



Rizzetta & Company

Magnolia Creek Community Development District

**Board of Supervisors
Special Meeting
August 11, 2022**

**District Office:
120 Richard Jackson Blvd, Suite 220
Panama City Beach, Florida 32407
850-334-9055**

www.magnoliacreekcdd.org

MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT AGENDA

Walton Area Chamber of Commerce, 63 South Centre Trail, Santa Rosa Beach, FL 32459
August 11, 2022, at 9:00 a.m.

District Board of Supervisors	Jason Naumann George Roberts William McConnell Tom Hidell Gus Andrews	Chairman Vice Chairman Assistant Secretary Assistant Secretary Assistant Secretary
District Manager	Kimberly O'Mera	Rizzetta & Company, Inc.
District Attorney	Joseph Brown	Kutak Rock LLP
District Engineer	Roger Wynn, P.E.	Moore-Bass Consulting, Inc.
Bond Counsel	Cynthia E. Wilhelm	Nabors, Giblin & Nickerson, P.A.

**All Cellular phones and pagers must be turned off while in the meeting room.
The District Agenda is comprised of five different sections:**

The **regular** meeting will begin promptly at **9:00 a.m.** with the first section which is called **Audience Comments on Agenda Items**. The Audience Comment portion of the agenda is where individuals may comment on matters that concern the District. Each individual is limited to three (3) minutes for such comment. The Board of Supervisors or Staff is not obligated to provide a response until sufficient time for research or action is warranted. **IF THE COMMENT CONCERNS A MAINTENANCE RELATED ITEM, THE ITEM WILL NEED TO BE ADDRESSED BY THE DISTRICT MANAGER OUTSIDE THE CONTEXT OF THIS MEETING.** The second section is called **Business Administration**. The Business Administration section contains items that require the review and approval of the District Board of Supervisors as a normal course of business. The third section is called **Staff Reports**. This section allows the District Manager, Engineer, and Attorney to update the Board of Supervisors on any pending issues that are being researched for Board action. The fourth section is called **Business Items**. The business items section contains items for approval by the District Board of Supervisors that may require discussion, motion and votes on an item-by-item basis. If any member of the audience would like to speak on one of the business items, they will need to register with the District Manager prior to the presentation of that agenda item. Occasionally, certain items for decision within this section are required by Florida Statute to be held as a Public Hearing. During the Public Hearing portion of the agenda item, each member of the public will be permitted to provide one comment on the issue, prior to the Board of Supervisors' discussion, motion and vote. Agendas can be reviewed by contacting the Manager's office at (904) 436-6270 at least seven days in advance of the scheduled meeting. Requests to place items on the agenda must be submitted in writing with an explanation to the District Manager at least fourteen (14) days prior to the date of the meeting. The final section is called **Supervisor Requests and Audience Comments**. This is the section in which the Supervisors may request Staff to prepare certain items in an effort to meet residential needs and provides members of the audience the opportunity to comment on matters of concern to them that were not addressed during the meeting.

Public workshops sessions may be advertised and held in an effort to provide informational services. These sessions allow staff or consultants to discuss a policy or business matter in a more informal manner and allow for lengthy presentations prior to scheduling the item for approval. Typically no motions or votes are made during these sessions.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District Office at (904) 436-6270, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 7-1-1, who can aid you in contacting the District Office.

Any person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that this same 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.

MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT

District Office · Panama City Beach, Florida · (850) 334-9055

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

magnoliacreekcdd.org

August 4, 2022

**Board of Supervisors
Magnolia Creek Community
Development District**

AGENDA

Dear Board Members:

The special meeting of the Board of Supervisors of the Magnolia Creek Community Development District will be held on **Thursday, August 11, 2022, at 9:00 a.m. (Central Time)** at the Walton Area Chamber of Commerce, 63 South Centre Trail, Santa Rosa Beach, FL 32459. The following is the agenda for the meeting:

- 1. CALL TO ORDER/ROLL CALL**
- 2. AUDIENCE COMMENTS ON AGENDA ITEMS**
- 3. BUSINESS ADMINISTRATION**
 - A.** Consideration of Minutes of the Board of Supervisors Meeting Held June 8, 2022 Tab 1
 - B.** Ratification of Operation and Maintenance Expenditures for May 2022- June 2022 Tab 2
- 4. BUSINESS ITEMS**
 - A.** Public Hearing Adopting Revised Rules and Procedures for the District
 - 1. Consideration of Resolution 2022-10, Adopting Revised Rules of Procedures Tab 3
 - B.** Public Hearing to Consider the Adoption of the Fiscal Year 2022/2023 Budget
 - 1. Presentation of the Proposed Final Budget for Fiscal Year 2022/2023 Tab 4
 - 2. Consideration of Resolution 2022-11, Annual Appropriations and Adopting the Budgets for Fiscal Year 2022/2023 Tab 5
 - 3. Consideration of Resolution 2022-12, Imposing Special Assessments and Certifying an Assessment Roll Tab 6
 - C.** Acceptance of Addendum to District Management Agreement..... Tab 7
 - D.** Consideration of Resolution 2022-13, Annual Meeting Schedule for Fiscal Year 2022/2023 Tab 8
- 5. STAFF REPORTS**
 - A.** District Counsel
 - B.** District Engineer
 - 1. Ratification of Stormwater Needs Analysis Tab 9
 - C.** District Manager
 - 1. Presentation of District Manager Report *(Under Separate Cover)*

6. **SUPERVISOR REQUESTS AND AUDIENCE COMMENTS**
7. **ADJOURNMENT**

I look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call me at 850-334-9055.

Sincerely,

Kimberly O'Mera

Kimberly O'Mera
District Manager

Tab 1

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

**MAGNOLIA CREEK
COMMUNITY DEVELOPMENT DISTRICT**

The special meeting of the Board of Supervisors of the Magnolia Creek Community Development District was held on **Wednesday, June 8, 2022, at 9:00 a.m. (CDT)** at The Walton Area Chamber of Commerce, located at 63 South Centre Trail, Santa Rosa Beach, FL 32459.

Present and constituting a quorum:

George Roberts	Board Supervisor, Vice Chairman
Angus Andrews	Board Supervisor, Assistant Secretary
William McConnell	Board Supervisor, Assistant Secretary

Also present were:

Jason Naumann	Board Supervisor, Chairman <i>(via speakerphone)</i>
Tom Hidell	Board Supervisor, Assistant Secretary <i>(via speakerphone)</i>
Kim O'Mera	District Manager, Rizzetta & Company, Inc.
Katie Mackie	District Counsel, Kutak Rock, LLP
Roger Wynn	District Engineer, DE, Moore-Bass Consulting, Inc. <i>(via speakerphone)</i>

Audience	None
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FIRST ORDER OF BUSINESS

Call to Order

Ms. O'Mera called the meeting to order at 9:00 a.m. and read roll call, confirming a quorum for the meeting.

SECOND ORDER OF BUSINESS

**Audience Comments on Agenda
Items**

There was no audience present.

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THIRD ORDER OF BUSINESS

**Consideration of Minutes of the
Board of Supervisors Meeting Held
January 20, 2022**

Ms. O'Mera presented and reviewed the minutes of the Board of Supervisors Meeting held on January 20, 2022. There were no questions or changes.

On a Motion by Mr. Andrews, seconded by Mr. McConnell, with all in favor, the Board approved the Minutes of the Board of Supervisors Meeting held on January 20, 2022, for Magnolia Creek Community Development District.

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FOURTH ORDER OF BUSINESS

**Ratification of Operation and
Maintenance Expenditures for
December 2021 – April 2022**

Ms. O'Mera presented and reviewed the Operations and Maintenance Expenditures for December 2021 – April 2022 with the Board. She asked if there were questions regarding any item of expenditure. There were none.

On a Motion by Mr. Andrews, seconded by Mr. Roberts, with all in favor, the Board ratified Operations and Maintenance Expenditures for December 2021 in the amount of \$7,333.33, January 2022 in the amount of \$26,235.71, February 2022 in the amount of \$127,624.67, March 2022 in the amount of \$13,009.58, and April 2022 in the amount of \$6,825.83, for Magnolia Creek Community Development District.

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FIFTH ORDER OF BUSINESS

**Acceptance of Fiscal Year 2021
Audit**

Ms. O'Mera presented and reviewed the Fiscal Year 2021 Audit with the Board. Ms. O'Mera asked if there were questions regarding the Audit. There were none.

On a Motion by Mr. Naumann, seconded by Mr. Andrews, with all in favor, the Board accepted the Fiscal Year Audit 2021, for Magnolia Creek Community Development District.

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SIXTH ORDER OF BUSINESS

**Consideration of Reimbursement
for Costs of District Maintenance
and Repairs**

Ms. O'Mera presented and reviewed the following invoices submitted by Innerlight Engineering Corporation with the Board. She stated that Mr. Roberts had performed a preliminary review of the invoices and would need additional time to identify those expenditures related to District infrastructure and qualified for payment by the District.

- Invoice 5809: \$3,436.74
- Invoice 6219: \$2,381.25
- Invoice 6220: \$3,881.25
- Invoice 6221: \$4,175.00

Mr. Roberts stated that Invoices 6220 and 6221 were related to District infrastructure and could be paid by Staff upon approval by the Board. Mr. Roberts will continue to review the expenditures itemized on the remaining invoices.

On a Motion by Mr. Roberts, seconded by Mr. McConnell, with all in favor, the Board approved payment of Invoice #6220 in the amount of \$3,881.25, Invoice #6221 in the amount of \$4,175.00, and other expenditures approved by District Engineer on the remaining invoices subject to a not-to-exceed amount of \$17,000.00 for all invoices presented, for Magnolia Creek Community Development District.

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SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2022-07,
Designating a Date, Time and
Location for Landowners' Meeting**

Ms. O'Mera presented Resolution 2022-07, Designating Date, Time, and Location for a Landowners Meeting with the Board.

On a Motion by Mr. Andrews, seconded by Mr. McConnell, with all in favor, the Board adopted Resolution 2022-07, Designating a Date, Time, and Location for a Landowners Meeting to be held on November 3, 2022, at 10:00 a.m. at the Walton Area Chamber of Commerce located at 63 South Centre Trail, Santa Rosa Beach, FL 32459, for Magnolia Creek Community Development District.

122 **EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-08,
Approving Proposed Budget and
Setting Public Hearing**

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Ms. O'Mera presented the Proposed Budget and Resolution 2022-08, Approving Proposed Budget and Setting Public Hearing. Ms. O'Mera proposed a slight carry forward in the amount of \$28,969.00 from the General Fund to cover anticipated increases in Administrative Costs.

On a Motion by Mr. Roberts, seconded by Mr. Andrews, with all in favor, the Board of Supervisors adopted Resolution 2022-08, Approving Proposed Budget and Setting a Public Hearing, to be held on August 11, 2022 at 9:00 a.m. at the Walton Area Chamber of Commerce located at 63 South Centre Trail, Santa Rosa Beach, FL 32459, for Magnolia Creek Community Development District.

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NINTH ORDER OF BUSINESS

**Consideration of Resolution 2022-09
Designating a Date, Time, and Location
for Public Hearing on Adopting
Amended and Restated Rules of
Procedure**

Ms. O'Mera presented Resolution 2022-09, Designating a Date, Time, and Location for Public Hearing on Adopting Amended and Restated Rules of Procedure.

On a Motion by Mr. McConnell, seconded by Mr. Roberts, with all in favor, the Board of Supervisors adopted Resolution 2022-09, Designating a Date, Time, and Location for Public Hearing on Adopting Amended and Restated Rules of Procedure to be held on August 11, 2022 at 9:00 a.m. at the Walton Area Chamber of Commerce located at 63 South Centre Trail, Santa Rosa Beach, FL 32459, for Magnolia Creek Community Development District.

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TENTH ORDER OF BUSINESS

Staff Reports

1. District Counsel
No report
2. District Engineer
Mr. Wynn stated that the Stormwater Needs Analysis Report is approximately ninety percent (90%) completed.
3. District Manager

157 Ms. O'Mera reminded the Board that a regular meeting is scheduled for July 7, 2022.
158 Ms. O'Mera will work with Mr. Nuamann between meetings to determine if the Board
159 will meet in July. She reminded the Board of the two Public Hearings to be held at
160 their special meeting on August 11, 2022, at 9:00 a.m. and reviewed quorum
161 requirements for that meeting.
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165 **ELEVENTH ORDER OF BUSINESS**

**Supervisor Requests and Audience
Comments**

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168 There were no Supervisor requests or audience comments.
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203 **TWELFTH ORDER OF BUSINESS**

Adjournment

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On a Motion by Mr. Roberts, seconded by Mr. Andrews, with all in favor, the Board of Supervisors adjourned the meeting at 9:19 a.m. for Magnolia Creek Community Development District.

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Secretary/Assistant Secretary

Chairman/Vice Chairman

DRAFT

Tab 2

MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · PANAMA CITY BEACH, FL 32407

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

WWW.MAGNOLIACREEKCDD.ORG

Operation and Maintenance Expenditures

May 2022

For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from May 1, 2022 through May 31, 2022. This does not include expenditures previously approved by the Board.

The total items being presented: **\$16,955.08**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Magnolia Creek Community Development District

Paid Operation & Maintenance Expenditures

May 1, 2022 Through May 31, 2022


<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
CA Florida Holdings, LLC	000483	0004550464	Account #536178 Legal Advertising 04/22	\$ 169.25
Kutak Rock LLP	000484	3053538	Legal Services 04/22	\$ 1,060.00
Moore Bass Consulting, Inc.	000482	0077663	Engineering Services 04/22	\$ 11,592.50
Rizzetta & Company, Inc.	000481	INV0000067872	District Management Fees 05/22	<u>\$ 4,133.33</u>
Report Total				<u>\$ 16,955.08</u>

LOCALIQ

The Gainesville Sun | The Ledger | News Chief
Daily Commercial | Ocala StarBanner
Herald-Tribune | The Palm Beach Post
News Herald | Northwest Florida Daily News

RECEIVED

MAY 16 2022

ACCOUNT NAME Magnolia Creek Comm Dev D		ACCOUNT # 536178	PAGE # 1 of 1
INVOICE # 0004550464	BILLING PERIOD Apr 1- Apr 30, 2022	PAYMENT DUE DATE May 20, 2022	
PREPAY (Memo Info) \$0.00	UNAPPLIED (included in amt due) \$0.00	TOTAL AMOUNT DUE \$169.25	
BILLING ACCOUNT NAME AND ADDRESS Magnolia Creek Comm Dev D Sue Ellen Gehrke X-1106 3434 Colwell Ave. Ste. 200 Tampa, FL 33614-8390 		BILLING INQUIRIES/ADDRESS CHANGES 1-877-736-7612 or smb@ccc.gannett.com	FEDERAL ID 47-2390983
<p>Legal Entity: Gannett Media Corp. Terms and Conditions: Past due accounts are subject to interest at the rate of 18% per annum or the maximum legal rate (whichever is less). Advertiser claims for a credit related to rates incorrectly invoiced or paid must be submitted in writing to Publisher within 30 days of the invoice date or the claim will be waived. Any credit towards future advertising must be used within 30 days of issuance or the credit will be forfeited. All funds payable in US dollars.</p>			

00005361780000000000000045504640001692567177

To sign-up for E-mailed invoices and online payments please contact abgspecial@gannett.com. Previous account number: PANA_2032742

Date	Description	Amount
4/1/22	Balance Forward	\$0.00

Package Advertising:

Start-End Date	Order Number	Description	PO Number	Package Cost
4/28/22	7212125	Magnolia Creek 5/5/2022 meeting		\$169.25

Date Rec'd Rizzetta & Co., Inc. 05/17/2022
 D/M approval Kathy O'Neil Date 5/24/22
 Date entered 05.19.22
 Fund 001 GL 51300 OC 4801
 Check # _____

PLEASE DETACH AND RETURN THIS PORTION WITH YOUR PAYMENT

LOCALIQ

The Gainesville Sun | The Ledger
Daily Commercial | Ocala StarBanner
News Chief | Herald-Tribune
News Herald | The Palm Beach Post
Northwest Florida Daily News

ACCOUNT NAME Magnolia Creek Comm Dev D		PAYMENT DUE DATE May 20, 2022		AMOUNT PAID		
ACCOUNT NUMBER 536178		INVOICE NUMBER 0004550464				
CURRENT DUE \$169.25	30 DAYS PAST DUE \$0.00	60 DAYS PAST DUE \$0.00	90 DAYS PAST DUE \$0.00	120+ DAYS PAST DUE \$0.00	UNAPPLIED PAYMENTS \$0.00	TOTAL AMOUNT DUE \$169.25

REMITTANCE ADDRESS (Include Account# & Invoice# on check)

CA Florida Holdings, LLC
PO Box 631244
Cincinnati, OH 45263-1244

TO PAY WITH CREDIT CARD PLEASE FILL OUT BELOW:

VISA MASTERCARD DISCOVER AMEX

Card Number _____
 Exp Date ____ / ____ / ____ CVV Code ____
 Signature _____ Date _____

00005361780000000000000045504640001692567177

KUTAK ROCK LLP

TALLAHASSEE, FLORIDA

Telephone 404-222-4600

Facsimile 404-222-4654

Federal ID 47-0597598

May 27, 2022

Check Remit To:

Kutak Rock LLP

PO Box 30057

Omaha, NE 68103-1157

Ms. Kim O'Meara
Magnolia Creek CDD
c/o Rizzetta & Company
Suite 200
3434 Colwell Avenue
Tampa, FL 33614

Invoice No. 3053538
13123-1

Re: Magnolia Creek CDD - General Counsel

For Professional Legal Services Rendered

04/05/22	J. Brown	1.30	455.00	Prepare for and attend status call with O'mera, Naumann, and District Engineer; follow-up from same
04/11/22	J. Brown	0.40	140.00	Correspondence with Wynn regarding maintenance related expenses; review regarding same
04/18/22	J. Brown	0.30	105.00	Review status and open action items; confer with O'Mera and Naumann
04/28/22	A. Barber	2.00	290.00	Prepare budget documents for FY22-23; prepare organizational chart to include district information sheet, budget documents, audit information, meeting schedule, election information, public facilities report, disclosure of public financing, rules of procedure, and all related information
04/28/22	J. Brown	0.20	70.00	Review budget and assessment materials

KUTAK ROCK LLP

Magnolia Creek CDD
May 27, 2022
Client Matter No. 13123-1
Invoice No. 3053538
Page 2

TOTAL HOURS	4.20	
TOTAL FOR SERVICES RENDERED		\$1,060.00
TOTAL CURRENT AMOUNT DUE		<u>\$1,060.00</u>

Date Rec'd Rizzetta & Co., Inc. 05/31/2022
D/M approval *Kelly O'Leary* Date 5/31/22
Date entered 05/31/2022
Fund 001 GL 51400 OC 3107
Check # _____



- LAND USE PLANNING
- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE
- CONSTRUCTION ADMINISTRATION
- DRONE LIDAR SURVEYING & MAPPING

ATLANTA | 770.914.9394
TALLAHASSEE | 850.222.5678
 moorebass.com

INVOICE: 0077663

CLIENT: Magnolia Creek CDD
c/o Rizzetta & Company
3434 Colwell Ave., Suite 200
Tampa, FL 33614

Project Name: Magnolia Creek CDD - Owl's Head

Project No: T3827.0001.00

Invoice Date: May 01, 2022

Services from: March 26, 2022 to April 26, 2022

TASK #	BASIC SERVICES TASK	CONTRACT FEE	PERCENT COMPLETE	AMOUNT COMPLETE	PREVIOUSLY BILLED	BILLING REMAINDER	CURRENT INVOICE
E9000	Misc. Consulting Services	0.00		18,002.25	9,799.75	N/A	8,202.50
E9001	20-year Needs Analysis	0.00		3,116.00		N/A	3,116.00
Subtotal				21,118.25	9,799.75		11,318.50

TASK #	REIMBURSABLES	CONTRACT FEE	PERCENT COMPLETE	AMOUNT COMPLETE	PREVIOUSLY BILLED	BILLING REMAINDER	CURRENT INVOICE
E9000	Misc. Consulting Services		N/A	274.00		N/A	274.00
Subtotal				274.00			274.00

Remit to: Moore Bass Consulting, Inc.
805 North Gadsden Street
Tallahassee, Florida 32303

Please indicate invoice numbers on check(s)
 If you have questions, please call (850) 222-3367 Accounting Dept.

CURRENT INVOICE TOTAL 11,592.50

PAST AMOUNT DUE 0.00

TOTAL AMOUNT DUE NOW: **11,592.50**

Date Rec'd Rizzetta & Co., Inc. 05.05.22

D/M approval *Kathy O'Neil* Date 5/9/22

Date entered 05.06.22

Fund 001 GL 51300 OC 3103

Check # _____

Net Due 10 Days: Client agrees to promptly review Consultant's invoices upon receipt and notify Consultant in writing of any disputed amounts within 15 days of date of receipt. If notice of dispute is not received within 15 day period, the invoice shall be deemed undisputed, due and payable.

Billing Backup

Wednesday, May 04, 2022

Moore Bass Consulting, Inc.

Invoice 0077663 Dated 5/1/2022

3:40:29 PM

Project	T3827.0001.00	Magnolia Creek CDD - Owl's Head
Phase	E9000	Misc. Consulting Services

Professional Personnel

			Hours	Rate	Amount
Senior Partner					
T045	Wynn, Roger	3/26/2022	2.00	250.00	500.00
	review pay request info from David Wilson,				
T045	Wynn, Roger	3/28/2022	7.25	250.00	1,812.50
	site visit and inspection, witness FM pressure test, meet with City and contractor, review pay request				
T045	Wynn, Roger	3/29/2022	1.25	250.00	312.50
	prep const. plan files and email to Alex Rouchelau, review files on pump station, storm video				
T045	Wynn, Roger	4/1/2022	1.50	250.00	375.00
	review force main plans and pump parameters based on new length to connection				
T045	Wynn, Roger	4/4/2022	1.25	250.00	312.50
	work on pump calcs with shortened force main length				
T045	Wynn, Roger	4/5/2022	1.00	250.00	250.00
	CDD conf call, coord with Brian Justice on pump for future development and connection, coord asbuilt survey				
T045	Wynn, Roger	4/6/2022	3.25	250.00	812.50
	update pump station calculations based on new force main connection				
T045	Wynn, Roger	4/7/2022	.50	250.00	125.00
	coord with Lauren to plot plans, coord with Cliff and Alex on pump station and force main				
T045	Wynn, Roger	4/8/2022	2.00	250.00	500.00
	coord with Alex on pump station review calcs and email to Alex, phone with Brian Justice re: variable speed drive for pumps, review pump curves for variable speed pumps				
T045	Wynn, Roger	4/11/2022	.25	250.00	62.50
	coord with Alex on pumps				
T045	Wynn, Roger	4/14/2022	.50	250.00	125.00
	coord with Brian Justice on pumps and warranty				
T045	Wynn, Roger	4/18/2022	2.50	250.00	625.00
	review revised pump data from AAG, review sanitary sewer video for MH, coord with David Wilson				
T045	Wynn, Roger	4/22/2022	1.50	250.00	375.00
	review latest submittal from Brian Justice on pumps, phone with Brian				
T045	Wynn, Roger	4/25/2022	.75	250.00	187.50
	review cost breakdown and respond to Brian Justice				
T045	Wynn, Roger	4/26/2022	1.50	250.00	375.00
	phone with Brian Justice, review the 2 options for pumps				
Engineer Intern II					
T194	Hunter, Trace	3/28/2022	8.00	92.00	736.00
	reviewing sewer pipe videos.				
T194	Hunter, Trace	3/29/2022	7.50	92.00	690.00
	Reviewing sanitary pipe videos and writing a report summary of issues.				
Production Assistant II					
T180	Sykes, Lauren	4/7/2022	.50	53.00	26.50
	coord plan set to be printed and distributed correspondence between Moore Bass Consulting and The Blueprint Shop				
	Totals		43.00		8,202.50
	Total Labor				8,202.50

Net Due 10 Days: Client agrees to promptly review Consultant's invoices upon receipt and notify Consultant in writing of any disputed amounts within 15 days of date of receipt. If notice of dispute is not received within 15 day period, the invoice shall be deemed undisputed, due and payable.

Reimbursable Expenses

The Blueprint Shop LLC			
AP 0102724	4/4/2022	The Blueprint Shop LLC / 118 - 24x36/22x34 in color bound	274.00
Total Reimbursables			274.00
			274.00
			Total this Phase
			\$8,476.50

Phase E9001 20-year Needs Analysis

Professional Personnel

			Hours	Rate	Amount	
Senior Partner						
T045	Wynn, Roger	4/4/2022	2.00	250.00	500.00	
	coord with Trace on 20 year needs analysis,					
T045	Wynn, Roger	4/5/2022	1.75	250.00	437.50	
	work with Trace on needs analysis					
T045	Wynn, Roger	4/7/2022	.25	250.00	62.50	
	coord with Trace on needs analysis,					
Engineer Intern II						
T194	Hunter, Trace	4/4/2022	7.00	92.00	644.00	
	stormwater 20 year needs analysis, review of documents and cdd background					
T194	Hunter, Trace	4/5/2022	8.00	92.00	736.00	
	stormwater 20-yr needs analysis, lenght of existing pipes, hoa boundries, stormwater system inventory.					
T194	Hunter, Trace	4/6/2022	8.00	92.00	736.00	
	past, current, projected expenditdures for flood protection, water quality, operation & maintenance, end of life/ replacement.					
	Totals		27.00		3,116.00	
	Total Labor					3,116.00
				Total this Phase		\$3,116.00
				Total this Project		\$11,592.50
				Total this Report		\$11,592.50

Rizzetta & Company, Inc.
 3434 Colwell Avenue
 Suite 200
 Tampa FL 33614

Invoice

Date	Invoice #
5/1/2022	INV0000067872

Bill To:

MAGNOLIA CREEK CDD
 3434 Colwell Avenue, Suite 200
 Tampa FL 33614

Services for the month of	Terms	Client Number
May	Upon Receipt	00550

Description	Qty	Rate	Amount
Accounting Services	1.00	\$1,158.33	\$1,158.33
Administrative Services	1.00	\$375.00	\$375.00
Financial & Revenue Collections	1.00	\$416.67	\$416.67
Management Services	1.00	\$2,083.33	\$2,083.33
Website Compliance & Management	1.00	\$100.00	\$100.00
Date Rec'd Rizzetta & Co., Inc. <u>04/24/2022</u> D/M approval <u><i>Kathy O'Neil</i></u> Date <u>5/4/22</u> Date entered <u>04.29.22</u> Fund <u>001</u> GL <u>51300</u> OC <u>3201</u> 1158.33 <u>001</u> <u>51300</u> <u>3100</u> 375 Check # <u>001</u> <u>51300</u> <u>3111</u> 416.67 <u>001</u> <u>51300</u> <u>3101</u> 2083.33 <u>001</u> <u>51300</u> <u>5103</u> 100			

Subtotal	\$4,133.33
Total	\$4,133.33

Magnolia Creek Community Development District

District Office · Panama City Beach, Florida, 32407
Mailing Address – 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614
www.magnoliacreekcdd.org

Operations and Maintenance Expenditures June 2022 For Board Approval

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

The total items being presented: **\$31,477.08**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Magnolia Creek Community Development District

Paid Operation & Maintenance Expenditures

June 1, 2022 Through June 30, 2022

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Berger Toombs Elam Gains & Frank	492	358950	Audit Services FY 20/21	\$ 4,525.00
Innerlight Engineering Corporation	490	5809	Engineering Services 11/21	\$ 2,925.00
Innerlight Engineering Corporation	488	6220	Engineering Services 03/22	\$ 3,881.25
Innerlight Engineering Corporation	488	6221	Engineering Services 02/22	\$ 4,175.00
Innerlight Engineering Corporation	490	6517	Engineering Services 12/21	\$ 3,875.00
Kutak Rock LLP	493	3066368	Legal Services 05/22	\$ 1,468.00
Moore Bass Consulting, Inc.	489	78011	Engineering Services 05/22	\$ 6,244.50
Rizzetta & Company, Inc.	487	INV0000068716	District Management Fees 06/22	\$ 4,133.33
Walton Area Chamber of Commerce	491	41357	BOS Meeting Room Rental 11/03/23	\$ 125.00
Walton Area Chamber of Commerce	485	41402	BOS Meeting Room Rental 06/08/22	\$ 125.00
Report Total				<u>\$ 31,477.08</u>



Berger, Toombs, Elam, Gaines & Frank

Certified Public Accountants PL

600 Citrus Avenue
Suite 200
Fort Pierce, Florida 34950

772/461-6120
FAX: 772/468-9278

JUN 15 2022

MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT
3434 COLWELL AVE
SUITE 200
TAMPA, FL 33614

Invoice No. 358950
Date 06/12/2022
Client No. 21664

Services rendered in connection with the audit of the Basic Financial Statements
as of and for the year ended September 30, 2021.

Total Invoice Amount \$ 4,525.00

Date Rec'd Rizzetta & Co., Inc. 06/16/2022
D/M approval Kathy O'Neil Date 6/17/22
Date entered 06.16.22
Fund 001 GL 51300 OC 3202
Check # _____

We now accept Visa and MasterCard.
Please enter client number on your check.
Finance charges are calculated on balances over 30 days old at an annual percentage rate of 18%

Fort Pierce / Stuart



Innerlight Engineering Corporation
 11490 Emerald Coast Parkway
 Suite 2W
 Miramar Beach, FL 32550
 (850) 424-5855
 www.ieceng.com

INVOICE

BILL TO

Ms. Kim O'Mera
 Magnolia Creek CDD
 C/o: Rizzetta & Company, Inc
 3434 Colwell Ave., Suite 200
 Tampa, Florida 33614

INVOICE # 5809

DATE 11/10/2021

DUE DATE 11/25/2021

TERMS Net 15

DATE	DESCRIPTION	QTY	RATE	AMOUNT
10/31/2021	Various Consulting Services: Emails, Phone Cals, Texts, Research, Etc. (May - November 10 2021)	13	225.00	2,925.00

BALANCE DUE

\$2,925.00

Date Rec'd Rizzetta & Co., Inc. 06/13/2022

D/M approval *Kim O'Mera* Date 6/17/22

Date entered 06.16.22

Fund 001 GL 51300 OC 3103

Check # _____



Innerlight Engineering Corporation
 11490 Emerald Coast Parkway
 Suite 2W
 Miramar Beach, FL 32550
 (850) 424-5855
 www.ieceng.com

INVOICE

BILL TO

Ms. Kim O'Mera
 Magnolia Creek CDD
 C/o: Rizzetta & Company, Inc
 3434 Colwell Ave., Suite 200
 Tampa, Florida 33614

INVOICE # 6221

DATE 04/26/2022

DUE DATE 05/11/2022

TERMS Net 15

DATE	DESCRIPTION	QTY	RATE	AMOUNT
01/11/2022	Establish Site Survey Control for Site Contractor / Survey Control Exhibit (Field & Office)	1	3,500.00	3,500.00
02/01/2022	Misc. Coord with Site Contractor (12/21 - 2/22)	3	225.00	675.00

BALANCE DUE

\$4,175.00

Date Rec'd Rizzetta & Co., Inc. 06.10.22

D/M approval *Kathy O'Mera* Date 6/14/22

Date entered 06.10.22

Fund 001 GL 51300 OC 3103

Check # _____



Innerlight Engineering Corporation
 11490 Emerald Coast Parkway
 Suite 2W
 Miramar Beach, FL 32550
 (850) 424-5855
 www.ieceng.com

INVOICE

BILL TO

Ms. Kim O'Mera
 Magnolia Creek CDD
 C/o: Rizzetta & Company, Inc
 3434 Colwell Ave., Suite 200
 Tampa, Florida 33614

INVOICE # 6517

DATE 06/10/2022

DUE DATE 06/25/2022

TERMS Net 15

DATE	DESCRIPTION	QTY	RATE	AMOUNT
11/09/2021	Specific Purpose Survey - Retention Pond Easement	1	2,750.00	2,750.00
12/15/2021	Specific Purpose Survey for Forcemain Easement (50% Split between Doug / Jason)	0.50	2,250.00	1,125.00

BALANCE DUE

\$3,875.00

Date Rec'd Rizzetta & Co., Inc. 06/13/2022

D/M approval *Kim O'Mera* Date 6/17/22

Date entered 06.16.22

Fund 001 GL 51300 OC 3103

Check # _____

KUTAK ROCK LLP

TALLAHASSEE, FLORIDA

Telephone 404-222-4600

Facsimile 404-222-4654

Federal ID 47-0597598

June 21, 2022

Check Remit To:

Kutak Rock LLP

PO Box 30057

Omaha, NE 68103-1157

Ms. Kim O'Meara
Magnolia Creek CDD
c/o Rizzetta & Company
Suite 200
3434 Colwell Avenue
Tampa, FL 33614

Invoice No. 3066368
13123-1

Re: Magnolia Creek CDD - General Counsel

For Professional Legal Services Rendered

05/06/22	J. Brown	1.30	403.00	Review project materials and history
05/12/22	A. Barber	1.00	145.00	Prepare landowner election documents; revise budget documents for FY 22-23
05/12/22	J. Brown	1.10	341.00	Review budget and assessment documents and related correspondence
05/19/22	A. Barber	1.00	145.00	Update O&M Assessment Resolution for FY22-23; prepare notice of publication; prepare mailed notice of budget hearing
05/19/22	J. Brown	0.50	155.00	Follow-up and confer with O'Mera regarding budgeting and assessments; review regarding same
05/20/22	J. Brown	0.20	62.00	Conference with O'Mera regarding budget and assessments; follow-up regarding same
05/26/22	J. Brown	0.70	217.00	Review open action items and consider items for next Board

KUTAK ROCK LLP

Magnolia Creek CDD
June 21, 2022
Client Matter No. 13123-1
Invoice No. 3066368
Page 2

agenda; review resolutions for
budget and assessments

TOTAL HOURS 5.80

TOTAL FOR SERVICES RENDERED \$1,468.00

TOTAL CURRENT AMOUNT DUE \$1,468.00

Date Rec'd Rizzetta & Co., Inc. 06/21/2022

D/M approval *[Signature]* Date 6/27/22

Date entered 06.24.22

Fund 001 GL 51400 OC 3107

Check # _____



- LAND USE PLANNING
- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE
- CONSTRUCTION ADMINISTRATION
- DRONE LIDAR SURVEYING & MAPPING

ATLANTA | 770.914.9394
TALLAHASSEE | 850.222.5678
 moorebass.com

INVOICE: 0078011

CLIENT: Magnolia Creek CDD
c/o Rizzetta & Company
3434 Colwell Ave., Suite 200
Tampa, FL 33614

Project Name: Magnolia Creek CDD - Owl's Head

Project No: T3827.0001.00

Invoice Date: June 01, 2022

Services from: April 27, 2022 to May 26, 2022

TASK #	BASIC SERVICES TASK	CONTRACT FEE	PERCENT COMPLETE	AMOUNT COMPLETE	PREVIOUSLY BILLED	BILLING REMAINDER	CURRENT INVOICE
E9000	Misc. Consulting Services	0.00		22,771.25	18,002.25	N/A	4,769.00
E9001	20-year Needs Analysis	0.00		4,591.50	3,116.00	N/A	1,475.50
Subtotal				27,362.75	21,118.25		6,244.50

TASK #	REIMBURSABLES	CONTRACT FEE	PERCENT COMPLETE	AMOUNT COMPLETE	PREVIOUSLY BILLED	BILLING REMAINDER	CURRENT INVOICE
E9000	Misc. Consulting Services		N/A	274.00	274.00	N/A	
Subtotal				274.00	274.00		

Remit to: Moore Bass Consulting, Inc.
805 North Gadsden Street
Tallahassee, Florida 32303

Please indicate invoice numbers on check(s)
 If you have questions, please call (850) 222-3367 Accounting Dept.

CURRENT INVOICE TOTAL 6,244.50

PAST AMOUNT DUE 0.00

TOTAL AMOUNT DUE NOW: **6,244.50**

Date Rec'd Rizzetta & Co., Inc. 06/07/2022

D/M approval *Kathy O'Neil* Date 6/14/22

Date entered 06.10.22

Fund 001 GL 51300 OC 3103

Check # _____

Net Due 10 Days: Client agrees to promptly review Consultant's invoices upon receipt and notify Consultant in writing of any disputed amounts within 15 days of date of receipt. If notice of dispute is not received within 15 day period, the invoice shall be deemed undisputed, due and payable.

Billing Backup

Tuesday, June 07, 2022

Moore Bass Consulting, Inc.

Invoice 0078011 Dated 6/1/2022

1:34:41 PM

Project T3827.0001.00 Magnolia Creek CDD - Owl's Head
 Phase E9000 Misc. Consulting Services

Professional Personnel

			Hours	Rate	Amount
Senior Partner					
T045	Wynn, Roger	5/2/2022	.25	250.00	62.50
	research questions from Kim re: maintenance responsibilities				
T045	Wynn, Roger	5/3/2022	1.00	250.00	250.00
	review list of storm repairs, coord with Trace on CDD ownership				
T045	Wynn, Roger	5/4/2022	.50	250.00	125.00
	coord with Trace on questions of CDD vs. HOA responsibilities				
T045	Wynn, Roger	5/5/2022	.25	250.00	62.50
	review info from Trace on CDD maintenance responsibilities				
T045	Wynn, Roger	5/11/2022	1.50	250.00	375.00
	review engineers rpt and info from Trace, coord with Kim on maintenance responsibilities, coord with Brian Justice on pump station submittals				
T045	Wynn, Roger	5/12/2022	7.75	250.00	1,937.50
	site visit, inspect storm repairs, water pressure test, lake edge clean up, exfiltration system, curb inlets				
T045	Wynn, Roger	5/13/2022	1.25	250.00	312.50
	review video of storm repair R13 to Q13, coord with Rio Oros (ADS) on pipe repair options				
T045	Wynn, Roger	5/16/2022	2.25	250.00	562.50
	review control panel and float valve submittals, review pipe repair procedures and email contractor, conf call with Jason, Kim, and Joe				
T045	Wynn, Roger	5/18/2022	.50	250.00	125.00
	coord with Alex and Jason on pumps				
T045	Wynn, Roger	5/19/2022	.50	250.00	125.00
	review pump shop dwgs, coord with City engineer				
T045	Wynn, Roger	5/20/2022	.75	250.00	187.50
	review old sewer calcs maps for original design				
Engineer Intern II					
T194	Hunter, Trace	5/3/2022	1.00	92.00	92.00
	CDD ownership map				
T194	Hunter, Trace	5/4/2022	5.00	92.00	460.00
	Updating CDD ownership map, moving storm and sewer pipe videos into Q drive folders. Research into ownership and maintenance of wells, irrigation, landscaping, stormwater systems, lake, streetlights, alleyways.				
T194	Hunter, Trace	5/5/2022	1.00	92.00	92.00
	Research on cdd ownership and maintenance responsibilities.				
	Totals		23.50		4,769.00
	Total Labor				4,769.00
				Total this Phase	\$4,769.00

Phase E9001 20-year Needs Analysis

Professional Personnel

			Hours	Rate	Amount
Senior Partner					
T045	Wynn, Roger	5/4/2022	.75	250.00	187.50
	review stormwater and sewer demand				
Engineer Intern II					
T194	Hunter, Trace	5/12/2022	4.00	92.00	368.00

T194	20 yr sanitary sewer needs anlaysis spreadsheet Hunter, Trace	5/13/2022	1.00	92.00	92.00
T194	20 yr sanitary sewer needs, expenditures in operation and maintenance, expansions over next 20 yrs. Hunter, Trace	5/16/2022	4.00	92.00	368.00
T194	20 yr sewer analysis, finding length of gravity and force mains, amount of manholes, projected population over next 20 yrs. Hunter, Trace	5/17/2022	2.00	92.00	184.00
T194	20 yr sainitary sewer needs analysis. Hunter, Trace	5/24/2022	3.00	92.00	276.00
	Finiding number of total connections, number of permenat projected populations, looking into actual expenditures for routine operation and maintenance, and for replacement of usefull life				
	Totals		14.75		1,475.50
	Total Labor				1,475.50
				Total this Phase	\$1,475.50
				Total this Project	\$6,244.50
				Total this Report	\$6,244.50

Rizzetta & Company, Inc.
 3434 Colwell Avenue
 Suite 200
 Tampa FL 33614

Invoice

Date	Invoice #
6/1/2022	INV0000068716

Bill To:

MAGNOLIA CREEK CDD
 3434 Colwell Avenue, Suite 200
 Tampa FL 33614

Services for the month of	Terms	Client Number
June	Upon Receipt	00550

Description	Qty	Rate	Amount
Accounting Services	1.00	\$1,158.33	\$1,158.33
Administrative Services	1.00	\$375.00	\$375.00
Financial & Revenue Collections	1.00	\$416.67	\$416.67
Management Services	1.00	\$2,083.33	\$2,083.33
Website Compliance & Management	1.00	\$100.00	\$100.00
Date Rec'd Rizzetta & Co., Inc. <u>05/29/2022</u> D/M approval <u><i>Kelly O'Neil</i></u> Date <u>6/2/22</u> Date entered <u>06.02.22</u> Fund <u>001</u> <u>GL</u> <u>51300</u> <u>OC</u> <u>3201</u> 1158.33 <u>001</u> <u>51300</u> <u>3100</u> 375 Check <u>001</u> <u>51300</u> <u>3111</u> 416.67 <u>001</u> <u>51300</u> <u>3101</u> 2083.33 <u>001</u> <u>51300</u> <u>5103</u> 100			
Subtotal			\$4,133.33
Total			\$4,133.33



Invoice

Invoice Date: 5/26/2022
Invoice Number: 41357
Account ID:

Walton Area Chamber of Commerce
 63 S. Centre Trail
 Santa Rosa Beach, FL 32459
 (850) 267-0683 | fax: (850) 267-0603

Magnolia Creek CDD
 Santa Rosa Beach, FL 32459

Terms	Due Date
30 Days Prior to Event	5/26/2022

	Quantity	Rate	Amount
Board Room Rental SRB 1/2/ Day-November 3, 2022	1	\$125.00	\$125.00
Subtotal:			\$125.00
Tax:			\$0.00
Total:			\$125.00
Payment/Credit Applied:			\$0.00
Balance:			\$125.00

*GAC - Government Affairs Committee

To pay your bill online, follow these instructions:

1. Go to www.waltonareachamber.com and click the "Member Login" at the top of the page.
2. Login or Sign Up Now if you don't have a login. You can also reset your password from this screen.
3. In the top right corner of your member page, you will see your account balance. Select "Pay".
4. Select the box with the invoice number and select "Continue".
5. Select "Checkout" and enter your card information.

Don't hesitate to let us know if you need any assistance. Thank you!

Date Rec'd Rizzetta & Co., Inc. 05/27/2022
 D/M approval *Kelly O'Neil* Date 6/2/22
 Date entered 06.02.22
 Fund 001 GL 15500 OC
 Check #



Invoice

Invoice Date: 6/6/2022
Invoice Number: 41402
Account ID:

Walton Area Chamber of Commerce
 63 S. Centre Trail
 Santa Rosa Beach, FL 32459
 (850) 267-0683 | fax: (850) 267-0603

Magnolia Creek Community Development District
 Santa Rosa Beach, FL 32459

Terms	Due Date
30 Days Prior to Event	6/6/2022

	Quantity	Rate	Amount
Board Room Rental SRB 1/2/ Day- June 8th	1	\$125.00	\$125.00
Subtotal:			\$125.00
Tax:			\$0.00
Total:			\$125.00
Payment/Credit Applied:			\$0.00
Balance:			\$125.00

*GAC - Government Affairs Committee

To pay your bill online, follow these instructions:

1. Go to www.waltonareachamber.com and click the "Member Login" at the top of the page.
2. Login or Sign Up Now if you don't have a login. You can also reset your password from this screen.
3. In the top right corner of your member page, you will see your account balance. Select "Pay".
4. Select the box with the invoice number and select "Continue".
5. Select "Checkout" and enter your card information.

Don't hesitate to let us know if you need any assistance. Thank you!

Date Rec'd Rizzetta & Co., Inc. 06/06/2022
 D/M approval *Kelly O'Leary* Date 6/7/22
 Date entered 06/06/2022
 Fund 001 GL 57900 OC 4781
 Check # _____

Tab 3

RESOLUTION 2022-10

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT ADOPTING AMENDED AND RESTATED RULES OF PROCEDURE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Magnolia Creek Community Development District (“**District**”) is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within the City of Freeport, Florida; and

WHEREAS, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business and the District has previously adopted Rules of Procedure to govern the administration of the District; and

WHEREAS, to provide for efficient and effective District operations and to maintain compliance with recent changes to Florida law, the Board of Supervisors finds that it is in the best interests of the District to adopt by resolution the Amended and Restated Rules of Procedure attached hereto as **Exhibit A** for immediate use and application; and

WHEREAS, the Board of Supervisors has complied with applicable Florida law concerning rule development and adoption.

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

SECTION 1. The attached Amended and Restated Rules of Procedure are hereby adopted pursuant to this resolution as necessary for the conduct of District business. These Amended and Restated Rules of Procedure replace all prior versions of the Rules of Procedure and shall stay in full force and effect until such time as the Board of Supervisors may amend these rules in accordance with Chapter 190, *Florida Statutes*.

SECTION 2. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect. This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 11th day of August, 2022.

ATTEST:

MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT

Secretary

Chairman, Board of Supervisors

EXHIBIT A:
AMENDED AND RESTATED RULES OF PROCEDURE

**AMENDED AND RESTATED
RULES OF PROCEDURE
MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT**

EFFECTIVE AS OF August 11, 2022

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Rule 1.0 General.

- (1) The Magnolia Creek Community Development District (the “District”) was created pursuant to the provisions of Chapter 190 of the Florida Statutes, and was established to provide for the ownership, operation, maintenance, and provision of various capital facilities and services within its jurisdiction. The purpose of these rules (the “Rules”) is to describe the general operations of the District.
- (2) Definitions located within any section of these Rules shall be applicable within all other sections, unless specifically stated to the contrary.
- (3) Unless specifically permitted by a written agreement with the District, the District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
- (4) A Rule of the District shall be effective upon adoption by affirmative vote of the District Board. After a Rule becomes effective, it may be repealed or amended only through the rulemaking procedures specified in these Rules. Notwithstanding, the District may immediately suspend the application of a Rule if the District determines that the Rule conflicts with Florida law. In the event that a Rule conflicts with Florida law and its application has not been suspended by the District, such Rule should be interpreted in the manner that best effectuates the intent of the Rule while also complying with Florida law. If the intent of the Rule absolutely cannot be effectuated while complying with Florida law, the Rule shall be automatically suspended.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.011(5), 190.011(15), Fla. Stat.

Rule 1.1 Board of Supervisors; Officers and Voting.

- (1) Board of Supervisors. The Board of Supervisors of the District (the “Board”) shall consist of five (5) members. Members of the Board (“Supervisors”) appointed by ordinance or rule or elected by landowners must be citizens of the United States of America and residents of the State of Florida. Supervisors elected or appointed by the Board to elector seats must be citizens of the United States of America, residents of the State of Florida and of the District and registered to vote with the Supervisor of Elections of the county in which the District is located and for those elected, shall also be qualified to run by the Supervisor of Elections. The Board shall exercise the powers granted to the District under Florida law.
 - (a) Supervisors shall hold office for the term specified by Section 190.006 of the Florida Statutes. If, during the term of office, any Board member(s) vacates their office, the remaining member(s) of the Board shall fill the vacancies by appointment for the remainder of the term(s). If three or more vacancies exist at the same time, a quorum, as defined herein, shall not be required to appoint replacement Board members.
 - (b) Three (3) members of the Board shall constitute a quorum for the purposes of conducting business, exercising powers and all other purposes. A Board member shall be counted toward the quorum if physically present at the meeting, regardless of whether such Board member is prohibited from, or abstains from, participating in discussion or voting on a particular item.
 - (c) Action taken by the Board shall be upon a majority vote of the members present, unless otherwise provided in the Rules or required by law. Subject to Rule 1.3(10), a Board member participating in the Board meeting by teleconference or videoconference shall be entitled to vote and take all other action as though physically present.
 - (d) Unless otherwise provided for by an act of the Board, any one Board member may attend a mediation session on behalf of the Board. Any agreement resulting from such mediation session must be approved pursuant to subsection (1)(c) of this Rule.
- (2) Officers. At the first Board meeting held after each election where the newly elected members take office, the Board shall select a Chairperson, Vice-Chairperson, Secretary, Assistant Secretary, and Treasurer.
 - (a) The Chairperson must be a member of the Board. If the Chairperson resigns from that office or ceases to be a member of the Board, the Board shall select a Chairperson. The Chairperson serves at the pleasure of the Board. The Chairperson shall be authorized to execute resolutions and contracts on the District’s behalf. The Chairperson shall convene and conduct all meetings of the Board. In the event the Chairperson is unable to attend a meeting, the Vice-Chairperson shall convene and conduct the meeting. The Chairperson or Vice-Chairperson may delegate the responsibility of

conducting the meeting to the District's manager ("District Manager") or District Counsel, in whole or in part.

- (b) The Vice-Chairperson shall be a member of the Board and shall have such duties and responsibilities as specifically designated by the Board from time to time. The Vice-Chairperson has the authority to execute resolutions and contracts on the District's behalf in the absence of the Chairperson. If the Vice-Chairperson resigns from office or ceases to be a member of the Board, the Board shall select a Vice-Chairperson. The Vice-Chairperson serves at the pleasure of the Board.
- (c) The Secretary of the Board serves at the pleasure of the Board and need not be a member of the Board. The Secretary shall be responsible for maintaining the minutes of Board meetings and may have other duties assigned by the Board from time to time. An employee of the District Manager may serve as Secretary. The Secretary shall be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (d) The Treasurer need not be a member of the Board but must be a resident of the State of Florida. The Treasurer shall perform duties described in Section 190.007(2) and (3) of the Florida Statutes, as well as those assigned by the Board from time to time. The Treasurer shall serve at the pleasure of the Board. The Treasurer shall either be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (e) In the event that both the Chairperson and Vice-Chairperson are absent from a Board meeting and a quorum is present, the Board may designate one of its members or a member of District staff to convene and conduct the meeting. In such circumstances, any of the Board members present are authorized to execute agreements, resolutions, and other documents approved by the Board at such meeting. In the event that the Chairperson and Vice-Chairperson are both unavailable to execute a document previously approved by the Board, the Secretary or any Assistant Secretary may execute such document.
- (f) The Board may assign additional duties to District officers from time to time, which include, but are not limited to, executing documents on behalf of the District.
- (g) The Chairperson, Vice-Chairperson, and any other person authorized by District Resolution may sign checks and warrants for the District, countersigned by the Treasurer or other persons authorized by the Board.

- (3) Committees. The Board may establish committees of the Board, either on a permanent or temporary basis, to perform specifically designated functions. Committees may include individuals who are not members of the Board. Such functions may include, but are not limited to, review of bids, proposals, and qualifications, contract negotiations, personnel matters, and budget preparation.
- (4) Record Book. The Board shall keep a permanent record book entitled "Record of Proceedings," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, and corporate acts. The Records of Proceedings shall be located at a District office and shall be available for inspection by the public.
- (5) Meetings. For each fiscal year, the Board shall establish a schedule of regular meetings, which shall be published in a newspaper of general circulation in the county in which the District is located and filed with the local general-purpose governments within whose boundaries the District is located. All meetings of the Board and Committees serving an advisory function shall be open to the public in accord with the provisions of Chapter 286 of the Florida Statutes.
- (6) Voting Conflict of Interest. The Board shall comply with Section 112.3143 of the Florida Statutes, so as to ensure the proper disclosure of conflicts of interest on matters coming before the Board for a vote. For the purposes of this section, "voting conflict of interest" shall be governed by the Florida Constitution and Chapters 112 and 190 of the Florida Statutes, as amended from time to time. Generally, a voting conflict exists when a Board member is called upon to vote on an item which would inure to the Board member's special private gain or loss or the Board member knows would inure to the special private gain or loss of a principal by whom the Board member is retained, the parent organization or subsidiary of a corporate principal, a business associate, or a relative including only a father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law.
 - (a) When a Board member knows the member has a conflict of interest on a matter coming before the Board, the member should notify the Board's Secretary prior to participating in any discussion with the Board on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes.

If the Board member was elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, the Board member may vote or abstain from voting on the matter at issue. If the Board member was elected by electors residing within the District, the Board member is prohibited from voting on the matter at issue. In the event that the Board member intends to abstain or is prohibited from voting, such Board member shall not participate in the discussion on the item subject to the vote.

The Board's Secretary shall prepare a Memorandum of Voting Conflict (Form 8B) which shall then be signed by the Board member, filed with the

Board's Secretary, and provided for attachment to the minutes of the meeting within fifteen (15) days of the meeting.

- (b) If a Board member inadvertently votes on a matter and later learns he or she has a conflict on the matter, the member shall immediately notify the Board's Secretary. Within fifteen (15) days of the notification, the member shall file the appropriate Memorandum of Voting Conflict, which will be attached to the minutes of the Board meeting during which the vote on the matter occurred. The Memorandum of Voting Conflict shall immediately be provided to other Board members and shall be read publicly at the next meeting held subsequent to the filing of the Memorandum of Voting Conflict. The Board member's vote is unaffected by this filing.
- (c) It is not a conflict of interest for a Board member, the District Manager, or an employee of the District to be a stockholder, officer or employee of a landowner or of an entity affiliated with a landowner.
- (d) In the event that a Board member elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, has a continuing conflict of interest, such Board member is permitted to file a Memorandum of Voting Conflict at any time in which it shall state the nature of the continuing conflict. Only one such continuing Memorandum of Voting Conflict shall be required to be filed for each term the Board member is in office.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 112.3143, 190.006, 190.007, Fla. Stat.

Rule 1.2 District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements; Financial Disclosure Coordination.

- (1) District Offices. Unless otherwise designated by the Board, the official District office shall be the District Manager's office identified by the District Manager. If the District Manager's office is not located within the county in which the District is located, the Board shall designate a local records office within such county which shall at a minimum contain, but not be limited to, the following documents:
- (a) Agenda packages for prior 24 months and next meeting;
 - (b) Official minutes of meetings, including adopted resolutions of the Board;
 - (c) Names and addresses of current Board members and District Manager, unless such addresses are protected from disclosure by law;
 - (d) Adopted engineer's reports;
 - (e) Adopted assessment methodologies/reports;
 - (f) Adopted disclosure of public financing;
 - (g) Limited Offering Memorandum for each financing undertaken by the District;
 - (h) Proceedings, certificates, bonds given by all employees, and any and all corporate acts;
 - (i) District policies and rules;
 - (j) Fiscal year end audits; and
 - (k) Adopted budget for the current fiscal year.

The District Manager shall ensure that each District records office contains the documents required by Florida law.

- (2) Public Records. District public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business of the District. All District public records not otherwise restricted by law may be copied or inspected at the District Manager's office during regular business hours. Certain District records can also be inspected and copied at the District's local records office during regular business hours. All written public records requests shall be directed to the Secretary who by these rules is appointed as the District's records custodian. Regardless of the form of the request, any Board member or staff member who receives a public records request shall immediately forward or communicate such request to the Secretary for coordination of a prompt

response. The Secretary, after consulting with District Counsel as to the applicability of any exceptions under the public records laws, shall be responsible for responding to the public records request. At no time can the District be required to create records or summaries of records, or prepare opinions regarding District policies, in response to a public records request.

- (3) Service Contracts. Any contract for services, regardless of cost, shall include provisions required by law that require the contractor to comply with public records laws. The District Manager shall be responsible for initially enforcing all contract provisions related to a contractor's duty to comply with public records laws.
- (4) Fees; Copies. Copies of public records shall be made available to the requesting person at a charge of \$0.15 per page for one-sided copies and \$0.20 per page for two-sided copies if not more than 8 ½ by 14 inches. For copies of public records in excess of the sizes listed in this section and for outside duplication services, the charge shall be equal to the actual cost of reproduction. Certified copies of public records shall be made available at a charge of one dollar (\$1.00) per page. If the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance, the District may charge, in addition to the duplication charge, a special service charge that is based on the cost the District incurs to produce the records requested. This charge may include, but is not limited to, the cost of information technology resource, employee labor, and fees charged to the District by consultants employed in fulfilling the request. In cases where the special service charge is based in whole or in part on the costs incurred by the District due to employee labor, consultant fees, or other forms of labor, those portions of the charge shall be calculated based on the lowest labor cost of the individual(s) who is/are qualified to perform the labor, taking into account the nature or volume of the public records to be inspected or copied. The charge may include the labor costs of supervisory and/or clerical staff whose assistance is required to complete the records request, in accordance with Florida law. For purposes of this Rule, the word "extensive" shall mean that it will take more than 15 minutes to locate, review for confidential information, copy and re-file the requested material. In cases where extensive personnel time is determined by the District to be necessary to safeguard original records being inspected, the special service charge provided for in this section shall apply. If the total fees, including but not limited to special service charges, are anticipated to exceed twenty-five dollars (\$25.00), then, prior to commencing work on the request, the District will inform the person making the public records request of the estimated cost, with the understanding that the final cost may vary from that estimate. If the person making the public records request decides to proceed with the request, payment of the estimated cost is required in advance. Should the person fail to pay the estimate, the District is under no duty to produce the requested records. After the request has been fulfilled, additional payments or credits may be due. The District is under no duty to produce records in response to future records requests if the person making the request owes the District for past unpaid duplication charges, special service charges, or other required payments or credits.
- (5) Records Retention. The Secretary of the District shall be responsible for retaining the District's records in accordance with applicable Florida law.

- (6) Policies. The Board may adopt policies related to the conduct of its business and the provision of services either by resolution or motion.
- (7) Financial Disclosure Coordination. Unless specifically designated by Board resolution otherwise, the Secretary shall serve as the Financial Disclosure Coordinator (“Coordinator”) for the District as required by the Florida Commission on Ethics (“Commission”). The Coordinator shall create, maintain and update a list of the names, e-mail addresses, physical addresses, and names of the agency of, and the office or position held by, all Supervisors and other persons required by Florida law to file a statement of financial interest due to his or her affiliation with the District (“Reporting Individual”). The Coordinator shall provide this list to the Commission by February 1 of each year, which list shall be current as of December 31 of the prior year. Each Supervisor and Reporting Individual shall promptly notify the Coordinator in writing if there are any changes to such person’s name, e-mail address, or physical address. Each Supervisor and Reporting Individual shall promptly notify the Commission in the manner prescribed by the Commission if there are any changes to such person’s e-mail address.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 112.31446(3), 112.3145(8)(a)1., 119.07, 119.0701, 190.006, Fla. Stat.

Rule 1.3 Public Meetings, Hearings, and Workshops.

(1) Notice. Except in emergencies, or as otherwise required by statute or these Rules, at least seven (7) days, but no more than thirty (30) days public notice shall be given of any public meeting, hearing or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and in the county in which the District is located. “General circulation” means a publication that is printed and published at least once a week for the preceding year, offering at least 25% of its words in the English language, qualifies as a periodicals material for postal purposes in the county in which the District is located, is for sale to the public generally, is available to the public generally for the publication of official or other notices, and is customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published in a newspaper not of limited subject matter, which is published at least five days a week, unless the only newspaper in the county is published less than five days a week. Each Notice shall state, as applicable:

- (a) The date, time and place of the meeting, hearing or workshop;
- (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
- (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
- (d) The following or substantially similar language: “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 (850) 334-9055. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770 or 1 (800) 955-8771, who can aid you in contacting the District Office.”
- (e) The following or substantially similar language: “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.”
- (f) The following or substantially similar language: “The meeting [or hearing or workshop] may be continued in progress without additional notice to a time, date, and location stated on the record.”

- (2) Mistake. In the event that a meeting is held under the incorrect assumption that notice required by law and these Rules has been given, the Board at its next properly noticed meeting shall cure such defect by considering the agenda items from the prior meeting individually and anew.
- (3) Agenda. The District Manager, under the guidance of District Counsel and the Chairperson or Vice-Chairperson, shall prepare an agenda of the meeting/hearing/workshop. The agenda and any meeting materials available in an electronic format, excluding any confidential and any confidential and exempt information, shall be available to the public at least seven days before the meeting/hearing/workshop, except in an emergency. Meeting materials shall be defined as, and limited to, the agenda, meeting minutes, resolutions, and agreements of the District that District staff deems necessary for Board approval. Inclusion of additional materials for Board consideration other than those defined herein as “meeting materials” shall not convert such materials into “meeting materials.” For good cause, the agenda may be changed after it is first made available for distribution, and additional materials may be added or provided under separate cover at the meeting. The requirement of good cause shall be liberally construed to allow the District to efficiently conduct business and to avoid the expenses associated with special meetings.

The District may, but is not required to, use the following format in preparing its agenda for its regular meetings:

- Call to order
- Roll call
- Public comment
- Organizational matters
- Review of minutes
- Specific items of old business
- Specific items of new business
- Staff reports
 - (a) District Counsel
 - (b) District Engineer
 - (c) District Manager
 - 1. Financial Report
 - 2. Approval of Expenditures
- Supervisor’s requests and comments
- Public comment
- Adjournment

- (4) Minutes. The Secretary shall be responsible for preparing and keeping the minutes of each meeting of the Board. Minutes shall be corrected and approved by the Board at a subsequent meeting. The Secretary may work with other staff members in preparing draft minutes for the Board’s consideration.
- (5) Special Requests. Persons wishing to receive, by mail, notices or agendas of meetings, may so advise the District Manager or Secretary at the District Office.

Such persons shall furnish a mailing address in writing and shall be required to pre-pay the cost of the copying and postage.

- (6) Emergency Meetings. The Chairperson, or Vice-Chairperson if the Chairperson is unavailable, upon consultation with the District Manager and District Counsel, if available, may convene an emergency meeting of the Board without first having complied with sections (1) and (3) of this Rule, to act on emergency matters that may affect the public health, safety, or welfare. Whenever possible, the District Manager shall make reasonable efforts to provide public notice and notify all Board members of an emergency meeting twenty-four (24) hours in advance. Reasonable efforts may include telephone notification. Notice of the emergency meeting must be provided both before and after the meeting on the District's website, if it has one. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District. After an emergency meeting, the Board shall publish in a newspaper of general circulation in the District, the time, date and place of the emergency meeting, the reasons why an emergency meeting was necessary, and a description of the action taken. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.
- (7) Public Comment. The Board shall set aside a reasonable amount of time at each meeting for public comment and members of the public shall be permitted to provide comment on any proposition before the Board. The portion of the meeting generally reserved for public comment shall be identified in the agenda. Policies governing public comment may be adopted by the Board in accordance with Florida law.
- (8) Budget Hearing. Notice of hearing on the annual budget(s) shall be in accord with Section 190.008 of the Florida Statutes. Once adopted in accord with Section 190.008 of the Florida Statutes, the annual budget(s) may be amended from time to time by action of the Board. Approval of invoices by the Board in excess of the funds allocated to a particular budgeted line item shall serve to amend the budgeted line item.
- (9) Public Hearings. Notice of required public hearings shall contain the information required by applicable Florida law and by these Rules applicable to meeting notices and shall be mailed and published as required by Florida law. The District Manager shall ensure that all such notices, whether mailed or published, contain the information required by Florida law and these Rules and are mailed and published as required by Florida law. Public hearings may be held during Board meetings when the agenda includes such public hearing.
- (10) Participation by Teleconference/Videoconference. District staff may participate in Board meetings by teleconference or videoconference. Board members may also participate in Board meetings by teleconference or videoconference if in the good judgment of the Board extraordinary circumstances exist; provided however, at least three Board members must be physically present at the meeting location to establish a quorum. Such extraordinary circumstances shall be presumed when a Board member participates by teleconference or videoconference, unless a majority

of the Board members physically present determines that extraordinary circumstances do not exist.

- (11) Board Authorization. The District has not adopted Robert's Rules of Order. For each agenda item, there shall be discussion permitted among the Board members during the meeting. Unless such procedure is waived by the Board, approval or disapproval of resolutions and other proposed Board actions shall be in the form of a motion by one Board member, a second by another Board member, and an affirmative vote by the majority of the Board members present. Any Board member, including the Chairperson, can make or second a motion.
- (12) Continuances. Any meeting or public hearing of the Board may be continued without re-notice or re-advertising provided that:
 - (a) The Board identifies on the record at the original meeting a reasonable need for a continuance;
 - (b) The continuance is to a specified date, time, and location publicly announced at the original meeting; and
 - (c) The public notice for the original meeting states that the meeting may be continued to a date and time and states that the date, time, and location of any continuance shall be publicly announced at the original meeting and posted at the District Office immediately following the original meeting.
- (13) Attorney-Client Sessions. An Attorney-Client Session is permitted when the District's attorneys deem it necessary to meet in private with the Board to discuss pending litigation to which the District is a party before a court or administrative agency or as may be authorized by law. The District's attorney must request such session at a public meeting. Prior to holding the Attorney-Client Session, the District must give reasonable public notice of the time and date of the session and the names of the persons anticipated to attend the session. The session must commence at an open meeting in which the Chairperson or Vice-Chairperson announces the commencement of the session, the estimated length of the session, and the names of the persons who will be attending the session. The discussion during the session is confined to settlement negotiations or strategy related to litigation expenses or as may be authorized by law. Only the Board, the District's attorneys (including outside counsel), the District Manager, and the court reporter may attend an Attorney-Client Session. During the session, no votes may be taken and no final decisions concerning settlement can be made. Upon the conclusion of the session, the public meeting is reopened, and the Chairperson or Vice-Chairperson must announce that the session has concluded. The session must be transcribed by a court-reporter and the transcript of the session filed with the District Secretary within a reasonable time after the session. The transcript shall not be available for public inspection until after the conclusion of the litigation.
- (14) Security and Firesafety Board Discussions. Portions of a meeting which relate to or would reveal a security or firesafety system plan or portion thereof made confidential and exempt by section 119.071(3)(a), Florida Statutes, are exempt

from the public meeting requirements and other requirements of section 286.011, Florida Statutes, and section 24(b), Article 1 of the State Constitution. Should the Board wish to discuss such matters, members of the public shall be required to leave the meeting room during such discussion. Any records of the Board's discussion of such matters, including recordings or minutes, shall be maintained as confidential and exempt records in accordance with Florida law.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 189.069(2)(a)16, 190.006, 190.007, 190.008, 286.0105, 286.011, 286.0113, 286.0114, Fla. Stat.

Rule 1.4 Internal Controls to Prevent Fraud, Waste and Abuse

- (1) Internal Controls. The District shall establish and maintain internal controls designed to:
- (a) Prevent and detect “fraud,” “waste” and “abuse” as those terms are defined in section 11.45(1), Florida Statutes; and
 - (b) Promote and encourage compliance with applicable laws, rules contracts, grant agreements, and best practices; and
 - (c) Support economical and efficient operations; and
 - (d) Ensure reliability of financial records and reports; and
 - (e) Safeguard assets.
- (2) Adoption. The internal controls to prevent fraud, waste and abuse shall be adopted and amended by the District in the same manner as District policies.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 218.33(3), Fla. Stat.

Rule 2.0 Rulemaking Proceedings.

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District. A “rule” is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District (“Rule”). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.

- (2) Notice of Rule Development.
 - (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed Rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
 - (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.

- (3) Notice of Proceedings and Proposed Rules.
 - (a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action, a reference to the specific rulemaking authority pursuant to which the rule is adopted, and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall include a summary of the District’s statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in Section 120.541(2) of the Florida Statutes, and a statement that any person who wishes to provide the District with a lower cost regulatory alternative as provided by Section 120.541(1), must do so in writing within twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing by submitting a written request within twenty-one (21) days after the date of publication of the notice. Except when intended action is the repeal of a rule, the notice shall include a reference to both the date on which and the

place where the Notice of Rule Development required by section (2) of this Rule appeared.

- (b) The notice shall be published in a newspaper of general circulation in the District and each county in which the District is located not less than twenty-eight (28) days prior to the intended action. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.
 - (c) The notice shall be mailed to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its rulemaking proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend, or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing.
- (4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
- (5) Petitions to Initiate Rulemaking. All Petitions to Initiate Rulemaking proceedings must contain the name, address, and telephone number of the petitioner, the specific action requested, the specific reason for adoption, amendment, or repeal, the date submitted, the text of the proposed rule, and the facts showing that the petitioner is regulated by the District or has a substantial interest in the rulemaking. Not later than sixty (60) calendar days following the date of filing a petition, the Board shall initiate rulemaking proceedings or deny the petition with a written statement of its reasons for the denial. If the petition is directed to an existing policy that the District has not formally adopted as a rule, the District may, in its discretion, notice and hold a public hearing on the petition to consider the comments of the public directed to the policy, its scope and application, and to consider whether the public interest is served adequately by the application of the policy on a case-by-case basis, as contrasted with its formal adoption as a rule. However, this section shall not be construed as requiring the District to adopt a rule to replace a policy.
- (6) Rulemaking Materials. After the publication of the notice referenced in section (3) of this Rule, the Board shall make available for public inspection and shall provide, upon request and payment of the cost of copies, the following materials:
- (a) The text of the proposed rule, or any amendment or repeal of any existing rules;
 - (b) A detailed written statement of the facts and circumstances justifying the proposed rule;

- (c) A copy of the statement of estimated regulatory costs if required by Section 120.541 of the Florida Statutes; and
 - (d) The published notice.
- (7) Hearing. The District may, or, upon the written request of any affected person received within twenty-one (21) days after the date of publication of the notice described in section (3) of this Rule, shall, provide a public hearing for the presentation of evidence, argument, and oral statements, within the reasonable conditions and limitations imposed by the District to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings. The District shall publish notice of the public hearing in a newspaper of general circulation within the District either in the text of the notice described in section (3) of this Rule or in a separate publication at least seven (7) days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing. Written statements may be submitted by any person prior to or at the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (8) Emergency Rule Adoption. The Board may adopt an emergency rule if it finds that immediate danger to the public health, safety, or welfare exists which requires immediate action. Prior to the adoption of an emergency rule, the District Manager shall make reasonable efforts to notify a newspaper of general circulation in the District. Notice of emergency rules shall be published as soon as possible in a newspaper of general circulation in the District. The District may use any procedure which is fair under the circumstances in the adoption of an emergency rule as long as it protects the public interest as determined by the District and otherwise complies with these provisions.
- (9) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54(2)(d) of the Florida Statutes, except that any notices required under Section 120.54(2)(d) of the Florida Statutes, may be published in a newspaper of general circulation in the county in which the District is located.
- (10) Rulemaking Record. In all rulemaking proceedings, the District shall compile and maintain a rulemaking record. The record shall include, if applicable:
- (a) The texts of the proposed rule and the adopted rule;
 - (b) All notices given for a proposed rule;
 - (c) Any statement of estimated regulatory costs for the rule;
 - (d) A written summary of hearings, if any, on the proposed rule;
 - (e) All written comments received by the District and responses to those written comments; and

(f) All notices and findings pertaining to an emergency rule.

(11) Petitions to Challenge Existing Rules.

- (a) Any person substantially affected by a rule may seek an administrative determination of the invalidity of the rule on the ground that the rule is an invalid exercise of the District's authority.
- (b) The petition seeking an administrative determination must state with particularity the provisions alleged to be invalid with sufficient explanation of the facts or grounds for the alleged invalidity and facts sufficient to show that the person challenging a rule is substantially affected by it.
- (c) The petition shall be filed with the District. Within 10 days after receiving the petition, the Chairperson shall, if the petition complies with the requirements of subsection (b) of this section, designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties. The failure of the District to follow the applicable rulemaking procedures or requirements in this Rule shall be presumed to be material; however, the District may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.
- (d) Within 30 days after the hearing, the hearing officer shall render a decision and state the reasons therefor in writing.
- (e) Hearings held under this section shall be de novo in nature. The petitioner has a burden of proving by a preponderance of the evidence that the existing rule is an invalid exercise of District authority as to the objections raised. The hearing officer may:
- (i) Administer oaths and affirmations;
 - (ii) Rule upon offers of proof and receive relevant evidence;
 - (iii) Regulate the course of the hearing, including any pre-hearing matters;
 - (iv) Enter orders; and
 - (v) Make or receive offers of settlement, stipulation, and adjustment.
- (f) The petitioner and the District shall be adverse parties. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.

- (12) Variations and Waivers. A “variance” means a decision by the District to grant a modification to all or part of the literal requirements of a rule to a person who is subject to the rule. A “waiver” means a decision by the District not to apply all or part of a rule to a person who is subject to the rule. Variations and waivers from District rules may be granted subject to the following:
- (a) Variations and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person, and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.
 - (b) A person who is subject to regulation by a District Rule may file a petition with the District, requesting a variance or waiver from the District’s Rule. Each petition shall specify:
 - (i) The rule from which a variance or waiver is requested;
 - (ii) The type of action requested;
 - (iii) The specific facts that would justify a waiver or variance for the petitioner; and
 - (iv) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.
 - (c) The District shall review the petition and may request only that information needed to clarify the petition or to answer new questions raised by or directly related to the petition. If the petitioner asserts that any request for additional information is not authorized by law or by Rule of the District, the District shall proceed, at the petitioner’s written request, to process the petition.
 - (d) The Board shall grant or deny a petition for variance or waiver and shall announce such disposition at a publicly held meeting of the Board, within ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District’s statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.
- (13) Rates, Fees, Rentals and Other Charges. All rates, fees, rentals, or other charges shall be subject to rulemaking proceedings. Policies adopted by the District which do not consist of rates, fees, rentals or other charges may be, but are not required to be, implemented through rulemaking proceedings.

Specific Authority: §§ 190.011(5), 190.011(15), 190.035, Fla. Stat.
Law Implemented: §§ 190.011(5), 190.035(2), Fla. Stat.

Rule 3.0 Competitive Purchase.

- (1) Purpose and Scope. In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017 of the Florida Statutes, the following provisions shall apply to the purchase of Professional Services, insurance, construction contracts, design-build services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Board Authorization. Except in cases of an Emergency Purchase, a competitive purchase governed by these Rules shall only be undertaken after authorization by the Board.
- (3) Definitions.
 - (a) “Competitive Solicitation” means a formal, advertised procurement process, other than an Invitation to Bid, Request for Proposals, or Invitation to Negotiate, approved by the Board to purchase commodities and/or services which affords vendors fair treatment in the competition for award of a District purchase contract.
 - (b) “Continuing Contract” means a contract for Professional Services entered into in accordance with Section 287.055 of the Florida Statutes, between the District and a firm, whereby the firm provides Professional Services to the District for projects in which the costs do not exceed two million dollars (\$2,000,000), for a study activity when the fee for such Professional Services to the District does not exceed two hundred thousand dollars (\$200,000), or for work of a specified nature as outlined in the contract with the District, with no time limitation except that the contract must provide a termination clause (for example, a contract for general District engineering services). Firms providing Professional Services under Continuing Contracts shall not be required to bid against one another.
 - (c) “Contractual Service” means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. Contractual Services do not include auditing services, Maintenance Services, or Professional Services as defined in Section 287.055(2)(a) of the Florida Statutes, and these Rules. Contractual Services also do not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255 of the Florida Statutes, and Rules 3.5 or 3.6.
 - (d) “Design-Build Contract” means a single contract with a Design-Build Firm for the design and construction of a public construction project.
 - (e) “Design-Build Firm” means a partnership, corporation or other legal entity that:

- (i) Is certified under Section 489.119 of the Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or
 - (ii) Is certified under Section 471.023 of the Florida Statutes, to practice or to offer to practice engineering; certified under Section 481.219 of the Florida Statutes, to practice or to offer to practice architecture; or certified under Section 481.319 of the Florida Statutes, to practice or to offer to practice landscape architecture.
- (f) “Design Criteria Package” means concise, performance-oriented drawings or specifications for a public construction project. The purpose of the Design Criteria Package is to furnish sufficient information to permit Design-Build Firms to prepare a bid or a response to the District’s Request for Proposals, or to permit the District to enter into a negotiated Design-Build Contract. The Design Criteria Package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project. Design Criteria Packages shall require firms to submit information regarding the qualifications, availability, and past work of the firms, including the partners and members thereof.
- (g) “Design Criteria Professional” means a firm who holds a current certificate of registration under Chapter 481 of the Florida Statutes, to practice architecture or landscape architecture, or a firm who holds a current certificate as a registered engineer under Chapter 471 of the Florida Statutes, to practice engineering, and who is employed by or under contract to the District to provide professional architect services, landscape architect services, or engineering services in connection with the preparation of the Design Criteria Package.
- (h) “Emergency Purchase” means a purchase necessitated by a sudden unexpected turn of events (for example, acts of God, riot, fires, floods, hurricanes, accidents, or any circumstances or cause beyond the control of the Board in the normal conduct of its business), where the Board finds that the delay incident to competitive purchase would be detrimental to the interests of the District. This includes, but is not limited to, instances where the time to competitively award the project will jeopardize the funding for the project, will materially increase the cost of the project, or will create an undue hardship on the public health, safety, or welfare.
- (i) “Invitation to Bid” is a written solicitation for sealed bids with the title, date, and hour of the public bid opening designated specifically and defining

the commodity or service involved. It includes printed instructions prescribing conditions for bidding, qualification, evaluation criteria, and provides for a manual signature of an authorized representative. It may include one or more bid alternates.

- (j) “Invitation to Negotiate” means a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or services.
- (k) “Negotiate” means to conduct legitimate, arm’s length discussions and conferences to reach an agreement on a term or price.
- (l) “Professional Services” means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of Florida, or those services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper, in connection with the firm's or individual's professional employment or practice.
- (m) “Proposal (or Reply or Response) Most Advantageous to the District” means, as determined in the sole discretion of the Board, the proposal, reply, or response that is:
 - (i) Submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements, who has the integrity and reliability to assure good faith performance;
 - (ii) The most responsive to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation as determined by the Board; and
 - (iii) For a cost to the District deemed by the Board to be reasonable.
- (n) “Purchase” means acquisition by sale, rent, lease, lease/purchase, or installment sale. It does not include transfer, sale, or exchange of goods, supplies, or materials between the District and any federal, state, regional or local governmental entity or political subdivision of the State of Florida.
- (o) “Request for Proposals” or “RFP” is a written solicitation for sealed proposals with the title, date, and hour of the public opening designated and requiring the manual signature of an authorized representative. It may provide general information, applicable laws and rules, statement of work, functional or general specifications, qualifications, proposal instructions, work detail analysis, and evaluation criteria as necessary.
- (p) “Responsive and Responsible Bidder” means an entity or individual that has submitted a bid that conforms in all material respects to the Invitation to Bid and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith

performance. “Responsive and Responsible Vendor” means an entity or individual that has submitted a proposal, reply, or response that conforms in all material respects to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. In determining whether an entity or individual is a Responsive and Responsible Bidder (or Vendor), the District may consider, in addition to factors described in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the following:

- (i) The ability and adequacy of the professional personnel employed by the entity/individual;
 - (ii) The past performance of the entity/individual for the District and in other professional employment;
 - (iii) The willingness of the entity/individual to meet time and budget requirements;
 - (iv) The geographic location of the entity’s/individual’s headquarters or office in relation to the project;
 - (v) The recent, current, and projected workloads of the entity/individual;
 - (vi) The volume of work previously awarded to the entity/individual;
 - (vii) Whether the cost components of the bid or proposal are appropriately balanced; and
 - (viii) Whether the entity/individual is a certified minority business enterprise.
- (q) “Responsive Bid,” “Responsive Proposal,” “Responsive Reply,” and “Responsive Response” all mean a bid, proposal, reply, or response which conforms in all material respects to the specifications and conditions in the Invitation to Bid, Request for Proposals, Invitations to Negotiate, or Competitive Solicitation document and these Rules, and the cost components of which, if any, are appropriately balanced. A bid, proposal, reply or response is not responsive if the person or firm submitting it fails to meet any material requirement relating to the qualifications, financial stability, or licensing of the bidder.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.033, 255.20, 287.055, Fla. Stat.

Rule 3.1 Procedure Under the Consultants' Competitive Negotiations Act.

- (1) Scope. The following procedures are adopted for the selection of firms or individuals to provide Professional Services exceeding the thresholds herein described, for the negotiation of such contracts, and to provide for protest of actions of the Board under this Rule. As used in this Rule, "Project" means that fixed capital outlay study or planning activity when basic construction cost is estimated by the District to exceed the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FIVE, or for a planning study activity when the fee for Professional Services is estimated by the District to exceed the threshold amount provided in Section 287.017 for CATEGORY TWO, as such categories may be amended or adjusted from time to time.
- (2) Qualifying Procedures. In order to be eligible to provide Professional Services to the District, a consultant must, at the time of receipt of the firm's qualification submittal:
 - (a) Hold all required applicable state professional licenses in good standing;
 - (b) Hold all required applicable federal licenses in good standing, if any;
 - (c) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the consultant is a corporation; and
 - (d) Meet any qualification requirements set forth in the District's Request for Qualifications.

Evidence of compliance with this Rule may be submitted with the qualifications, if requested by the District. In addition, evidence of compliance must be submitted any time requested by the District.

- (3) Public Announcement. Except in cases of valid public emergencies as certified by the Board, the District shall announce each occasion when Professional Services are required for a Project or a Continuing Contract by publishing a notice providing a general description of the Project, or the nature of the Continuing Contract, and the method for interested consultants to apply for consideration. The notice shall appear in at least one (1) newspaper of general circulation in the District and in such other places as the District deems appropriate. The notice must allow at least fourteen (14) days for submittal of qualifications from the date of publication. The District may maintain lists of consultants interested in receiving such notices. These consultants are encouraged to submit annually statements of qualifications and performance data. The District shall make reasonable efforts to provide copies of any notices to such consultants, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process. The Board has the right to reject any and all qualifications, and such reservation shall be included in the published notice. Consultants not receiving a contract award shall not be entitled to recover from the District any costs of qualification package preparation or submittal.

(4) Competitive Selection.

- (a) The Board shall review and evaluate the data submitted in response to the notice described in section (3) of this Rule regarding qualifications and performance ability, as well as any statements of qualifications on file. The Board shall conduct discussions with, and may require public presentation by consultants regarding their qualifications, approach to the Project, and ability to furnish the required services. The Board shall then select and list the consultants, in order of preference, deemed to be the most highly capable and qualified to perform the required Professional Services, after considering these and other appropriate criteria:
- (i) The ability and adequacy of the professional personnel employed by each consultant;
 - (ii) Whether a consultant is a certified minority business enterprise;
 - (iii) Each consultant's past performance;
 - (iv) The willingness of each consultant to meet time and budget requirements;
 - (v) The geographic location of each consultant's headquarters, office and personnel in relation to the project;
 - (vi) The recent, current, and projected workloads of each consultant; and
 - (vii) The volume of work previously awarded to each consultant by the District.
- (b) Nothing in these Rules shall prevent the District from evaluating and eventually selecting a consultant if less than three (3) Responsive qualification packages, including packages indicating a desire not to provide Professional Services on a given Project, are received.
- (c) If the selection process is administered by any person or committee other than the full Board, the selection made will be presented to the full Board with a recommendation that competitive negotiations be instituted with the selected firms in order of preference listed.
- (d) Notice of the rankings adopted by the Board, including the rejection of some or all qualification packages, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's ranking decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

(5) Competitive Negotiation.

- (a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as most qualified to perform the required Professional Services at a rate or amount of compensation which the Board determines is fair, competitive, and reasonable.
- (b) In negotiating a lump-sum or cost-plus-a-fixed-fee professional contract for more than the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, the firm receiving the award shall be required to execute a truth-in-negotiation certificate stating that "wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting." In addition, any professional service contract under which such a certificate is required, shall contain a provision that "the original contract price and any additions thereto, shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs."
- (c) Should the District be unable to negotiate a satisfactory agreement with the firm determined to be the most qualified at a price deemed by the District to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the District shall immediately begin negotiations with the second most qualified firm. If a satisfactory agreement with the second firm cannot be reached, those negotiations shall be terminated and negotiations with the third most qualified firm shall be undertaken.
- (d) Should the District be unable to negotiate a satisfactory agreement with one of the top three (3) ranked consultants, additional firms shall be selected by the District, in order of their competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.

(6) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.

(7) Continuing Contract. Nothing in this Rule shall prohibit a Continuing Contract between a consultant and the District.

(8) Emergency Purchase. The District may make an Emergency Purchase without complying with these Rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 190.011(3), 190.033, 287.055, Fla. Stat.

Rule 3.2 Procedure Regarding Auditor Selection.

In order to comply with the requirements of Section 218.391 of the Florida Statutes, the following procedures are outlined for selection of firms or individuals to provide Auditing Services and for the negotiation of such contracts. For audits required under Chapter 190 of the Florida Statutes but not meeting the thresholds of Chapter 218 of the Florida Statutes, the District need not follow these procedures but may proceed with the selection of a firm or individual to provide Auditing Services and for the negotiation of such contracts in the manner the Board determines is in the best interests of the District.

(1) Definitions.

- (a) "Auditing Services" means those services within the scope of the practice of a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.
- (b) "Committee" means the auditor selection committee appointed by the Board as described in section (2) of this Rule.

(2) Establishment of Auditor Selection Committee. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Board shall establish an auditor selection committee ("Committee"), the primary purpose of which is to assist the Board in selecting an auditor to conduct the annual financial audit required by Section 218.39 of the Florida Statutes. The Committee shall include at least three individuals, at least one of which must also be a member of the Board. The establishment and selection of the Committee must be conducted at a publicly noticed and held meeting of the Board. The Chairperson of the Committee must be a member of the Board. An employee, a chief executive officer, or a chief financial officer of the District may not serve as a member of the Committee; provided however such individual may serve the Committee in an advisory capacity.

(3) Establishment of Minimum Qualifications and Evaluation Criteria. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Committee shall meet at a publicly noticed meeting to establish minimum qualifications and factors to use for the evaluation of Auditing Services to be provided by a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.

- (a) Minimum Qualifications. In order to be eligible to submit a proposal, a firm must, at all relevant times including the time of receipt of the proposal by the District:
 - (i) Hold all required applicable state professional licenses in good standing;

- (ii) Hold all required applicable federal licenses in good standing, if any;
- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation; and
- (iv) Meet any pre-qualification requirements established by the Committee and set forth in the RFP or other specifications.

If requested in the RFP or other specifications, evidence of compliance with the minimum qualifications as established by the Committee must be submitted with the proposal.

- (b) Evaluation Criteria. The factors established for the evaluation of Auditing Services by the Committee shall include, but are not limited to:
 - (i) Ability of personnel;
 - (ii) Experience;
 - (iii) Ability to furnish the required services; and
 - (iv) Such other factors as may be determined by the Committee to be applicable to its particular requirements.

The Committee may also choose to consider compensation as a factor. If the Committee establishes compensation as one of the factors, compensation shall not be the sole or predominant factor used to evaluate proposals.

- (4) Public Announcement. After identifying the factors to be used in evaluating the proposals for Auditing Services as set forth in section (3) of this Rule, the Committee shall publicly announce the opportunity to provide Auditing Services. Such public announcement shall include a brief description of the audit and how interested firms can apply for consideration and obtain the RFP. The notice shall appear in at least one (1) newspaper of general circulation in the District and the county in which the District is located. The public announcement shall allow for at least seven (7) days for the submission of proposals.
- (5) Request for Proposals. The Committee shall provide interested firms with a Request for Proposals (“RFP”). The RFP shall provide information on how proposals are to be evaluated and such other information the Committee determines is necessary for the firm to prepare a proposal. The RFP shall state the time and place for submitting proposals.
- (6) Committee’s Evaluation of Proposals and Recommendation. The Committee shall meet at a publicly held meeting that is publicly noticed for a reasonable time in advance of the meeting to evaluate all qualified proposals and may, as part of the evaluation, require that each interested firm provide a public presentation where the

Committee may conduct discussions with the firm, and where the firm may present information, regarding the firm's qualifications. At the public meeting, the Committee shall rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to subsection (3)(b) of this Rule. If fewer than three firms respond to the RFP or if no firms respond to the RFP, the Committee shall recommend such firm as it deems to be the most highly qualified. Notwithstanding the foregoing, the Committee may recommend that any and all proposals be rejected.

(7) Board Selection of Auditor.

- (a) Where compensation was not selected as a factor used in evaluating the proposals, the Board shall negotiate with the firm ranked first and inquire of that firm as to the basis of compensation. If the Board is unable to negotiate a satisfactory agreement with the first ranked firm at a price deemed by the Board to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the Board shall immediately begin negotiations with the second ranked firm. If a satisfactory agreement with the second ranked firm cannot be reached, those negotiations shall be terminated and negotiations with the third ranked firm shall be undertaken. The Board may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. If the Board is unable to negotiate a satisfactory agreement with any of the selected firms, the Committee shall recommend additional firms in order of the firms' respective competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.
- (b) Where compensation was selected as a factor used in evaluating the proposals, the Board shall select the highest-ranked qualified firm or document in its public records the reason for not selecting the highest-ranked qualified firm.
- (c) In negotiations with firms under this Rule, the Board may allow the District Manager, District Counsel, or other designee to conduct negotiations on its behalf.
- (d) Notwithstanding the foregoing, the Board may reject any or all proposals. The Board shall not consider any proposal, or enter into any contract for Auditing Services, unless the proposed agreed-upon compensation is reasonable to satisfy the requirements of Section 218.39 of the Florida Statutes, and the needs of the District.

- (8) Contract. Any agreement reached under this Rule shall be evidenced by a written contract, which may take the form of an engagement letter signed and executed by both parties. The written contract shall include all provisions and conditions of the procurement of such services and shall include, at a minimum, the following:

- (a) A provision specifying the services to be provided and fees or other compensation for such services;
 - (b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract;
 - (c) A provision setting forth deadlines for the auditor to submit a preliminary draft audit report to the District for review and to submit a final audit report no later than June 30 of the fiscal year that follows the fiscal year for which the audit is being conducted;
 - (d) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed. The maximum contract period including renewals shall be five (5) years. A renewal may be done without the use of the auditor selection procedures provided in this Rule but must be in writing.
 - (e) Provisions required by law that require the auditor to comply with public records laws.
- (9) Notice of Award. Once a negotiated agreement with a firm or individual is reached, or the Board authorizes the execution of an agreement with a firm where compensation was a factor in the evaluation of proposals, notice of the intent to award, including the rejection of some or all proposals, shall be provided in writing to all proposers by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests regarding the award of contracts under this Rule shall be as provided for in Rule 3.11. No proposer shall be entitled to recover any costs of proposal preparation or submittal from the District.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: §§ 119.0701, 218.33, 218.391, Fla. Stat.

Rule 3.3 Purchase of Insurance.

- (1) Scope. The purchases of life, health, accident, hospitalization, legal expense, or annuity insurance, or all of any kinds of such insurance for the officers and employees of the District, and for health, accident, hospitalization, and legal expenses upon a group insurance plan by the District, shall be governed by this Rule. This Rule does not apply to the purchase of any other type of insurance by the District, including but not limited to liability insurance, property insurance, and directors and officers insurance. Nothing in this Rule shall require the District to purchase insurance.

- (2) Procedure. For a purchase of insurance within the scope of these Rules, the following procedure shall be followed:
 - (a) The Board shall cause to be prepared a Notice of Invitation to Bid.
 - (b) Notice of the Invitation to Bid shall be advertised at least once in a newspaper of general circulation within the District. The notice shall allow at least fourteen (14) days for submittal of bids.
 - (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid. The District shall make reasonable efforts to provide copies of any notices to such persons, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process.
 - (d) Bids shall be opened at the time and place noted in the Invitation to Bid.
 - (e) If only one (1) response to an Invitation is received, the District may proceed with the purchase. If no response to an Invitation to Bid is received, the District may take whatever steps are reasonably necessary in order to proceed with the purchase.
 - (f) The Board has the right to reject any and all bids and such reservations shall be included in all solicitations and advertisements.
 - (g) Simultaneously with the review of the submitted bids, the District may undertake negotiations with those companies that have submitted reasonable and timely bids and, in the opinion of the District, are fully qualified and capable of meeting all services and requirements. Bid responses shall be evaluated in accordance with the specifications and criteria contained in the Invitation to Bid; in addition, the total cost to the District, the cost, if any, to the District officers, employees, or their dependents, the geographic location of the company's headquarters and offices in relation to the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase insurance shall be awarded to that company whose response to the Invitation to Bid best meets the overall needs of the District, its officers, employees, and/or dependents.

- (h) Notice of the intent to award, including rejection of some or all bids, shall be provided in writing to all bidders by United States Mail, by hand delivery, or by overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of insurance under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 112.08, Fla. Stat.

Rule 3.4 Pre-qualification

- (1) Scope. In its discretion, the District may undertake a pre-qualification process in accordance with this Rule for vendors to provide construction services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Procedure. When the District seeks to pre-qualify vendors, the following procedures shall apply:
 - (a) The Board shall cause to be prepared a Request for Qualifications.
 - (b) For construction services exceeding the thresholds described in Section 255.20 of the Florida Statutes, the Board must advertise the proposed pre-qualification criteria and procedures and allow at least seven (7) days notice of the public hearing for comments on such pre-qualification criteria and procedures. At such public hearing, potential vendors may object to such pre-qualification criteria and procedures. Following such public hearing, the Board shall formally adopt pre-qualification criteria and procedures prior to the advertisement of the Request for Qualifications for construction services.
 - (c) The Request for Qualifications shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall allow at least seven (7) days for submittal of qualifications for goods, supplies and materials, Contractual Services, maintenance services, and construction services under two hundred fifty thousand dollars (\$250,000). The notice shall allow at least twenty-one (21) days for submittal of qualifications for construction services estimated to cost over two hundred fifty thousand dollars (\$250,000) and thirty (30) days for construction services estimated to cost over five hundred thousand dollars (\$500,000).
 - (d) The District may maintain lists of persons interested in receiving notices of Requests for Qualifications. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any pre-qualification determination or contract awarded in accordance with these Rules and shall not be a basis for a protest of any pre-qualification determination or contract award.
 - (e) If the District has pre-qualified vendors for a particular category of purchase, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies or responses in response to the applicable Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (f) In order to be eligible to submit qualifications, a firm or individual must, at the time of receipt of the qualifications:

- (i) Hold all required applicable state professional licenses in good standing;
- (ii) Hold all required applicable federal licenses in good standing, if any;
- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
- (iv) Meet any special pre-qualification requirements set forth in the Request for Qualifications.

Evidence of compliance with these Rules must be submitted with the qualifications if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the qualifications.

- (g) Qualifications shall be presented to the Board, or a committee appointed by the Board, for evaluation in accordance with the Request for Qualifications and this Rule. Minor variations in the qualifications may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature.
- (h) All vendors determined by the District to meet the pre-qualification requirements shall be pre-qualified. To assure full understanding of the responsiveness to the requirements contained in a Request for Qualifications, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion and revision of qualifications. For construction services, any contractor pre-qualified and considered eligible by the Department of Transportation to bid to perform the type of work the project entails shall be presumed to be qualified to perform the project.
- (i) The Board shall have the right to reject all qualifications if there are not enough to be competitive or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of qualification preparation or submittal from the District.
- (j) Notice of intent to pre-qualify, including rejection of some or all qualifications, shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's pre-qualification decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11; provided however, protests related to the pre-qualification criteria and procedures for construction services shall be resolved in

accordance with section (2)(b) of this Rule and Section 255.20(1)(b) of the Florida Statutes.

(3) Suspension, Revocation, or Denial of Qualification

- (a) The District, for good cause, may deny, suspend, or revoke a prequalified vendor's pre-qualified status. A suspension, revocation, or denial for good cause shall prohibit the vendor from bidding on any District construction contract for which qualification is required, shall constitute a determination of non-responsibility to bid on any other District construction or maintenance contract, and shall prohibit the vendor from acting as a material supplier or subcontractor on any District contract or project during the period of suspension, revocation, or denial. Good cause shall include the following:
- i. One of the circumstances specified under Section 337.16(2), Fla. Stat., has occurred.
 - ii. Affiliated contractors submitted more than one proposal for the same work. In this event the pre-qualified status of all of the affiliated bidders will be revoked, suspended, or denied. All bids of affiliated bidders will be rejected.
 - iii. The vendor made or submitted false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any District contract.
 - iv. The vendor or its affiliate defaulted on any contract or a contract surety assumed control of financial responsibility for any contract of the vendor.
 - v. The vendor's qualification to bid is suspended, revoked, or denied by any other public or semi-public entity, or the vendor has been the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity.
 - vi. The vendor failed to comply with contract or warranty requirements or failed to follow District direction in the performance of a contract.
 - vii. The vendor failed to timely furnish all contract documents required by the contract specifications, special provisions, or by any state or federal statutes or regulations. If the vendor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the vendor's pre-qualified status shall remain suspended, revoked, or denied until the documents are furnished.
 - viii. The vendor failed to notify the District within 10 days of the vendor, or any of its affiliates, being declared in default or otherwise not completing work on a contract or being suspended from qualification to bid or denied qualification to bid by any other public or semi-public

agency.

- ix. The vendor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents.
 - x. The vendor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects, uncooperative attitude, contract litigation, inflated claims or defaults.
 - xi. An affiliate of the vendor has previously been determined by the District to be non-responsible, and the specified period of suspension, revocation, denial, or non-responsibility remains in effect.
 - xii. The vendor or affiliate(s) has been convicted of a contract crime.
 1. The term “contract crime” means any violation of state or federal antitrust laws with respect to a public contract or any violation of any state or federal law involving fraud, bribery, collusion, conspiracy, or material misrepresentation with respect to a public contract.
 2. The term “convicted” or “conviction” means a finding of guilt or a conviction of a contract crime, with or without an adjudication of guilt, in any federal or state trial court of record as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
- (b) A denial, suspension, or revocation shall prohibit the vendor from being a subcontractor on District work during the period of denial, suspension, or revocation, except when a prime contractor’s bid has used prices of a subcontractor who becomes disqualified after the bid, but before the request for authorization to sublet is presented.
- (c) The District shall inform the vendor in writing of its intent to deny, suspend, or revoke its pre-qualified status and inform the vendor of its right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt by the District of the request for the hearing. The decision shall be issued within 15 days after the hearing.
- (d) Such suspension or revocation shall not affect the vendor’s obligations under any preexisting contract.
- (e) In the case of contract crimes, the vendor’s pre-qualified status under this Rule shall be revoked indefinitely. For all violations of Rule 3.4(3)(a) other than for the vendor’s conviction for contract crimes, the revocation, denial, or suspension of a vendor’s pre-qualified status under this Rule shall be for a specific period of time based on the seriousness of the deficiency.

Examples of factors affecting the seriousness of a deficiency are:

- i. Impacts on project schedule, cost, or quality of work;
- ii. Unsafe conditions allowed to exist;
- iii. Complaints from the public;
- iv. Delay or interference with the bidding process;
- v. The potential for repetition;
- vi. Integrity of the public contracting process;
- vii. Effect on the health, safety, and welfare of the public.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.033, 255.0525, 255.20, Fla. Stat.

Rule 3.5 Construction Contracts, Not Design-Build.

- (1) Scope. All contracts for the construction or improvement of any building, structure, or other public construction works authorized by Chapter 190 of the Florida Statutes, the costs of which are estimated by the District in accordance with generally accepted cost accounting principles to be in excess of the threshold amount for applicability of Section 255.20 of the Florida Statutes, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and the procedures of Section 255.20 of the Florida Statutes, as the same may be amended from time to time. A project shall not be divided solely to avoid the threshold bidding requirements.

- (2) Procedure. When a purchase of construction services is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation in the District and in the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least twenty-one (21) days for submittal of sealed bids, proposals, replies, or responses, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of bids, proposals, replies, or responses. If the Board has previously pre-qualified contractors pursuant to Rule 3.4 and determined that only the contractors that have been pre-qualified will be permitted to submit bids, proposals, replies, and responses, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation need not be published. Instead, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be sent to the pre-qualified contractors by United States Mail, hand delivery, facsimile, or overnight delivery service.

 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.

 - (d) If the District has pre-qualified providers of construction services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses to Invitations

to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations.

- (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the bidder is a corporation; and
 - (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Any contractor that has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects including but not limited to, reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years may be considered ineligible by the District to submit a bid, response, or proposal for a District project.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply, or response, if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and these Rules. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance,

make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.

- (g) The lowest Responsive Bid submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.
 - (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No contractor shall be entitled to recover any costs of bid, proposal, response, or reply preparation or submittal from the District.
 - (i) The Board may require potential contractors to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
 - (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses, shall be provided in writing to all contractors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of construction services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
 - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase construction services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of construction services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.
- (3) Sole Source; Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials,

that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.

- (4) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (5) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board Meeting.
- (6) Exceptions. This Rule is inapplicable when:
 - (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contract; or
 - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 189.053, 190.033, 255.0518, 255.0525, 255.20, 287.055, Fla. Stat.

Rule 3.6 Construction Contracts, Design-Build.

- (1) Scope. The District may utilize Design-Build Contracts for any public construction project for which the Board determines that use of such contract is in the best interest of the District. When letting a Design-Build Contract, the District shall use the following procedure:
- (2) Procedure.
 - (a) The District shall utilize a Design Criteria Professional meeting the requirements of Section 287.055(2)(k) of the Florida Statutes, when developing a Design Criteria Package, evaluating the proposals and qualifications submitted by Design-Build Firms, and determining compliance of the project construction with the Design Criteria Package. The Design Criteria Professional may be an employee of the District, may

be the District Engineer selected by the District pursuant to Section 287.055 of the Florida Statutes, or may be retained pursuant to Rule 3.1. The Design Criteria Professional is not eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package.

- (b) A Design Criteria Package for the construction project shall be prepared and sealed by the Design Criteria Professional. If the project utilizes existing plans, the Design Criteria Professional shall create a Design Criteria Package by supplementing the plans with project specific requirements, if any.
- (c) The Board may either choose to award the Design-Build Contract pursuant to the competitive proposal selection process set forth in Section 287.055(9) of the Florida Statutes, or pursuant to the qualifications-based selection process pursuant to Rule 3.1.
 - (i) Qualifications-Based Selection. If the process set forth in Rule 3.1 is utilized, subsequent to competitive negotiations, a guaranteed maximum price and guaranteed completion date shall be established.
 - (ii) Competitive Proposal-Based Selection. If the competitive proposal selection process is utilized, the Board, in consultation with the Design Criteria Professional, shall establish the criteria, standards and procedures for the evaluation of Design-Build Proposals based on price, technical, and design aspects of the project, weighted for the project. After a Design Criteria Package and the standards and procedures for evaluation of proposals have been developed, competitive proposals from qualified firms shall be solicited pursuant to the design criteria by the following procedure:
 1. A Request for Proposals shall be advertised at least once in a newspaper of general circulation in the county in which the District is located. The notice shall allow at least twenty-one (21) days for submittal of sealed proposals, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of proposals.
 2. The District may maintain lists of persons interested in receiving notices of Requests for Proposals. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.

3. In order to be eligible to submit a proposal, a firm must, at the time of receipt of the proposals:
 - a. Hold the required applicable state professional licenses in good standing, as defined by Section 287.055(2)(h) of the Florida Statutes;
 - b. Hold all required applicable federal licenses in good standing, if any;
 - c. Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation;
 - d. Meet any special pre-qualification requirements set forth in the Request for Proposals and Design Criteria Package.

Any contractor that has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects including but not limited to reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years may be considered ineligible by the District to submit a bid, response, or proposal for a District project.

Evidence of compliance with these Rules must be submitted with the proposal if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the proposal.

4. The proposals, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. In consultation with the Design Criteria Professional, the Board shall evaluate the proposals received based on evaluation criteria and procedures established prior to the solicitation of proposals, including but not limited to qualifications, availability, and past work of the firms and the partners and members thereof. The Board shall then select no fewer than three (3) Design-Build Firms as the most qualified.

5. The Board shall have the right to reject all proposals if the proposals are too high, or rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of proposal preparation or submittal from the District.
6. If less than three (3) Responsive Proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no Responsive Proposals are received, the District may proceed with the procurement of design-build services in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the design-build services without further competitive selection processes.
7. Notice of the rankings adopted by the Board, including the rejection of some or all proposals, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's rankings under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
8. The Board shall negotiate a contract with the firm ranking the highest based on the evaluation standards and shall establish a price which the Board determines is fair, competitive and reasonable. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the second most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the third most qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the third most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. Should the Board be unable to negotiate a satisfactory contract with any of the selected

firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached or the list of firms is exhausted.

9. After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
 10. The Design Criteria Professional shall evaluate the compliance of the detailed working drawings and project construction with the Design Criteria Package and shall provide the Board with a report of the same.
- (3) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
 - (4) Emergency Purchase. The Board may, in case of public emergency, declare an emergency and immediately proceed with negotiations with the best qualified Design-Build Firm available at the time. The fact that an Emergency Purchase has occurred shall be noted in the minutes of the next Board meeting.
 - (5) Exceptions. This Rule is inapplicable when:
 - (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contractor; or
 - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 189.053, 190.033, 255.0518, 255.0525, 255.20, 287.055, Fla. Stat.

Rule 3.7 Payment and Performance Bonds.

- (1) Scope. This Rule shall apply to contracts for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work and shall be construed in addition to terms prescribed by any other Rule that may also apply to such contracts.

- (2) Required Bond. Upon entering into a contract for any of the services described in section (1) of this Rule in excess of \$200,000, the Board should require that the contractor, before commencing the work, execute and record a payment and performance bond in an amount equal to the contract price. Notwithstanding the terms of the contract or any other law, the District may not make payment to the contractor until the contractor has provided to the District a certified copy of the recorded bond.

- (3) Discretionary Bond. At the discretion of the Board, upon entering into a contract for any of the services described in section (1) of this Rule for an amount not exceeding \$200,000, the contractor may be exempted from executing a payment and performance bond.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 255.05, Fla. Stat.

Rule 3.8 Goods, Supplies, and Materials.

- (1) Purpose and Scope. All purchases of goods, supplies, or materials exceeding the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, shall be purchased under the terms of this Rule. Contracts for purchases of “goods, supplies, and materials” do not include printing, insurance, advertising, or legal notices. A contract involving goods, supplies, or materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of goods, supplies, or materials is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, or Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified suppliers of goods, supplies, and materials, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses.
 - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and

- (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply or response if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

Any firm or individual whose principal place of business is outside the State of Florida must also submit a written opinion of an attorney at law licensed to practice law in that foreign state, as to the preferences, if any or none, granted by the law of that foreign state to business entities whose principal places of business are in that foreign state, in the letting of any or all public contracts. Failure to submit such a written opinion or submission of a false or misleading written opinion may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and this Rule. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid, after taking into account the preferences provided for in this subsection, submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be accepted. If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which does not grant a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsive and Responsible Bidder whose principal place of business is in the State of Florida shall be awarded a preference of five (5) percent. If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which grants a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsive and Responsible

Bidder whose principal place of business is in the State of Florida shall be awarded a preference equal to the preference granted by such foreign state.

To assure full understanding of the responsiveness to the solicitation requirements contained in an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.

- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
 - (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
 - (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of goods, supplies, and materials under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
 - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase goods, supplies, or materials, or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of goods, supplies, and materials, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the goods, supplies, and materials without further competitive selection processes.
- (3) Goods, Supplies, and Materials included in a Construction Contract Awarded Pursuant to Rule 3.5 or 3.6. There may be occasions where the District has undergone the competitive purchase of construction services which contract may include the provision of goods, supplies, or materials. In that instance, the District may approve a change order to the contract and directly purchase the goods, supplies, and materials. Such purchase of goods, supplies, and materials deducted from a competitively purchased construction contract shall be exempt from this Rule.

- (4) Exemption. Goods, supplies, and materials that are only available from a single source are exempt from this Rule. Goods, supplies, and materials provided by governmental agencies are exempt from this Rule. A contract for goods, supplies, or materials is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process. This Rule shall not apply to the purchase of goods, supplies or materials that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules.
- (5) Renewal. Contracts for the purchase of goods, supplies, and/or materials subject to this Rule may be renewed for a maximum period of five (5) years.
- (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 189.053, 190.033, 287.017, 287.084, Fla. Stat.

Rule 3.9 Maintenance Services.

- (1) Scope. All contracts for maintenance of any District facility or project shall be set under the terms of this Rule if the cost exceeds the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR. A contract involving goods, supplies, and materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of maintenance services is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified suppliers of maintenance services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, and responses.
 - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and

- (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply, or response if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and these Rules. Minor variations in the bids, proposals, replies, and responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid submitted in response to an Invitation to Bid by a Responsive and Responsible Bidder shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate or Competitive Solicitation the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, or responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No Vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.

- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of maintenance services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
 - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase the maintenance services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of maintenance services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the maintenance services without further competitive selection processes.
- (3) Exemptions. Maintenance services that are only available from a single source are exempt from this Rule. Maintenance services provided by governmental agencies are exempt from this Rule. A contract for maintenance services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
 - (4) Renewal. Contracts for the purchase of maintenance services subject to this Rule may be renewed for a maximum period of five (5) years.
 - (5) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
 - (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), 190.033, Fla. Stat.

Law Implemented: §§ 119.0701, 190.033, 287.017, Fla. Stat.

Rule 3.10 Contractual Services.

- (1) Exemption from Competitive Purchase. Pursuant to Section 190.033(3) of the Florida Statutes, Contractual Services shall not be subject to competitive purchasing requirements. If an agreement is predominantly for Contractual Services, but also includes maintenance services or the purchase of goods and services, the contract shall not be subject to competitive purchasing requirements. Regardless of whether an advertisement or solicitation for Contractual Services is identified as an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, no rights or remedies under these Rules, including but not limited to protest rights, are conferred on persons, firms, or vendors proposing to provide Contractual Services to the District.

- (2) Contracts; Public Records. In accordance with Florida law, each contract for Contractual Services shall include provisions required by law that require the contractor to comply with public records laws.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 190.011(3), 190.033, Fla. Stat.

Rule 3.11 Protests with Respect to Proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9.

The resolution of any protests with respect to proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9 shall be in accordance with this Rule.

(1) Filing.

- (a) With respect to a protest regarding qualifications, specifications, documentation, or other requirements contained in a Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation issued by the District, the notice of protest shall be filed in writing within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after the first advertisement of the Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's intended decision. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.

- (b) Except for those situations covered by subsection (1)(a) of this Rule, any firm or person who is affected adversely by a District's ranking or intended award under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, or 3.9 and desires to contest the District's ranking or intended award, shall file with the District a written notice of protest within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after receipt of the notice of the District's ranking or intended award. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's ranking or intended award. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.

- (c) If the requirement for the posting of a protest bond and the amount of the protest bond, which may be expressed by a percentage of the contract to be awarded or a set amount, is disclosed in the District's competitive solicitation documents for a particular purchase under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, or 3.9, any person who files a notice of protest must post the protest bond. The amount of the protest bond shall be determined by District staff after consultation with the Board and within the limits, if any,

imposed by Florida law. In the event the protest is successful, the protest bond shall be refunded to the protestor. In the event the protest is unsuccessful, the protest bond shall be applied towards the District's costs, expenses, and attorney's fees associated with hearing and defending the protest. In the event the protest is settled by mutual agreement of the parties, the protest bond shall be distributed as agreed to by the District and protestor.

- (d) The District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
- (2) Contract Execution. Upon receipt of a notice of protest which has been timely filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing that delay incident to protest proceedings will jeopardize the funding for the project, will materially increase the cost of the project, or will create an immediate and serious danger to the public health, safety, or welfare, the contract may be executed.
- (3) Informal Proceeding. If the Board determines a protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be sent via facsimile, United States Mail, or hand delivery to the protestor and any substantially affected persons or parties not less than three (3) calendar days prior to such informal proceeding. Within thirty (30) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (4) Formal Proceeding. If the Board determines a protest involves disputed issues of material fact or if the Board elects not to use the informal proceeding process provided for in section (3) of this Rule, the District shall schedule a formal hearing to resolve the protest. The Chairperson shall designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer to conduct the hearing. The hearing officer may:
- (a) Administer oaths and affirmations;
 - (b) Rule upon offers of proof and receive relevant evidence;
 - (c) Regulate the course of the hearing, including any pre-hearing matters;
 - (d) Enter orders; and
 - (e) Make or receive offers of settlement, stipulation, and adjustment.

The hearing officer shall, within thirty (30) days after the hearing or receipt of the hearing transcript, whichever is later, file a recommended order which shall include a caption, time and place of hearing, appearances entered at the hearing, statement

of the issues, findings of fact and conclusions of law, separately stated, and a recommendation for final District action. The District shall allow each party fifteen (15) days in which to submit written exceptions to the recommended order. The District shall issue a final order within sixty (60) days after the filing of the recommended order.

- (5) Intervenors. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (6) Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest. If the Board determines there was a violation of law, defect, or an irregularity in the competitive solicitation process, the Bids, Proposals, Replies, and Responses are too high, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.
- (7) Settlement. Nothing herein shall preclude the settlement of any protest under this Rule at any time.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 190.033, Fla. Stat.

Rule 4.0 Effective Date.

These Rules shall be effective August 11, 2022, except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.011(5), 190.011(15), Fla. Stat.

Tab 4



Rizzetta & Company

Magnolia Creek Community Development District

www.magnoliacreekcdd.org

Approved Proposed Budget for Fiscal Year 2022/2023

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Rizzetta & Company

Approved Proposed Budget
Magnolia Creek Community Development District
General Fund
Fiscal Year 2022/2023

	Chart of Accounts Classification	Actual YTD through 06/30/22	Projected Annual Totals 2021/2022	Annual Budget for 2021/2022	Projected Budget variance for 2021/2022	Budget for 2022/2023	Budget Increase (Decrease) vs 2021/2022	Comments
1								
2	REVENUES							
3								
4	Interest Earnings							
5	Interest Earnings	\$ 54	\$ 72	\$ -	\$ 72	\$ -	\$ -	
6	Special Assessments							
7	Tax Roll*	\$ 9,450	\$ 7,868	\$ 7,868	\$ -	\$ 7,868	\$ -	Tax/Off Roll determined upon final roll certification.
8	Off Roll*	\$ 118,609	\$ 118,609	\$ 118,607	\$ 2	\$ 118,607	\$ -	Tax/Off Roll determined upon final roll certification.
9								
10	TOTAL REVENUES	\$ 128,113	\$ 126,549	\$ 126,475	\$ 74	\$ 126,475	\$ -	Maintains same assessment level.
11								
12	Balance Forward from Prior Year	\$ -	\$ -	\$ -	\$ -	\$ 28,969	\$ 28,969	Use of Carry Fwd funds to offset increases in DE & DC expenses
13								
14	TOTAL REVENUES AND BALANCE FORWARD	\$ 128,113	\$ 126,549	\$ 126,475	\$ 74	\$ 155,444	\$ 28,969	
15								
16	<i>*Allocation of assessments between the Tax Roll and Off Roll are estimates only and subject to change prior to certification.</i>							
17								
18	EXPENDITURES - ADMINISTRATIVE							
19								
20	Legislative							
21	Supervisor Fees	\$ 1,600	\$ 2,133	\$ 4,000	\$ 1,867	\$ 4,000	\$ -	Assumes approximately 4 meetings.
22	Financial & Administrative							
23	Administrative Services	\$ 3,375	\$ 4,500	\$ 4,500	\$ -	\$ 4,680	\$ 180	Cost of living increase projected.
24	District Management	\$ 18,750	\$ 25,000	\$ 25,000	\$ -	\$ 26,000	\$ 1,000	Cost of living increase projected.
25	District Engineer	\$ 61,989	\$ 82,652	\$ 3,000	\$ (79,652)	\$ 20,000	\$ 17,000	Increased based on projections.
26	Disclosure Report	\$ 3,000	\$ 3,000	\$ 3,000	\$ -	\$ 3,000	\$ -	For these items that are our fees, do you plan to verbally explain our increases?
27	Trustees Fees	\$ -	\$ -	\$ 4,000	\$ 4,000	\$ -	\$ (4,000)	
28	Assessment Roll	\$ 5,000	\$ 5,000	\$ 5,000	\$ -	\$ 5,200	\$ 200	Cost of living increase projected.
29	Financial & Revenue Collections	\$ 3,750	\$ 5,000	\$ 5,000	\$ -	\$ 5,200	\$ 200	Cost of living increase projected.
30	Accounting Services	\$ 10,425	\$ 13,900	\$ 13,900	\$ -	\$ 14,456	\$ 556	Cost of living increase projected.
31	Auditing Services	\$ 4,525	\$ 4,525	\$ 4,525	\$ -	\$ 4,525	\$ -	Per agreement, FYE 20,21,22 NTE \$4,525
32	Arbitrage Rebate Calculation	\$ 500	\$ 667	\$ 500	\$ (167)	\$ 500	\$ -	Per agreement, \$500 annually.
33	Public Officials Liability Insurance	\$ 2,797	\$ 2,797	\$ 2,930	\$ 133	\$ 3,463	\$ 533	Based on Egis projections.
34	Legal Advertising	\$ 701	\$ 935	\$ 1,000	\$ 65	\$ 1,000	\$ -	Maintained at same rate.
35	Dues, Licenses & Fees	\$ 675	\$ 900	\$ 175	\$ (725)	\$ 175	\$ -	Payable to the State annually.
36	ADA Website Hosting, Maintenance, Remediation, and Compliance	\$ 2,438	\$ 3,251	\$ 2,738	\$ (513)	\$ 2,738	\$ -	Per agreements
37	Legal Counsel							
38	District Counsel	\$ 18,707	\$ 24,943	\$ 11,700	\$ 11,700	\$ 25,000	\$ 13,300	Increased based on projections.

**Proposed Budget
Magnolia Creek Community Development District
Debt Service
Fiscal Year 2022/2023**

Chart of Accounts Classification	Series 2007A	Budget for 2022/2023
REVENUES		
Special Assessments		
Net Special Assessments ⁽¹⁾	\$ 76,208.85	\$ 76,208.85
TOTAL REVENUES	\$ 76,208.85	\$ 76,208.85
EXPENDITURES		
Administrative		
Financial & Administrative		\$ -
Debt Service Obligation	\$ 76,208.85	\$ 76,208.85
Administrative Subtotal	\$ 76,208.85	\$ 76,208.85
TOTAL EXPENDITURES	\$ 76,208.85	\$ 76,208.85
EXCESS OF REVENUES OVER EXPENDITURES	0	0

Collection and Discount % applicable to the county: 6.0%

Gross assessments \$ **81,073.24**

Notes:

Tax Roll Collection Costs and Early Payment Discount for Walton County are 6.0% of Tax Roll. Budgeted net of tax roll assessments. See Assessment Table.

⁽¹⁾ The above amounts do not include any debt service assessments which are the subject of Case No. 2010 CA 001562 currently pending in the First Judicial Circuit Court in and for Walton County, Florida.

Magnolia Creek Community Development District

FISCAL YEAR 2022/2023 O&M & DEBT SERVICE ASSESSMENT SCHEDULE

2022/2023 O&M Budget		\$126,475.00
Collection Cost @:	2%	\$2,690.96
Early Payment Discount @:	4%	\$5,381.91
2022/2023 Total:		<u>\$134,547.87</u>

2021/2022 O&M Budget		\$126,475.00
2022/2023 O&M Budget		\$126,475.00
Total Difference:		<u><u>\$0.00</u></u>

	PER UNIT ANNUAL ASSESSMENT		Proposed Increase / Decrease	
	2021/2022	2022/2023	\$	%
Debt Service - Cottage/Small House	\$1,215.00	\$1,215.00	\$0.00	0.00%
Admin Operations/Maintenance - Cottage/Small House	\$45.90	\$45.90	\$0.00	0.00%
Field Operations/Maintenance - Cottage/Small House	\$78.21	\$78.21	\$0.00	0.00%
Total	\$1,339.11	\$1,339.11	\$0.00	0.00%
Debt Service - Rowhouse/Townhouse	\$1,215.00	\$1,215.00	\$0.00	0.00%
Admin Operations/Maintenance - Rowhouse/Townhouse	\$45.90	\$45.90	\$0.00	0.00%
Field Operations/Maintenance - Rowhouse/Townhouse	\$78.21	\$78.21	\$0.00	0.00%
Total	\$1,339.11	\$1,339.11	\$0.00	0.00%
Debt Service - House	\$1,350.00	\$1,350.00	\$0.00	0.00%
Admin Operations/Maintenance - House	\$51.00	\$51.00	\$0.00	0.00%
Field Operations/Maintenance - House	\$86.90	\$86.90	\$0.00	0.00%
Total	\$1,487.90	\$1,487.90	\$0.00	0.00%
Debt Service - Side Yard	\$1,350.00	\$1,350.00	\$0.00	0.00%
Admin Operations/Maintenance - Side Yard	\$51.00	\$51.00	\$0.00	0.00%
Field Operations/Maintenance - Side Yard	\$86.90	\$86.90	\$0.00	0.00%
Total	\$1,487.90	\$1,487.90	\$0.00	0.00%

Debt Service - Live/Work Unit	\$2,025.00	\$2,025.00	\$0.00	0.00%
Admin Operations/Maintenance - Live/Work Unit	\$76.49	\$76.49	\$0.00	0.00%
Field Operations/Maintenance - Live/Work Unit	\$130.34	\$130.34	\$0.00	0.00%
Total	\$2,231.83	\$2,231.83	\$0.00	0.00%

Parcel: 25-1N-19-17000-001-0000 ⁽¹⁾				
Admin Operations/Maintenance - Unplatted	\$31,718.78	\$31,718.78	\$0.00	0.00%
Field Operations/Maintenance - Unplatted	\$15,361.91	\$15,361.91	\$0.00	0.00%
Total	\$47,080.68	\$47,080.68	\$0.00	0.00%
Net Collection Cost	\$43,668.66	\$43,785.04		
Parcel: 25-1N-19-17000-001-0020 ⁽¹⁾				
Admin Operations/Maintenance - Unplatted	\$49,205.19	\$49,205.19	\$0.00	0.00%
Field Operations/Maintenance - Unplatted	\$345.78	\$345.78	\$0.00	0.00%
Total	\$49,550.98	\$49,550.98	\$0.00	0.00%
Net Collection Cost	\$47,331.19	\$46,082.41		
Parcel: 25-1N-19-17000-001-0040 ⁽¹⁾				
Admin Operations/Maintenance - Unplatted	\$4,215.47	\$4,215.47	\$0.00	0.00%
Field Operations/Maintenance - Unplatted	\$2,244.77	\$2,244.77	\$0.00	0.00%
Total	\$6,460.24	\$6,460.24	\$0.00	0.00%
Net Collection Cost	\$5,984.54	\$6,008.02		

⁽¹⁾ Amounts are per acre

MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2022/2023 O&M & DEBT SERVICE ASSESSMENT SCHEDULE

TOTAL ADMIN O&M BUDGET		\$90,968.00	TOTAL FIELD O&M BUDGET		\$35,507.00
COLLECTION COSTS @	2%	\$1,935.49	COLLECTION COSTS @	2%	\$755.47
EARLY PAYMENT DISCOUNT @	4%	\$3,870.98	EARLY PAYMENT DISCOUNT @	4%	\$1,510.94
TOTAL O&M ASSESSMENT		<u>\$96,774.47</u>	TOTAL O&M ASSESSMENT		<u>\$37,773.40</u>

LOT SIZE PLATTED PARCELS	UNITS ASSESSED SERIES 2007A	
	O&M	DEBT SERVICE ⁽¹⁾
COTTAGE/SMALL HOUSE	73	28
ROWHOUSE/TOWNHOUSE	26	5
HOUSE	84	9
SIDE YARD	52	22
LIVE/WORK UNIT	2	0
Total Platted	<u>237</u>	<u>64</u>

ALLOCATION OF O&M ASSESSMENT									
EAU FACTOR	TOTAL	% TOTAL	ADMIN O/M	ADMIN O/M	TOTAL	% TOTAL	FIELD O/M	FIELD O/M	
	EAU's	EAU's	PER PARCEL	PER LOT	EAU's ⁽²⁾	EAU's	PER PARCEL	PER LOT	
0.90	65.70	3.46%	\$3,350.42	\$45.90	65.70	15.11%	\$5,709.02	\$78.21	
0.90	23.40	1.23%	\$1,193.30	\$45.90	23.40	5.38%	\$2,033.35	\$78.21	
1.00	84.00	4.43%	\$4,283.64	\$51.00	84.00	19.32%	\$7,299.21	\$86.90	
1.00	52.00	2.74%	\$2,651.77	\$51.00	52.00	11.96%	\$4,518.56	\$86.90	
1.50	3.00	0.16%	\$152.99	\$76.49	3.00	0.69%	\$260.69	\$130.34	
	<u>228.10</u>	<u>12.02%</u>	<u>\$11,632.11</u>		<u>228.10</u>	<u>52.47%</u>	<u>\$19,820.83</u>		

PER LOT ANNUAL ASSESSMENT			
Admin & Field O&M	2007A DEBT SERVICE ⁽³⁾	TOTAL ⁽⁴⁾	
\$124.11	\$1,215.00	\$1,339.11	
\$124.11	\$1,215.00	\$1,339.11	
\$137.90	\$1,350.00	\$1,487.90	
\$137.90	\$1,350.00	\$1,487.90	
\$206.83	\$2,025.00	\$2,231.83	

25-1N-19-17000-001-0000	270.20	0.00
25-1N-19-17000-001-0020	419.16	0.00
25-1N-19-17000-001-0040	35.91	0.00
UNPLAT BY ACREAGE ⁽⁵⁾	<u>725.27</u>	<u>0.00</u>
Total Community	<u>2025</u>	<u>64</u>

TOTAL ACRES	ADMIN O/M PER PARCEL	ADMIN O/M PER ACRE	TOTAL ACRES	FIELD O/M PER PARCEL	FIELD O/M PER ACRE
270.20	\$31,719.86	\$117.39	27.10	\$15,362.01	\$566.86
419.16	\$49,206.88	\$117.39	0.61	\$345.79	\$566.86
35.91	\$4,215.62	\$117.39	3.96	\$2,244.78	\$566.86
<u>725.27</u>	<u>\$85,142.36</u>		<u>31.67</u>	<u>\$17,952.58</u>	

PER ACRE ASSESSMENTS - UNPLATTED		
Admin O&M ⁽⁶⁾	Field O&M ⁽⁶⁾	Debt Service
\$117.39	\$566.86	\$0.00
\$117.39	\$566.86	\$0.00
\$117.39	\$566.86	\$0.00

LESS: Walton County Collection Costs (2%) and Early Payment Discount Costs (4%) :

Net Revenue to be Collected

<u>(\$5,806.47)</u>	<u>(\$2,266.40)</u>
<u>\$90,968.00</u>	<u>\$35,507.00</u>

- (1) Reflects the number of total lots/acres with Series 2007A debt outstanding. Some lots are subject to acceleration of debt service assessments.
- (2) The District has determined that only lots situated within Phase I of the development receive special benefit from the field operations portion of the budget. Therefore, these expenses are being allocated among the 484 platted and/or planned units in Phase I. The administrative expenses of the District are allocated among all units within the District.
- (3) Annual debt service assessment per lot adopted in connection with the Series 2007A bond issue. Annual assessment includes principal, interest, Walton County collection costs and early payment discount costs.
- (4) Annual assessment that will appear on November 2022 Walton County property tax bill. Amount shown includes all applicable collection costs. Property owner is eligible for a discount of up to 4% if paid early.
- (5) Unplatted acreage is subject to acceleration of debt service assessments. Debt service assessments have been prepaid on Parcel: 25-1N-19-17000-001-0020.
- (6) Admin O&M applies to all unplatted acreage within the District. Field O&M only applies to the 31.67 unplatted developable acres within the District.

GENERAL FUND BUDGET ACCOUNT CATEGORY DESCRIPTION

The General Fund Budget Account Category Descriptions are subject to change at any time depending on its application to the District. Please note, not all General Fund Budget Account Category Descriptions are applicable to the District indicated above. Uses of the descriptions contained herein are intended for general reference.

REVENUES:

Tax Roll: The District levies Non-Ad Valorem Special Assessments on all of the assessable property within the District to pay for operating expenditures incurred during the Fiscal Year. The assessments may be collected in two ways. The first is by placing them on the County's Tax Roll, to be collected with the County's Annual Property Tax Billing. This method is only available to land properly platted within the time limits prescribed by the County.

Event Rental: The District may receive monies for event rentals for such things as weddings, birthday parties, etc.

Facilities Rentals: The District may receive monies for the rental of certain facilities by outside sources, for such items as office space, snack bar/restaurants etc.

EXPENDITURES – ADMINISTRATIVE:

Supervisor Fees: The District may compensate its supervisors within the appropriate statutory limits of \$200.00 maximum per meeting within an annual cap of \$4,800.00 per supervisor.

Administrative Services: The District will incur expenditures for the day to today operation of District matters. These services include support for the District Management function, recording and preparation of meeting minutes, records retention and maintenance in accordance with Chapter 119, Florida Statutes, and the District's adopted Rules of Procedure, preparation and delivery of agenda, overnight deliveries, facsimiles, and phone calls.

District Management: The District as required by statute, will contract with a firm to provide for the management and administration of the District's day-to-day needs. These services include the conducting of board meetings, workshops, the overall administration of District functions, all required state, and local filings, preparation of the annual budget, purchasing, risk management, preparing various resolutions, and all other secretarial duties requested by the District throughout the year is also reflected in this amount.



District Engineer: The District's engineer provides general engineering services to the District. Among these services are attendance at and preparation for monthly board meetings, review of construction invoices and all other engineering services requested by the district throughout the year.

Disclosure Report: The District is required to file quarterly and annual disclosure reports, as required in the District's Trust Indenture, with the specified repositories. This is contracted out to a third party in compliance with the Trust Indenture.

Trustee's Fees: The District incur annual trustee's fees upon the issuance of bonds for the oversight of the various accounts relating to the bond issues.

Assessment Roll: The District will contract with a firm to prepare, maintain and certify the assessment roll(s) and annually levy a non-ad Valorem assessment for operating and debt service expenses.

Financial & Revenue Collections: Services of the Collection Agent include all functions necessary for the timely billing and collection and reporting of District assessments in order to ensure adequate funds to meet the District's debt service and operations and maintenance obligations. The Collection Agent also maintains and updates the District's lien book(s) annually and provides for the release of liens on the property after the full collection of bond debt levied on particular properties.

Accounting Services: Services include the preparation and delivery of the District's financial statements in accordance with Governmental Accounting Standards, accounts payable and accounts receivable functions, asset tracking, investment tracking, capital program administration and requisition processing, filing of annual reports required by the State of Florida and monitoring of trust account activity.

Auditing Services: The District is required annually to conduct an audit of its financial records by an Independent Certified Public Accounting firm, once it reaches certain revenue and expenditure levels, or has issued bonds and incurred debt.

Arbitrage Rebate Calculation: The District is required to calculate the interest earned from bond proceeds each year pursuant to the Internal Revenue Code of 1986. The Rebate Analyst is required to verify that the District has not received earnings higher than the yield of the bonds.

Public Officials Liability Insurance: The District will incur expenditures for public officials' liability insurance for the Board and Staff.

Legal Advertising: The District will incur expenditures related to legal advertising. The items for which the District will advertise include, but are not limited to meeting schedules, special meeting notices, and public hearings, bidding etc. for the District based on statutory guidelines

Bank Fees: The District will incur bank service charges during the year.

Dues, Licenses & Fees: The District is required to pay an annual fee to the Department of Economic Opportunity, along with other items which may require licenses or permits, etc.

Miscellaneous Fees: The District could incur miscellaneous throughout the year, which may not fit into any standard categories.



Website Hosting, Maintenance and Email: The District may incur fees as they relate to the development and ongoing maintenance of its own website along with possible email services if requested.

District Counsel: The District's legal counsel provides general legal services to the District. Among these services are attendance at and preparation for monthly board meetings, review of operating and maintenance contracts and all other legal services requested by the district throughout the year.

EXPENDITURES - FIELD OPERATIONS:

Security Services and Patrols: The District may wish to contract with a private company to provide security for the District.

Electric Utility Services: The District will incur electric utility expenditures for general purposes such as irrigation timers, lift station pumps, fountains, etc.

Street Lights: The District may have expenditures relating to street lights throughout the community. These may be restricted to main arterial roads or in some cases to all street lights within the District's boundaries.

Water-Sewer Utility Services: The District will incur water/sewer utility expenditures related to district operations.

Utility - Reclaimed: The District may incur expenses related to the use of reclaimed water for irrigation.

Aquatic Maintenance: Expenses related to the care and maintenance of the lakes and ponds for the control of nuisance plant and algae species.

Lake/Pond Bank Maintenance: The District may incur expenditures to maintain lake banks, etc. for the ponds and lakes within the District's boundaries, along with planting of beneficial aquatic plants, stocking of fish, mowing and landscaping of the banks as the District determines necessary.

Wetland Monitoring & Maintenance: The District may be required to provide for certain types of monitoring and maintenance activities for various wetlands and waterways by other governmental entities.

Aquatic Plant Replacement: The expenses related to replacing beneficial aquatic plants, which may or may not have been required by other governmental entities.

General Liability Insurance: The District will incur fees to insure items owned by the District for its general liability needs

Property Insurance: The District will incur fees to insure items owned by the District for its property needs

Landscape Maintenance: The District will incur expenditures to maintain the rights-of-way, median strips, recreational facilities including pond banks, entryways, and similar planting areas within the District. These services include but are not limited to monthly landscape maintenance, fertilizer, pesticides, annuals, mulch, and irrigation repairs.

Irrigation Maintenance: The District will incur expenditures related to the maintenance of the irrigation systems.

Irrigation Repairs: The District will incur expenditures related to repairs of the irrigation systems.

Landscape Replacement: Expenditures related to replacement of turf, trees, shrubs etc.

Miscellaneous Fees: The District may incur miscellaneous expenses that do not readily fit into defined categories in field operations.

Miscellaneous Fees: Monies collected and allocated for fees that the District could incur throughout the year, which may not fit into any standard categories.

Miscellaneous Contingency: Monies collected and allocated for expenses that the District could incur throughout the year, which may not fit into any standard categories.

Capital Outlay: Monies collected and allocated for various projects as they relate to public improvements.

RESERVE FUND BUDGET ACCOUNT CATEGORY DESCRIPTION

The Reserve Fund Budget Account Category Descriptions are subject to change at any time depending on its application to the District. Please note, not all Reserve Fund Budget Account Category Descriptions are applicable to the District indicated above. Uses of the descriptions contained herein are intended for general reference.



Rizzetta & Company

REVENUES:

Tax Roll: The District levies Non-Ad Valorem Special Assessments on all of the assessable property within the District to pay for operating expenditures incurred during the Fiscal Year. The assessments may be collected in two ways. The first is by placing them on the County's Tax Roll, to be collected with the County's Annual Property Tax Billing. This method is only available to land properly platted within the time limits prescribed by the County.

Off Roll: For lands not on the tax roll and that is by way of a direct bill from the District to the appropriate property owner.

Developer Contributions: The District may enter into a funding agreement and receive certain prescribed dollars from the Developer to off-set expenditures of the District.

Miscellaneous Revenues: The District may receive monies for the sale or provision of electronic access cards, entry decals etc.

EXPENDITURES:

Capital Reserve: Monies collected and allocated for the future repair and replacement of various capital improvements such as club facilities, swimming pools, athletic courts, roads, etc.

Capital Outlay: Monies collected and allocated for various projects as they relate to public improvements.

DEBT SERVICE FUND BUDGET ACCOUNT CATEGORY DESCRIPTION

The Debt Service Fund Budget Account Category Descriptions are subject to change at any time depending on its application to the District. Please note, not all Debt Service Fund Budget Account Category Descriptions are applicable to the District indicated above. Uses of the descriptions contained herein are intended for general reference.

REVENUES:

Special Assessments: The District may levy special assessments to repay the debt incurred by the sale of bonds to raise working capital for certain public improvements. The assessments may be collected in the same fashion as described in the Operations and Maintenance Assessments.



EXPENDITURES – ADMINISTRATIVE:

Bank Fees: The District may incur bank service charges during the year.

Debt Service Obligation: This would a combination of the principal and interest payment to satisfy the annual repayment of the bond issue debt.



Rizzetta & Company

Tab 5

RESOLUTION 2022-11

THE ANNUAL APPROPRIATION RESOLUTION OF THE MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2022, submitted to the Board of Supervisors (“**Board**”) of the Magnolia Creek Community Development District (“**District**”) proposed budget (“**Proposed Budget**”) for the fiscal year beginning October 1, 2022 and ending September 30, 2023 (“**Fiscal Year 2022/2023**”) along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

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

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

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

WHEREAS, Section 190.008(2)(a), *Florida Statutes*, requires that, prior to October 1st of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

WHEREAS, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

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

SECTION 1. BUDGET

- a. The Board has reviewed the Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

- b. The Proposed Budget, attached hereto as **Exhibit "A,"** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes ("Adopted Budget")*, and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District's Local Records Office and identified as "The Budget for the Magnolia Creek Community Development District for the Fiscal Year Ending September 30, 2023."
- d. The Adopted Budget shall be posted by the District Manager on the District's official website within thirty (30) days after adoption, and shall remain on the website for at least 2 years.

SECTION 2. APPROPRIATIONS

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2022/2023, the sum of \$_____ to be raised by the levy of assessments and/or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures, exclusive of collection costs, of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	_____
TOTAL DEBT SERVICE FUND(S)	_____
TOTAL ALL FUNDS	_____

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2022/2023 or within 60 days following the end of the Fiscal Year 2022/2023 may amend its Adopted Budget for that fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate

change in the original appropriation item does not exceed the greater of \$15,000 or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.

- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

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

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

PASSED AND ADOPTED THIS 11th day of August, 2022.

ATTEST:

**MAGNOLIA CREEK COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

By: _____

Its: _____

Exhibit A:
FY 2022/2023 Budget

Tab 6

RESOLUTION 2022-12

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT MAKING A DETERMINATION OF BENEFIT AND IMPOSING SPECIAL ASSESSMENTS FOR FISCAL YEAR 2022/2023; PROVIDING FOR THE COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS, INCLUDING BUT NOT LIMITED TO PENALTIES AND INTEREST THEREON; CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENTS TO THE ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the District is located in Walton County, Florida (“**County**”); and

WHEREAS, the District has constructed or acquired various infrastructure improvements and provides certain services in accordance with the District’s adopted capital improvement plan and Chapter 190, *Florida Statutes*; and

WHEREAS, the Board of Supervisors (“**Board**”) of the District hereby determines to undertake various operations and maintenance and other activities described in the District’s budget (“**Adopted Budget**”) for the fiscal year beginning October 1, 2022 and ending September 30, 2023 (“**Fiscal Year 2022/2023**”), attached hereto as **Exhibit “A,”** and

WHEREAS, the District must obtain sufficient funds to provide for the operation and maintenance of the services and facilities provided by the District as described in the Adopted Budget; and

WHEREAS, the provision of such services, facilities, and operations is a benefit to lands within the District; and

WHEREAS, Chapter 190, *Florida Statutes*, provides that the District may impose special assessments on benefitted lands within the District; and

WHEREAS, it is in the best interests of the District to proceed with the imposition of the special assessments for operations and maintenance in the amount set forth in the Adopted Budget; and

WHEREAS, the District has previously levied an assessment for debt service, which the District desires to collect for Fiscal Year 2022/2023; and

WHEREAS, Chapter 197, *Florida Statutes*, provides a mechanism pursuant to which such special assessments may be placed on the tax roll and collected by the local tax collector (“**Uniform Method**”), and the District has previously authorized the use of the Uniform Method by, among other things, entering into agreements with the Property Appraiser and Tax Collector of the County for that purpose; and

WHEREAS, it is in the best interests of the District to adopt the assessment roll (“**Assessment Roll**”) attached to this Resolution as **Exhibit “B,”** and to certify the portion of the Assessment Roll related to certain developed property (“**Tax Roll Property**”) to the County Tax Collector pursuant to the Uniform Method and to directly collect the portion of the Assessment Roll relating to the remaining property (“**Direct Collect Property**”), all as set forth in **Exhibit “B;”** and

WHEREAS, it is in the best interests of the District to permit the District Manager to amend the Assessment Roll adopted herein, including that portion certified to the County Tax Collector by this Resolution, as the Property Appraiser updates the property roll for the County, for such time as authorized by Florida law.

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

SECTION 1. BENEFIT & ALLOCATION FINDINGS. The provision of the services, facilities, and operations as described in **Exhibit “A”** confers a special and peculiar benefit to the lands within the District, which benefit exceeds or equals the cost of the assessments. The allocation of the assessments to the specially benefitted lands is shown in **Exhibits “A” and “B,”** and is hereby found to be fair and reasonable.

SECTION 2. ASSESSMENT IMPOSITION. Pursuant to Chapters 190 and 197, *Florida Statutes*, and using the procedures authorized by Florida law for the levy and collection of special assessments, a special assessment for operation and maintenance is hereby imposed and levied on benefitted lands within the District and in accordance with **Exhibits “A” and “B.”** The lien of the special assessments for operations and maintenance imposed and levied by this Resolution shall be effective upon passage of this Resolution.

SECTION 3. COLLECTION AND ENFORCEMENT; PENALTIES; INTEREST.

- A. **Tax Roll Assessments.** The operations and maintenance special assessments and previously levied debt service special assessments imposed on the Tax Roll Property shall be collected at the same time and in the same manner as County taxes in accordance with the Uniform Method, as set forth in **Exhibits “A” and “B.”**
- B. **Direct Bill Assessments.** The operations and maintenance special assessments and previously levied debt service special assessments imposed on the Direct Collect Property shall be collected directly by the District in accordance with Florida law, as set forth in **Exhibits “A” and “B.”** Assessments directly collected by the District are

due in full on December 1, 2022; provided, however, that, to the extent permitted by law, the assessments due may be paid in several partial, deferred payments and according to the following schedule: 50% due no later than December 1, 2022, 25% due no later than February 1, 2023 and 25% due no later than May 1, 2023. In the event that an assessment payment is not made in accordance with the schedule stated above, the whole assessment – including any remaining partial, deferred payments for Fiscal Year 2022/2023, shall immediately become due and payable; shall accrue interest, penalties in the amount of one percent (1%) per month, and all costs of collection and enforcement; and shall either be enforced pursuant to a foreclosure action, or, at the District’s sole discretion, collected pursuant to the Uniform Method on a future tax bill, which amount may include penalties, interest, and costs of collection and enforcement. Any prejudgment interest on delinquent assessments shall accrue at the rate of any bonds secured by the assessments, or at the statutory prejudgment interest rate, as applicable. In the event an assessment subject to direct collection by the District shall be delinquent, the District Manager and District Counsel, without further authorization by the Board, may initiate foreclosure proceedings pursuant to Chapter 170, *Florida Statutes*, or other applicable law to collect and enforce the whole assessment, as set forth herein.

- C. **Future Collection Methods.** The decision to collect special assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.

SECTION 4. ASSESSMENT ROLL. The Assessment Roll, attached to this Resolution as **Exhibit “B,”** is hereby certified for collection. That portion of the Assessment Roll which includes the Tax Roll Property is hereby certified to the County Tax Collector and shall be collected by the County Tax Collector in the same manner and time as County taxes. The proceeds therefrom shall be paid to the District.

SECTION 5. ASSESSMENT ROLL AMENDMENT. The District Manager shall keep apprised of all updates made to the County property roll by the Property Appraiser after the date of this Resolution, and shall amend the Assessment Roll in accordance with any such updates, for such time as authorized by Florida law, to the County property roll. After any amendment of the Assessment Roll, the District Manager shall file the updates in the District records.

SECTION 6. 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.

SECTION 7. EFFECTIVE DATE. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board.

PASSED AND ADOPTED this 11th day of August, 2022.

ATTEST:

**MAGNOLIA CREEK COMMUNITY
DEVELOPMENT DISTRICT**

Secretary / Assistant Secretary

By: _____

Its: _____

- Exhibit A:** Budget
- Exhibit B:** Assessment Roll (Uniform Method)
Assessment Roll (Direct Collect)

Tab 7

**FIRST ADDENDUM TO THE CONTRACT FOR
PROFESSIONAL DISTRICT SERVICES**

This First Addendum to the Contract for Professional District Services (this “**Addendum**”), is made and entered into as of the 1st day of October, 2022 (the “**Effective Date**”), by and between **Magnolia Creek Community Development District**, a local unit of special purpose government established pursuant to Chapter 190, Florida Statutes, located in Walton County, Florida (the “**District**”), and **Rizzetta & Company, Inc.**, a Florida corporation (the “**Consultant**”).

RECITALS

WHEREAS, the District and the Consultant entered into the Contract for Professional District Services dated October 1, 2018 (the “**Contract**”), incorporated by reference herein; and

WHEREAS, the District and the Consultant desire to amend **Exhibit B** - Schedule of Fees of the Fees and Expenses, section of the Contract as further described in this Addendum; and

WHEREAS, the District and the Consultant each has the authority to execute this Addendum and to perform its obligations and duties hereunder, and each party has satisfied all conditions precedent to the execution of this Addendum so that this Addendum constitutes a legal and binding obligation of each party hereto.

NOW, THEREFORE, based upon good and valuable consideration and the mutual covenants of the parties, the receipt of which and sufficiency of which is hereby acknowledged, the District and the Consultant agree to the changes to amend **Exhibit B** - Schedule of Fees attached.

The amended **Exhibit B** - Schedule of Fees are hereby ratified and confirmed. All other terms and conditions of the Contract remain in full force and effect.

IN WITNESS WHEREOF the undersigned have executed this Addendum as of the Effective Date.

(Remainder of this page is left blank intentionally)

Therefore, the Consultant and the District each intend to enter this Addendum, understand the terms set forth herein, and hereby agree to those terms.

ACCEPTED BY:

RIZZETTA & COMPANY, INC.

BY: _____
PRINTED NAME: William J. Rizzetta
TITLE: President
DATE: _____

MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT

BY: _____
PRINTED NAME: _____
TITLE: Chairman/Vice Chairman
DATE: _____

ATTEST:

Vice Chairman/Assistant Secretary
Board of Supervisors

Print Name

Exhibit B – Schedule of Fees

EXHIBIT B
Schedule of Fees

STANDARD ON-GOING SERVICES:		
Standard On-Going Services will be billed in advance monthly pursuant to the following schedule:		
	MONTHLY	ANNUALLY
Management:	\$2,166.67	\$26,000
Administrative:	\$390.00	\$4,680
Accounting:	\$1,204.67	\$14,456
Financial & Revenue Collections:	\$433.33	\$5,200
Assessment Roll ⁽¹⁾		\$5,200
Total Standard On-Going Services:	\$4,194.67	\$55,536

(1) Assessment Roll is paid in one lump-sum after the roll is created (October).

ADDITIONAL SERVICES:	FREQUENCY	RATE
Extended and Continued Meetings	Hourly	\$ 175
Additional Meetings (includes meeting prep, attendance and drafting of minutes)	Hourly	\$ 175
Estoppel Requests (billed to requestor):		
One Lot (on tax roll)	Per Occurrence	\$ 100
Two+ Lots (on tax roll)	Per Occurrence	\$ 125
One Lot (direct billed by the District)	Per Occurrence	\$ 100
Two–Five Lots (direct billed by the District)	Per Occurrence	\$ 150
Six-Nine Lots (direct billed by the District)	Per Occurrence	\$ 200
Ten+ Lots (direct billed by the District)	Per Occurrence	\$ 250
Long Term Bond Debt Payoff Requests	Per Occurrence	\$ 100/Lot
Two+ Lots	Per Occurrence	Upon Request
Short Term Bond Debt Payoff Requests & Long Term Bond Debt Partial Payoff Requests		
One Lot	Per Occurrence	\$ 125
Two – Five Lots	Per Occurrence	\$ 200
Six – Ten Lots	Per Occurrence	\$ 300
Eleven – Fifteen Lots	Per Occurrence	\$ 400
Sixteen+ Lots	Per Occurrence	\$ 500
Special Assessment Allocation Report	Per Occurrence	Upon Request
True-Up Analysis/Report	Per Occurrence	Upon Request
Re-Financing Analysis	Per Occurrence	Upon Request
Bond Validation Testimony	Per Occurrence	Upon Request
Bond Issue Certifications/Closing Documents	Per Occurrence	Upon Request
Electronic communications/E-blasts	Per Occurrence	Upon Request
Special Information Requests	Hourly	Upon Request
Amendment to District Boundary	Hourly	Upon Request
Grant Applications	Hourly	Upon Request
Escrow Agent	Hourly	Upon Request
Continuing Disclosure/Representative/Agent	Annually	Upon Request
Community Mailings	Per Occurrence	Upon Request
Response to Extensive Public Records Requests	Hourly	Upon Request
Litigation Support Services	Hourly	Upon Request

PUBLIC RECORDS REQUESTS FEES:

Public Records Requests will be billed hourly to the District pursuant to the current hourly rates shown below:

JOB TITLE:	HOURLY RATE:
Senior Manager	\$ 52.00
District Manager	\$ 40.00
Accounting & Finance Staff	\$ 28.00
Administrative Support Staff	\$ 21.00

Tab 8

RESOLUTION 2022-13

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT ADOPTING THE ANNUAL MEETING SCHEDULE FOR FISCAL YEAR 2022-2023; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Magnolia Creek Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within the City of Freeport, Florida; and

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

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

WHEREAS, the Board desires to adopt annual meeting schedule for the Fiscal Year beginning October 1, 2022, and ending September 30, 2023 (“Fiscal Year 2022-2023”), attached as **Exhibit A**.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The Fiscal Year 2022-2023 annual meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and shall be published in accordance with the requirements of Florida law and also provided to applicable governing authorities.

SECTION 2. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 11th day of August 2022.

ATTEST:

**MAGNOLIA CREEK COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairman, Board of Supervisors

Exhibit A: Fiscal Year 2022-2023 Annual Meeting Schedule

Exhibit A

**BOARD OF SUPERVISORS MEETING DATES
MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2022-2023**

The Board of Supervisors of the Magnolia Creek Community Development District will hold their regular meetings for Fiscal Year 2022-2023 at the Walton County Coastal Branch Library, 437 Greenway Trail, Santa Rosa Beach, Florida 32459, unless otherwise indicated as follows:

October 6, 2022	10:00 A.M.
November 3, 2022	10:00 A.M.
December 8, 2022	10:00 A.M.
January 5, 2023	10:00 A.M.
February 2, 2023	10:00 A.M.
March 2, 2023	10:00 A.M.
April 6, 2023	10:00 A.M.
May 4, 2023	10:00 A.M.
June 1, 2023	10:00 A.M.
July 6, 2023	10:00 A.M.
August 3, 2023	10:00 A.M.

The meetings are open to the public and will be conducted in accordance with the provisions of Florida Law for Community Development Districts. The meetings may be continued to a date, time, and place to be specified on the record at the meeting. A copy of the agenda for these meetings may be obtained by mail from Rizzetta & Company, Inc., 3434 Colwell Ave., Suite 200, Tampa, Florida 33614 or by calling (850) 334-9055 ("District Office").

There may be occasions when one or more Supervisors or staff will participate by telephone. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office at (850) 334-9055 at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

A person who decides to appeal any decision made at the meeting with respect to any matter considered at the meeting 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 such appeal is to be based.

Kim O'Mera
District Manager

Tab 9

TEMPLATE FOR LOCAL GOVERNMENTS AND SPECIAL DISTRICTS FOR PERFORMING A STORMWATER NEEDS ANALYSIS PURSUANT TO SECTION 5 OF SECTION 403.9302, FLORIDA STATUTES

INTRODUCTION

As part of the 2021 regular session, the Legislature recognized the need for a long-term planning process for stormwater and wastewater. Section 403.9302, Florida Statutes, requires a 20-year needs analysis from the local governments providing stormwater services. Because this planning document is forward-looking, it will necessarily include a large number of assumptions about future actions. These assumptions should be based on any available information coupled with best professional judgment of the individuals completing the document.

Completing this template by June 30, 2022, will fulfill the statutory requirements for the first round of 20-year needs analyses for stormwater. The template was generated by EDR in cooperation with local governments, Special Districts, the Florida Department of Environmental Protection (DEP), the Water Management Districts, the Florida Stormwater Association, private consultants, and others. Use of this tool will help ensure that information is compiled consistently for the Office of Economic & Demographic Research's (EDR) report to the Legislature.

For the purposes of this document, a stormwater management program and a stormwater management system are as defined in statute (s. 403.031(15) and (16), F.S., respectively; language provided here: <https://www.flsenate.gov/Laws/Statutes/2021/403.031>). Plainly speaking, the "program" is the institutional framework whereby stormwater management activities (MS4 NPDES permit activities, and other regulatory activities, construction, operation and maintenance, etc.) are carried out by the public authority. The "system" comprises the physical infrastructure that is owned and/or operated by the local government or special district that specifically is intended to control, convey or store stormwater runoff for treatment and flood protection purposes.

For the purposes of this document, the following guiding principles have been adopted:

- Stormwater systems or facilities owned and operated by any of the following are excluded from reporting requirements for local governments and special districts:
 - o Private entities or citizens
 - o Federal government
 - o State government, including the Florida Department of Transportation (FDOT)
 - o Water Management Districts
 - o School districts
 - o State universities or Florida colleges
- Local government expenditures associated with routine operation and maintenance are fully funded prior to commencing new projects and initiatives.
- Local government submissions will include the activities of dependent special districts. Only independent special districts report separately. For a list of all special districts in the state and their type (*i.e.*, dependent or independent), please see the Department of Economic Opportunity's Official List of Special Districts at the following link: <http://specialdistrictreports.floridajobs.org/webreports/alphalist.aspx>.
- With respect to federal and state statutes and rulemaking, current law and current administration prevails throughout the 20-year period. In other words, the state's present legal framework (*i.e.*, the status quo) continues throughout the period.

GENERAL INSTRUCTIONS FOR USING THE TEMPLATE

Instructions for submitting the template are still under development. Additional information regarding submission and answers to frequently asked questions will be posted on EDR's website, along with other useful materials, here: <http://edr.state.fl.us/Content/natural-resources/stormwaterwastewater.cfm>

The statutory language forms the titles for each part. This template asks that you group your recent and projected expenditures in prescribed categories. A detailed list of the categories is provided in part 5.0.

The same project should not appear on multiple tables in the jurisdiction's response unless the project's expenditures are allocated between those tables. All expenditures should be reported in \$1,000s (*e.g.*, five hundred thousand dollars should be reported as \$500).

For any jurisdiction that is contracting with another jurisdiction where both could be reporting the same expenditure, please contact EDR for additional guidance. In situations where a reporting jurisdiction contracts with a non-reporting jurisdiction, (i.e., FDOT, the water management districts, the state or federal government), the reporting jurisdiction should include the expenditures.

When reporting cost information, please only include the expenditures that have flowed, are flowing, or will likely flow through your jurisdiction's budget. While necessary to comply with the statute, the concept of "future expenditures" should be viewed as an expression of identified needs.

These projections are necessarily speculative and do not represent a firm commitment to future budget actions by the jurisdiction.

This Excel workbook contains three worksheets for data entry. (Along the bottom of the screen, the three tabs are highlighted green.) Empty cells with visible borders are unlocked for data entry. In the first tab, titled "Background through Part 4," the information requested is either text, a dropdown list (e.g., Yes or No), or a checkbox. The next tab, "Part 5 through Part 8," contains tables for expenditure or revenue data as well as some follow-up questions that may have checkboxes, lists, or space for text.

In Part 5 and Part 6, the expenditure tables have space for up to 5 projects. More projects can be listed in the "Additional Projects" tab. This tab contains a table with space for up to 200 additional projects. In order for these additional projects and expenditures to be correctly classified and included in the final totals, each project must be assigned a Project Type and Funding Source Type from the dropdown lists in columns B and C.

Links to Template Parts:

[Background Information](#)

[Part 1](#)

[Part 2](#)

[Part 3](#)

[Part 4](#)

[Part 5](#)

[Part 6](#)

[Part 7](#)

[Part 8](#)

[Additional Projects - This table contains additional rows for projects that do not fit into the main tables in Parts 5 and 6](#)

Background Information

Please provide your contact and location information, then proceed to the template on the next sheet.

Name of Local Government:	Magnolia Creek CDD
Name of stormwater utility, if applicable:	City of freeport
Contact Person	
Name:	Roger Wynn
Position/Title:	District Engineer
Email Address:	rwynn@moorebass.com
Phone Number:	850-222-5678

Indicate the Water Management District(s) in which your service area is located.

- Northwest Florida Water Management District (NFWWMD)
- Suwannee River Water Management District (SRWMD)
- St. Johns River Water Management District (SJRWMD)
- Southwest Florida Water Management District (SWFWMD)
- South Florida Water Management District (SFWMD)

Indicate the type of local government:

- Municipality
- County
- Independent Special District

Part 1.0 Detailed description of the stormwater management program (Section 403.9302(3)(a), F.S.)

The stormwater management program, as defined in the Introduction, includes those activities associated with the management, operation and maintenance, and control of stormwater and stormwater management systems, including activities required by state and federal law. The detailed program description is divided into multiple subparts consisting of narrative and data fields.

Part 1.1 Narrative Description:

Please provide a brief description of the current institutional strategy for managing stormwater in your jurisdiction. Please include any mission statement, divisions or departments dedicated solely or partly to managing stormwater, dedicated funding sources, and other information that best describes your approach to stormwater:

The stormwater management facilities consists of inlets, manholes, storm pipes, exfiltration trenches, dry ponds, wet ponds and overflow outfall structures. The stormwater management systems are designed to meet state and local requirements to retain the storm runoff within the development at levels that provide flood protection for the roadways, alleyways, and residential/commercial space.

On a scale of 1 to 5, with 5 being the highest, please indicate the importance of each of the following goals for your program:

0	1	2	3	4	5	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Drainage & flood abatement (such as flooding events associated with rainfall and hurricanes)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Water quality improvement (TMDL Process/BMAPs/other)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Reduce vulnerability to adverse impacts from flooding related to increases in frequency and duration of rainfall events, storm surge and sea level rise
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other:
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Part 1.2 Current Stormwater Program Activities:

Please provide answers to the following questions regarding your stormwater management program.

- Does your jurisdiction have an NPDES Municipal Separate Storm Sewer System (MS4) Permit?
- If yes, is your jurisdiction regulated under Phase I or Phase II of the NPDES Program:
- Does your jurisdiction have a dedicated stormwater utility?
- If no, do you have another funding mechanism?
- If yes, please describe your funding mechanism.

Special Assesments

- Does your jurisdiction have a Stormwater Master Plan or Plans?

If Yes:

How many years does the plan(s) cover?

Are there any unique features or limitations that are necessary to understand what the plan does or does not address?

Please provide a link to the most recently adopted version of the document (if it is published online):

- Does your jurisdiction have an asset management (AM) system for stormwater infrastructure?

If Yes, does it include 100% of your facilities?

If your AM includes less than 100% of your facilities, approximately what percent of your facilities are included?

- Does your stormwater management program implement the following (answer Yes/No):

A construction sediment and erosion control program for new construction (plans review and/or inspection)?	Yes
--	-----

An illicit discharge inspection and elimination program?	Yes
--	-----

A public education program?	No
-----------------------------	----

A program to involve the public regarding stormwater issues?	No
--	----

A "housekeeping" program for managing stormwater associated with vehicle maintenance yards, chemical storage, fertilizer management, etc. ?	No
---	----

A stormwater ordinance compliance program (i.e., for low phosphorus fertilizer)?	No
--	----

Water quality or stream gage monitoring?	No
--	----

A geospatial data or other mapping system to locate stormwater infrastructure (GIS, etc.)?	Yes
---	-----

A system for managing stormwater complaints?	No
--	----

Other specific activities?

Notes or Comments on any of the above:

Part 1.3 Current Stormwater Program Operation and Maintenance Activities

Please provide answers to the following questions regarding the operation and maintenance activities undertaken by your stormwater management program.

- Does your jurisdiction typically assume maintenance responsibility for stormwater systems associated with new private development (*i.e.*, systems that are dedicated to public ownership and/or operation upon completion)? No

Notes or Comments on the above:

Stormwater maintance and operations will be operated by Independent HOA'S.

- Does your stormwater operation and maintenance program implement any of the following (answer Yes/No):

Routine mowing of turf associated with stormwater ponds, swales, canal/lake banks, <i>etc.</i> ?	Yes
Debris and trash removal from pond skimmers, inlet grates, ditches, <i>etc.</i> ?	Yes
Invasive plant management associated with stormwater infrastructure?	Yes
Ditch cleaning?	Yes
Sediment removal from the stormwater system (vacator trucks, other)?	Yes
Muck removal (dredging legacy pollutants from water bodies, canal, <i>etc.</i>)?	Yes
Street sweeping?	No
Pump and mechanical maintenance for trash pumps, flood pumps, alum injection, <i>etc.</i> ?	Yes
Non-structural programs like public outreach and education?	No
Other specific routine activities?	

Part 2. Detailed description of the stormwater management system and its facilities and projects (continued Section 403.9302(3)(a), F.S.)

A stormwater management system, as defined in the Introduction, includes the entire set of site design features and structural infrastructure for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater. It may include drainage improvements and measures to prevent streambank channel erosion and habitat degradation. This section asks for a summary description of your stormwater management system. It is not necessary to provide geospatial asset data or a detailed inventory. For some, it may be possible to gather the required data from your Asset Management (AM) system. For others, data may be gathered from sources such as an MS4 permit application, aerial photos, past or ongoing budget investments, water quality projects, or any other system of data storage/management that is employed by the jurisdiction.

Please provide answers to the following questions regarding your stormwater system inventory. Enter zero (0) if your system does not include the component.

	Number	Unit of Measurement
Estimated feet or miles of buried culvert:	22,226.00	Feet
Estimated feet or miles of open ditches/conveyances (lined and unlined) that are maintained by the stormwater program:	0.00	
Estimated number of storage or treatment basins (<i>i.e.</i> , wet or dry ponds):	3	
Estimated number of gross pollutant separators including engineered sediment traps such as baffle boxes, hydrodynamic separators, <i>etc.</i> :	0	
Number of chemical treatment systems (<i>e.g.</i> , alum or polymer injection):	0	
Number of stormwater pump stations:	0	
Number of dynamic water level control structures (<i>e.g.</i> , operable gates and weirs that control canal water levels):	3	
Number of stormwater treatment wetland systems:	0	
Other:		

Notes or Comments on any of the above:

Which of the following green infrastructure best management practices do you use to manage water flow and/or improve water quality (answer Yes/No):

Best Management Practice	Current	Planned
Tree boxes	No	No
Rain gardens	No	No
Green roofs	No	No
Pervious pavement/pavers	No	No
Littoral zone plantings	No	No
Living shorelines	No	No

Other Best Management Practices:

Please indicate which resources or documents you used when answering these questions (check all that apply).

- Asset management system
- GIS program
- MS4 permit application
- Aerial photos
- Past or ongoing budget investments
- Water quality projects

Other(s):

Part 3. The number of current and projected residents served calculated in 5-year increments (Section 403.9302(3)(b), F.S.)

Counties and municipalities: Instead of requiring separate population projections, EDR will calculate the appropriate population estimates for each municipality or the unincorporated area of the county. If your service area is less than or more than your local government's population, please describe in the first text box provided below for part 4.0.

Independent Special Districts:

If an independent special district's boundaries are completely aligned with a county or a municipality, identify that jurisdiction here:

Any independent special district whose boundaries do not coincide with a county or municipality must submit a GIS shapefile with the current and projected service area. EDR will calculate the appropriate population estimates based on that map. Submission of this shapefile also serves to complete Part 4.0 of this template.

Part 4.0 The current and projected service area for the stormwater management program or stormwater management system (Section 403.9302(3)(c), F.S.)

Rather than providing detailed legal descriptions or maps, this part of the template is exception-based. In this regard, if the stormwater service area is less than or extends beyond the geographic limits of your jurisdiction, please explain.

Similarly, if your service area is expected to change within the 20-year horizon, please describe the changes (e.g., the expiration of an interlocal agreement, introduction of an independent special district, etc.).

[Proceed to Part 5](#)

Part 5.0 The current and projected cost of providing services calculated in 5-year increments (Section 403.9302(3)(d), F.S.)

Given the volume of services, jurisdictions should use the template’s service groupings rather than reporting the current and projected cost of each individual service. Therefore, for the purposes of this document, “services” means:

1. Routine operation and maintenance (inclusive of the items listed in Part 1.3 of this document, ongoing administration, and non-structural programs)
2. Expansion (that is, improvement) of a stormwater management system.

Expansion means new work, new projects, retrofitting, and significant upgrades. Within the template, there are four categories of expansion projects.

1. Flood protection, addressed in parts 5.2 and 5.3... this includes capital projects intended for flood protection/flood abatement
2. Water quality, addressed in part 5.2 and 5.3... this includes stormwater projects related to water quality improvement, such as BMAPs; projects to benefit natural systems through restoration or enhancement; and stormwater initiatives that are part of aquifer recharge projects
3. Resiliency, addressed in part 5.4... this includes all major stormwater initiatives that are developed specifically to address the effects of climate change, such as sea level rise and increased flood events
4. End of useful life replacement projects, addressed in part 6.0... this includes major expenses associated with the replacement of aging infrastructure

While numbers 3 and 4 have components that would otherwise fit into the first two categories, they are separately treated given their overall importance to the Legislature and other policymakers.

Expansion projects are further characterized as currently having either a committed funding source or no identified funding source. Examples of a committed funding source include the capacity to absorb the project’s capital cost within current budget levels or forecasted revenue growth; financing that is underway or anticipated (bond or loan); known state or federal funding (appropriation or grant); special assessment; or dedicated cash reserves for future expenditure.

All answers should be based on local fiscal years (LFY, beginning October 1 and running through September 30). Please use nominal dollars for each year, but include any expected cost increases for inflation or population growth. Please check the EDR website for optional growth rate schedules that may be helpful.

If you have more than 5 projects in a particular category, please use the "Additional Projects" tab. There, you can use dropdown lists to choose the project category and whether there is a committed funding source, then enter the project name and expenditure amounts.

Part 5.1 Routine Operation and Maintenance

Please complete the table below, indicating the cost of operation and maintenance activities for the current year and subsequent five-year increments throughout the 20-year horizon. Your response to this part should exclude future initiatives associated with resiliency or major expenses associated with the replacement of aging infrastructure; these activities are addressed in subparts 5.4 and 6.0. However, do include non-structural programs like public outreach and education in this category.

If specific cost data is not yet available for the current year, the most recent (2020-21) O&M value can be input into the optional growth rate schedules (available on EDR's website as an Excel workbook). The most recent O&M value can be grown using the provided options for inflation, population growth, or some other metric of your choosing. If the growth in your projected total O&M costs is more than 15% over any five-year increment, please provide a brief explanation of the major drivers.

Routine Operation and Maintenance

Expenditures (in \$thousands)

	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Operation and Maintenance Costs	0	0	0	0	0

Brief description of growth greater than 15% over any 5-year period:

Part 5.2 Future Expansion (Committed Funding Source)

Please list expansion projects and their associated costs for the current year and subsequent five-year increments throughout the 20-year planning horizon. In this section, include stormwater system expansion projects or portions of projects with a committed funding source. If you include a portion of a project that is not fully funded, the project’s remaining cost must be included in part 5.3, Expansion Projects with No Identified Funding Source.

Though many, if not most, stormwater projects benefit both flood protection and water quality, please use your best judgment to either allocate costs or simply select the primary purpose from the two categories below.

5.2.1 Flood Protection (Committed Funding Source): Provide a list of all scheduled new work, retrofitting and upgrades related to flood protection/flood abatement. Include infrastructure such as storage basins, piping and other conveyances, land purchases for stormwater projects, etc. Also include major hardware purchases such as vactor/jet trucks.

5.2.2 Water Quality Projects (Committed Funding Source): Please provide a list of scheduled water quality projects in your jurisdiction, such as treatment basins, alum injection systems, green infrastructure, water quality retrofits, etc., that have a direct stormwater component. The projected expenditures should reflect only those costs.

- If you are party to an adopted BMAP, please include the capital projects associated with stormwater in this table. Include BMAP project number, cost to your jurisdiction, and year(s) that capital improvement costs are to be incurred. For reference, DEP publishes a complete list of adopted BMAP projects as an appendix in their Annual STAR Report.

Expansion Projects with a Committed Funding Source

5.2.1 Flood Protection Expenditures (in \$thousands)

Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Phase 2	0	389			
Phase 3	0	2,832			
Phase 4	0	3,487	3,568		

5.2.2 Water Quality Expenditures (in \$thousands)

Project Name (or, if applicable, BMAP Project Number or ProjID)	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

Part 5.3 Future Expansion with No Identified Funding Source

Please provide a list of known expansion projects or anticipated need(s) without formal funding commitments(s), formal pledges, or obligations. If you included a portion of a project that was partially covered by a committed source in part 5.2 above, list the projects and their remaining costs below.

5.3.1 Future Flood Protection with No Identified Funding Source: Please provide a list of future flood protection/flood abatement projects, associated land purchases, or major hardware purchases that are needed in your jurisdiction over the next 20 years. Future needs may be based on Master Plans, Comprehensive Plan Elements, Water Control Plans, areas of frequent flooding, hydrologic and hydraulic modeling, public safety, increased frequency of maintenance, desired level of service, flooding complaints, etc.

5.3.2 Future Water Quality Projects with no Identified Funding Source: Please provide a list of future stormwater projects needed in your jurisdiction over the next 20 years that are primarily related to water quality issues. Future needs may be based on proximity to impaired waters or waters with total maximum daily loads (TMDLs), BMAPs, state adopted Restoration Plans, Alternative Restoration Plans, or other local water quality needs.

- If you are party to an adopted BMAP, please list capital projects associated with stormwater. Include BMAP project number, cost to your jurisdiction, and year(s) that capital improvement costs are to be incurred.
- List other future water quality projects, including those in support of local water quality goals as well as those identified in proposed (but not yet adopted) BMAPs.

Expansion Projects with No Identified Funding Source

5.3.1 Flood Protection

Expenditures (in \$thousands)

Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
NA					

5.3.2 Water Quality

Expenditures (in \$thousands)

Project Name (or, if applicable, BMAP Project Number or ProjID)	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
NA					

Please indicate which resources or documents you used to complete table 5.3 (check all that apply).

- Stormwater Master Plan
- Basin Studies or Engineering Reports
- Adopted BMAP
- Adopted Total Maximum Daily Load
- Regional or Basin-specific Water Quality Improvement Plan or Restoration Plan

<input type="checkbox"/>	Specify:	
	Other(s):	

Part 5.4 Stormwater projects that are part of resiliency initiatives related to climate change

Please list any stormwater infrastructure relocation or modification projects and new capital investments specifically needed due to sea level rise, increased flood events, or other adverse effects of climate change. When aggregating, include O&M costs for these future resiliency projects and investments in this table (not in part 5.1). If your jurisdiction participates in a Local Mitigation Strategy (LMS), also include the expenditures associated with your stormwater management system in this category (for example, costs identified on an LMS project list).

Resiliency Projects with a Committed Funding Source		Expenditures (in \$thousands)			
Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
NA					

Resiliency Projects with No Identified Funding Source		Expenditures (in \$thousands)			
Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
NA					

- Has a vulnerability assessment been completed for your jurisdiction’s storm water system? No
 If no, how many facilities have been assessed? 0
- Does your jurisdiction have a long-range resiliency plan of 20 years or more? No
 If yes, please provide a link if available:
 If no, is a planning effort currently underway? no

Part 6.0 The estimated remaining useful life of each facility or its major components (Section 403.9302(3)(e), F.S.)

Rather than reporting the exact number of useful years remaining for individual components, this section is constructed to focus on infrastructure components that are targeted for replacement and will be major expenses within the 20-year time horizon. Major replacements include culverts and pipe networks, control structures, pump stations, physical/biological filter media, etc . Further, the costs of retrofitting when used in lieu of replacement (such as slip lining) should be included in this part. Finally, for the purposes of this document, it is assumed that open storage and conveyance systems are maintained (as opposed to replaced) and have an unlimited service life.

In order to distinguish between routine maintenance projects and the replacement projects to be included in this part, only major expenses are included here. A major expense is defined as any single replacement project greater than 5% of the jurisdiction's total O&M expenditures over the most recent five-year period (such as a project in late 2021 costing more than 5% of the O&M expenditures for fiscal years 2016-2017 to 2020-2021).

If you have more than 5 projects in a particular category, please use the "Additional Projects" tab. There, you can use dropdown lists to choose the project category and whether there is a committed funding source, then enter the project name and expenditure amounts.

End of Useful Life Replacement Projects with a Committed Funding Source

Expenditures (in \$thousands)

Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Phase 1	647				

End of Useful Life Replacement Projects with No Identified Funding Source

Expenditures (in \$thousands)

Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Replace Exfiltration System					405

Part 7.0 The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components. (Section 403.9302(3)(f), F.S.)

This part of the template also addresses a portion of s. 403.9302(3)(g), F.S., by including historical expenditures. Many local governments refer to these as "actual" expenditures.

Consistent with expenditure projections, the jurisdiction's actual expenditures are categorized into routine O&M, expansion, resiliency projects, and replacement of aging infrastructure. Additionally, the table includes space for reserve accounts. EDR's interpretation of subparagraph 403.9302(3)(f), F.S., is that "capital account" refers to any reserve account developed specifically to cover future expenditures.

Note that for this table:

- Expenditures for local fiscal year 2020-21 can be estimated based on the most current information if final data is not yet available.
- Current Year Revenues include tax and fee collections budgeted for that fiscal year as well as unexpended balances from the prior year (balance forward or carry-over) unless they are earmarked for the rainy day or a dedicated reserve as explained in the following bullets.
- Bond proceeds should reflect only the amount expended in the given year.
- A reserve is a dedicated account to accumulate funds for a specific future expenditure.
- An all-purpose rainy day fund is a type of working capital fund typically used to address costs associated with emergencies or unplanned events.

The sum of the values reported in the "Funding Sources for Actual Expenditures" columns should equal the total "Actual Expenditures" amount. The cells in the "Funding Sources for Actual Expenditures" section will be highlighted red if their sum does not equal the "Actual Expenditures" total.

If you do not have a formal reserve dedicated to your stormwater system, please enter zero for the final two reserve columns.

Routine O&M

	Total	Funding Sources for Actual Expenditures				Contributions to Reserve Account	Balance of Reserve Account
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund		
2016-17	N/A						
2017-18	N/A						
2018-19	N/A						
2019-20	N/A						
2020-21	N/A					0	0

Expansion

	Total	Funding Sources for Actual Expenditures				Contributions to Reserve Account	Balance of Reserve Account
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund		
2016-17							
2017-18							
2018-19							
2019-20							
2020-21							

Resiliency

	Total	Funding Sources for Actual Expenditures				Contributions to Reserve Account	Balance of Reserve Account
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund		
2016-17							
2017-18							
2018-19							
2019-20							
2020-21							

Replacement of Aging Infrastructure

	Total	Funding Sources for Actual Expenditures				Contributions to Reserve Account	Balance of Reserve Account
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund		

2016-17						
2017-18						
2018-19						
2019-20						
2020-21						

Part 8.0 The local government's plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap (Section 403.9302(3)(g), F.S.)

In this template, the historical data deemed necessary to comply with s. 403.9302(3)(g), F.S., was included in part 7.0. This part is forward looking and includes a funding gap calculation. The first two tables will be auto-filled from the data you reported in prior tables. To do this, EDR will rely on this template's working definition of projects with committed funding sources, *i.e.*, EDR assumes that all committed projects have committed revenues. Those projects with no identified funding source are considered to be unfunded. EDR has automated the calculation of projected funding gaps based on these assumptions.

Committed Funding Source	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Maintenance	0	0	0	0
Expansion	6,708	3,568	0	0
Resiliency	0	0	0	0
Replacement/Aging Infrastructure	0	0	0	0
Total Committed Revenues (=Total Committed Projects)	6,708	3,568	0	0

No Identified Funding Source	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Maintenance	0	0	0	0
Expansion	0	0	0	0
Resiliency	0	0	0	0
Replacement/Aging Infrastructure	0	0	0	405
Projected Funding Gap (=Total Non-Committed Needs)	0	0	0	405

For any specific strategies that will close or lessen a projected funding gap, please list them in the table below. For each strategy, also include the expected new revenue within the five-year increments.

Strategies for New Funding Sources	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Total	0	0	0	0

Remaining Unfunded Needs	0	0	0	405
---------------------------------	---	---	---	-----

Project & Type Information			Expenditures (in \$thousands)				
Project Type (Choose from dropdown list)	Funding Source Type (Choose from dropdown list)	Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42

Project & Type Information			Expenditures				
Project Type	Funding Source Type		LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Expansion Projects, Flood Protection	Committed Funding Source	Aggregated Total	0	0	0	0	0
Expansion Projects, Water Quality	Committed Funding Source	Aggregated Total	0	0	0	0	0
Resiliency Projects	Committed Funding Source	Aggregated Total	0	0	0	0	0
End of Useful Life Replacement Projects	Committed Funding Source	Aggregated Total	0	0	0	0	0
Expansion Projects, Flood Protection	No Identified Funding Source	Aggregated Total	0	0	0	0	0
Expansion Projects, Water Quality	No Identified Funding Source	Aggregated Total	0	0	0	0	0
Resiliency Projects	No Identified Funding Source	Aggregated Total	0	0	0	0	0
End of Useful Life Replacement Projects	No Identified Funding Source	Aggregated Total	0	0	0	0	0

Total of Projects without Project Type and/or Funding Source Type			0	0	0	0	0
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	A	B	C	D	E	F	G	H	I	J	K	L
1												
2	Background Information											
3												
4	All respondents should provide utility, contact, and location information, then proceed to Part 1.											
5												
6	For wastewater, it is possible that the respondent is not a local government official. EDR is providing the option for a wastewater contractor to respond on behalf of one or more local governments. Multiple local governments can be included on one response if the service area, and therefore infrastructure and investments, is fully integrated and affects multiple jurisdictions that are spatially connected.											
7	<input type="checkbox"/> Check here if this needs analysis has been submitted by a wastewater contractor on behalf of a single local government.											
8	<input type="checkbox"/> Check here if this needs analysis has been submitted by a wastewater contractor on behalf of multiple local governments.											
9												
10	Name(s) of Local Government(s) addressed by this response:							Magnolia Creek CDD				
11	Name of wastewater utility:							City of Freeport				
12	Respondent Contact Information:											
13	Name:							Roger Wynn				
14	Position/Title:							District Engineer				
15	Email Address:							rwynn@moorebass.com				
16	Phone Number:							850-222-5678				
17												
18	Indicate the Water Management District(s) in which your service area is located.											
19	<input checked="" type="checkbox"/> Northwest Florida Water Management District (NFWFMD)											
20	<input type="checkbox"/> Suwannee River Water Management District (SRWMD)											
21	<input type="checkbox"/> St. Johns River Water Management District (SJRWMD)											
22	<input type="checkbox"/> Southwest Florida Water Management District (SWFWMD)											
23	<input type="checkbox"/> South Florida Water Management District (SFWMD)											
24												
25	Indicate the Florida Department of Environmental Protection (DEP) District in which your service area is located.											
26	<input checked="" type="checkbox"/> Northwest District											
27	<input type="checkbox"/> Northeast District											
28	<input type="checkbox"/> Central District											
29	<input type="checkbox"/> Southwest District											
30	<input type="checkbox"/> South District											
31	<input type="checkbox"/> Southeast District											
32												
33	Indicate the type(s) of local government(s):											
34	<input type="checkbox"/> Municipality											
35	<input type="checkbox"/> County											
36	<input checked="" type="checkbox"/> Independent Special District											

	A	B	C	D	E	F	G	H	I	J	K	L
37												
38	Does your utility both collect and treat wastewater?										No	
39												
40	If your collected wastewater is treated by a different utility, what is the name of that utility? That is, if you are the wholesale customer of another utility that treats your wastewater what is the name of that utility?											
41	City of Freeport											
42												
43	Does your utility treat wastewater collected by another utility? That is, do you have wholesale customers?										No	
44												
45	If yes, what is the name of that utility (or those utilities)?											
46												
47												
48	Part 1. Detailed description of the facilities used to provide wastewater services (Section 403.9301(3)(a - c), F.S.)											
49												
50	A wastewater facility, as defined in the Introduction, includes the entire set of site design features and infrastructure for collection, conveyance, storage, infiltration, treatment, and disposal of wastewater, as well as any reuse of reclaimed water and any beneficial use or disposal of biosolids.											
51												
52	Please provide answers to the following questions regarding your wastewater system inventory and wastewater facility. Enter zero (0) if your system does not include the component. For questions regarding treatment, please include all facilities, including those that serve wholesale customers. For questions regarding population and wastewater collection within your service area, exclude customers served by and infrastructure owned/operated by wholesale utility customers.											
53												
54												
55	How many domestic wastewater treatment facilities does your utility own that are currently in operation?										0	Unit of Measurement
56	How many domestic wastewater treatment facilities owned by your utility are currently under construction (and not in operation)?										0	
57	The total combined annual average daily influent flow design capacity of your treatment facilities (MGD):										0.000	MGD
58	The total combined annual average daily influent flow permitted capacity of your treatment facilities (MGD):										0.000	MGD
59	The total combined annual average daily influent flow of your treatment facilities (MGD):										0.000	MGD
60	Enter the percentage of the permanent population within your current service area in the following categories. Note that for this question, service area population is defined as total permanent residents residing within the geographic boundaries of the area being served directly by your collection system. If you have any wholesale utility customers, the population within their service area should be excluded from these calculations. The sum of percentages should total 100%:											
61	Percentage that is connected to the existing system:										100%	
62	Percentage that is able to connect to the existing system but has yet to do so—e.g., an establishment or residence considered “available for connection” under a definition used by either a local ordinance or under s. 381.00655, F.S., but has not connected (such as a property with a collection main in an easement or right of way abutting the property line is still dependent on septic but will connect after an upcoming special assessment):										0%	
63	Percentage that is not able to connect to the existing system:										0%	
64											Total:	100%
65											Adjustment Still Needed:	0%
66	Number of lift stations owned by your utility:										1	

A	B	C	D	E	F	G	H	I	J	K	L	
67		Number of private lift stations connected to your facility:								0		
68		Estimated total linear feet of gravity mains:								38,000	Feet	
69		Estimated total linear feet of force mains:								10,000	Feet	
70		Estimated total number of manholes:								84		
71		Estimated number of valves in your facility's collection system:										
72		Other:										
73												
74												
75												
76												
77												
78												
79												
80		Notes or Comments on any of the above:										
81												
82												
83		Which of the following green infrastructure best management practices do you currently use or plan to use to manage wastewater and/or improve water quality (answer Yes/No):										
84												
85												
86												
87												
88												
89												
90												
91												
92												
93												
94												
95												
96												
97												
98												
99		Please indicate which resources or documents you used when answering these questions (check all that apply).										
100												
101		<input type="checkbox"/>	Asset management system									
102		<input type="checkbox"/>	GIS program									
103		<input type="checkbox"/>	Wastewater facility permit application									
104		<input type="checkbox"/>	Aerial photos									

	A	B	C	D	E	F	G	H	I	J	K	L
105			<input type="checkbox"/>	Past or ongoing budget investments								
106			<input type="checkbox"/>	Water quality projects								
107				Other(s):								
108				utility construction plans								
109												
110												

Part 2. The number of current and projected connections and residents served calculated in 5-year increments (Section 403.9301(3)(b), F.S.)

Complete the following table for the current and projected number of retail connections and residents served by your collection system and treatment facilities. In this part, only include retail connections (both residential and non-residential connections) and retail customers for both the collection and treatment projections. **Exclude wholesale utility customers entirely.**

If needed, municipal and unincorporated county population projections are available in the Optional Growth Rate Schedules workbook posted on EDR's website.

5-Year Periods Ending in Calendar Year	Total Number of Connections	Number of Residents (<i>i.e.</i> , the Permanent Population) Served by your Collection System	Number of Residents (<i>i.e.</i> , the Permanent Population) Served by your Treatment Facilities
Current (2022) Baseline	440	1,500	0
2027	933	2,500	0
2032			0
2037			0
2042			0

Part 3. The current and projected service area for wastewater services (Section 403.9301(3)(c), F.S.)

Rather than providing detailed legal descriptions or maps, this part asks that you to provide the population(s) within your service area by jurisdiction for complete services (both wastewater collection and wastewater treatment) and partial service for collection only (*i.e.*, your utility is a wholesale customer of another utility for wastewater treatment). For utilities with wholesale customers, we also ask that you provide the list of jurisdictions for which you only treat wastewater in the last table.

First, what is the total permanent population that falls into these two categories? Exclude permanent residents who rely on septic tanks. If you do not provide one type of service, please enter zero.

Service Category	Permanent Population
Full: Collection and Treatment	0
Partial: Collection Only (<i>i.e.</i> , you are a wholesale customer for a neighboring utility that provides wastewater treatment)	2,500

	A	B	C	D	E	F	G	H	I	J	K
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1

2 **Part 4.0 The current and projected cost of providing wastewater services calculated in 5-year increments (Section 403.9301(3)(d), F.S.)**

3

4 Given the volume of services, jurisdictions should use the template’s service groupings rather than reporting the current and projected cost of each individual service. Therefore, for the purposes of this document, “services” means:

- 5 1. Routine operation and maintenance (including ongoing administration, and non-structural programs) of a wastewater facility.
- 6 2. Expansion of a wastewater facility.

7

8 For the purposes of this template, the term "expansion" means capital improvements, new work, new projects, retrofitting, and significant upgrades. Within the template, there are six categories of expansion projects that are explained in Part 5. Briefly, they are: Effluent Management, Water Quality, Reuse Development, Resiliency, End of Useful Life Replacements, and Septic to Sewer Conversions.

9

10 Part 4.1 deals solely with routine operation and maintenance. Expansion is dealt with in Part 5.

11

12 All answers should be based on local fiscal years (October 1 through September 30). An inflation index is included in the Optional Growth Rate Schedules Excel workbook.

13

14 **Part 4.1 Routine Operation and Maintenance**

15

16 Please complete the table below, indicating the cost of operation and maintenance activities for the current year and subsequent five-year increments throughout the 20-year horizon. Your response to this part should exclude future O&M costs associated with reuse development and resiliency initiatives. O&M costs for these activities are included in later tables. However, O&M costs associated with all other project categories as well as non-structural programs like public outreach and education should be included in your Routine O&M projections.

17

18 If specific cost data is not available, the most recent (2020-21) O&M value can be entered into the Optional Growth Rate Schedules workbook and grown using the provided options for inflation, population growth, or by some other metric of your choosing. If the growth in your projected O&M total costs is more than 15% over any five-year increment, please provide a brief explanation of the major drivers.

19

20 **Routine Operation and Maintenance**

	Expenditures (in \$thousands)				
	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Operation and Maintenance Costs					

21

22 Brief description of growth greater than 15% over any 5-year period:

23

24

25

26 **Part 5. The current and projected cost of providing wastewater services calculated in 5-year increments (Section 403.9301(3)(d), F.S.)**

27

28 As briefly explained in the introduction to Part 4, “expansion” means new work, new projects, retrofitting, and significant upgrades to a collection system, wastewater treatment facility or other component. In this template, there are six broad categories for expansion projects. Expansion projects are further characterized as currently having either a committed funding source or no identified funding source. Examples of a committed funding source include the capacity to absorb the project’s capital cost within current budget levels or forecasted revenue growth; financing that is underway or anticipated (bond or loan); known state or federal funding (appropriation or grant); special assessment; or dedicated cash reserves for future expenditure. Projects with No Identified Funding Source include those that would necessitate rate increases, would require the delay of other needed projects, and/or in which state or federal funding has not yet been secured. Please note that there are separate tables for projects with a committed funding source and those with no identified funding source.

29

30 Of the six broad expansion categories discussed below, two (Effluent Management and Water Quality) are grouped together in Part 5.1. While the last four categories (Reuse Development, Resiliency, End of Useful Life Replacements, and Septic to Sewer Conversions) have components that may otherwise fit into the first categories, they are separately treated given their overall importance to the Legislature.

31

32 In the tables that follow, please list each expansion project under only one category. Choose the category which is the greatest driver for the project.

	A	B	C	D	E	F	G	H	I	J	K
34	The six categories are:										
35	1. Effluent Management: This includes capital projects intended for effluent management to meet regulatory and statutory mandates such as compliance with SB 64 (s. 403.064(17), F.S.). For this category, the subcategory options refer to recent statutory requirements. If a project falls outside of those provisions and their accompanying regulations, please select "other." The statutory options are: s. 403.064(17), F.S. (surface water discharge elimination), s. 403.086(10), F.S. (ocean outfalls legislation), Clean Waterways Act, 2016 Springs and Aquifer Protection Act, other.										
36	2. Water Quality Projects: This includes projects to meet regulatory requirements to improve water quality such as advanced wastewater treatment, surface water discharge, biosolids, etc. If a project addresses multiple governmental purposes (beyond those directly related to wastewater), the projected expenditures should reflect only those costs associated with the wastewater components. Projects may be associated with impaired waters or waters with total maximum daily loads (TMDLs), BMAPs, state adopted Restoration Plans, Alternative Restoration Plans, other statutory or regulatory requirements, or other local water quality needs. Subcategories for Water Quality include: advanced wastewater treatment, surface water discharge, biosolids, nutrient removal, and other.										
37	o If you are party to an adopted BMAP, please include the capital projects associated with wastewater in this table. Include BMAP project number, cost to your jurisdiction, and year(s) that capital improvement costs are to be incurred. For reference, DEP publishes a complete list of adopted BMAP projects as an appendix in their Annual STAR Report.										
38	3. Reuse Development Projects: This includes projects to improve or expand reuse as an alternative water supply, such as potable reuse projects, expansion of existing reuse systems, aquifer recharge, etc. If the project addresses multiple governmental purposes, the projected expenditures should reflect only those costs associated with wastewater components. Include O&M costs for these projects and investment in this table (not in part 4.1). Subcategories for Reuse Development include: alternative water supply, potable reuse, construction of new reuse systems, expansion of existing reuse systems, and aquifer recharge, and other.										
39	4. Resiliency Initiatives Related To Climate Change: This category includes initiatives or projects undertaken to avoid or minimize adverse effects of climate change. Include O&M costs for these future resiliency projects and investments in this table (not in part 4.1). If your jurisdiction participates in a Local Mitigation Strategy, include expenditures associated with your wastewater management system in this category. Subcategories for Resiliency Initiatives refer to the primary inspiration (i.e., what the project is undertaken to avoid or minimize the effects of): sea-level rise, increased flood events, drought, increased inflow / infiltration, severe storm impact / mitigation, and other.										
40	5. End of Useful Life Replacement Projects: Rather than reporting the exact number of useful years remaining for individual components, this section is constructed to focus on infrastructure components that are targeted for replacement and will be major expenses within the 20-year time horizon. Major replacements may include pipe networks, treatment units, pump stations, physical/biological filter media, biosolids dryers, etc. In order to distinguish between routine maintenance and replacement projects as used in this part, only major expenses are included here. A major expense is defined as any single replacement project greater than 5% of the jurisdiction's total O&M expenditures over the most recent five-year period (fiscal years 2016-2017 to 2020-2021). Subcategories refer to the part of the wastewater system being replaced: collection system (pipes), lift station or component, treatment facility, and other.										
41	6. Septic to Sewer Conversions: This category includes septic to sewer initiatives. Unlike other parts of this needs analysis, this section distinguishes between the utility's direct expenses (e.g., for collection mains) and the projected infrastructure costs associated with new connections typically borne by customers. Additionally, a new column has been added to these tables to indicate the estimated number of new connections for each initiatives.										
42	Part 5.1 deals with Effluent Management and Effluent Water Quality Projects. Part 5.2 focuses on Reuse Projects. Part 5.3 addresses Resiliency Initiatives Related to Climate Change. Part 5.4 contains End of Useful Life Replacement Project tables, and Part 5.5 is on Septic to Sewer Conversions.										
43	In these tables, you are asked to choose a category (if necessary) and a subcategory from a dropdown menu, enter the name of the project or initiative, and provide the current year's expenditures and the projected expenditures using 5-year increments.										
44	If there are too many projects to include on the tables below, please use the "Additional Projects" tab. There, you can use dropdown lists to choose the funding source type, category, subcategory, and enter the project/initiative name and expenditure amounts.										
45											
46											
47											
48											
49	Part 5.1 Effluent Management and Water Quality Projects										
50											
51	The first two categories are combined and addressed in two tables: first for projects with a committed funding source and then for projects with no identified funding source. In both of these tables, you must choose a project category (Effluent Management or Water Quality) from the drop down menu in the "Category" column. Your category selection will limit the sub-category options available to you. Please select the appropriate sub-category. Finally, enter the project name and expenditure estimates in the appropriate time intervals.										
52											
53	Though many, if not most, wastewater projects benefit both effluent management and water quality, please use your best judgment and simply select the primary driver from the two categories below.										
54											
55	Committed Funding Source										

A	B	C	D	E	F	G	H	I	J	K
56		Project ID Information			Expenditures (in \$thousands)					
57		Category	Subcategory	Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42	
58		Effluent Management	Clean Waterways Act	Phase 2		\$ 384				
59		Effluent Management	Clean Waterways Act	Phase 3		\$ 2,032				
60		Effluent Management	Clean Waterways Act	Phase 4		\$ 1,299	\$ 1,300			
61		Effluent Management	Clean Waterways Act	Phase 1	\$ 623					
62										
63										
64										
65										
66										
67										
68										
69										
70										
71										
72										
73										
74										
75										
76										
77										

No Identified Funding Source

A	B	C	D	E	F	G	H	I	J	K
80		Project ID Information			Expenditures (in \$thousands)					
81		Category	Subcategory	Project Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42	
82										
83										
84										
85										
86										
87										
88										
89										
90										
91										
92										
93										
94										
95										
96										
97										
98										
99										
100										

	A	B	C	D	E	F	G	H	I	J	K
--	---	---	---	---	---	---	---	---	---	---	---

101

102

103 Please indicate which resources or documents you used to complete table 5.1 (check all that apply).

104 Wastewater Master Plan

105 Basin Studies or Engineering Reports

106 Adopted BMAP

107 Adopted Total Maximum Daily Load

108 Wastewater Facility Capacity Report

109 Regional or Basin-specific Water Quality Improvement Plan or Restoration Plan

110 Specify:

111 Other(s):

112

113 **Part 5.2 Reuse Development Projects**

114

115 Please list any reuse development projects. Include O&M costs for these projects in this table (not in part 4.1).

116

117 **Committed Funding Source**

118

119

120

121

122

123

124

125

126

127

128

129

130

131 **No Identified Funding Source**

132

133

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158

159

	A	B	C	D	E	F	G	H	I	J	K	
228			Initiative Information			Expenditures (in \$thousands)						
229			Initiative Name	Estimated Number of Connections		LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42		
230												
231												
232												
233												
234												
235												
236												
237												
238												
239												
240												
241	All Customer Expenses											
242			Initiative Information			Expenditures (in \$thousands)						
243			Initiative Name	Estimated Number of Connections		LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42		
244												
245												
246												
247												
248												
249												
250												
251												
252												
253												
254												
255												
256	Continue to Part 6											
257												

	A	B	C	D	E	F	G	H	I	J	K	L
--	---	---	---	---	---	---	---	---	---	---	---	---

Part 6.0 The most recent 5-year history of annual contributions to, expenditures from, and balances of any capital account for maintenance or expansion of any facility or its major components. (Section 403.9301(3)(f), F.S.)

This part of the template also addresses a portion of s. 403.9301(3)(g), F.S., by including historical expenditures. Many local governments refer to these as “actual” expenditures.

Consistent with expenditure projections, the jurisdiction’s actual expenditures are categorized into routine O&M, effluent management, water quality, reuse development, resiliency projects, replacement of aging infrastructure, and septic to sewer conversion initiatives. Additionally, the table includes space for reserve accounts. EDR’s interpretation of subparagraph 403.9301(3)(f), F.S., is that “capital account” refers to any reserve account developed specifically to cover future expenditures.

Unlike Part 5, historical expenditures are aggregated by individual year and category; they are not separated by individual project.

Note that for this table:

- Expenditures for local fiscal year 2020-21 can be estimated based on the most current information if final data is not yet available.
- Current Year Revenues include tax and fee collections budgeted for that fiscal year; state and federal grants; and unexpended balances from the prior year (balance forward or carry-over) unless they are earmarked for the rainy day or a dedicated reserve as explained in the following bullets.
- Bond proceeds should reflect only the amount expended in the given year. The term includes the proceeds from any form of debt, including public and private loans.
- A reserve is a dedicated account to accumulate funds for a specific future expenditure. If you have a reserve account but it does not fit into a specific category, please assign it to the O&M category.
- An all-purpose rainy day fund is a type of working capital fund typically used to address costs associated with emergencies or unplanned events.

The sum of the values reported in the "Funding Sources for Actual Expenditures" columns should equal the total "Actual Expenditures" amount. The cells in the "Funding Sources for Actual Expenditures" section will be highlighted red if their sum does not equal the "Actual Expenditures" total.

If you do not have a formal reserve dedicated to your wastewater system, please enter zero for the final two reserve columns.

Routine O&M

	Total	Funding Sources for Actual Expenditures				Contributions to Reserve Account	Balance of Reserve Account
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund		
2016-17							
2017-18							
2018-19							
2019-20							
2020-21							

Effluent Management

	Total	Funding Sources for Actual Expenditures				Contributions to Reserve Account	Balance of Reserve Account
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund		
2016-17							

	A	B	C	D	E	F	G	H	I	J	K	L
34			2017-18									
35			2018-19									
36			2019-20									
37			2020-21									

Water Quality

		Total	Funding Sources for Actual Expenditures					
		Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund	Contributions to Reserve Account	Balance of Reserve Account
40								
41								
42		2016-17						
43		2017-18						
44		2018-19						
45		2019-20						
46		2020-21						

Reuse Development

		Total	Funding Sources for Actual Expenditures					
		Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund	Contributions to Reserve Account	Balance of Reserve Account
49								
50								
51		2016-17						
52		2017-18						
53		2018-19						
54		2019-20						
55		2020-21						

Resiliency

		Total	Funding Sources for Actual Expenditures					
		Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund	Contributions to Reserve Account	Balance of Reserve Account
58								
59								
60		2016-17						
61		2017-18						
62		2018-19						
63		2019-20						
64		2020-21						

Replacement of Aging Infrastructure

		Total	Funding Sources for Actual Expenditures					
		Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund	Contributions to Reserve Account	Balance of Reserve Account
67								
68								
69		2016-17						

	A	B	C	D	E	F	G	H	I	J	K	L
70			2017-18									
71			2018-19									
72			2019-20									
73			2020-21									

Septic to Sewer Initiatives

	Total	Funding Sources for Actual Expenditures				Contributions to Reserve Account	Balance of Reserve Account
	Actual Expenditures	Amount Drawn from Current Year Revenues	Amount Drawn from Bond Proceeds	Amount Drawn from Dedicated Reserve	Amount Drawn from All-Purpose Rainy Day Fund		
76							
77							
78	2016-17						
79	2017-18						
80	2018-19						
81	2019-20						
82	2020-21						

Part 7.0 The local government's plan to fund the maintenance or expansion of any facility or its major components. The plan must include historical and estimated future revenues and expenditures with an evaluation of how the local government expects to close any projected funding gap (Section 403.9301(3)(g), F.S.)

In this template, the historical data deemed necessary to comply with s. 403.9301(3)(g), F.S., was included in part 6.0. This part is forward looking and includes a funding gap calculation. The first two tables will be auto-filled from the data you reported in prior tables. To do this, EDR will rely on this template's working definition of projects with committed funding sources, *i.e.*, EDR assumes that all committed projects have committed revenues. Those projects with no identified funding source are considered to be unfunded. EDR has automated the calculation of projected funding gaps based on these assumptions.

Committed Funding Source	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Maintenance	\$ -	\$ -	\$ -	\$ -
Effluent Management	\$ 3,715	\$ 1,300	\$ -	\$ -
Water Quality	\$ -	\$ -	\$ -	\$ -
Reuse Development	\$ -	\$ -	\$ -	\$ -
Resiliency Initiatives	\$ -	\$ -	\$ -	\$ -
Replacement/Aging Infrastructure	\$ -	\$ -	\$ -	\$ -
Septic to Sewer Initiatives	\$ -	\$ -	\$ -	\$ -
Total Committed Revenues (=Total Committed Projects)	\$ 3,715	\$ 1,300	\$ -	\$ -

No Identified Funding Source	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
Maintenance	\$ -	\$ -	\$ -	\$ -
Effluent Management	\$ -	\$ -	\$ -	\$ -
Water Quality	\$ -	\$ -	\$ -	\$ -

	A	B	C	D	E	F	G	H	I	J	K	L
102			Reuse Development			\$ -	\$ -	\$ -	\$ -	\$ -		
103			Resiliency			\$ -	\$ -	\$ -	\$ -	\$ -		
104			Replacement/Aging Infrastructure			\$ -	\$ -	\$ -	\$ -	\$ -		
105			Septic to Sewer Initiatives			\$ -	\$ -	\$ -	\$ -	\$ -		
106			Projected Funding Gap (=Total Non-Committed Needs)			\$ -	\$ -	\$ -	\$ -	\$ -		
107			<div style="border: 1px solid black; padding: 5px;"> <p>In the table below, please list any specific strategies that will close or lessen a projected funding gap. For each strategy, also include the expected new revenue within the five-year increments.</p> </div>									
108												
109												
110			Strategies for New Funding Sources	Category Addressed	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42				
111												
112												
113												
114												
115												
116			Total			\$ -	\$ -	\$ -	\$ -	\$ -		
117												
118			Remaining Unfunded Needs			\$ -	\$ -	\$ -	\$ -	\$ -		
119												

8	Project & Type Information				Expenditures (in \$thousands)				
	Funding Source Type	Category	Subcategory	Project/Initiative Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
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	A	B	C	D	E	F	G	H	I	J	K
8	Project & Type Information					Expenditures (in \$thousands)					
9	Funding Source Type	Category	Subcategory	Project/Initiative Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42		
115											
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A	B	C	D	E	F	G	H	I	J	K
8	Project & Type Information				Expenditures (in \$thousands)					
9	Funding Source Type	Category	Subcategory	Project/Initiative Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42	
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212 **Aggregated Table with Category Totals**

A	B	C	D	E	F	G	H	I	J	K
214	Project & Type Information				Expenditures (in \$thousands)					
215	Funding Source Type	Category	Subcategory	Project/Initiative Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42	
216	Committed Funding Source	Effluent Management	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
217	Committed Funding Source	Water Quality	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
218	Committed Funding Source	Reuse Development	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
219	Committed Funding Source	Resiliency Initiatives	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
220	Committed Funding Source	End of Useful Life Replacement	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
221	Committed Funding Source	Septic to Sewer Conversions	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
222	No Identified Funding Source	Effluent Management	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
223	No Identified Funding Source	Water Quality	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
224	No Identified Funding Source	Reuse Development	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
225	No Identified Funding Source	Resiliency Initiatives	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	

A	B	C	D	E	F	G	H	I	J	K
8	Project & Type Information				Expenditures (in \$thousands)					
9	Funding Source Type	Category	Subcategory	Project/Initiative Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42	
226	No Identified Funding Source	End of Useful Life Replacement	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
227	No Identified Funding Source	Septic to Sewer Conversions	Aggregated Total	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
228										
229	Total of Projects without Funding Source Type, Category, and/or Subcategory				0	0	0	0	0	

231 Aggregated Table with Individual Subcategories

	Project & Type Information				Expenditures (in \$thousands)				
	Funding Source Type	Category	Subcategory	Project/Initiative Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42
234	Committed Funding Source	Effluent Management	s. 403.064(17), F.S. (surface water discharge elimination)	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
235	Committed Funding Source	Effluent Management	s. 403.086(10), F.S. (ocean outfalls legislation)	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
236	Committed Funding Source	Effluent Management	Clean Waterways Act	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
237	Committed Funding Source	Effluent Management	2016 Springs and Aquifer Protection Act	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
238	Committed Funding Source	Effluent Management	Other	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
239	Committed Funding Source	Water Quality	Advanced Wastewater Treatment	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
240	Committed Funding Source	Water Quality	Surface Water Discharge	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
241	Committed Funding Source	Water Quality	Biosolids	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
242	Committed Funding Source	Water Quality	Nutrient Removal	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
243	Committed Funding Source	Water Quality	Other	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
244	Committed Funding Source	Reuse Development	Potable Reuse Projects	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
245	Committed Funding Source	Reuse Development	Creation of New Reuse Systems	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
246	Committed Funding Source	Reuse Development	Expansion of Existing Reuse Systems	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
247	Committed Funding Source	Reuse Development	Aquifer Recharge	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
248	Committed Funding Source	Reuse Development	Other	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
249	Committed Funding Source	Resiliency Initiatives	Sea Level Rise	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
250	Committed Funding Source	Resiliency Initiatives	Inland Flooding	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
251	Committed Funding Source	Resiliency Initiatives	Drought	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
252	Committed Funding Source	Resiliency Initiatives	Reduce Inflow / Infiltration	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
253	Committed Funding Source	Resiliency Initiatives	Severe Storm Impact / Mitigation	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
254	Committed Funding Source	Resiliency Initiatives	Other	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
255	Committed Funding Source	End of Useful Life Replacement	Collection System (Pipes)	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
256	Committed Funding Source	End of Useful Life Replacement	Lift Station Or Component	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
257	Committed Funding Source	End of Useful Life Replacement	Treatment Facility	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
258	Committed Funding Source	End of Useful Life Replacement	Other	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
259	Committed Funding Source	Septic to Sewer Conversions	Utility Expenditures	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
260	Committed Funding Source	Septic to Sewer Conversions	Customer Expenses	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
261	No Identified Funding Source	Effluent Management	s. 403.064(17), F.S. (surface water discharge elimination)	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
262	No Identified Funding Source	Effluent Management	s. 403.086(10), F.S. (ocean outfalls legislation)	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
263	No Identified Funding Source	Effluent Management	Clean Waterways Act	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
264	No Identified Funding Source	Effluent Management	2016 Springs and Aquifer Protection Act	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
265	No Identified Funding Source	Effluent Management	Other	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
266	No Identified Funding Source	Water Quality	Advanced Wastewater Treatment	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
267	No Identified Funding Source	Water Quality	Surface Water Discharge	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
268	No Identified Funding Source	Water Quality	Biosolids	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
269	No Identified Funding Source	Water Quality	Nutrient Removal	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
270	No Identified Funding Source	Water Quality	Other	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
271	No Identified Funding Source	Reuse Development	Potable Reuse Projects	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
272	No Identified Funding Source	Reuse Development	Creation of New Reuse Systems	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
273	No Identified Funding Source	Reuse Development	Expansion of Existing Reuse Systems	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
274	No Identified Funding Source	Reuse Development	Aquifer Recharge	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
275	No Identified Funding Source	Reuse Development	Other	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
276	No Identified Funding Source	Resiliency Initiatives	Sea Level Rise	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
277	No Identified Funding Source	Resiliency Initiatives	Inland Flooding	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
278	No Identified Funding Source	Resiliency Initiatives	Drought	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
279	No Identified Funding Source	Resiliency Initiatives	Reduce Inflow / Infiltration	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -
280	No Identified Funding Source	Resiliency Initiatives		Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -

	A	B	C	D	E	F	G	H	I	J	K
8		Project & Type Information				Expenditures (in \$thousands)					
9		Funding Source Type	Category	Subcategory	Project/Initiative Name	LFY 2021-2022	2022-23 to 2026-27	2027-28 to 2031-32	2032-33 to 2036-37	2037-38 to 2041-42	
281		No Identified Funding Source	Resiliency Initiatives	Severe Storm Impact / Mitigation	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
282		No Identified Funding Source	Resiliency Initiatives	Other	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
283		No Identified Funding Source	End of Useful Life Replacement	Collection System (Pipes)	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
284		No Identified Funding Source	End of Useful Life Replacement	Lift Station Or Component	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
285		No Identified Funding Source	End of Useful Life Replacement	Treatment Facility	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
286		No Identified Funding Source	End of Useful Life Replacement	Other	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
287		No Identified Funding Source	Septic to Sewer Conversions	Utility Expenditures	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
288		No Identified Funding Source	Septic to Sewer Conversions	Customer Expenses	Aggregated Total	\$ -	\$ -	\$ -	\$ -	\$ -	
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