser
- V. Consideration of Resolution 2021-03 Ratifying E-Verify System
- VI. Staff Reports
 - A. Attorney
 - B. Engineer
 - C. District Manager
 - i. Approval of Check Register
 - ii. Balance Sheet and Income Statement
- VII. Other Business
- VIII. Supervisors' Requests
- IX. Adjournment

The second order of business of the Board of Supervisors meeting is the Public Comment Period where the public has an opportunity to be heard on propositions coming before the Board as reflected on the agenda, and any other items.

The third order of business is approval of the minutes of the November 18, 2020 Board of Supervisors meeting. The minutes are enclosed for your review.

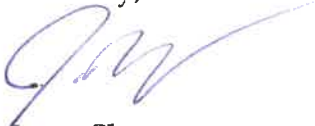
The fourth order of business is consideration of data sharing and usage agreement with the Osceola County Property Appraiser. A copy of the agreement is enclosed for your review.

The fifth order of business is consideration of resolution 2021-03 ratifying E-Verify system. A copy of the resolution is enclosed for your review

Section C of the sixth order of business is the District Manager's Report and Section 1 includes the check register being submitted for approval and section 2 includes the balance sheet and income statement for your review.

The balance of the agenda will be discussed at the meeting. In the meantime, if you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Showe', written over a light blue horizontal line.

Jason Showe
District Manager

Cc: Jan Carpenter, District Counsel
Brett Sealy, Underwriter
Mike Williams, Bond Counsel
David Kelly, District Engineer
Darrin Mossing, GMS

Enclosures

MINUTES

WINDWARD
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Windward Community Development District was held Wednesday, November 18, 2020 at 2:00 p.m. at 7813 Four Seasons Boulevard, Kissimmee, Florida.

Present and constituting a quorum were:

John Kassik	Chairperson
Marvin Morris	Assistant Secretary
Leslie Peters	Assistant Secretary

Also present were:

Jason Showe	District Manager
Kristen Trucco	District Counsel
David Kelly	District Engineer
William Viasalyers	Field Manager

FIRST ORDER OF BUSINESS

Roll Call

Mr. Showe called the meeting to order and called the roll.

SECOND ORDER OF BUSINESS

Public Comment

Mr. Viasalyers stated we have a couple representatives here from the new landscape company, Capital Land Management, Jason.

Mr. Morris asked who is responsible for the electric for the streetlights?

Mr. Kassik stated they are under a rental agreement with Duke Energy and we pay X dollars per month per light and pole and that covers the electricity, the maintenance and everything else for the life of that pole or as long as they are under contract.

Mr. Morris stated the reason I asked is we had the HOA meeting a couple weeks ago there is a large line item for electricity for streetlights and the HOA does not cover that so we need to correct that.

Mr. Showe stated William and I are working on that now; we are going to start accepting those from the HOA and transitioning those costs to the CDD.

Mr. Morris stated then the HOA shouldn't have a line item for electricity.

Mr. Showe stated unless they have their own items that might require electricity.

Mr. Kassik stated the lights in this facility will be on the HOA.

Mr. Morris stated this specifically mentioned streetlights.

Mr. Kassik stated the developer has been deficit funding the streetlights all along.

THIRD ORDER OF BUSINESS

Approval of the Minutes of the October 21, 2020 Meeting

On MOTION by Mr. Kassik seconded by Ms. Peters with all in favor the minutes of the October 21, 2020 meeting were approved as presented.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-01 Finalizing Assessments for 2020A Bonds

Ms. Trucco stated the 2020 Bonds have been marketed and sold. This is just a resolution for the Board to finalize the 2020 Bonds in the amount of \$12,240,000 and also approves the proceeds from the bonds to be used in accordance with the Engineer’s report to construct the 2020 project. The Engineer’s report is attached to the resolution. Also, this resolution approves the bonds to be repaid using assessments as outlined in the assessment methodology report.

On MOTION by Mr. Kassik seconded by Ms. Peters with all in favor Resolution 2021-01 Finalizing Assessments for 2020A Bonds, was approved.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2021-02 Accepting Conveyance of Additional Phase 1 Improvements

Ms. Trucco stated this resolution is accepting improvements in Phase 1 specifically, landscaping elements and streetlights; those were contemplated to be transferred to the District pursuant to the bond documents and the respective Engineer’s report. This is a cleanup resolution transferring those improvements to the District in accordance with the bond documents, the Engineer’s report and the recorded plat. Attached to the resolution are the conveyance documents, bill of sale, certificate of the District Engineer certifying that he has reviewed the conveyance of the improvements to make sure they are up to standard and code for the District to accept those improvements and the owner’s affidavit that is attached to the resolution certifying that there are

no encumbrances on those improvements that would prohibit the District from holding those improvements.

On MOTION by Mr. Kassik seconded by Ms. Peters with all in favor Resolution 2021-02 Accepting Conveyance of Additional Phase 1 Improvements, was approved.

SIXTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Ms. Trucco stated we have been in touch with the county regarding the expansion, they said they are waiting for final approval of the legal description and once that they have final approval that their legal department has signed off on the legal description then they will schedule the first hearing in front of the Board of county commissioners.

B. Engineer

There being none, the next item followed.

D. Manager

i. Approval of Check Register

On MOTION by Mr. Kassik seconded by Mr. Morris with all in favor the check register was approved.

ii. Balance Sheet and Income Statement

A copy of the balance sheet and income statement were included in the agenda package.

iv. Field Operations

Mr. Viasalyers stated the sidewalk repair on Four Seasons Boulevard towards the back has been completed. We are going to work on getting the two walls pressure washed soon. We had a lot of complaints from residents on Coral Shore Lane, there is a magnolia tree blocking the stop sign. In discussion with the new landscape company, there is really no option other than removing the tree. I wanted to discuss that with the Board before we did that to see what the Board thought about that. By blocking the stop sign it may cause a potential accident. If the Board is okay with

it I can work with the new landscape company and relocate the magnolia tree somewhere else on the property.

There was no objection from the Board to relocating the magnolia tree.

Mr. Viasalyers stated the HOA had requested to install two dog stations in two common areas of the CDD. They requested that the CDD pay for the dog stations initially, which is about \$300 each and that the HOA has a maintenance man who will come around and clean them every week. If the Board is okay with that we can get those ordered and installed.

Mr. Morris asked are there any plans to put in a dog park in Phase 3?

Mr. Kassik responded yes. We have a common area in Phase 3D. There is nothing available in this phase but in the second spur to the left is where we will put it when we develop that phase.

Mr. Morris stated I know the rules in terms of notifying people of the meetings, but in reality that does not get to the homeowners. I have asked the HOA if they were willing to send out a notification to the homeowners.

Mr. Showe stated we actually asked for this particular meeting because of the capacity restrictions they had in the clubhouse for now. I think once we get out of having a capacity restriction in the clubhouse they were comfortable sending that out. We made the phone line available, we put it on the agenda. That was their request at this time, we tried, so we can try again for the next meeting.

Mr. Morris stated that is fine.

Mr. Showe asked is there any direction from the Board on the dog stations?

Mr. Morris stated I'm good with it.

SEVENTH ORDER OF BUSINESS

Other Business

There being none, the next item followed.

EIGHTH ORDER OF BUSINESS

Supervisor's Requests

There being none,

On MOTION by Mr. Morris seconded by Mr. Kassik with all in favor the meeting adjourned at 2:14 p.m.

Secretary/Assistant Secretary

Chairman/Vice Chairman

SECTION IV



KATRINA S. SCARBOROUGH, CFA, CCF, MCF OSCEOLA COUNTY PROPERTY APPRAISER

Windward CDD

This Data Sharing And Usage Agreement, hereafter referred to as "Agreement," establishes the terms and conditions under which the **Windward CDD**, hereafter referred to as agency, can acquire and use Osceola County Property Appraiser (OCPA) data that is exempt from Public Records disclosure as defined in [FS 119.071](#).

The confidentiality of personal identifying and location information including: names, physical, mailing, and street addresses, parcel ID, legal property description, neighborhood name, lot number, GPS coordinates, or any other descriptive property information that may reveal identity or home address pertaining to parcels owned by individuals that have received exempt/confidential status, hereafter referred to as confidential personal identifying and location information, **will be protected as follows:**

1. The **agency** will not release confidential personal identifying and location information that may reveal identifying and location information of individuals exempted from Public Records disclosure.
2. The **agency** will not present the confidential personal identifying and location information in the results of data analysis (including maps) in any manner that would reveal personal identifying and location information of individuals exempted from Public Records disclosure.
3. The **agency** shall comply with all State laws and regulations governing the confidentiality of personal identifying and location information that is the subject of this Agreement.
4. The **agency** shall ensure any employee granted access to confidential personal identifying and location information is subject to the terms and conditions of this Agreement.
5. The **agency** shall ensure any third party granted access to confidential personal identifying and location information is subject to the terms and conditions of this Agreement. Acceptance of these terms must be provided in writing to the **agency** by the third party before personal identifying and location information is released.
6. The terms of this Agreement shall commence on **January 1, 2021** and shall run until **December 31, 2021**, the date of signature by the parties notwithstanding. **This Agreement shall not automatically renew.** A new agreement will be provided annually for the following year.

IN WITNESS THEREOF, both the Osceola County Property Appraiser, through its duly authorized representative, and the **agency**, through its duly authorized representative, have hereunto executed this Data Sharing and Usage Agreement as of the last below written date.

OSCEOLA COUNTY PROPERTY APPRAISER

Windward CDD

Signature: _____

Signature: _____

Print: Katrina S. Scarborough

Print: _____

Date: _____

Title: _____

Date: _____

Please returned signed original copy in the enclosed self-addressed envelope, no later than January 31, 2021

**2505 E IRLO BRONSON MEMORIAL HWY
KISSIMMEE, FL 34744
(407) 742-5000**

INFO@PROPERTY-APPRAISER.ORG • PROPERTY-APPRAISER.ORG

SECTION V

RESOLUTION 2021-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WINDWARD COMMUNITY DEVELOPMENT DISTRICT RATIFYING THE DISTRICT'S ENROLLMENT IN THE E-VERIFY SYSTEM; APPROVING AND RATIFYING EXECUTION OF THE MEMORANDUM OF UNDERSTANDING; RATIFYING PRIOR ACTIONS OF THE CHAIRMAN, VICE CHAIRMAN AND DISTRICT STAFF RELATED TO ENROLLMENT AND COMPLIANCE WITH THE E-VERIFY SYSTEM; DELEGATING AUTHORITY TO THE CHAIRMAN, VICE CHAIRMAN AND DISTRICT MANAGER TO TAKE ALL ACTIONS NECESSARY OR PRUDENT TO MAINTAIN COMPLIANCE WITH THE E-VERIFY SYSTEM; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Windward Community Development District ("the District") is a local unit of special-purpose government established pursuant to Chapter 190, *Florida Statutes*, for the purpose of financing, constructing, providing, operating and maintaining infrastructure improvements, facilities and services to the lands within the District; and

WHEREAS, the District is located in, Osceola County, Florida (the "County"); and

WHEREAS, Section 448.095, *Florida Statutes* became effective on January 1, 2021 by the passage of the Florida Senate Bill 664. Section 448.095, *Florida Statutes* requires that beginning as of January 1, 2021, the District, its contractors and subcontractors are required to enroll with and use the E-Verify system to verify the work authorization status of all newly hired employees. As part of the enrollment process in the E-Verify system, the District is required to execute the E-Verify system's Memorandum of Understanding; and

WHEREAS, the District's Board of Supervisors desires to adopt this Resolution in order to approve and ratify the District's enrollment in the E-Verify system; to approve and ratify the executed E-Verify Memorandum of Understanding; to ratify prior actions of the Chairman, Vice Chairman and/or District Staff related to enrollment and compliance with the E-Verify system; and to delegate authority to the Chairman, Vice Chairman and District Manager to take any and all necessary actions to maintain compliance with the E-Verify system.

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

1. Recitals. The recitals so stated are true and correct and by this reference are incorporated herein.

2. **Authority for this Resolution.** This Resolution is adopted pursuant to the provisions of Florida law, Chapter 190, *Florida Statutes*.

3. **Approval and Ratification of the District's Enrollment in the E-Verify System and Execution of the E-Verify System's Memorandum of Understanding.** The District finds it to be in its best interest to, and hereby does, approve and ratify the District's enrollment in the E-Verify system and the execution of the E-Verify system's Memorandum of Understanding.

4. **Ratification and Approval of Prior Actions.** All prior actions taken to date by the Chairman, Vice Chairman and/or District Staff in order to ensure the District's compliance with the E-Verify system are hereby approved, confirmed and ratified.

5. **Delegation of Authority to Chairman, Vice Chairman and District Manager to Take Actions Necessary to Maintain Compliance With the E-Verify System.** The Chairman, Vice Chairman and District Manager, are hereby delegated authority to execute any and all documents and take any and all actions necessary and/or prudent to ensure the District's continuing compliance with the E-Verify system.

6. **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.

7. **Conflicts.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

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

PASSED AND ADOPTED this ___ day of January 2021.

WINDWARD COMMUNITY DEVELOPMENT DISTRICT

ATTEST:

By: _____

By: _____

Name: _____
Secretary/Asst. Secretary

Name: _____
Chairman/Vice-Chairman

LATHAM, LUNA, EDEN & BEAUDINE, LLP

MEMORANDUM

To: District Managers/Supervisors

From: Jan Albanese Carpenter, Esq. and Kristen E. Trucco, Esq.

Date: January 4, 2021

Subject: E-Verify Requirements Under Section 448.095, *Florida Statutes*

The Florida Legislature enacted Section 448.095, *Florida Statutes*, which went into effect as of January 1, 2021. This statute requires Community Development Districts to register with and use the U.S. Department of Homeland Security's "E-Verify system" in order to verify the work authorization status of all newly hired employees. The statute also requires that the District's contractors and subcontractors register with and use the "E-Verify system." The District, contractor and subcontractor are prohibited from entering into a contract unless each party to the contract registers with and uses the E-Verify system.

If a District's contractor enters into a contract with a subcontractor, the subcontractor must provide the contractor with an Affidavit stating that the subcontractor does not employ, contract with, or subcontract with an unauthorized alien. The contractor is required to keep a copy of the Affidavit for the duration of the agreement.

In addition, Section 448.095, *Florida Statutes* requires that the District, contractor or subcontractor must terminate a contract with a person or entity if the District, contractor or subcontractor has a good faith belief that such person or entity has violated Section 448.09(1), *Florida Statutes*:

"It shall be unlawful for any person knowingly to employ, hire, recruit, or refer, either for herself or himself or on behalf of another, for private or public employment within the state, an alien who is not duly authorized to work by the immigration laws or the Attorney General of the United States."

If the District has a good faith belief that a subcontractor knowingly violated Section 448.095(2)(c), *Florida Statutes*, but the contractor otherwise complied, the District shall promptly notify the contractor and order the contractor to immediately terminate the contract with the subcontractor.

If the District or any other public employer terminates an agreement with a contractor for knowingly violating Section 448.095(2)(c), *Florida Statutes*, the contractor may not be awarded a public contract for at least one (1) year after the date on which the Agreement was terminated. Moreover, a contractor is liable for any additional costs incurred by the District as a result of the termination of a contract due to the foregoing.

For each District, the District Manager shall immediately take the following steps:

1. Enroll your District in the "E-Verify system" at: <https://www.e-verify.gov/>. To enroll, the Chairperson or other authorized signer for the District must electronically sign the "E-Verify Memorandum of Understanding for Employers" ("MOU"). The District's Board of Supervisors shall ratify the execution of the MOU thereafter. The MOU details the responsibilities of the Social Security Administration, the U.S. Department of Homeland Security and the District.

As outlined in the attached “**E-Verify User Manual**,” under the E-Verify system, the District’s responsibilities include:

- Agreeing to follow the guidelines outlined in the MOU and the **E-Verify User Manual** (attached);
 - Notifying each job applicant of E-Verify participation by clearly displaying the “Notice of E-Verify Participation” and the “Right to Work” posters in English and Spanish (posters are available in the Employer Resources page at: <https://www.e-verify.gov/employers/employer-resources>);
 - Completing Form I-9 for each newly hired employee before creating a case in the E-Verify system;
 - Obtaining a Social Security number for each newly hired employee on Form I-9;
 - Ensuring that “Form I-9 List B” identity documents include a photograph;
 - **Creating a case for each newly hired employee no later than the third business day after he or she starts work for pay;**
 - Entering the employee’s email address in the E-Verify system if it was provided on Form I-9;
 - Providing each employee with notice of and opportunity to take action in the event of a “Tentative Nonconfirmation,” as described in the attached **E-Verify User Manual**; and
 - Ensuring that all personally identifiable information is safeguarded.
2. Of great importance, the District Manager must ensure that E-Verify system language requiring compliance is included in all contracts/agreements entered into by the District: We can assist you in drafting the appropriate language to alert contractors to these new requirements as contracts are bid or proposals requested, and then for the actual contracts when they are drafted..

To confirm compliance, the District may ask contractors to provide a Certificate from the E-Verify system or other proof of registration with the E-Verify system.

Thank you for your attention to this matter and please contact us with any questions.

SECTION VI

SECTION C

SECTION 1

*This item will be provided under
separate cover*

SECTION 2

*This item will be provided under
separate cover*