Hartford Terrace Community Development District

Agenda

August 18, 2022

## Agenda

### Hartford Terrace Community Development District

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

August 11, 2022

Board of Supervisors Hartford Terrace Community Development District

Dear Board Members:

The regular meeting of the Board of Supervisors of **Hartford Terrace Community Development District** will be held on **Thursday, August 18, 2022 at 2:30 PM, or as shortly thereafter as reasonably possible, at** <u>1115 Aloha Blvd., Davenport, Florida 33897</u>. Following is the advance agenda for the meeting:

#### Landowners' Meeting

- 1. Determination of Number of Voting Units Represented
- 2. Call to Order
- 3. Election of Chairman for the Purpose of Conducting Landowners' Meeting
- 4. Nominations for the Positions of Supervisors (5)
- 5. Casting of Ballots
- 6. Tabulation of Ballots and Announcement of Results
- 7. Adjournment

#### **Board of Supervisors Meeting**

- 1. Roll Call
- 2. Public Comment Period
- 3. Organizational Matters
  - A. Administration of Oaths of Office to Newly Elected Supervisors
  - B. Consideration of Resolution 2022-28 Canvassing and Certifying the Results of Landowners' Election
  - C. Election of Officers
  - D. Consideration of Resolution 2022-29 Electing Officers
- 4. Approval of Minutes of the June 28, 2022 Meeting
- 5. Ranking of Proposals for District Engineering Services and Selection of District Engineer
- 6. Consideration of Resolution 2022-22 Selecting District Records Office Within Polk County
- 7. Public Hearings
  - A. Special Assessments
    - 1. Presentation of Engineer's Report
    - 2. Presentation of Assessment Methodology Report
    - 3. Consideration of Resolution 2022-31 Levying Special Assessments

- B. Rules of Procedure
  - i. Consideration of Resolution 2022-32 Adopting the District's Rules of Procedure
- C. Uniform Method of Collection
  - i. Consideration of Resolution 2022-33 Expressing the District's Intent to Utilize the Uniform Method of Collection
- D. Fiscal Year 2022 and 2023 Budget
  - i. Consideration of Resolution 2022-34 Adopting the Fiscal Year 2021/2022 Budget and Relating to the Annual Appropriations
  - ii. Consideration of Resolution 2022-35 Adopting the Fiscal Year 2023 Budget and Relating to the Annual Appropriations
- 8. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. District Manager's Report
    - i. Approval of Proposed Fiscal Year 2023 Meeting Schedule
- 9. Other Business
- 10. Supervisor's Requests
- 11. Adjournment

Sincerely,

George S. Flint District Manager Landowners' Meeting

#### INSTRUCTIONS RELATING TO LANDOWNERS' MEETING OF THE HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT FOR THE ELECTION OF SUPERVISORS

#### DATE OF LANDOWNERS' MEETING: Thursday, August 18, 2022

#### TIME: 2:30 PM

#### LOCATION: 1115 Aloha Blvd., Davenport, Florida 33897

Pursuant to Chapter 190, Florida Statutes, and after a Community Development District ("District") has been established and the landowners have held their initial election, there shall be a subsequent landowners' meeting for the purpose of electing members of the Board of Supervisors ("Board") every two years until the District qualifies to have its board members elected by the qualified electors of the District. The following instructions on how all landowners may participate in the election are intended to comply with Section 190.006(2)(b), Florida Statutes.

A landowner may vote in person at the landowners' meeting, or the landowner may nominate a proxy holder to vote at the meeting in place of the landowner. Whether in person or by proxy, each landowner shall be entitled to cast one vote per acre of land owned by him or her and located within the District, for each position on the Board that is open for election for the upcoming term. A fraction of an acre shall be treated as one (1) acre, entitling the landowner to one vote with respect thereto. Please note that a particular parcel of real property is entitled to only one vote for each eligible acre of land or fraction thereof; therefore, two or more people who own real property in common, that is one acre or less, are together entitled to only one vote for that real property.

At the landowners' meeting, the first step is to elect a chair for the meeting, who may be any person present at the meeting. The landowners shall also elect a secretary for the meeting who may be any person present at the meeting. The secretary shall be responsible for the minutes of the meeting. The chair shall conduct the nominations and the voting. If the chair is a landowner or proxy holder of a landowner, he or she may nominate candidates and make and second motions. Candidates must be nominated and then shall be elected by a vote of the landowners. Nominees may be elected only to a position on the Board that is open for election for the upcoming term.

Five (5) seats on the Board will be up for election by landowners. The two candidates receiving the highest number of votes shall be elected for a term of four (4) years. The three candidates receiving the next highest number of votes shall be elected for a term of two (2) years. The term of office for each successful candidate shall commence upon election.

A proxy is available upon request. To be valid, each proxy must be signed by one of the legal owners of the property for which the vote is cast and must contain the typed or printed name of the individual who signed the proxy; the street address, legal description of the property or tax parcel identification number; and the number of authorized votes. If the proxy authorizes more than one vote, each property must be listed and the number of acres of each property must be included. The signature on a proxy does not need to be notarized.

Board of Supervisors Meeting

# SECTION III

## SECTION B

#### **RESOLUTION 2022-28**

#### A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS ELECTION OF SUPERVISORS HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES, AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS,** the Hartford Terrace 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 Polk County, Florida; and

**WHEREAS,** pursuant to Section 190.006(2), *Florida Statutes*, a landowners' meeting is required to be held within 90 days of the District's creation and every two years following the creation of the District for the purpose of electing supervisors of the District; and

**WHEREAS,** such landowners meeting was held on August 18, 2022, at which the below recited persons were duly elected by virtue of the votes cast in his/her favor; and

**WHEREAS,** the Board of Supervisors of the District, by means of this Resolution, desire to canvas the votes and declare and certify the results of said election.

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

<u>Section 1.</u> The following individuals are found, certified, and declared to have been duly elected as Supervisor of and for the District, having been elected by the votes cast in their favor as shown:

 Seat 1	Votes
 Seat 2	Votes
 Seat 3	Votes
 Seat 4	Votes
 Seat 5	Votes

<u>Section 2.</u> In accordance with Section 190.006(2), *Florida Statutes*, and by virtue of the number of votes cast for the Supervisor, the above-named individuals are declared to have been elected for the following term of office:

	4 Year Term
	4 Year Term
	2 Year Term
	2 Year Term
	2 Year Term

4863-7776-6442.1

Section 3. This resolution shall become effective immediately upon its adoption.

#### PASSED AND ADOPTED THIS 18th DAY OF AUGUST 2022.

#### HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT

Attest:

Secretary / Assistant Secretary

Chairperson, Board of Supervisors

## SECTION D

#### **RESOLUTION 2022-29**

#### A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT ELECTING THE OFFICERS OF THE DISTRICT AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Board of Supervisors of the District ("Board") desires to elect the Officers of the District.

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

**SECTION 1**. The following persons are elected to the offices shown:

Chairperson	
Vice Chairperson	
Secretary	
Assistant Secretary	
Assistant Secretary	
Assistant Secretary	
Treasurer	

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

**PASSED AND ADOPTED** this 18th day of August 2022.

ATTEST:

#### HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT

Secretary / Assistant Secretary

Chairperson, Board of Supervisors

## MINUTES

#### MINUTES OF MEETING HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT

The Organizational meeting of the Board of Supervisors of the Hartford Terrace Community Development District was held on Tuesday, June 28, 2022 at 10:00 a.m. at 1115 Aloha Blvd., Davenport, Florida.

Present and constituting a quorum were:

Eric Baker Chris Wrenn *by phone* Mary Burns Serena Turke Chairman Vice Chairman Assistant Secretary Assistant Secretary

Also, present were:

George Flint	District Manager, GMS
Tucker Mackie	District Counsel
Ryan Dugan	Kutak Rock
Steve Sanford	Greenberg Traurig
Jason Alligood	District Engineer

The following is a summary of the discussions and actions taken at the June 28, 2022 Hartford Terrace Community Development District's Organizational Board of Supervisor's Meeting.

#### FIRST ORDER OF BUSINESS Introduction

#### A. Call to Order

Mr. Flint called the meeting to order. Three Supervisors were in attendance at the meeting constituting a quorum. Supervisor Wrenn participated by phone.

#### **B.** Public Comment Period

There were no members of the public present.

#### C. Oath of Office

Mr. Flint conducted the oath of office to the new Supervisors. Mr. Flint noted they would conduct the oath of office for Mr. Wrenn at another time. He added that Mr. Wrenn could participate in discussion, but not vote.

#### SECOND ORDER OF BUSINESS

#### **Organizational Matters**

#### A. Confirmation of Notice of Meeting

Mr. Flint noted the meeting notice had been documented properly as required by statutes.

These notices ran on June 21<sup>st</sup>.

## **B.** Information on Community Development Districts and Public Official Responsibilities and Florida Statutes Chapter 190

Mr. Flint stated the duties and responsibilities of the officers were provided to them in the agenda packet.

#### C. Election of Officers

#### 1. Resolution 2022-01 Appointing Officers

Mr. Flint reviewed the current status of officers with Mr. Baker as Chairman, Mr. Wrenn as Vice Chairman, Ms. Burns, Ms. Turke, and Mr. Bailey as Assistant Secretaries. He noted that himself, George Flint, would serve as Secretary, Jill Burns would serve as Treasurer, and Katie Costa would serve as Assistant Treasurer. Mr. Flint asked if the Board would like to keep these the same. The motion was made to keep the same slate.

> On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-01 Appointing Officers with Mr. Baker as Chair, Mr. Wrenn as Vice Chair, Ms. Burns, Ms. Turke, and Mr. Bailey as Assistant Secretaries, GMS staff of George Flint as Secretary, Jill Burns as Treasurer, and Katie Costa as Assistant Treasurer was approved.

#### THIRD ORDER OF BUSINESS Retention of District Staff

#### **A.** Consideration of Agreement for District Management Services Mr. Flint noted that the District Manager will be GMS.

#### 1. Consideration of Resolution 2022-02 Appointing District Manager

Mr. Flint stated the agreement form is included with fees for GMS.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-02 Appointing District Manager as GMS, was approved.

#### **B.** Consideration of Agreement for District Counsel Services

Mr. Flint noted that Kutak Rock Group will be District Counsel.

#### 2. Consideration of Resolution 2022-03 Appointing District Counsel

Mr. Flint noted the agreement and fees were included in the packet. Ms. Mackie addressed

the Board and asked for any questions. There were no questions.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-03 Appointing District Counsel as Kutak Rock, was approved.

#### C. Consideration of Resolution 2022-04 Selection of Registered Agent and Office

Mr. Flint stated that this would name Tucker Mackie as the Registered Agent and the office

in Tallahassee as the Registered Office.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-04 Selection of Registered Agent as Ms. Tucker Mackie and her Office in Tallahassee, 107 West College Avenue, Tallahassee, Florida 32301, as the Registered Office, was approved.

#### **D.** Consideration of Resolution 2022-05 Appointing Interim District Engineer

Mr. Flint noted the interim engineer would be Kimley Horn Engineering until they could get the bid process in place. Ms. Mackie noted they are still working on the final of the agreement. This will authorize the Chair to execute the final version of the agreement.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-05 Appointing Interim District Engineer as Kimley Horn, was approved.

#### E. Consideration of Interim District Engineering Agreement

Mr. Flint noted the agreement was in the packet. Kimley Horn will serve as the Interim District Engineer.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Authorizing the Chair to Execute the Final Version of The Interim District Engineering Agreement, was approved.

#### F. Request Authorization to Issue RFQ for Engineering Services

Mr. Flint stated he needed a motion to issue the RFQ for engineering services.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Authorization to Issue RFQ for Engineering Services, was approved.

#### FOURTH ORDER OF BUSINESS

Designation of Meetings and Hearing Dates

A. Consideration of Resolution 2022-06 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2022

Mr. Flint suggested the third Thursday of the month at 2:30 p.m. The meeting will be at the same location.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-06 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2022 as the third Thursday of the Month at 2:30 p.m. at the same location, was approved.

#### **B.** Consideration of Resolution 2022-07 Designation of Landowner's Meeting Date, Time, and Location

Mr. Flint suggested August 18, 2022 at 2:30 p.m. at the same location.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-07 Designation of Landowner's Meeting Date, Time, and Location for August 18, 2022 at 2:30 p.m. at 1115 Aloha Blvd., Davenport, Florida, was approved.

- C. Designation of Date of Public Hearing to Adopt Rules of Procedure in accordance with Section 120.54, Florida Statutes
  - **1.** Consideration of Resolution 2022-08 Setting a Public Hearing to Consider the Proposed Rules of the District

Mr. Flint suggested this be held in conjunction with the August 18, 2022 meeting at 2:30

p.m.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-08 Setting a Public Hearing to Consider the Proposed Rules of the District for August 18, 2022 at 2:30 p.m. at 1115 Aloha Blvd., Davenport, Florida, was approved.

#### **D.** Designation of Dates of Public Hearing on the Budget for Fiscal Year 2022

1. Consideration of Resolution 2022-09 Setting the Public Hearing and Approving the Proposed Budget for Fiscal Year 2022

Mr. Flint proposed they set the date for August 18, 2022 at 2:30 p.m. at the same location.

He noted that the budget is included for Board review.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-09 Setting the Public Hearing and Approving the Proposed Fiscal Year 2021/2022 and 2022/2023 Budget for August 18, 2022 at 2:30 p.m. at 1115 Aloha Blvd., Davenport, Florida, was approved.

#### 2. Approval of the Fiscal Year 2022 Budget Funding Agreement

Mr. Flint noted this will fund this year's budget with the Developer.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, the Fiscal Year 2021/2022 and 2022/2023 Budget Funding Agreement, was approved.

## **3.** Consideration of Resolution 2022-10 Setting the Public Hearing and Approving the Proposed Budget for Fiscal Year 2023

Mr. Flint noted that the resolution approves the proposed budget for Fiscal Year 2023 and sets the public hearing for final adoption. He suggested August 18, 2022 at 2:30 p.m. at the same location for the public hearing.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-10 Setting the Public Hearing for August 18, 2022 at 2:30 p.m. at 1115 Aloha Blvd., Davenport, Florida and Approving the Proposed Budget for Fiscal Year 2023, was approved.

E. Resolution 2022-11 Setting Date of Public Hearing Expressing the District's Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non-Ad Valorem Assessments in accordance with Section 197.3632, Florida Statutes

Ms. Mackie reviewed the resolution and noted the county will collect the District's

assessment. Mr. Flint suggested August 18, 2022 at 2:30 p.m. at the same location for this meeting.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-11 Setting Date of Public Hearing Expressing the District's Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non-Ad Valorem Assessment in Accordance with Section 197.3632, Florida Statutes for August 18, 2022 at 2:30 p.m. at 1115 Aloha Blvd., Davenport, Florida, was approved.

#### \*At this time, the Board skipped to Section VII-E

#### FIFTH ORDER OF BUSINESS Other Organizational Matters

#### A. Consideration of Resolution 2022-12 Designating a Qualified Public Depository

Mr. Flint proposed using Truist (formerly Sun Trust) as the District's qualified public depository.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-12 Designating a Qualified Public Depository as Truist, was approved.

#### **B.** Consideration of Resolution 2022-13 Authorization of Bank Account Signatories

Mr. Flint noted the approved signatories would be the Secretary, Treasurer ,and Assistant

Treasurer elected today as George Flint, Jill Burns, and Katie Costa.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-13 Authorization of Bank Account Signatories as the Secretary (George Flint), the Treasurer (Jill Burns) and Assistant Treasurer (Katie Costa), was approved.

#### C. Consideration of Resolution 2022-14 Relating to Defense of Board Members

Ms. Mackie explained the resolution. She noted this sets forth a process if there is a lawsuit filed against a Board member. She stated as long as the Board member was working within the scope of their responsibilities, they would be covered legally.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-14 Relating to Defense of Board Members, was approved.

#### D. Consideration of Resolution 2022-15 Ratifying District Counsel's Actions in Recording in the Property Records of Polk County the "Notice of Establishment" in accordance with Chapter 190.0485, Florida Statutes

#### 1. Notice of Establishment

Mr. Flint noted this is to ratify the action already noticed.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-15 Ratifying District Counsel Recording the "Notice of Establishment" in the Property Records of Polk County in Accordance with Chapter 190.0486, Florida Statutes, was approved.

#### E. Consideration of Resolution 2022-16 Adopting Investment Guidelines

Mr. Flint noted this would be in accordance with the guidelines established by the state of

Florida.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-16 Adopting Investment Guidelines, was approved.

## F. Consideration of Resolution 2022-17 Authorizing Execution of Public Depositor Report

Mr. Flint noted this authorizes the District Manager or Treasurer to authorize the Public Depositor Report and send to the Treasurer.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-17 Authorizing Execution of Public Depositor Report, was approved.

G. Consideration of Resolution 2022-18 Designating a Policy for Public Comment

Mr. Flint stated that this establishes the policy for public comments in a meeting.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-18 Designating a Policy for Public Comment, was approved.

H. Consideration of Resolution 2022-19 Adopting a Travel and Reimbursement Policy

Mr. Flint noted this is for travel reimbursement for Supervisors on District business and is

in line with Florida statutes.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-19 Adopting a Travel and Reimbursement Policy, was approved.

#### I. Consideration of Resolution 2022-20 Adopting Prompt Payment Policy

Ms. Mackie reviewed the resolution and noted that this is in accordance with Florida statutes and was included in the packet.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-20 Adopting a Prompt Payment Policy, was approved.

#### J. Consideration of Resolution 2022-21 Adopting a Records Retention Policy

Mr. Flint noted this policy is in accordance with Florida statutes and outlines how to maintain records. This resolution and has two options included in the packet. He suggested the Board choose option to retain all records.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-21 Adopting a Records Retention Policy To Retain All Records, was approved.

#### K. Consideration of Compensation to Board Members

Mr. Flint stated this is for Board members attending CDD meetings to be compensated at \$200 a meeting for a maximum of 24 meetings per year. All Board members agreed to waive

compensation.

L. Resolution 2022-22 Selecting District Records Office Within Polk County

Mr. Flint proposed that this item be deferred to the August meeting.

#### M. Resolution 2022-23 Designating the Primary Administrative Office and Principal **Headquarters of the District**

Mr. Flint proposed this be the GMS offices in Orlando, Florida at 219 E. Livingston Street,

and the principal headquarters would be 346 E. Central Ave.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-23 Designating the Primary Administrative Office as 219 E. Livingston, Orlando, Florida, and Principal Headquarters of the District as 346 E. Central Ave., was approved.

#### N. Consideration of Website Services Agreement

Mr. Flint stated the agreement is in the package and is required by statute. This proposal is

for creation of the website with ReAlign Web Design and the fee will be \$1,750.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, the Website Services Agreement with ReAlign Web Design for \$1,750, was approved.

**O.** Authorization to Prepare Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date of August 1<sup>st</sup> for Polk Countv

Mr. Flint noted this authorizes GMS to file the report with the county.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Authorization to Prepare Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date of August 1<sup>st</sup> for Polk County, was approved.

#### P. Consideration of Resolution 2022-24 Authorizing Chairperson to Execute Plats, Permits and Conveyances

Mr. Flint noted this authorizes the Chair to execute these documents when needed.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-24 Authorizing Chair to Execute Plats, Permits, and Conveyances, was approved.

#### SIXTH ORDER OF BUSINESS

**Capital Improvements** 

#### A. Appointment of Financing Team

Mr. Flint noted this appoints a financing team.

#### 1. Bond Counsel

Mr. Flint noted this would be for Bond Counsel with Greenberg Traurig and the agreement

is in the packet. Mr. Sanford will be the Bond Counsel. The fees are contained within the agenda packet.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Appointing Bond Counsel as Greenberg Traurig, was approved.

#### 2. Underwriter

Mr. Flint noted the underwriter is a requirement and FMS Bond Specialist would be the investment banker.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Appointing the Underwriter as FMS Bond Specialist, was approved.

#### 3. Assessment Administrator

Mr. Flint noted this would be with GMS as designated in the agreement with GMS. No further action is required.

#### 4. Trustee

Mr. Flint noted this proposal is in the packet and is with US Bank.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Trustee as US Bank, was approved.

#### **B.** Approval of Financing Team Funding Agreement

Mr. Flint explained that under the terms of this agreement any funds provided as part of this agreement would be reimbursed under the future bond issuance.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, the Financing Team Funding Agreement, was approved.

#### SEVENTH ORDER OF BUSINESS Financing Matters

#### A. Consideration of Master Engineer's Report

The report was contained in the packet and has been reviewed by the District Counsel. This report identifies and describes the project and identifies the eligible improvements that could be funded by the District. This total is for \$24,420,000. The par amount is \$29,400,000.

#### **B.** Consideration of Master Assessment Methodology Report

The report was contained in the packet and has been reviewed by the District Counsel.

#### C. Consideration of Resolution 2022-25 Declaring Special Assessments

Ms. Mackie explained the resolution on declaring special assessments. Mr. Jason Alligood

the Interim District Engineer will be at the public hearing for questions.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-25 Declaring Special Assessments, was approved.

#### D. Consideration of Resolution 2022-26 Setting a Public Hearing for Special Assessments

Mr. Flint recommended the public hearing date of August 18, 2022 at 2:30 p.m. at the same location.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-26 Setting a Public Hearing for Special Assessment for August 18, 2022 at 2:30 p.m. in the same location, was approved.

#### E. Consideration of Resolution 2022-27 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings *\*This was addressed earlier in the agenda.*

Mr. Sanford will serve as Bond Counsel and presented the resolution noting this authorized the validation of these bonds and there was a not-to-exceed amount of \$29,400,000 to finance the infrastructure described in the Engineer's report. This is a maximum amount and can be issued in one or more series.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Resolution 2022-27 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings, was approved as amended.

#### EIGHTH ORDER OF BUSINESS

#### **Other Business**

#### A. Staff Reports

#### i. Attorney

Ms. Mackie stated Ryan Dugan is also an attorney joining Kutak Rock and will be assisting with this District. She noted Bond validation is in progress and will keep the Board informed of their progress.

#### ii. Manager

Mr. Flint noted he had nothing further.

#### **B.** Supervisors Requests

There being none, the next item followed.

#### C. Approval of Funding Request No. 1

Mr. Flint noted this request is in the package for review. This is opening the District's account for liability insurance, legal advertising and website for \$21,750.

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, Funding Request No. 1 for \$21,750, was approved.

#### NINTH ORDER OF BUSINESS Adjournment

On MOTION by Mr. Baker, seconded by Ms. Burns, with all in favor, the meeting was adjourned.

Secretary/Assistant Secretary

Chairman/Vice Chairman

## ${\small \textbf{SECTION}}\ V$

#### Hartford Terrace Community Development District Engineer RFQ Ranking Sheet

	Ability and Adequacy of Personnel	Consultant's Past Performance	Geographic Location	Willingness to Meet Time and Budget Requirements	Certified Minority Business Enterprise	Recent, Current and Projected Workloads	Volume of Work Previously Awarded to Consultant by District	Ranking
	25 Points	25 Points	20 Points	15 Points	5 Points	5 Points	5 Points	
Kimley-Horn								

August 10, 2022

George Flint GMS – Central Florida, LLC. 219 East Livingston Street Orlando, FL 32801

#### Re: Request for Qualifications (RFQ) for Engineering Services for the Hartford Terrace Community Development District (CDD)

Dear Mr. George Flint and Members of the Selection Committee:

One of the most gratifying aspects of our business is the ability to form lasting working relationships with our clients and other professionals. I am proud to be serving as Interim District Engineer for the Hartford Terrace Community Development District (CDD) and hope to continue that relationship by serving as your permanent professional engineering consultant. Kimley-Horn is best suited to serve you for the following reasons:

**Dedicated team.** As project manager, I will be your first point of contact. My experience includes multidisciplinary engineering projects for both public- and private-sector clients. These projects have given me the opportunity to extensively interact with a wide range of groups and individuals, including local citizens, city staff, and members of various permitting agencies. I understand that a strong commitment to client satisfaction must be the foundation of our service to you and I am personally dedicated to serving the District.

Local team, local resources. Our Lakeland-based team is located 30 minutes from the project site. Our team is readily available to attend project meetings, make site visits, and perform other activities to advance and complete the work as needed. The professionals who make up our core team have a long history of successful collaboration to deliver projects on time and within budget—and we pledge the same on your projects.

Unparalleled knowledge of Community Development Districts. Kimley-Horn understands the special challenges involved with providing engineering services for residential developments. With our track record of successfully executing projects for over 45 Community Development Districts throughout Florida, Kimley-Horn has the in-depth knowledge and experience to meet your needs.

**Integrated services.** With more than 1,000 staff members in Florida, our team is supported by a responsive and diverse group of engineers, landscape architects, planners, environmental experts, and support staff. Our depth of resources and ability to provide a full range of services allows us to act as a one-stop shop, providing seamless interaction and an unlimited resource pool. We will ensure the necessary in-house resources are available to meet the needs of the District on this contract.

**Commitment.** Kimley-Horn's continuity of staff and 55+ years of experience, combined with our vast resources, will be invaluable to the successful execution of assignments under this contract. We look forward to the opportunity to serve as your trusted consultant.

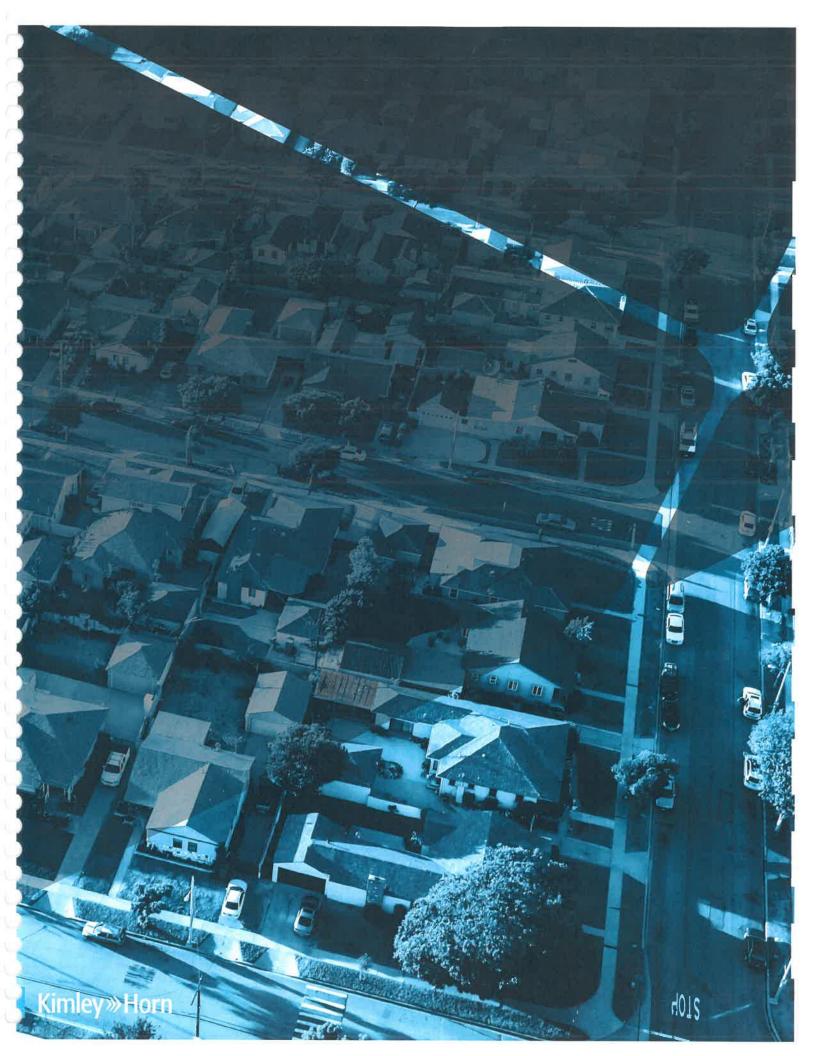
Very truly yours, Kimley »Horn

Į.

Jason Alligood, P.E. Associate

Mark & Wilson

Mark Wilson, P.E. Principal





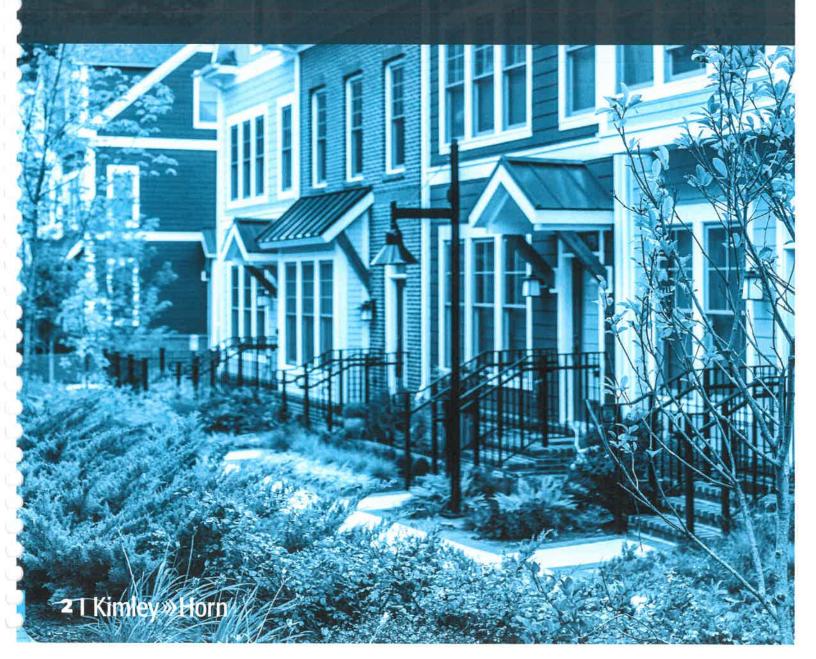
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# Ability and Adequacy of Professional Personnel

The District needs a consultant team that can navigate the responsibilities and challenges presented in this contract with a clear, visionary approach, as well as a proactive partner who is familiar with the area. Kimley-Horn's experience with Community Development Districts (CDDs) and other clients in Polk County ensures you receive unmatched service, responsiveness, and essential local knowledge. The following pages highlight the qualifications of our key project team members.





#### Jason Alligood, P.E.

Project Manager



Certification: Professional Engineer in Florida, Georgia, and Colorado

Education: Master of Engineering, Environmental Engineering, University of Florida; Bachelor of Science, Civil Engineering, Florida State University

Affiliations/Memberships: American Society of Civil Engineers (ASCE)

Jason has more than 20 years of multidisciplinary engineering experience working for both municipal and privatesector clients in the areas of civil engineering, geotechnical engineering, and environmental engineering. His project experience includes project management, design, permitting services, and construction services for residential developments, commercial developments, water distribution and wastewater collection, industrial developments, streetscape projects, parks, and landfills. Jason is familiar with all aspects of the site development process—from the earliest stages of due diligence and entitlements to inspection and final punch lists. He will be the main point of contact for the District, handling District meetings, construction services, and other engineering tasks.

#### Mark Wilson, P.E.

Quality Assurance/Quality Control (QA/QC)



Education: Bachelor of Science, Engineering, University of Central Florida

Affiliations/Memberships: Florida Engineering Society (FES)

Mark has more than 34 years of experience in land development and civil engineering. He is familiar with all aspects of the site development process—from the earliest stages of due diligence and entitlements to construction bidding, inspection, and final punch lists. His experience includes institutional, civic, commercial retail, and residential land development projects throughout Florida. Specifically, Mark has designed stormwater improvements, utility line extensions, sanitary sewer pump stations and associated modeling, roadway improvements relating to private developments, and he has developed master plan designs for mixed-use developments.



#### Jennifer Daoulas, PLA

Landscape Architect and Irrigation

Certification: Professional Landscape Architect in Florida

Education: Master of Natural Resources, Virginia Tech; Bachelor of Landscape Architecture, Clemson University

Affiliations/Memberships: American Society of Landscape Architects (ASLA), Society of American Military Engineers (SAME), and Urban Land Institute (ULI)

Jennifer has more than 12 years of professional landscape architectural experience, providing support with construction documentation, specifications, and graphic presentations. She has a passion for sustainable land development design and creating cost effective and constructable solutions for clients' specific project needs. Her project experience includes landscape design, hardscape and amenity design, streetscape design improvements, and Complete Street elements. Jennifer has provided professional landscape architectural services for municipal parks, private and public institutions, retail, and residential projects.



#### Logan Norris, E.I.

#### Stormwater

**Certification: Engineering Intern in Florida** 

Education: Bachelor of Science, Environmental Engineering, University of **Central Florida** 

Affiliations/Memberships: N/A

Logan has more than four years of experience as an analyst, specializing in hydrology/hydraulics, surface water, water/wastewater, utilities, and permitting services. His project experience includes the preparation of estimated quantities, costs, and bid documents. His software experience includes Interconnected Channel and Pound Routing Model 3 (ICPR3), ICPR4, AutoCAD, geographic information systems (GIS), and Hydrologic Engineering Center's River Analysis System (HEC-RAS).



#### Jamison Tondreault, P.E.

Utilities

Certification: Professional Engineer in Florida



Education: Bachelor of Science, Civil and Environmental Engineering, University of South Florida

Affiliations/Memberships: Water Environment Federation (WEF)

Jamison is an integrated water engineer with more than 11 years of experience involving water and wastewater utility projects. His technical experience includes planning, design, permitting services, and the construction of water and wastewater collection, transmission, treatment, and disposal systems. His experience also includes grant funding, trenchless design, hydraulic modeling, wastewater master planning, and industrial pretreatment programs. Last year, the Florida Water Environment Association (FWEA) recognized Jamison's contributions by awarding him the Golden Manhole Award.

Individual resumes for each of our key staff members can be found in Part I. Section E of the Standard Form 330 at the end of this qualifications package.



# B Consultant's Past Performance



## POLK COUNTY EXPERIENCE

Kimley-Horn has remained steadfast in upholding the core values that have defined our firm for the past 55 years. We know the value and importance of staying true to our roots, focusing on our local municipal clients, and delivering the personalized and responsive service they deserve. Having served Polk County for more than two decades, we are familiar with the standards of County staff and know what it takes to achieve approvals, easing the burden on your time. Our local team is accessible for staff meetings and work sessions on short notice and offer extensive knowledge of local conditions.

#### Past Performance for Community Development Districts

Kimley-Horn provides urban and development planning and landscape architectural services for a wide variety of public and private clients throughout Florida and the United States. Throughout our 55-year history, we have served numerous local governments in Florida and are proud of the role we play in shaping the development, and in many cases, the redevelopment of Florida's communities. A hallmark of our services to clients is our ability to provide a full range of services for a multitude of urban and transportation planning and public infrastructure improvements. Our multi-disciplined teams can take your projects from inception through implementation—all while keeping your initial goals for your projects at the forefront of each step of the process.

A few examples of our project successes include:

- Helping two new communities develop their first comprehensive plan
- Assisting several communities with their evaluation and appraisal reports and related comprehensive plan amendments
- Helping initiate regional activity centers and transportation concurrency exception areas
- Teaming with developers and communities to develop design guidelines for specific projects
- Site plan review, traffic, and other concurrency reviews
- Engaging the public in design, visioning, and transportation workshops and charrettes for several communities
- Performing traffic studies and transportation planning including a transit-oriented design feasibility study, transportation master plans, transportation concurrency management database, and multiple parking and downtown parking garage studies



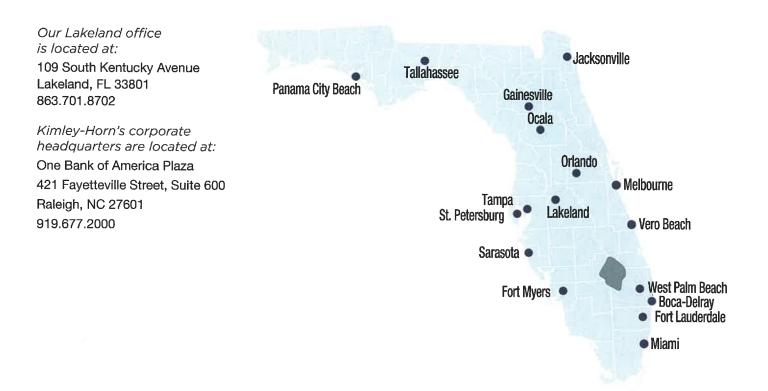
## Community Development Districts Kimley-Horn has served in Florida:

- Westridge CDD Polk County, FL
- Victor Posner City Center CDD Polk County, FL
- Oakmont Grove CDD Polk County, FL
- Hawthorne Mill CDD Lakeland, FL
- Fox Branch Ranch CDD Lakeland, FL
- Boca Royale CDD Sarasota, FL
- Lakewood Ranch CDD Sarasota, FL
- Blackburn CDD Sarasota, FL
- Central Parc CDD Sarasota, FL
- Coastal Lake CDD Walton, FL
- Grove Resort CDD Winter Garden, FL
- Miami Worldcenter CDD Miami, FL
- Sumter Landing CDD The Villages, FL
- Premium Point CDD St. Augustine, FL
- Reserve CDD Port St. Lucie, FL
- Rivington CDD Debary, FL
- The District CDD Jacksonville, FL
- Mills Park CDD Orlando, FL
- Bonnet Creek CDD Winter Park, FL
- 🜒 🛛 Bayi CDD Ocala, FL
- Bay Laurel Center CDD Ocala, FL
- Coastal Lake CDD Panama City Beach, FL
- The Villages CDD The Villages, FL
- Village Center CDD The Villages, FL

- Midtown Miami CDD Miami, FL
- Sumter Landing CDD The Villages, FL
- Mayfair CDD Lake Wales, FL
- Kenmare at Lake Annie CDD Dundee, FL
- Greyhawk Landing CDD Manatee County, FL
- Waterlefe CDD Sarasota, FL
- Venetian CDD Sarasota, FL
- Blackburn Creek CDD Sarasota, FL
- Highlands CDD Hillsborough County, FL
- Mills & Nebraska CDD Orlando, FL
- Cottages Silver Oaks CDD Zephyrhills, FL
- Boynton Village CDD Boynton Beach, FL
- Sarasota National CDD Sarasota, FL.
- Stoneybrook at Venice CDD Sarasota, FL
- Tara CDD Bradenton, FL
- Legends Bay CDD Sarasota, FL
- Beacon Lakes CDD Miami, FL
- Manatee River CDD Bradenton, FL
- Arbor Greene CDD Tampa, FL
- Cross Creek CDD Bradenton, FL
- Veranda CDD Port St. Lucie, FL
- Parkland Preserve CDD St. Augustine, FL
- River Road at Center Road CDD Sarasota, FL

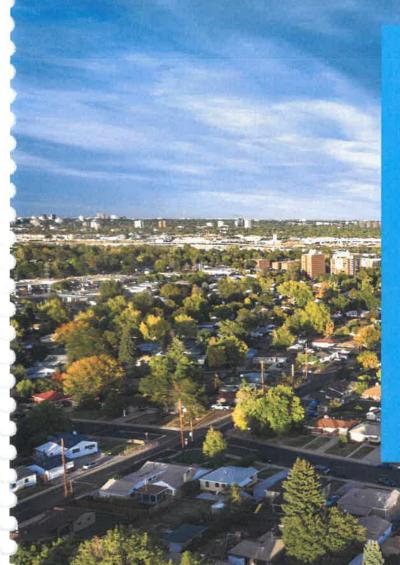
## **Geographic Location**

Kimley-Horn's Lakeland office will serve as the primary office responsible for overseeing the work related this project. In addition, we have the ability to call upon our nationwide partners for assistance, offering the resources of a large, nationally ranked firm with the personal attention and response of a dedicated, local professional team.



8 I Kimley »Horn

# D Willingness to Meet Time and Budget Requirements



Kimley-Horn has a proven record of performing on time and within budget. The key to our success is managing the right resources at the right time. We emphasize project management using bi-monthly effort reports that give our project managers up-to-date staffing and expense information related to their projects. This information enables them to continuously monitor the status of project cost, cost control effectiveness, and schedule.

Frequent communication and a clear definition of the responsibilities of team members are critical elements in maintaining schedules. With that in mind, our projectspecific work plan identifies critical project milestones and deliverable dates. We then actively manage our team resources to meet the agreed-upon schedules and keep your project on track.

Our project manager, Jason Alligood, P.E., will have the authority to allocate resources and troubleshoot difficulties. We pledge to view the project from your perspective, examine issues in a strategic context, and provide you with tactical solutions.

## Certified Minority Business Enterprise

Although Kimley-Horn is not a certified minority business, we have company policy of meeting or exceeding our clients' minority business participation goals. Through corporate policies and philosophy, our firm actively seeks to encourage and promote the use of MBE/WBE/SDVOSB firms. We provide interested minority firms/women owned firms/service-disabled veteran-owned small businesses with the opportunity to serve as subconsultants on our teams and we actively seek to increase our large database of qualified MBE/WBE firms for use on future projects. Our aggressive MBE/WBE/SDVOSB utilization policy ensures that Kimley-Horn is consistently furthering the positive economic development momentum advocated by the state of Florida using minority/women-owned/ service-disabled veteran-owned businesses.

Our performance in using minority firms over the past 5 years is as follows:

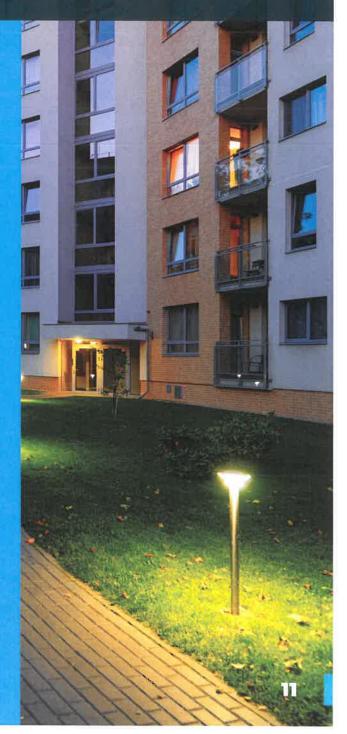
Year	Total Paid
2021	\$54.6 million
2020	\$54.5 million
2019	\$41.5 million
2018	\$23.5 million
2017	\$22.3 million



## Recent, Current and Projected Workloads

Kimley-Horn is very progressive when it comes to understanding its current and projected workload and has a long history of achieving successful project completion through a combination of effective project management and technical expertise. Consequently, Kimley-Horn is committed to providing the District with the highest quality staff and service to meet your project schedule and budget requirements. The members of our project team were selected using two criteria: (1) their experience with similar projects and (2) their availability to assume major technical responsibilities.

Based on a review of our workload forecasting program called "cast-aheads," we can assure you that the staff members selected for this team are available to serve you and are in an excellent position to handle the workload of this assignment. When work is assigned to us, our cast-ahead system will ensure staff availability to successfully complete our assignments. Many staff assigned to this project will not be needed full time but when they are required, they will be focused on this project 100% of their time.



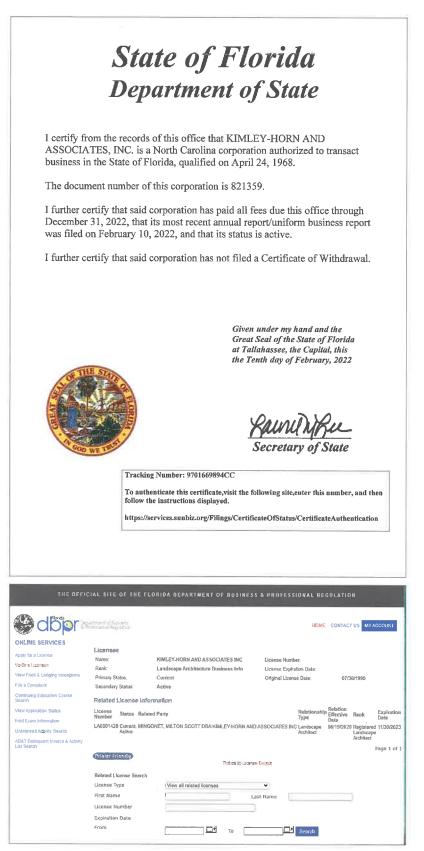
# G Volume of Work Previously Awarded to Consultant by District

The District has not awarded Kimley-Horn any work prior to this submission of qualifications. We sincerely hope to grow our professional relationship with the District by serving as District Engineer as part of this advertised contract.

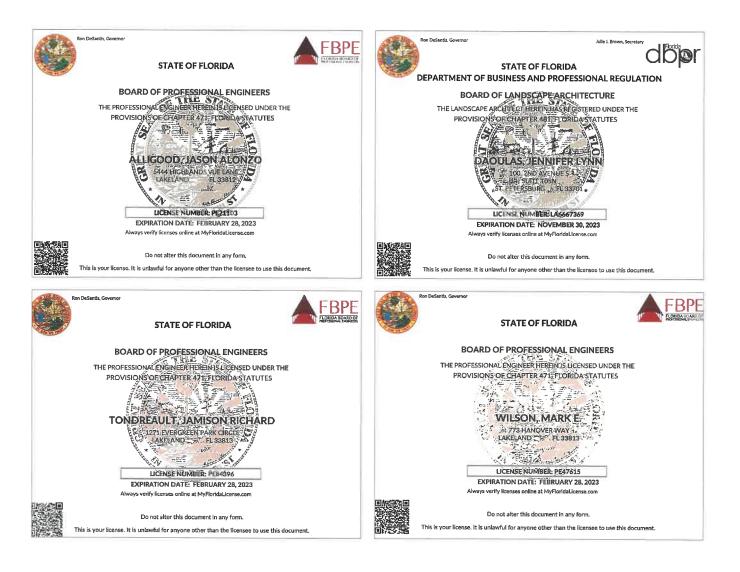


# Applicable Professional Licenses

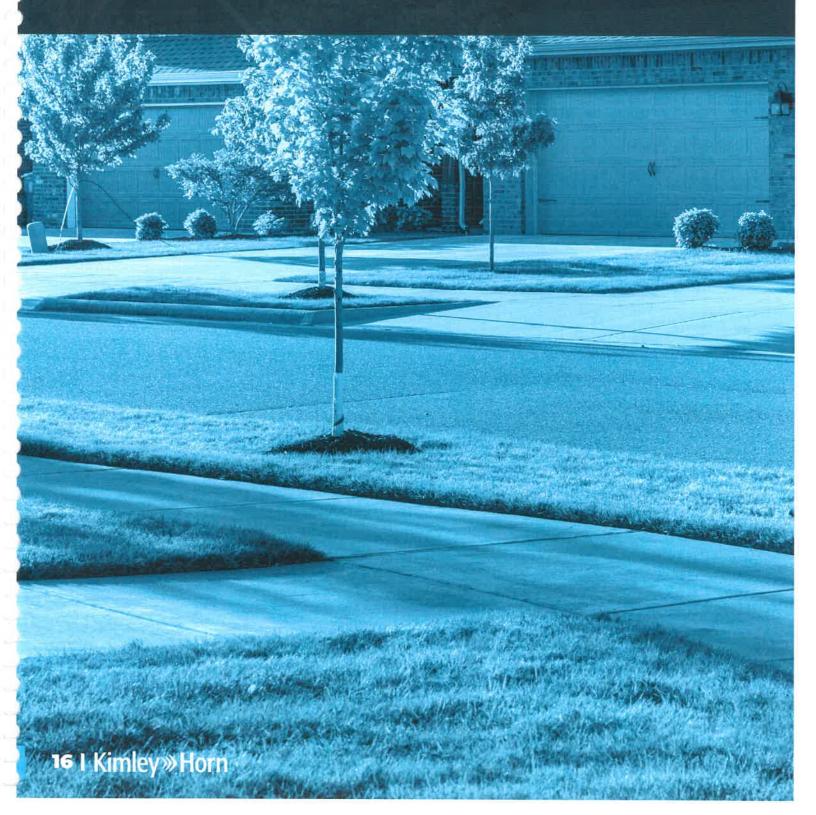
On October 1, 2019 HB827/SB616 went into effect creating the rues for Admirative code 61G15, which removes the requirement that engineers obtain a separate engineering business license (certificate of authorization) for their engineering firm.







## Standard Form 330



#### **PART I – CONTRACT SPECIFIC QUALIFICATIONS**

#### A. CONTRACT INFORMATION

1. TITLE AND LOCATION (City and State) Engineering Services for the Belle Haven Community Development District (CDD), Polk County, FL 2. PUBLIC NOTICE DATE

3. SOLICITATION OR PROJECT NUMBER N.A.

7.14.22

**B. ARCHITECT - ENGINEER POINT OF CONTACT** 

4. NAME AND TITLE Jason Alligood, P.E., Associate

5. NAME OF FIRM

Kimley-Horn and Associates, Inc.

	3. TELEPHONE NUMBER 7. FAX NUMBER 8. E-MAIL ADDRESS							
			NE NU 8702		7. FAX NUMBER N.A.		8. E-MAIL ADDRESS Jason.Alligood@kimley-	horn com
-		101.	0101			C. PROPOSE		-norn.com
				(Comp			D TEAM tractor and all key subcontracto	ors.)
(Check)								
	PRIME	<b>∧-</b> ſ	SUBCON-	9. FIRM	NAME		10. ADDRESS	11. ROLE IN THIS CONTRACT
a.	x			Kimley-Horn and Associates, Inc.		Lakeland, FL 33801		Quality Assurance/Quality Control, Stormwater Management, and Utilities
b.	x			Kimley-Horn and Associates, Inc.		105N	ond Avenue South, Suite rsburg, FL 33701	Landscape Architecture and Irrigation
c.				CHECK IF BRANCH O				
d.				CHECK IF BRANCH OI	FFICE			
е.				CHECK IF BRANCH OI	FFICE			
f.				CHECK IF BRANCH OF	FFICE			

#### D. ORGANIZATIONAL CHART OF PROPOSED TEAM

[X] (Attached)

AUTHORIZED FOR LOCAL REPRODUCTION

STANDARD FORM 330 (REV. 7/2021)



Project Manager JASON ALLIGOOD, P.E.



Quality Assurance/Quality Control (QA/QC)

> MARK WILSON, P.E.



Landscape Architecture and Irrigation

JENNIFER DAOULAS, PLA



Stormwater LOGAN NORRIS, E.I.



Utilities JAMISON TONDREAULT, P.E.

	E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT (Complete one Section E for each key person.)					
12.	12. NAME 13. ROLE IN THIS CONTRACT			14	4. YEARS EXPERIENCE	
	Jason Alligood, P.E.	Project Manager		a. TOTAL	b. WITH CURRENT FIRM	
15.	FIRM NAME AND LOCATION (City and State)			20	2	
	Kimley-Horn and Associates, Inc., Lakeland					
	6. EDUCATION (DEGREE AND SPECIALIZATION)       17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE)         Master of Engineering, Environmental Engineering, University of Florida; Bachelor of Science, Civil Engineering, Florida State University       17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE)					
18.	OTHER PROFESSIONAL QUALIFICATIONS (Publications, C	Organizations, Training, Awards, etc.)				
		19. RELEVANT PROJECTS				
	(1) TITLE AND LOCATION (City and State) Albertson Property Due Diligence Serv	ices	PROFESSIONAL SER	2) YEAR CO	OMPLETED CONSTRUCTION (If Applicable)	
	Davenport, FL		2022		2022	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, et		X Check if project pe			
a.	Project manager. Kimley-Horn provided d of Dunson Road in Davenport. The projec townhome units (60% single-family, 40% provided entitlement and concurrency rev environmental services.	t included a proposed resident townhomes). An amenity area	al development with of 1.25 to 1.5 acres v	both sing	gle-family houses and psed as well. Kimley-Horn	
	(1) TITLE AND LOCATION (City and State)			2) YEAR CC		
	McKnight Property Haines City, FL		PROFESSIONAL SERV Ongoing		CONSTRUCTION (If Applicable) Ongoing	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, ele	· · · · · · · · · · · · · · · · · · ·	X Check if project pe			
b.	<ul> <li>Project manager. Kimley-Horn is providing professional civil engineering services for this 116-acre property located east of U.S. Highway 27 and north of Forest Lake Drive in Polk County. The project includes a proposed residential development with single-family houses mixed between 40-, 50-, and 60-foot lots and an amenity area of 3.76 acres. Our services includes site plan design; civil engineering analysis, design and permit documentation preparation; lift station design; stormwater management; landscape architecture and irrigation; gopher tortoise surveying, permitting, and relocation with the Florida Fish and Wildlife Conservation Commission (FWC); sand skink cover board surveying; traffic impact analysis (TIA); permitting with Polk County Land Development, Haines City, the Florida Department of Transportation (FDOT), Florida Department of Environmental Protection (FDEP), Southwest Florida Water Management District (SWFWMD), and the Department of Health in Polk County; and construction phase services.</li> </ul>					
	(1) TITLE AND LOCATION (City and State) Austin Tindall Regional Park Expansio	n	(2 PROFESSIONAL SERV	2) YEAR CO	MPLETED CONSTRUCTION (If Applicable)	
	Kissimmee, FL		2017		2018	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.	a.) AND SPECIFIC ROLE	Check if project per	formed wit	h current firm	
с.	Project manager and Engineer of Record (EOR). Prior to joining Kimley Horn, Mr. Alligood sonved as the project manager and					
	<ol> <li>TITLE AND LOCATION (City and State)</li> <li>PK Avenue Complete Streets and Storn Auburndale, FL</li> </ol>	nwater Improvements	(2 PROFESSIONAL SERV 2017	2) YEAR CO /ICES	DMPLETED CONSTRUCTION (If Applicable) <b>2018</b>	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc	.) AND SPECIFIC ROLE		formed wit		
d.	Project manager and Engineer of Record (EOR). Prior to joining Kimley-Horn, Mr. Alligood served as project manager and Engineer of Record (EOR) for a complete streets roadway project in Auburndae. The project extends along a partian of					
	(1) TITLE AND LOCATION (City and State)	114 -		) YEAR CO		
	Scott Lake Health Assisted Living Faci Lakeland, FL		PROFESSIONAL SERV		CONSTRUCTION (If Applicable) 2018	
			1			
е.	<ul> <li>BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE</li> <li>Check if project performed with current firm</li> <li>Project manager and Engineer of Record (EOR). Prior to joining Kimley-Horn, Mr. Alligood served as the project manager and Engineer of Record (EOR) for this 76,000-square-foot skilled nursing facility in Lakeland. The project site was formerly mined land that included difficult soil conditions as well as encumbrances which required strategic site planning and design. The design included site grading, drainage, stormwater management system, potable and fire water supply, and sanitary sewer. Permitting was required through multiple agencies as well as with Duke Energy.</li> </ul>				ite was formerly mined	

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		F KEY PERSONNEL PROPOSED F complete one Section E for each key		т	
12.	NAME	13. ROLE IN THIS CONTRACT	·	14	4. YEARS EXPERIENCE
	Mark Wilson, P.E.	Quality Assurance/Qualit (QA/QC)	y Control	a. TOTAL <b>34</b>	b. WITH CURRENT FIRM 20
15.	FIRM NAME AND LOCATION (City and State) Kimley-Horn and Associates, Inc., Lakelan	d, FL			1
16.	EDUCATION (DEGREE AND SPECIALIZATION) Bachelor of Science, Civil Engineering, Un Florida	iversity of Central 17. CURR Profe	ENT PROFESSIONAL R	EGISTRATIO	ON (STATE AND DISCIPLINE)
18.	OTHER PROFESSIONAL QUALIFICATIONS (Publications,	Organizations, Training, Awards, etc.)			
		19. RELEVANT PROJECTS			
	(1) TITLE AND LOCATION (City and State)			(2) YEAR CC	
	North Lake Mirror Community Redevel Master Plan Lakeland, FL	opment Agency (CRA)	PROFESSIONAL SEF	RVICES	CONSTRUCTION (If Applicable) <b>N.A.</b>
a.	(3) BRIEF DESCRIPTION (Brief scope, size, cost, et	c.) AND SPECIFIC ROLE	X Check if project p	erformed w	vith current firm
Project engineer. Kimley-Horn provided master planning services for the redevelopment of North Lakeland. The goal of master plan was to create open spaces, enhance Lakeland's downtown, and create more residential and mixed-use developments. In addition to master planning, Kimley-Horn held a City Staff Workshop and Stakeholder Workshop for development feedback and provided a market analysis.					nd mixed-use
	(1) TITLE AND LOCATION (City and State)			2) YEAR CO	MPLETED
	Polk State College Center for Public Sa Polk County, FL	afety	PROFESSIONAL SEF 2018		CONSTRUCTION (If Applicable) 2018
b.	(3) BRIEF DESCRIPTION (Brief scope, size, cost, et	c.) AND SPECIFIC ROLE	X Check if project p	erformed w	vith current firm
D.	Project engineer. Kimley-Horn is providing College and Polk County Sheriff's Office f include a 100,000-square-foot building for	training facility and school. The '	nd ecological servic 10-acre project and	es for the associate	joint-use Polk State d improvements will
-	(1) TITLE AND LOCATION (City and State)			2) YEAR CO	MPLETED
	Community Development District Engi Polk County, FL	neer	PROFESSIONAL SEF Ongoing		CONSTRUCTION (If Applicable) Ongoing
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, et	c.) AND SPECIFIC ROLE	X Check if project p	erformed w	vith current firm
C,	Principal-in-charge. Kimley-Horn has serv Posner City Center, Westridge, Oakmont continuing basis for planning and preparir for water management facilities; water, wa conservation, and mitigation areas; and o	, and Kenmare at Lake Annie. W ng reports and plans; surveying astewater, and irrigation facilities	/e provide profession designs and specifi s; bridges and/or cu	onal engin cations: co	eering services on a
	(1) TITLE AND LOCATION (City and State)			2) YEAR CO	
	Burnham McCall Training Center (aka Training Facility) Bartow, FL	Polk County Sheriff's Office	PROFESSIONAL SER 2018	VICES	CONSTRUCTION (If Applicable) 2018
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.	a.) AND SPECIFIC ROLE	X Check if project p	erformed w	vith current firm
d.	Project engineer. Kimley-Horn provided c improvements at the 72-acre, Polk Count contained a number of existing improvem shooting ranges, and storage areas. Kiml a new tactical area with an earth berm for course, a new access road, a five-story tr 5,000-square-foot storage building. The p flood zone and had numerous wetland an surveyors, geotechnical engineers, and e Services, U.S. Army Corps of Engineers ( Department of Environmental Protection (	y-owned Sheriff's Training Facili ents, including portable building ey-Horn provided long-term mas safety, a driving pad that is mon aining simulator, a new observa property was almost entirely recla d marsh areas that were impact nvironmental engineers to help p (USACE), Southwest Florida Wa	ty off of Old Bartow s, a concrete sidew ster planning and de re than four acres in tion tower, a canine aimed phosphate la ed. Kimley-Horn co process this project	-Eagle La alk networe esign docu size, a ore administration nd with participation ordinated through F	ke Road. The site rk, paved parking, uments that consisted of ne-mile paved driving ration building, and a new arts within the 100-year and contracted with Polk County Development
	(1) TITLE AND LOCATION (City and State)			2) YEAR CO	
	Government Center Polk City, FL		PROFESSIONAL SER 2013	VICES	CONSTRUCTION (If Applicable) 2013
e.	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc Quality assurance/quality control (QA/QC		X Check if project p		
	8,400-square-foot government building lo The project consisted of design and evalu potable water distribution, and sanitary se	cated on Broadway Boulevard ( ation of the site layout, parking	SR 559) and North	Bougainvi	llea Avenue in Polk City.

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		<b>DF KEY PERSONNEL PF</b> Complete one Section E f			т	
12.	NAME Jennifer Daoulas, PLA	TRACT hitect and		a. TOTAL	4. YEARS EXPERIENCE	
15.	FIRM NAME AND LOCATION (City and State)				12	8
16.	Kimley-Horn and Associates, Inc., St. Peter EDUCATION (DEGREE AND SPECIALIZATION) Master of Natural Resources, Virginia Tec	h; Bachelor of	17. CURRE Profe	ENT PROFESSIONAL F	EGISTRATI	ON (STATE AND DISCIPLINE)
18	Landscape Architecture, Clemson Universion OTHER PROFESSIONAL QUALIFICATIONS (Publications,	•	otal			
		19. RELEVANT			_	
	(1) TITLE AND LOCATION (City and State)		ROOLOTO		(2) YEAR CO	MPLETED
	Sabal Trace Residential Development North Port, FL			PROFESSIONAL SEF Ongoing		CONSTRUCTION (If Applicable) Ongoing
a.	(3) BRIEF DESCRIPTION (Brief scope, size, cost, e			X Check if project p		
	Landscape architect. Kimley-Horn is pro Our specific services include roadway de stormwater management and utility exte Florida Department of Environmental Pro	esign, stormwater, and nsions with the Southv	l utility cons	struction plans, Our	r team obt	ained permitting for
	(1) TITLE AND LOCATION (City and State)				(2) YEAR CC	
	Julington Lakes St. Johns County, FL			PROFESSIONAL SEF		CONSTRUCTION (If Applicable) 2020
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, e			X Check if project p		
).	Landscape architect. Kimley-Horn provic A majority of this unique neighborhood is their guests to enjoy. Our team provided As part of our construction phase respon notification; conferences/meetings; site v clarifications and interpretations; shop dr	s conserved as a natur civil engineering servi nsibilities, Kimley-Horn visits; observation of co	e preserve ces includion performed ponstruction;	, featuring several ng plat coordination the following tasks recommendation	beautiful land cons bid prep with respe	akes for residents and struction phase services. aration/contractor ct to defective work;
	(1) TITLE AND LOCATION (City and State)				(2) YEAR CC	
	North of Albert's Horizon West Winter Garden, FL			PROFESSIONAL SEF 2018	RVICES	CONSTRUCTION (If Applicable) 2018
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, e			X Check if project p	a offer manual set	
:.	Landscape architect. Kimley-Horn prepa single-family detached homes and appro Home District of the North of Albert's pro distribution, reuse distribution, sanitary s recreation area site plan for the main por services.	oximately 69 bungalow operty. The final constr sewage facilities, and a	s for Merita uction plan stormwate	velop a single-famil age Homes. The pr package included er management pla	ly subdivis operty is le plan and j n. Our ser	ion consisting of 82-lot ocated in the Village orofile, grading, water vices also included a
	(1) TITLE AND LOCATION (City and State)				(2) YEAR CC	
	Sims Park New Port Richey, FL			PROFESSIONAL SEF		CONSTRUCTION (If Applicable) 2016
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, e		j.	X Check if project p		
	Landscape architect. Kimley-Horn provid situated along the Pithlachascotee ("Coto the City council authorized the closure of Orange Lake, an adjacent 6.7-acre lake, serves as a focal point and economic cat gardens, activity zones and event space attractor that runs parallel to the busines Horn provided community and stakehold permitting services, and construction pha	ee") River and Main St f segments of Grand a and unify this 15.4-ac talyst for the greater co s, the Master Plan con ses, dining, retail estal ler engagement, progra	reet in dow nd Circle B re urban op ommunity. nects the ri blishments,	ntown New Port R oulevards to create pen space. This ne Through a series o iver, park, and lake and community se	ichey. As an unobs wly enlarg f program as a sea ervices alo	part of the Master Plan, structed connection with ed urban green space matic design features, mless recreational ng Main Street. Kimley-
	(1) TITLE AND LOCATION (City and State)				2) YEAR CO	
	Heritage Square Master Plan Live Oak, FL			PROFESSIONAL SER 2018	VICES	CONSTRUCTION (If Applicable) N.A.
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, e	etc.) AND SPECIFIC ROLE		X Check if project p	erformed w	
	Landscape architect. Kimley-Horn was re area. The Heritage Square site is located development and jobs to the downtown a	d in the heart of downto area. Kimley-Horn led a	own Live O a creative p	master plan for a tv ak, and its redevel public outreach with	vo-city blo opment wi n stakehol	ck area to redevelop the Il attract new economic ders and the public
	where they completed a Priority Pyramid map exercise, resulted in overwhelming implementation actions and projects with	support for the site cor	ncept plan.	The master plan a	site. This, Iso outline	along with an interacti∖ d a set of key

		OF KEY PERSONNEL PROPOSED F Complete one Section E for each key		
12.	NAME	13. ROLE IN THIS CONTRACT		14. YEARS EXPERIENCE
	Logan Norris, E.I.	Stormwater		A b. WITH CURRENT FIRM
15.	FIRM NAME AND LOCATION (City and State) Kimley-Horn and Associates, Inc., Lakelar	nd, FL		
16.	EDUCATION (DEGREE AND SPECIALIZATION)	•	ENT PROFESSIONAL REGIST	RATION (STATE AND DISCIPLINE)
	Bachelor of Science, Environmental Engir of Central Florida	neering, University Engineering	neering Intern in Florida	
18.	OTHER PROFESSIONAL QUALIFICATIONS (Publications,	Organizations, Training, Awards, etc.)		
		19. RELEVANT PROJECTS		
	(1) TITLE AND LOCATION (City and State)	life Dian		R COMPLETED
	Wastewater and Reclaimed Master Ut Lake Wales, FL	liity Plan	PROFESSIONAL SERVICES 2020	CONSTRUCTION (If Applicable) 2020
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, e	etc.) AND SPECIFIC ROLE	X Check if project perform	
a.	Project analyst. Kimley-Horn provided we information systems (GIS) based on the Additional services included allocating fu future wastewater based on known proje wastewater and reclaimed hydraulic mod City-wide wastewater and reclaimed five future capacity issues identified in the hy	current and known improvements ture growth into specific areas w ects, engineering judgment, and c del using SewerCAD for the five-, -year detailed capital improveme	s for the City of Lake Wal ithin the service area for t liscussions with City staff ten-, and 20-year flow p	es Master Utility Plan. the purpose of calculating . Kimley-Horn created a ojection and developed a
	(1) TITLE AND LOCATION (City and State)		(2) YEA	R COMPLETED
	Multi-Basin Stormwater Assessments		PROFESSIONAL SERVICES	CONSTRUCTION (If Applicable)
	Naples, FL           (3)         BRIEF DESCRIPTION (Brief scope, size, cost, e)		Ongoing X Check if project perform	Ongoing
b.	Project analyst. Kimley-Horn is assisting basins within the city limits. As a low-lyin developed a long-term plan to address th short, medium, and long-range plans to a caused by climate change, including the events. We are also creating financial me sea level rise to the tax base and home	g coastal area, the City has expense ne increasing flooding by the bas address not only the current flood impacts of sea level rise, and the odels that will assist the City's de	a stormwater basin asse rienced increasing floodi in. Our team is working w ling occurring in the area increasing intensity retu cision makers in determin	ssment for five selected ng incidents and has ith subconsultants to develop but also future flooding rn intervals of extreme hing the long-term costs of
	(1) TITLE AND LOCATION (City and State)		(2) YEA	R COMPLETED
	Townsend Street and US 17 Stormwat Protection Improvements Wauchula, FL	ter and Roadway Flood	PROFESSIONAL SERVICES 2021	CONSTRUCTION ( <i>if Applicable</i> ) 2021
c.	(3) BRIEF DESCRIPTION (Brief scope, size, cost, e	etc.) AND SPECIFIC ROLE	X Check if project perform	ed with current firm
	Project analyst. Kimley-Horn was retained improvement project in the City of Wauch U.S. 17 (State Road 35) and Townsend stormwater model to establish existing co	hula. The City had experienced h Street in the City of Wauchula. K	istorical flooding at the in imley-Horn worked with tl	tersection of southbound
	(1) TITLE AND LOCATION (City and State)			R COMPLETED
	Solivita Phase 5 Polk County, FL		PROFESSIONAL SERVICES 2022	CONSTRUCTION (if Applicable) 2022
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, e	etc.) AND SPECIFIC ROLE	X Check if project perform	
d.	Project analyst. Kimley-Horn provided pr Our services included analyzing previous modifying effective Southwest Florida Wa (FEMA) Interconnected Channel and Po development. Our team modified existing design criteria.	s stormwater permits and models ater Management District (SFWM nd Routing (ICPR) models to acc	or multiple phases of the for the entire fifth phase ID) and Federal Emerger ount for updated as-built	overall Solivita development. of development and cy Management Agency data and proposed
	(1) TITLE AND LOCATION (City and State)			R COMPLETED
	Watershed Management Plan Lake Wales, FL		PROFESSIONAL SERVICES Ongoing	CONSTRUCTION (If Applicable) Ongoing
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, e	etc.) AND SPECIFIC ROLE	X Check if project perform	
e.	Project analyst. Kimley-Horn is assisting and extents of flooding. An existing cond the City that will map floodplains associa determine the Flood Protection Level of s	the City of Lake Wales to develo itions model is being developed t ted with various storm events. Re	p a Watershed Managerr based on data provided b esults from the developed	ent Plan to identify locations y various agencies including l model are used to
	Department of Environmental Protection project screening. Additional services inc on Environmental Protection Agency (EF	(FDEP) to help the city apply for clude performing water quality say	grants and complete tech	nical memorandums for

		OF KEY PERSONNEL P			г	
12.	NAME	(Complete one Section E for each key person.) 13. ROLE IN THIS CONTRACT			1,	4. YEARS EXPERIENCE
	Jamison Tondreault, P.E.	Utilities			a. TOTAL	b. WITH CURRENT FIRM
					11	9
15.	FIRM NAME AND LOCATION (City and State) Kimley-Horn and Associates, Inc., Lakela	nd. FL				
16.	EDUCATION (DEGREE AND SPECIALIZATION)		17. CURR	ENT PROFESSIONAL R	EGISTRATI	ON (STATE AND DISCIPLINE)
	Bachelor of Science, Civil and Environme University of South Florida	ental Engineering,		essional Engineer		
18.	OTHER PROFESSIONAL QUALIFICATIONS (Publications	Organizations Training Awards	s etc.)			
-						
	(1) TITLE AND LOCATION (City and State)	19. RELEVANT	PROJECTS	1	NYEAD CO	
	Buck More Road Septic to Sewer Eng	lineerina Desian		PROFESSIONAL SER	2) YEAR CO	CONSTRUCTION (If Applicable)
	Lake Wales, FL			2021		2021
	(3) BRIEF DESCRIPTION (Brief scope, size, cost,	etc.) AND SPECIFIC ROLE		X Check if project p	erformed v	
a.	Project engineer. Kimley-Horn prepared station, and bring sanitary sewer to an u preparing construction plans and specifi Florida Department of Environmental Pr Management District (SWFWMD) Enviro	Insewered area with th cations, tortoise surve otection (FDEP) Sewe	e city limits ying on righ r Collectior	ions to extend a for of Lake Wales. Ou its-of-way (ROW), a system Permit, So	ce main, r services ind permi	design a new pump s included design, tting services for the
	(1) TITLE AND LOCATION (City and State)			(2	2) YEAR CC	
	One Water Master Plan			PROFESSIONAL SER	VICES	CONSTRUCTION (If Applicable)
	Winter Haven, FL			Ongoing		N.A.
	(3) BRIEF DESCRIPTION (Brief scope, size, cost,			X Check if project pe		
b.	Project engineer. Kimley-Horn is working (CDBG-MIT) grant-funded project to furt include resolving regional flooding conce past flooding problems, water storage, a flooding problems and investigate location existing landowners and regulatory ager residential and commercial areas, water plan, and a modernized resilient land de	her evaluate and conc erns, water quantity ar and wetland restoration ons for water storage a ncies; conceptualize a storage and recharge	eptualize fu ad quality de areas; det as well as w comprehen areas, a re	uture development in egradation, and hab ermine quantity of s vater recharge; coor sive land use plan f ecreation/multimoda	n the proj itat losse torage na dinate an or the en	ect area. Our services s. Our team will evaluate eeded to mitigate future ad make plans with tire area including
	(1) TITLE AND LOCATION (City and State)				2) YEAR CO	
	State Road 60 Five-Mile Utilities Exter	nsion		PROFESSIONAL SER	VICES	CONSTRUCTION (If Applicable)
	(3) BRIEF DESCRIPTION (Brief scope, size, cost,			2017		Ongoing
C.	Project engineer. Kimley-Horn designed 60 towards the limits of the utility service existing customers along the route. Kiml (SRF) construction loan from both the C	sanitary sewer force r area boundary. The u ey-Horn also proved u	utility mains Itility funding	are to be utilized by g support, securing	n for 4.6 r v potentia	niles along State Road
-	(1) TITLE AND LOCATION (City and State)			(2	2) YEAR CC	MPLETED
	Wastewater and Reclaimed Master Ut Lake Wales, FL	ility Plan		PROFESSIONAL SER 2020	VICES	CONSTRUCTION (If Applicable) N.A.
	(3) BRIEF DESCRIPTION (Brief scope, size, cost,	etc.) AND SPECIFIC ROLE		X Check if project pe	erformed w	vith current firm
d.	Project engineer. Kimley-Horn provided information systems (GIS) based on the the service area for the purpose of calcu discussions with City staff. System dema Horn created a wastewater and reclaims is currently developing a city-wide waste year long range CIP including future cap	current and known im lating future wastewat ands were calculated f ed hydraulic model usin water and reclaimed f	provements er based or or the prese ng SewerC, ive-year de	ructure mapping up and allocated futur n known projects, er ent year, five-, ten-, AD for the five-, ten- tailed Community In	dates in A e growth ngineerin and 20-y -, and 20-y	AutoCAD and geographic into specific areas within g judgment, and ear projections. Kimley- year flow projection and
	(1) TITLE AND LOCATION (City and State)			(2	2) YEAR CO	MPLETED
	Avon Park Water/Wastewater Master City of Avon Park, FL	Plan		PROFESSIONAL SERV		CONSTRUCTION (If Applicable) Ongoing
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, c	etc.) AND SPECIFIC ROLE		X Check if project pe	erformed v	
e.	Project manager. Kimley-Horn is providi wastewater master plan to identify and p system (GIS) database development, po hydraulic model, performing necessary h needs. The Water and Wastewater Mast and 20-year future needs of the utility se	ng professional engine prioritize capital project pulation demand/futur nydraulic analysis, repo ter Plan will focus on c	s. Our serv e growth pr orting recon	ces for the City to do ices include data co ojections, developir nmendations, and p	evelop a ollection, g ng a wate roducing	comprehensive water and geographic information r and wastewater system a prioritized list of funded

F. EXAMPLE PROJECTS W QUALIFIC	20. EXAMPLE PROJECT KEY NUMBER				
(Present as many projects as rea Complete	1				
21. TITLE AND LOCATION (City and State) Belle Haven Subdivision		22. YEAR COMPLETED			
Davenport, FL	PR	PROFESSIONAL SERVICES CONS 2022		STRUCTION (if Applicable) Ongoing	
	23. PROJECT OWNER'S IN	FORMATION			
a. PROJECT OWNER Pulte Group	b. POINT OF CONTACT NAME Chris Wrenn		DINT OF CONTACT T	ELEPHONE NUMBER	

Kimley-Horn is providing professional civil engineering services for this 57-acre property located east of U.S. Highway 27 and north of Dunson Road in Polk County. The project includes a proposed residential development with single family houses and townhomes and includes an amenity area. Our services include site plan design; civil engineering analysis, design, and permit documentation preparation; lift station design; stormwater management; landscape architecture and irrigation; traffic impact analysis (TIA); permitting with Polk County Land Development, the Florida Department of Transportation (FDOT), Florida Department of Environmental Protection (FDEP), South West Florida Water Management District (SWFWMD), and the Department of Health Polk County; and construction phase services.

	25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT					
a.	(1) FIRM NAME Kimley-Horn and Associates, Inc.	(2) FIRM LOCATION (City and State) Lakeland, FL	(3) ROLE Entitlement and concurrency review, conceptual site plans, drainage and stormwater analysis, and limited environmental services			
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE			

F. EXAMPLE PROJECTS WHICH QUALIFICATION	20. EXAMPLE PROJECT KEY NUMBER			
(Present as many projects as requeste Complete one S	2			
21. TITLE AND LOCATION (City and State) Hartford Terrace Subdivision		22. YEAR COMPLETED		
Haines City, FL	PROFESSION	AL SERVICES Ingoing	CONSTRUCTION (if Applicable) Ongoing	
	3. PROJECT OWNER'S INFORMATIO	NC		
	OINT OF CONTACT NAME Chris Wrenn	c. POINT OF CONT 407.256.1797	ACT TELEPHONE NUMBER	

Kimley-Horn is providing professional civil engineering services for this 116-acre property located east of U.S. Highway 27 and north of Forest Lake Drive in Polk County. The project includes a proposed residential development with single family houses mixed between 40-, 50-, and 60-foot lots and an amenity area of 3.76 acres. Our services include site plan design; civil engineering analysis, design, and permit documentation preparation; lift station design; stormwater management; landscape architecture and irrigation; permitting with Polk County Land Development, Haines City, the Florida Department of Transportation (FDOT), the Florida Department of Environmental Protection (FDEP), the Southwest Florida Water Management District (SWFWMD), and the Department of Health Polk County; and construction phase services.

	25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT					
а.	(1) FIRM NAME Kimley-Horn and Associates, Inc.	(2) FIRM LOCATION (City and State) Lakeland, FL	(3) ROLE Site plan design, civil engineering analysis, permitting, stormwater management, and construction phase services			
b.	(1) FIRM NAME Kimley-Horn and Associates, Inc.	(2) FIRM LOCATION (City and State) St. Petersburg, FL	(3) ROLE Landscape architecture and irrigation			

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT			20. EXAMPLE PROJEC NUMBER	CT KEY	
(Present as many projects as requested by the agency, or 10 projects, If not specified. Complete one Section F for each project.)			3		
21. TITLE AND LOCATION (City and State) Bridgewater Subdivision Phase II - Villages 12, 13 and 14	22. YEAR COMPLETED		OMPLETED		
Lakeland, FL	PROFESSIONAL SERVICES CO		CONSTRUCTION (if Applicable) Ongoing		
23. PROJECT OWNER	'S INFORMATIO	N			
a. PROJECT OWNER b. POINT OF CONTACT NA William Ryan Homes Jeff Thorson	ME	c. POINT OF CONT	ACT TELEPHONE NUMBER		

Prior to joining Kimley-Horn, Mr. Alligood served as project manager and Engineer of Record (EOR) for the three remaining tracts within the Bridgewater subdivision in Lakeland. The development included 138, 40-foot lots between the three villages and included associated roadways, stormwater facilities, and utility services. The development was located within a DRI that required additional stormwater standards including pre-treatment of stormwater in addition to the standard requirements by the Water Management District. Design also required strategic site planning to avoid wetlands while achieving optimal density.

	25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT				
a.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		

	F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT				
	quested by the agency, or 10 one Section F for each proje	) projects, If not sp ect.)	ecified.		4
21. TITLE AND LOCATION ( <i>City and State</i> ) 22. YEAR CO			OMPLET	MPLETED	
Lakeland, FL		PROFESSIONAL SERVICES CONS 2015		CONS	TRUCTION (if Applicable) 2015
	23. PROJECT OWNER	'S INFORMATION			
a. PROJECT OWNER Highland Homes	b. POINT OF CONTACT NAM Joel Adams	ME	c. POINT OF CONT 863.619.7103		LEPHONE NUMBER
24. BRIEF DESCRIPTION OF PROJECT AND RELEVAN	NCE TO THIS CONTRACT (Inclu	de scope, size, and c	cost)		

Kimley-Horn provided professional engineering services for this residential subdivision in Lakeland. Our services included preparation of construction documents, design of offsite intersection improvements, stormwater management, preparation of master utility plan, construction phase services, and platting assistance.

	25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT				
	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		
a.	Kimley-Horn and Associates, Inc.	Lakeland, FL	Construction document preparation, stormwater management, intersection improvements, utilities, platting assistance, and construction phase services		
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT				20. EXAMPLE PROJECT KEY NUMBER		
(Present as many projects as requested by the agency, or 10 projects, If not specified. Complete one Section F for each project.)				5		
21. TITLE AND LOCATION (City and State) Victor Posner City Center DRI		22. YEAR COMPLETED			ED	
Davenport, FL		PROFESSIONAL SERVICES CON 2022		CONST	STRUCTION (if Applicable) Ongoing	
	23. PROJECT OWNER'S	INFORMATION	1			
a. PROJECT OWNER BTI Partners	b. POINT OF CONTACT NAME Kevin Mays		<ul> <li>c. POINT OF CONT 407.484.5814</li> </ul>		EPHONE NUMBER	

Kimley-Horn is providing professional engineering services for this 365-acre, mixed-use, multi-phase DRI project involving the redevelopment of the area formerly known as Boardwalk and Baseball. The project includes 2,000 residential units, 2.6 million square feet of commercial development, and 2,600 hotel rooms. Our services being provided include preparation of a flood study, Community Development District (CDD) related tasks, preliminary design, construction documents, and permitting with the Florida Department of Transportation (FDOT). Kimley-Horn is also providing traffic engineering/planning (including intersection, corridor, and diversion analysis) and post-DRI services.

	25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT				
	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		
a.	Kimley-Horn and Associates, Inc.	Lakeland, FL	Flood study, CDD-related tasks, preliminary design, and permitting.		
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT			20. EXAMPLE PROJECT KEY NUMBER			
(Present as many projects as requested by the agency, or 10 projects, If not specified. Complete one Section F for each project.)				6		
21. TITLE AND LOCATION (City and State)	nuctor Improvemento	22. YEAR COMPLETED			ED	
PK Avenue Complete Streets and Stormwater Improvements Auburndale, FL			DNAL SERVICES CONS		STRUCTION (if Applicable) 2018	
	23. PROJECT OWNER	'S INFORMATION	N			
a. PROJECT OWNER City of Auburndale	b. POINT OF CONTACT NAM Jeff Tillman	ИE	c. POINT OF CONT 863.965.5530		EPHONE NUMBER	

Prior to joining Kimley-Horn, Mr. Alligood served as project manager and Engineer of Record (EOR) for a complete streets roadway project in Auburndale. The project extends along a portion of residential area that transitions to downtown Auburndale. The project consisted of rehabilitation of an existing four lane, 3,500-linear-foot, paved roadway that had no drainage infrastructure, causing chronic flooding and poor water quality runoff. The design included reducing the pavement width down to two lanes, with turn lanes, and implementation of bio-swales to reduce and improve stormwater quality. The design also included permeable paver on-street parking in the downtown area. This project won the 2019 ACEC-Florida Grand Award in the stormwater category and included significant cooperative funding support from the Southwest Florida Water Management District (SWFWMD).

	25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT				
a.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT				20. EXAMPLE PROJECT KEY NUMBER	
(Present as many projects as requested by the agency, or 10 projects, If not specified. Complete one Section F for each project.)				7	
21. TITLE AND LOCATION (City and State) Bridgers Avenue Stormwater Improven	nonte	22. YEAR COMPLETED			ED
Bridgers Avenue Stormwater Improvements Auburndale, FL		PROFESSIONAL	AL SERVICES CONSTRUCTION (if App 2019 2022		
23. PROJECT OWNER'S INFORMATION					
a. PROJECT OWNER Polk County Roads and Drainage	b. POINT OF CONTACT NAM Conner Updike	ЛЕ	c. POINT OF CONT 863.535.2200		EPHONE NUMBER

Prior to joining Kimley-Horn, Mr. Alligood served as project manager and Engineer of Record (EOR) for a stormwater improvement project that included obtaining cooperative funding support from the Southwest Florida Water Management District (SWFWMD). Bridgers Avenue flooded frequently during minor storm events. Our services included significant upgrades to the storm drain system and implementation of a detention pond with stormwater nutrient reduction filtration design using Bold and Gold.

	25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT				
a.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		

F. EXAMPLE PROJECTS V QUALIFIC	20. EXAMPLE PROJECT KEY NUMBER			
(Present as many projects as re Complete	8			
21. TITLE AND LOCATION (City and State) Legacy Park		22. YEAR COMPLETED		
Polk County, FL	PROFESSION	AL SERVICES 2010	CONSTRUCTION (if Applicable) 2010	
	23. PROJECT OWNER'S INFORMATI	NC		
a. PROJECT OWNER Lynnway, LLC	b. POINT OF CONTACT NAME Sen Zhang	c. POINT OF CONT/ 321.209.6888	ACT TELEPHONE NUMBER	

Kimley-Horn provided professional engineering services for this 175-acre, 557-unit multi-use project in northeast Polk County. This development consists of single-family, multifamily, and commercial use areas. Our services included the design of more than 4.75 miles of roadways. Kimley-Horn participated in the preliminary design and zoning phases of the project, as well as platting assistance; engineering design phases for water, sewer, paving, grading, drainage, stormwater, and utilities; and permitting through the St. Johns River Water Management District (SJRWMD), the Florida Department of Environmental Protection (FDEP), and Polk County.

	25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT				
a.	<ol> <li>(1) FIRM NAME</li> <li>Kimley-Horn and Associates, Inc.</li> </ol>	(2) FIRM LOCATION (City and State) Lakeland, FL	<ul> <li>(3) ROLE</li> <li>Site civil design, zoning, platting assistance, stormwater management, utilities, and permitting services</li> </ul>		
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE		

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT					20. EXAMPLE PROJECT KEY NUMBER	
(Present as many projects as requested by the agency, or 10 projects, If not specified. Complete one Section F for each project.)					9	
21. TITLE AND LOCATION (City and State) Austin Tindall Regional Park Expansion	22. YEAR COMPLETED					
Kissimmee, FL		PROFESSIONAL SERVICES CO 2017		CONS	ONSTRUCTION (if Applicable) 2018	
23. PROJECT OWNER'S INFORMATION						
a. PROJECT OWNER Osceola County BoCC	b. POINT OF CONTACT NAME Curt Dieh!		c. POINT OF CONTACT TELEPHONE NUMBER 407-343-3000		EPHONE NUMBER	

Prior to joining Kimley-Horn, Mr. Alligood served as the project manager and Engineer of Record (EOR) for the Austin Tindall Sports Complexion expansion project. The project included the addition of four new multi-purpose sports fields, increased parking, stormwater infrastructure, and turn lane modifications. One of the fields included stadium style bleacher seating as it is used primarily for larger championship events. The fields are FIFA standard, so the venue can be used by semi-professional and professional events. The project required strategic planning around environmentally sensitive lands and strong team coordination for the many disciplines involved in the design and construction.

	25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT					
a.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE			
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE			

F. EXAMPLE PROJECTS WHICH QUALIFICATION	20. EXAMPLE PROJECT KEY NUMBER						
(Present as many projects as request Complete one S	10						
21. TITLE AND LOCATION (City and State) Scott Lake Health Assisted Living Facility		22. YEAR COMPLETED					
Lakeland, FL	PROFESSION.	AL SERVICES 2018	CONSTRUCTION (if Applicable) 2018				
23. PROJECT OWNER'S INFORMATION							
	POINT OF CONTACT NAME Andy Daunhauer	c. POINT OF CONTACT TELEPHONE NUMBER 401.427.1700					

Prior to joining Kimley-Horn, Mr. Alligood served as the project manager and Engineer of Record (EOR) for this 76,000-square-foot skilled nursing facility in Lakeland. The project site was formerly mined land that included difficult soil conditions as well as encumbrances which required strategic site planning and design. The design included site grading, drainage, stormwater management system, potable and fire water supply, and sanitary sewer. Permitting was required through multiple agencies as well as with Duke Energy.

	25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT					
a.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE			
b.	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE			

		G. KEY PERSONNEL PARTIC	IPATIO	N IN E								
26. NAMES OF KEY 27. ROLE IN THIS			28. EXAMPLE PROJECTS LISTED IN SECTION F									
PERSONNEL CONTRACT					(Fill in "Example Projects Key" section below before completing table. Place "X" under project key number for							
(	From Section E, Block 12)				participation in same or similar role.)							
	,		1	2	3	4	5	6	7	8	9	10
Jason A	ligood, P.E.	Project Manager	x	x	x			x	x		x	x
	son, P.E.	Quality Assurance/Quality Control (QA/QC)				x	x			x		
	Daoulas, PLA	Landscape Architect and Irrigation		x								
Logan N	orris, E.I.	Stormwater	x	X								
Jamison	Tondreault, P.E.	Utilities		x								
				-	_							-
					_							· · · · · · · · · · · · · · · · · · ·
				-								
					_		-					
					_							
				-								
		29. EXAMPLE	 E PROJ	ECTSI	KEY							
NO.	TITLE OF EXAMP	PLE PROJECT (FROM SECTION F)		10.		TLE OF	EXAMPI	E PRO	JECT (F	ROM SE	CTION	F)
1	Albertson Property	Due Diligence Services		6	PK Av Impro	venue C vements	omplete 3	Street	s and S	tormwa	ter	
2	McKnight Property			7	Bridge	ers Aver	ue Stor	mwater	Improv	vements	5	
3	Bridgewater Subdiv	ision Phase II		8	Legac	y Park						

9

10

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5

**Towne Park Estates** 

Victor Posner City Center DRI

#### G. KEY PERSONNEL PARTICIPATION IN EXAMPLE PROJECTS

STANDARD FORM 330 (REV. 7/2021)

Austin Tindall Regional Park Expansion

Scott Lake Health Assisted Living Facility

#### H. ADDITIONAL INFORMATION

30. PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY THE AGENCY. ATTACH ADDITIONAL SHEETS AS NEEDED.

Founded in 1967, Kimley-Horn is a full-service, employee-owned, multidisciplinary consulting firm offering a broad range of engineering, planning, landscape architecture, and environmental services to clients in both the private and public sectors. Over the years, we have grown from a small group of engineers and planners to one of the most respected consulting engineering firms in the nation—and a recognized leader in land development. Today, Kimley-Horn has over 5,600 employees in more than 100 offices across the United States and in Puerto Rico, offering a full range of consulting services to local, regional, national, and international clients.

Engineering News-Record (ENR) annually compiles and publishes the rankings of the 500 largest U.S. design firms (architectural and engineering firms), measured by gross revenues. Kimley-Horn's sound growth and stability is reflected in its steady rise on *ENR's* top 500 list. The firm first appeared on the list in 1981, when it ranked 421st. In 2021, Kimley-Horn ranked 15th overall and 3rd among the top 100 "pure design firms." This growth has been accompanied by a steadfast commitment to providing responsive client service and pursuing continuous quality improvement.

As consultants, we take pride in building real partnerships with clients. That means you get an expert Kimley-Horn team that delivers high-quality results on time and on budget, advocates for your best interests, and works closely with you and your entire development team throughout the site development process—from the earliest stages of due diligence and entitlements to construction bidding, inspection, and final punch lists. And because Kimley-Horn makes deliberate business-planning decisions on hiring, growth, and client selection, we remain financially strong, independent, and stable.

Kimley-Horn offers a broad range of engineering, planning, landscape architectural, and environmental services including:

- Site civil engineering
- Water/wastewater treatment and collection systems
- Utilities
- Land development services
- Landscape architecture
- Urban design and planning
- Predevelopment services
- Comprehensive planning
- Permitting and approvals
- Transportation planning/engineering and traffic operations
- Roadway and bridge design
- Advanced traffic management systems
- Areawide traffic signal systems
- Parking planning and design
- Public involvement programs
- Geographic Information Systems (GIS)
- Environmental permitting, assessment, and remediation
- Wetland delineation, assessment, and mitigation
- Construction administration/observation
- Building structures

I. AUTHORIZED RE The foregoing is a s	
31. SIGNATURE	32. DATE
R	8.10.22
33. NAME AND TITLE	
Mark Wilson, P.E., Principal	

STANDARD FORM 330 (REV. 7/2021)

	ARCH	ITECT – ENGINE	ER QU	ALIFICAT	IONS		1. SOLICITATION	N NUMBER (If any)	
				- GENERAL					
		(If a firm has branch	offices, co	omplete for a	each spe	cific bran	ch office seekir	na work.)	
	R BRANCH O	FFICE) NAME Associates, Inc.			·		3. YEAR ESTABLISH 2002	ED 4.UNIQUE	ENTITY IDENTIFIER
2b. STREET 109 So		icky Avenue					a. TYPE	5. OWNERSHIP	
2c. CITY				2d. STATE	2e. ZIP CO	DDE	Corporation	ו	
Lakela				FL	3380	1	b. SMALL BUSINE	SS STATUS	
		NAME AND TITLE P.E., Associate					7. NAME OF FIRM	(If block 2a is a branch	office)
6b. TELEPHO 863.27		R		L ADDRESS	) kimley-h	orn.com	APHC, Inc.		
		8a. FORMER FIRM	NAME/S) //f	and			8b. YR. ESTABLISHE		
N.A.				any			N.A.	N.A.	E ENTITY IDENTIFIER
	9. I	EMPLOYEES BY DISCIPL	INE					EXPERIENCE AN JE FOR LAST 5 Y	
a. Function Code		b. Discipline	c. No. of (1) FIRM	f Employees (2) BRANCH	a. Profile Code		b. Experience Inde		c. Revenue Index Number (see below)
02	Administr	ative	408	3	B02	Bridge De			1
08	CADD Te	chnicians	228	4	C10	Commerc	ial Building; (low ri	ise); Shopping	3
12	Civil Engi		2104	15	C11		ity Facilities		2
15		ion Inspectors	15	1	E02		Educational Facilities; Classrooms		
63		echnicians	118	3	E11		ental Planning		2
47		Urban/Regional	111	1	H07		; Streets; Airfield F		1
48	Project M		150	1	H09		& Medical Facilitie	S	1
65	Technical		1106	4	H10	Hotels; M			2
58		n/Analysts	1246	10	H11	Housing (Residential, Multifamily,		5	
62	Water Re	sources Engineers	103	0	101		Buildings; Manufa	cturing Plants	4
					L03		e Architecture		2
					M06		d Mineralogy		1
					001		ilding; Industrial Pa		6
		·		·	P05		(Community; Regio		1
					R04 R13		nal Facilities (Park	s; Marinas; etc.)	2
					S04	Roadway	Collection, Treatme	nt 9 Dianagal	1
					S07		stes; Incineration; 1		3
					S13		er Handling & Faci		1
					T03		Fransportation Eng		3
	Other Em	ployees	1087	0	U02		newals; Communil		4
		Total	6676	42	W03		pply, Treat, Distrib		1
	REVENUE FOR LAST	ROFESSIONAL SERVICES S OF FIRM 7 3 YEARS number shown at right)		F s than \$100,000 0,000 to less thar		VAL SERVIC		K NUMBER less than \$5 million less than \$10 million	
a. Federal Wo	rk	1	-	0,000 to less than				o less than \$25 millio	
b. Non-Federa		8		0,000 to less than				o less than \$50 millio	
c. Total Work		8	5. \$1 n	nillion to less that	n \$2 million		10. \$50 million o	or greater	
		0	12. A	UTHORIZED R	EPRESEN	TATIVE			
a. SIGNATU	IRE		The	foregoing is a s	statement c	f facts.		b. DATE	
R								8.10.22	
c. NAME AN	ND TITLE								
Mark W	/ilson. P.E	Principal							

AUTHORIZED FOR LOCAL REPRODUCTION

STANDARD FORM 330 (REV. 7/2021)

	ARCHITECT – ENGINEER QU	ALIFICAT	IONS	1. SOLICITATION NUMB N.A.	ER (If any)
	PART II -	- GENERAL	QUALIFICATION	IS	
	(If a firm has branch offices, co	omplete for e	each specific brand	ch office seeking wol	rk.)
	IRM (OR BRANCH OFFICE) NAME			3. YEAR ESTABLISHED	4.UNIQUE ENTITY IDENTIFIER
ŀ	Kimley-Horn and Associates, Inc.			2018	V8PKGG6NLKV6
	STREET			5. OW	NERSHIP
1	00 Second Avenue South, Suite 105N			a. TYPE	
2c. C	NTV	2d. STATE		Corporation	
	St. Potorshura	ZO. STATE	2e. ZIP CODE 33701		

St. Petersburg	2d. STATE FL	2e. ZIP CODE 33701	b. SMALL BUSINESS S	TATUS	
6a. POINT OF CONTACT NAME AND TITLE					
Jason Alligood, P.E., Associate			7. NAME OF FIRM (If blo APHC, Inc.	ck 2a is a branch office)	
6b. TELEPHONE NUMBER 863.274.2261	6c. E-MAIL ADDRESS Jason.Alligood	d@kimley-horn.com			
8a. FORME	R FIRM NAME(S) (If any)		8b. YR. ESTABLISHED	8c. UNIQUE ENTITY IDENTIFIER	
N.A.			N.A.	N.A.	

9. EMPLOYEES BY DISCIPLINE					10. PROFILE OF FIRM'S EXPERIENCE AND ANNUAL AVERAGE REVENUE FOR LAST 5 YEARS			
a. Function Code	b. Discipline	c. No. of (1) FIRM	Employees (2) BRANCH	a. Profile Code	b. Experience	c. Revenue Index Number (see below)		
02	Administrative	408	1	C08	Codes; Standards; Ordinances	1		
12	Civil Engineers	2104	13	C10	Commercial Building; (low rise); Shopping	2		
63	Design Technicians	118	2	C11	Community Facilities	1		
32	Hydraulic Engineers	18	0	E07	Energy Conservation; New Energy Sources	1		
39	Landscape Architects	173	2	H07	Highways; Streets; Airfield Paving; Parking	2		
47	Planners: Urban/Regional	111	2	H11	Housing (Residential, Multifamily,	2		
65	Technical Support	1106	8	101	Industrial Buildings; Manufacturing Plants	1		
58	Technician/Analysts	1246	12	L03	Landscape Architecture	2		
62	Water Resources Engineers	103	1	001	Office Building, Industrial Parks	1		
				P05	Planning (Community; Regional; Areawide &	2		
				P12	Power Generation, Transmission,	1		
			0	R03	Railroad and Rapid Transit	1		
				R04	Recreational Facilities (Parks; Marinas; etc.)	2		
				R11	Rivers Canals; Waterways; Flood Control	1		
				S01	Safety Engineering; Accident Studies; OSHA	1		
				S04	Sewage Collection, Treatment & Disposal	5		
				S07	Solid Wastes; Incineration; Landfill	1		
				S13	Stormwater Handling & Facilities	3		
				T03	Traffic & Transportation Engineering	3		
				U02	Urban Renewals; Community Development	2		
	Other Employees	1289	0	W02	Water Resources; Hydrology; Ground Water	2		
	Total	6676	41	W03	Water Supply; Treatment and Distribution	4		

FOR LAST 3 YEARS (Insert revenue index number shown at right)

a. Federal Work	1	
b. Non-Federal Work	7	
c. Total Work	7	

1. Less than \$100,000

- 2. \$100,000 to less than \$250,000
- 3. \$250,000 to less than \$500,000 4. \$500,000 to less than \$1 million

5. \$1 million to less than \$2 million

- - 6. \$2 million to less than \$5 million
  - 7. \$5 million to less than \$10 million
  - 8. \$10 million to less than \$25 million

b. DATE 8.10.22

- 9. \$25 million to less than \$50 million
- 10. \$50 million or greater

**12. AUTHORIZED REPRESENTATIVE** The foregoing is a statement of facts.

a. SIGNATURE

c. NAME AND TITLE

#### Mark Wilson, P.E., Principal

AUTHORIZED FOR LOCAL REPRODUCTION

## $SECTION \ VI$

#### **RESOLUTION 2022-22**

#### A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT DESIGNATING THE LOCATION OF THE LOCAL DISTRICT RECORDS OFFICE AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Hartford Terrace 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 Polk County, Florida; and

WHEREAS, the District is statutorily required to designate a local district records office location for the purposes of affording citizens the ability to access the District's records, promoting the disclosure of matters undertaken by the District, and ensuring that the public is informed of the activities of the District in accordance with Chapter 119 and Section 190.006(7), *Florida Statutes*; and

**WHEREAS**, District records are available for public review and inspection at the offices of Governmental Management Services, 219 East Livingston Street, Orlando, FL 32801.

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

SECTION 1. The District's local records office shall be located at: \_\_\_\_\_

**SECTION 2.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 18<sup>th</sup> day of August 2022.

ATTEST:

#### HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

## SECTION VII

## SECTION A

# **SECTION 1**



July 5, 2022

Hartford Terrace Community Development District Polk County, Florida

**Engineer's Report** 

*Prepared by:* Kimley-Horn and Associates, Inc. Lakeland, Florida

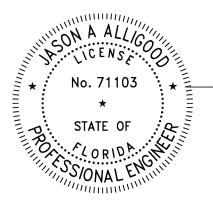


**Engineer's Report** 

## Hartford Terrace Community Development District Polk County, Florida

*Prepared by:* Kimley-Horn and Associates, Inc. 109 S. Kentucky Avenue Lakeland, Florida 33801 FBPE No. CA 00000696

©Kimley-Horn and Associates July 5, 2022



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<b>1.</b> A.	Introduction         2           Description of the Hartford Terrace Community Development District         2	
В.	. Purpose and Scope of Report 2	)
<b>2.</b> A.	District Boundary and Property       3         District Boundary       3	
В.	. Description of Property	}
C	. Existing Infrastructure	}
<b>3.</b> A.	Proposed District Infrastructure	
В.	. Utilities 5	;
C	. Earthwork	;
D	. Storm Water Management 6	;
E.	. Landscaping and Irrigation Improvements6	;
F.	Signage, Lighting, and Underground Electric6	;
4. 5. 6.	Opinion of Preliminary Probable Construction Costs	)

## Attachments

Exhibit A – Location Map
--------------------------

Exhibit C – Site Plan

Exhibit D – Utilities Map

Exhibit E – Legal Description

## Kimley »Horn

## 1. Introduction

## A. Description of the Hartford Terrace Community Development District

The Hartford Terrace Community Development District (the "District") is located within Section 32, Township 27 South, Range 26 East and Section 05, Township 27 South, Range 27 East in Polk County, Florida. The District is bounded on the North by Polk County Right-of-Way that is reserved for a potential future roadway, on the West by US Highway 27, on the South by Forest Lake Drive, and on the East by Holly Hill Road and private owned land. A location map is included as Exhibit "A". The development within the District will consist of single-family detached homes and single-family townhomes as well as Amenity Center as shown on Exhibit B. Existing utility infrastructure is depicted on Exhibit C. The District infrastructure is projected to be constructed in three phases. The District legal description is included as Exhibit E. The breakdown of land uses is noted below in Table 1.

# Table 1Summary of Land UsesProposed Hartford Terrace Community Development District

Land Use	Gross Acres	Percentage
Townhomes	4.52	4.34%
Single Family Lots	52.1	49.98%
Townhome Open Space/Common Areas/Parking Area	2.10	2.01%
Amenity Area	3.76	3.61%
Stormwater Pond/Open Space (Tract 1)	3.84	3.68%
Stormwater Pond/Open Space (Tract 2)	2.58	2.47%
Stormwater Pond/Open Space (Tract 3)	3.62	3.47%
Stormwater Pond/Open Space (Tract 5)	5.27	5.06%
Stormwater Pond/Open Space (Tract 6)	2.80	2.69%
Right-of-Way	23.6	22.64%
Lift Station (Tract 4)	0.06	0.06%
TOTAL	104.25	100%

### B. Purpose and Scope of Report

The purpose and scope of this report is to provide a description of the District and capital improvements to be financed by the District. The District's methodology consultant will develop the financing and assessment methodology.

The total capital improvement program ("CIP") for the District is estimated to cost \$24,420,000. The breakdown of this amount is shown in Table 2 on page 7. Infrastructure construction is projected to be undertaken in three phases. The CIP will be funded with proceeds from the issuance of tax-exempt bonds and/or developer funding.

## 2. District Boundary and Property

## A. District Boundary

Exhibit "A" delineates the boundaries of the District, which consists of approximately 104.25 acres. The District is bounded on the North by Polk County Right-of-Way that is reserved for a potential future roadway, on the West by US Highway 27, on the South by Forest Lake Drive, and on the East by Holly Hill Road and private owned land.

## B. Description of Property

The property within the District is located within Polk County and the City of Haines City in Section 32, Township 27 South, Range 26 East and Section 05, Township 27 South, Range 27 East. The District falls within the Residential Medium (RM) and Residential Low-3 (RL-3) District established by Polk County as shown on Exhibit B. The District falls within the Professional office/institutional (PIC-NR) District established by the City of Haines City. The District falls within the North Ridge Select Area Plan (SAP). The portion of the property within Polk County was approved as a Planned Development (PD) in May 2021 (County Project No. LDPD-2021-3). The portion of property located with the City of Haines City was approved as a Mixed-Use Planned Unit Development (MPUD) in October 2021.

The existing condition of the site includes citrus fields, sloping terrain from east to west. Soils generally consists of clean sand and a deep ground water table.

## C. Existing Infrastructure

The District is located within the City of Haines City Utility Department service area.

There is an existing 16" water main along US Highway 27 to serve as one connection for potable water. There is an existing 10" water main located along Holly Hill Road to the east for the second connection to create a looped system (See Exhibit D).

Sanitary sewer is available via existing 16-inch force main along the west side of Holly Hill Road. The District will finance a lift station that services the District. The discharge from the lift station will convey via 8" force main to the 16-inch connection off Holly Hill Road.

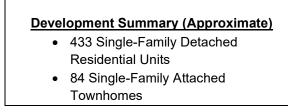
Reclaim water is not currently available for connection. However, the City of Haines City requires dry reclaim lines be installed for future connection when reclaim lines extended by the City become available. In the interim, irrigation will be provided via temporary connection to the potable water system.

The District will have site access via a boulevard public roadway entrance on the west side that connects to U.S. Highway 27 to be constructed by the Developer and financed by the District. Access to the south connects to Forest Lake Drive (public roadway).

The District is located within the service area of Duke Energy (Electric) and Frontier (Telecom). Service is available from these providers and the providers have committed to serve the property owners throughout development.

# Kimley »Horn

## 3. Proposed District Infrastructure



Below provides the development unit breakdown by review jurisdiction:

COUNTY/CITY OF DAVENPORT Single Family 40'X90' Lots • 31 units 0 Phase 1: 20 Phase 2:5 0 Phase 3: 6 0 40'X110' Lots • 160 units 0 Phase 1: 94 Phase 2: 63 0 Phase 3: 3 0 50'X95' Lots • 10 units • Phase 1: --Phase 2: --0 Phase 3: 10 0 50'X110' Lots • 194 units • Phase 1: 106 0 Phase 2: 34 Phase 3: 54 0 60'X110' Lots • 38 units o Phase 1: 25 Phase 2: 3 0 • Phase 3: 10 <u>CIT</u>Y Townhomes

- 84 units
  - Phase 1: --
  - o Phase 2: 52
  - Phase 3: 32

## Summary of Proposed District Infrastructure

The District CIP will be completed in three phases and will generally consist of the following categories:

- Roadways
- Utilities
- Earthwork
- Storm Water Management
- Landscaping and Irrigation Improvements
- Signage and Differential Cost for Underground Electric
- Hardscape Improvements in District Common Areas

Infrastructure construction was commenced in July 2022 and is expected to be completed within three years, through 2025. The infrastructure described below will function as a system of improvements benefitting all lands within the District.

#### A. Roadways

The public roadways within the District will consist of two boulevard entrances and two-lane sections constructed to provide access to all of the proposed land uses within and adjacent to the District's boundaries. The public roads will be constructed by the Developer and owned and maintained by the City of Haines City and Polk County (or City of Davenport if Annexed) within their respective jurisdictional boundaries. All roads within the District will be open and available to the general public. Sidewalks within common areas are included in this category.

The roadways will be constructed in accordance with the City of Haines City, Polk County, and City of Davenport standards. Typically, the roads will consist of asphalt, lime rock base and stabilized subgrade with curb and gutter. The right of way design will include sidewalks, lighting, landscaping and utilities including water, sewer and drainage. The District will not finance lighting except the differential cost of undergrounding of electric lines. The roadways will provide ingress and egress for the District.

In addition, improvements to U.S. Highway 27 are required including two (2) right turn lanes on the northbound side and signalized median improvements. Improvements to Forest Lake Drive are required, including a right turn lane and left turn lane into the District. Forest Lake Drive is to be reconstructed by the Developer, and financed by the District, from U.S. 27 to Holly Hill Road and includes a right turn lane and left turn lane into the development. A portion of the development cost will be credited via impact fee credits for an approximate 550 lineal feet of Forest Lake Drive from U.S 27 to the Development west property line.

#### B. Utilities

The utilities within the District will consist of potable water, wastewater collection and transmission, and dry utility conduit. Costs for conduit to be used by private utilities such as electric, cable, and communication lines have not been included as CDD costs. The utility systems will be designed in accordance with the applicable standards of each type of system. Potable water and wastewater collection systems will be designed to City of Haines City and Florida Department of Environmental Protection (FDEP) specifications. City of Haines City affirmed that it has the capacity for wastewater treatment services to the District and will have capacity to provide water either directly or through a combination of public infrastructure and onsite wells.

The potable water lines will typically run within the right of way of all the roadways and at build out will provide a complete interconnected network of water lines. At build out, the water lines will connect to mains at US Highway 27 and Holly Hill Road. Fire hydrants will be installed according to the City of Haines City and Polk County Fire Codes.

The wastewater lines will consist of manholes and gravity PVC lines within the roadway rights-ofway. The lift station will then pump the wastewater via PVC force main to the existing city force main/sewage collection system on the west side of Holly Hill Road. When constructed, the wastewater lines will provide service to lots and parcels within the District.

The City of Haines City requires dry reclaim lines for irrigation be installed for future connection when reclaim lines extended by the City become available. In the interim, irrigation will be provided via temporary connection to the potable water system.

The District will not finance the cost of any water or wastewater lateral (service) lines to private lots.

#### C. Earthwork

The District consists of sloping terrain from east to west which required earthwork moving operations in order to construct roadways and storm water management. The material excavated will be moved and shaped to allow for controlled slopes within the District right-of-way and lot boundaries. Fill will not be carried to or used for grading of private lots.

#### D. Storm Water Management

The District storm water management system will consist of retention ponds, inlets, pipes, swales, berms, and control structures. The storm water management system will be designed in accordance with standards set by Polk County, the City of Haines City, the City of Davenport, Florida Department of Transportation (FDOT), and the Southwest Florida Water Management District (SWFWMD). A system of inlets, pipes, swales and berms will convey the runoff into retention ponds throughout the District's boundaries. The ponds will treat and attenuate the runoff to required standards.

#### E. Landscaping and Irrigation Improvements

Landscaping is proposed throughout the District boundaries in right of ways, open space areas, and boundary buffers. The landscaping will consist of shrub and tree plantings as well as a variety of perennial plants and material. Incorporated with the landscape improvements will also be pedestrian improvements such as sidewalks and entry features. Construction of sidewalks and other pedestrian improvements will be performed after the roadways are complete, and installation of landscape improvements will occur near the time of project construction completion. The development is required to provide irrigation.

### F. Signage, Lighting, and Underground Electric

Per Florida Statute 190.012(1)(d), the District shall have the ability to fund basic infrastructure improvements and community facilities including streetlights (if owned by the District), landscaping, hardscaping, and the differential cost of undergrounding of electric utility lines. Signage and lighting improvements will be provided within the District's boundaries marking the entrance way, roadways and points of interest. Lighting will be constructed in pedestrian and parking areas and will be maintained by the District or by agreement with Duke Energy. The District will only finance the differential cost of undergrounding of electric utilities. All other lighting facilities will be by way of annual operation and maintenance.

## 4. Opinion of Preliminary Probable Construction Costs

A summary of the opinion of the probable construction costs (OPCC) for the District infrastructure is provided in Table 2. The District will be financing all or a portion of the proposed infrastructure costs for the capital improvements noted in Table 2 with the proceeds of the tax-exempt bonds anticipated to be issued by the District. Any public improvements not financed by the District will be completed by the Developer and contributed to the District. The OPCC has assumed 2022 fees for design and construction of the anticipated improvements. Fluctuations do occur with material costs, permitting and design constraints that could impact the estimates. The costs do not include legal, administrative or financial services necessary to operate and maintain the District.

Table 3 summarizes the ownership and maintenance responsibilities anticipated for the design components listed in this report. Upon completion of construction and final certification, the infrastructure component will be turned over to the operation and maintenance entity.

It is the professional opinion of Kimley-Horn and Associates, Inc. that the preliminary probable costs are reasonable based on the information available and the anticipated quality and quantity of work described, and that it is feasible to construct the CIP.

<u>Category</u>		
Roadways		\$3,000,000
Drainage/Earthwork		\$8,400,000
Utilities – Water		\$1,800,000
Utilities – Sewer		\$1,750,000
Utilities – Reclaimed		\$1,300,000
Utilities – Offsite Force Main		\$150,000
Forest Lake Road Improvements		\$1,800,000
U.S. Highway 27 Turn Lanes		\$3,500,000
Site Landscaping & Entry Features		\$500,000
10% Contingency (Professional Fees, etc.)		\$2,220,000
	Total	\$24,420,000

# Table 2Summary of Preliminary Probable Capital Costs for Capital Improvements of the<br/>Proposed Hartford Terrace Community Development District\*



\*Please note that the cost estimates and description of the CIP are based on current plans and market conditions, which are subject to change. That said, the CIP as defined herein, refers to the roadways, stormwater management systems, utilities, landscape/irrigation/hardscaping features, and underground differential costs of electric utilities necessary to support the development and sale of the planned residential units, which type and amount may be changed with the development of the CIP and/or any anticipated amendment to the District's boundaries.

<u>Facility</u>	Funded	Maintained	Ownership				
Site Development (3 Phases)							
Public Roads	CDD	City of Haines City City of Davenport	City of Haines City City of Davenport				
Earthwork	CDD	CDD	CDD				
Stormwater Management	CDD	CDD	CDD				
Roads (Offsite)							
Forest Lake Drive	CDD	County	County				
U.S. 27 Turn Lanes	CDD	FDOT	FDOT				
Utilities Water	CDD	City of Haines City	City of Haines City				
Utilities Sewer	CDD	City of Haines City	City of Haines City				
Utilities Sewer Offsite Force Main	CDD	City of Haines City	City of Haines City				
Utilities Reclaimed	CDD	City of Haines City	City of Haines City				
Site Landscaping & Entry Features	CDD	CDD	CDD				

## Table 3 Infrastructure Ownership & Maintenance\*

## Kimley »Horn

## 5. List of Approvals to Date

The following is a summary of approvals, to date.

- Polk County Level 2 Permit
- Polk County Level 3 Planned Development (PD) Approval
- Polk County Mass Grading Permit
- City of Haines City Mixed-Use Planned Unit Development (MUPUD)
- City of Haines City Preliminary Plat
- Southwest Florida Water Management District (SWFWMD) Environmental Resource Permit (ERP)
- Florida Department of Environmental Protection (FDEP) Construction of a Domestic Wastewater Collection/Transmission System
- Department of Health Polk County Permit to Construction Public Water System Components (dry lines)

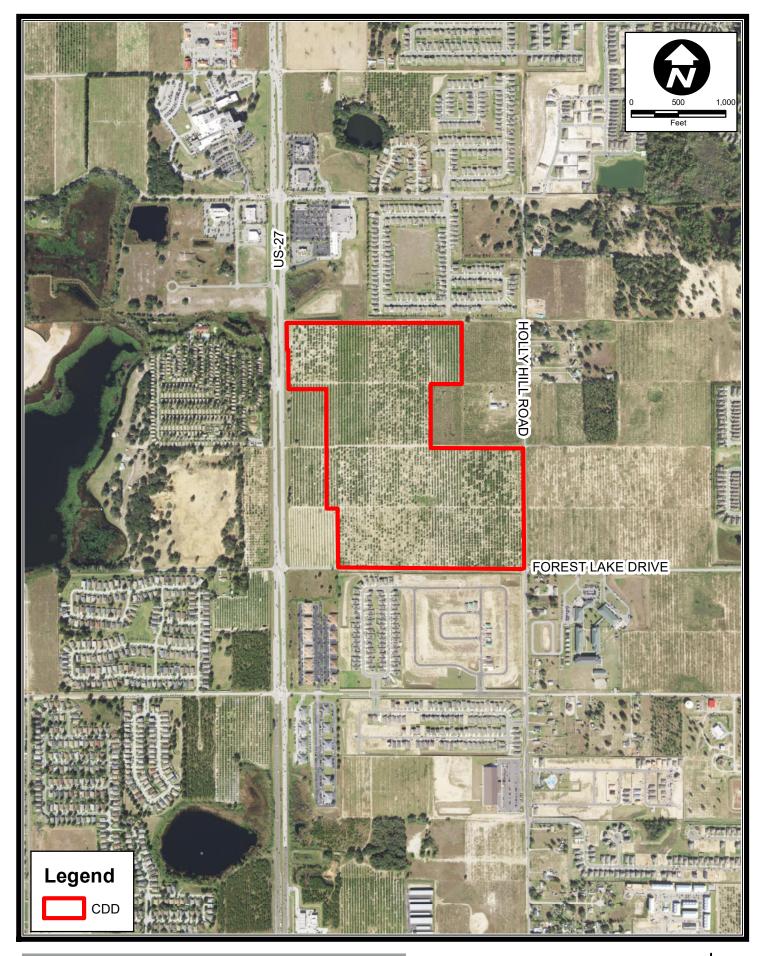
## 6. Conclusion

The special benefit to the assessable lands within the District from the financed CIP will be equal to or greater than the costs thereof. The District will pay the least of the actual costs or fair market value of the public improvements. All public improvements financed by the District will be on land owned by the District or another unit of local government or such entities will have a perpetual easement.



## EXHIBIT A

## LOCATION MAP



AERIAL MAP

MARCH 2022

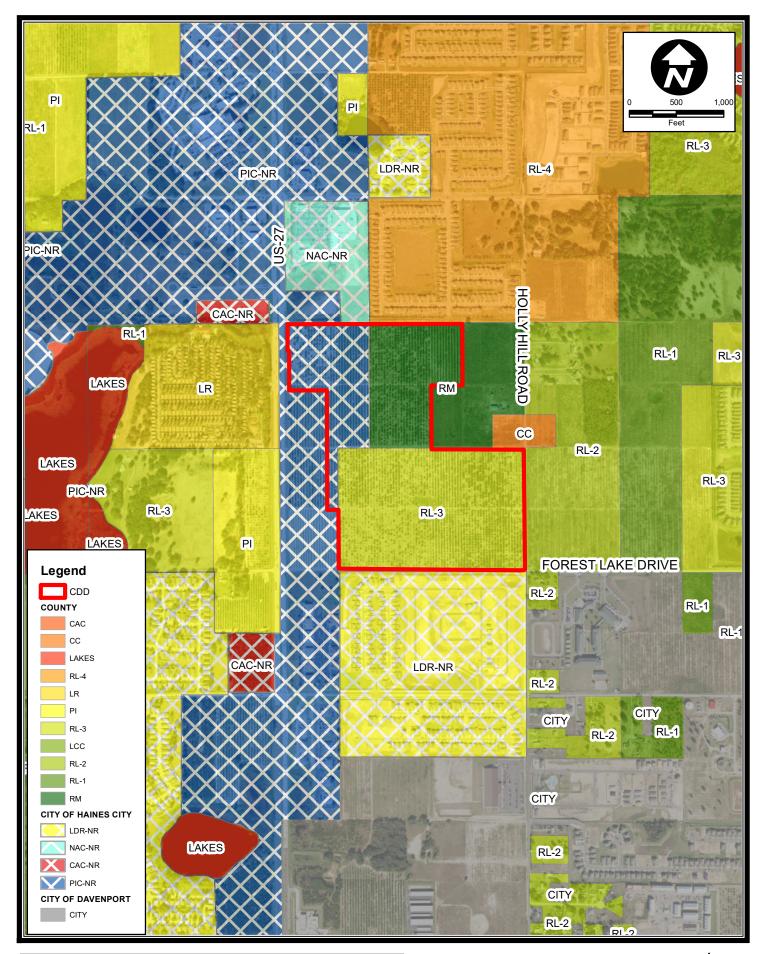
KHA JOB 046489003 © 2022 Kimley-Horn and Associates, Inc. 109 South Kentucky Avenue, Lakeland, FL 33801 Phone: 863 701 8702 www.kimley-horn.com CA 00000696

Kimley»Horn E-1



## EXHIBIT B

## DISTRICT BOUNDARY



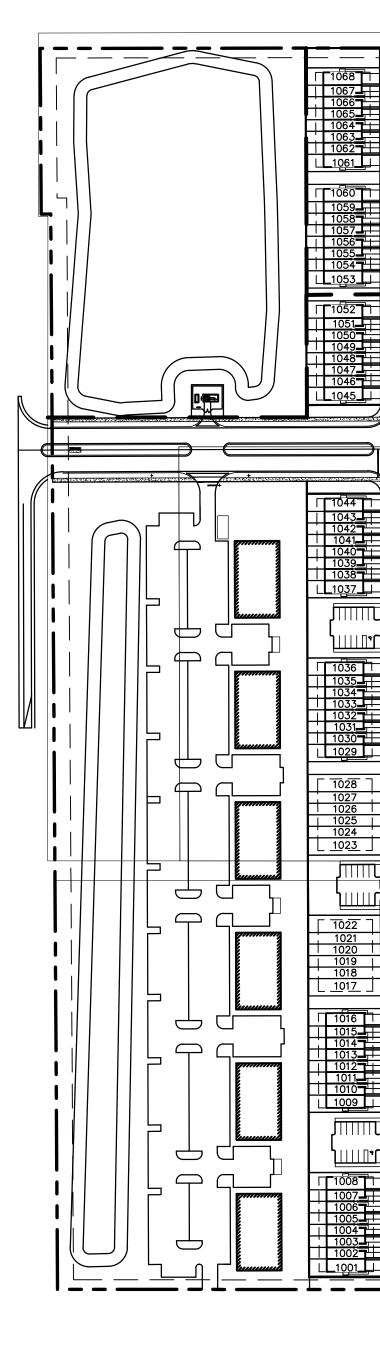
# FUTURE LAND USE MAP

KHA JOB 046489003 © 2022 Kimley-Horn and Associates, Inc. 109 South Kentucky Avenue, Lakeland, FL 33801 Phone: 863 701 8702 www.kimley-horn.com CA 00000696 Kimley »Horn E-2



## EXHIBIT C

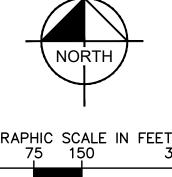
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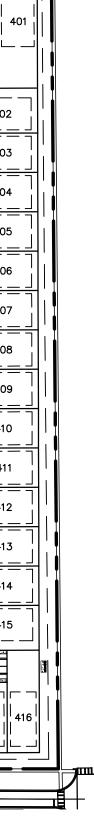


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		MCKNIGHT PROPERTIES	PLILTE HOME CORPORATION			HAINES CITY FL
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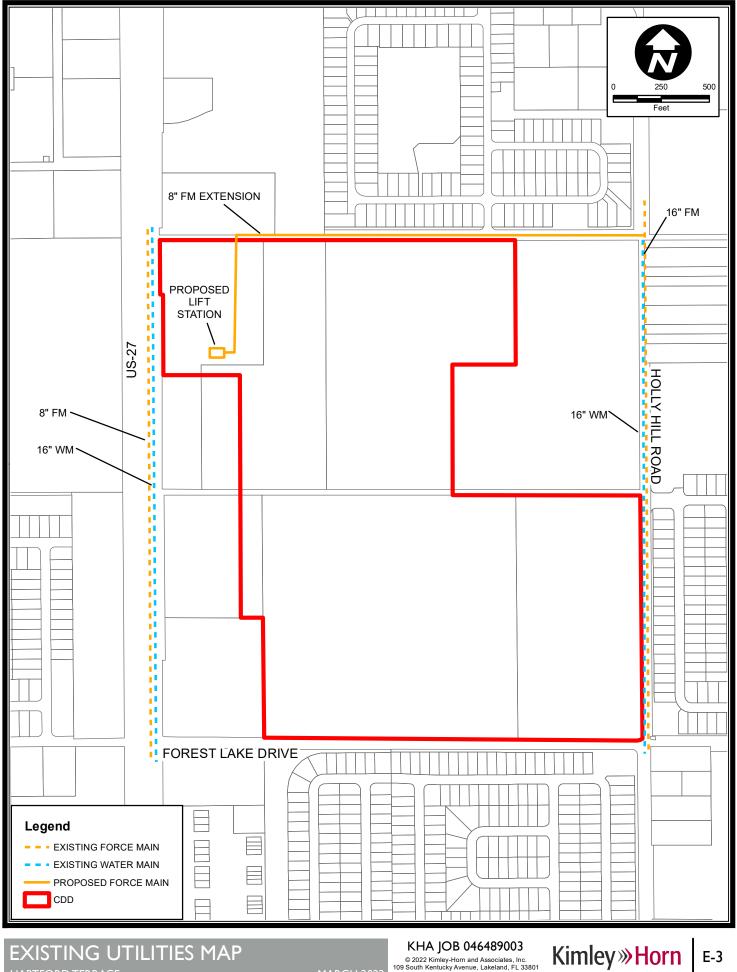


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## EXHIBIT D

## UTILITIES MAP



HARTFORD TERRACE

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## EXHIBIT E

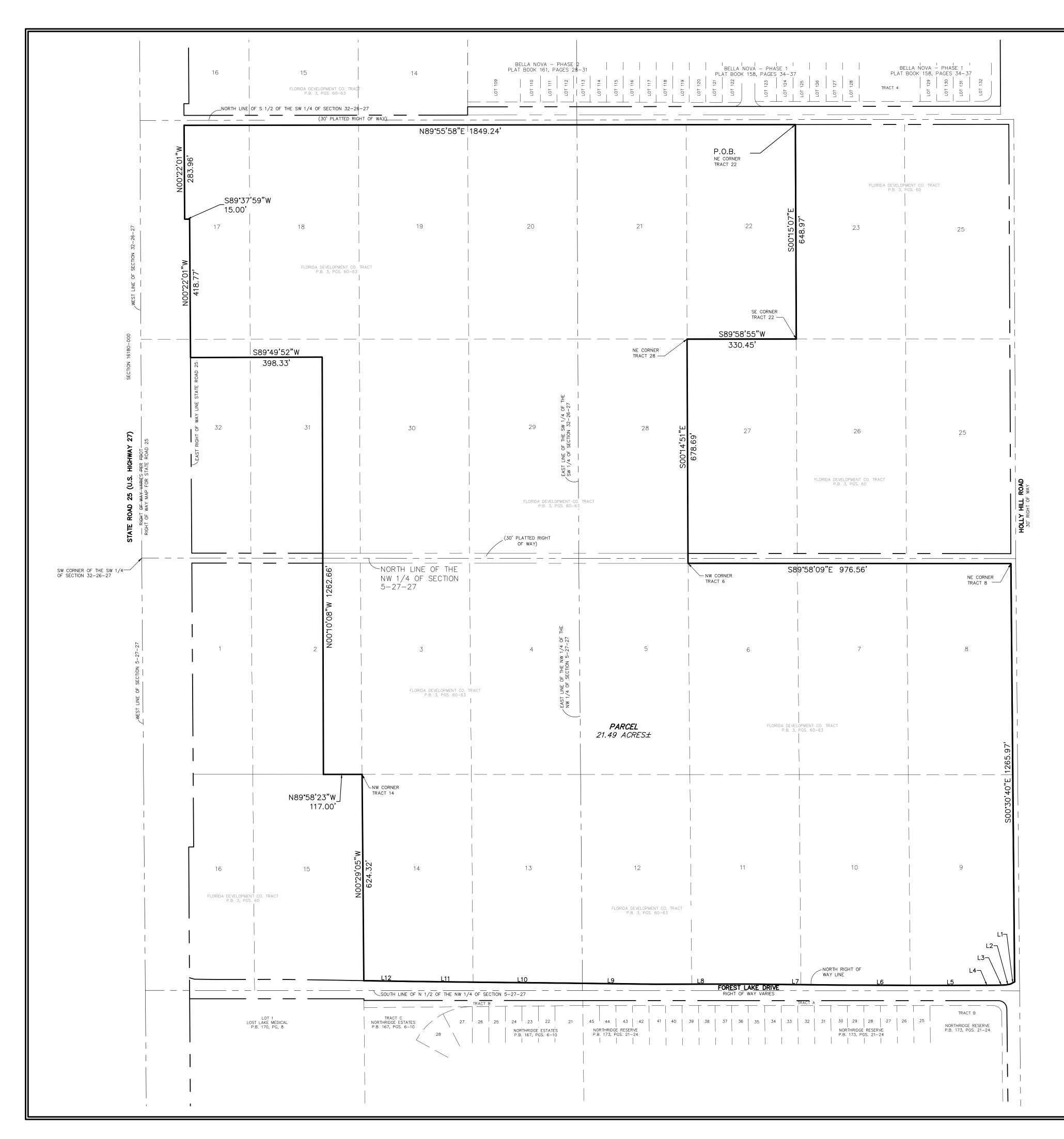
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#### LEGAL DESCRIPTION:

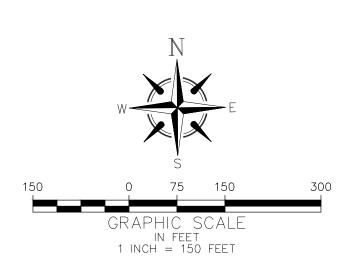
Tracts 18 through 22 and 28 through 30 and a portion of Tracts 17, 31 and 32 in the Southwest 1/4 of Section 32, Township 26 South, Range 27 East, AND Tracts 3 through 14 and a portion of Tract 2 in the Northwest 1/4 of Section 5, Township 27 South, Range 27 East AND that portion of 30 foot platted Right of Way therein, all lying in FLORIDA DEVELOPMENT CO. TRACT, as recorded in Plat Book 3, Page 60 of the Public Records of Polk County, Florida being more particularly described as follows:

BEGIN at the Northeast corner of Tract 22 in the Southwest 1/4 of Section 32, Township 26 South, Range 27 East, FLORIDA DEVELOPMENT CO. TRACT, as recorded in Plat Book 3, Page 60 of the Public Records of Polk County, Florida; thence run S00°15'07"E, a distance of 648.97 feet to the Southeast corner of said Tract 22; thence run S89°58'55"W, a distance of 330.45 feet to the Northeast corner of Tract 28; thence run S00°14'51"E, a distance of 678.69 feet to the Northwest corner of Tract 6 in the Northwest 1/4 of Section 5, Township 27 South, Range 27 East; thence run S89°58'09"E, a distance of 976.56 feet to the Northeast corner of Tract 8; thence run S00°30'40"E, a distance of 1,265.97 feet to a point on the North Right of Way line of Forest Lake Drive; thence along said North Right of Way line the following twelve (12) courses: run S61°35'18"W, a distance of 14.01 feet; thence run S80°17'32"W, a distance of 15.71 feet; thence run S87°57'23"W, a distance of 22.67 feet; thence run S89°43'27"W, a distance of 61.85 feet; thence run S89°55'41"W, a distance of 176.93 feet; thence run N89°45'43"W, a distance of 246.61 feet; thence run N89°24'47"W, a distance of 277.06 feet; thence run S89°55'59"W, a distance of 276.37 feet; thence run N89°19'06"W, a distance of 260.77 feet; thence run N89°23'15"W, a distance of 289.47 feet; thence run N89°20'10"W, a distance of 189.39 feet; thence run N89°04'05"W, a distance of 139.77 feet; thence leaving said North Right of Way line run N00°29'05"W, a distance of 624.32 feet to the Northwest corner of Tract 14; thence run N89°58'23"W, a distance of 117.00 feet; thence run N00°10'08"W, a distance of 1,262.66 feet; thence run S89°49'52"W, a distance of 398.33 feet to a point on the East Right of Way line of State Road 25 (U.S. Highway 27); thence along said East Right of Way line the following three (3) courses: run N00°22'01"W, a distance of 418.77 feet; thence run S89°37'59"W, a distance of 15.00 feet; thence run N00°22'01"W, a distance of 283.96 feet; thence run N89°55'58"E, a distance of 1,849.24 feet to the POINT OF BEGINNING.

Containing 104.25 acres, more or less.



LINE TABLE					
LINE #	LENGTH				
L1	S61°35'18"W	14.01'			
L2	S80°17'32"W	15.71'			
L3	S87°57'23"W	22.67'			
L4	S89°43'27"W	61.85'			
L5	S89°55'41"W	176.93'			
L6	N89°45'43"W	246.61'			
L7	N89°24'47"W	277.06'			
L8	S89°55'59"W	276.37'			
L9	N89°19'06"W	260.77'			
L10	N89°23'15"W	289.47'			
L11	N89°20'10"W	189.39'			
L12	N89°04'05"W	139.77'			



## LEGAL DESCRIPTION:

## ( AS PREPARED BY SURVEYOR )

Tracts 18 through 22 and 28 through 30 and a portion of Tracts 17, 31 and 32 in the Southwest 1/4 of Section 32, Township 26 South, Range 27 East, AND Tracts 3 through 14 and a portion of Tract 2 in the Northwest 1/4 of Section 5, Township 27 South, Range 27 East AND that portion of 30 foot platted Right of Way therein, all lying in FLORIDA DEVELOPMENT CO. TRACT, as recorded in Plat Book 3, Page 60 of the Public Records of Polk County, Florida being more particularly described as follows:

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Containing 104.25 acres, more or less.

## SURVEYOR'S NOTES:

BEARINGS AS SHOWN HEREON ARE BASED ON THE EAST RIGHT OF WAY LINE OF S.R. 25 (U.S. HIGHWAY 27) AS NO0°22'01"W. THIS SURVEYOR HAS NOT MADE A SEARCH OF THE PUBLIC RECORDS FOR EASEMENTS, RESTRICTIONS, RESERVATIONS AND/OR RIGHT OF WAYS. THIS SKETCH IS NOT INTENDED TO REPRESENT A BOUNDARY SURVEY NO CORNERS WERE FOUND OR SET AS A PART OF THIS SKETCH.

> CERTIFICATION: I HEREBY CERTIFY TO: PULTE GROUP

RICHARD D. BROWN, P.S.M. STATE OF FLORIDA REGISTRATION NO. 5700 (NOT VALID WITHOUT EMBOSSED SEAL)

DATE

P.B. PLAT BOOK     (C) CALCULATED     DEDICITED     D.U.E.     DRAINAGE AND     P.T. PC       D.B. DEED BOOK     (P) PLAT     "SECONDS     UTILITY EASEMENT     P.C. PC       BK. BOOK     (D) DESCRIBED     ±     MORE OR LESS     P.C. P     PERMANENT CONTROL POINT     P.I. PC       PG. PAGE     (M) MEASURED     LB.     LICENSED BUSINESS     P.C. P     PERMANENT CONTROL POINT     P.I. PC       SECTION     C.B.     CHORD BEARING     LS.     LICENSED BUSINESS     P.C. P     PERMANENT CONTROL POINT     P.I. PC       TWP.     TOWNSHIP     C.B.     CHORD BEARING     LS.     LICENSED SURVEYOR     P.O.C. POINT OF COMMENCEMENT     N.&T. N       RGE.     RANGE     R.     RADIUS     H.W.F.     BARBED WRE FENCE     F/F     FINISH FLOOR ELEVATION     R.C.P. RI       COR.     CORNER     L     LENGTH     H.W.F.     HOG WIRE FENCE     LF.E.     LOWEST FLOOR ELEVATION     R.C.P. RI       AC.     ACRES     Δ     DELTA     CLF     HAIN INK FENCE     G.F.E.     GARAGE FLOOR ELEVATION     IN.V. IN       SURVEYOR     C/L     CENTERLINE     EP     EDGE OF PAVEMENT     O.R.     OFFICIAL RECORDS     P.M. P	FOUND TERMANENT REFERENCE WONUMENT TRANSFORMER E E SEWER LINE FIRE HYDRANT FIRE HYDRANT FIRE HYDRANT CATV CABLE TELEVISION RISER BO CATV CABLE TELEVISION RISER BO WOOD LIGHT POLE W WELL ECB ELECTRIC CONTROL BOX CATV CABLE TELEVISION RISER BO WOOD LIGHT POLE W WELL ECB ELECTRIC CONTROL BOX
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# SECTION 2

## MASTER

## ASSESSMENT METHODOLOGY

FOR

## HARTFORD TERRACE

## COMMUNITY DEVELOPMENT DISTRICT

Date: July 21, 2022

Prepared by

Governmental Management Services – Central Florida, LLC 219 E. Livingston Street Orlando, FL 32801



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GMS-CF, LLC does not represent the Hartford Terrace Community Development District as a Municipal Advisor or Securities Broker nor is GMS-CF, LLC registered to provide such services as described in Section 15B of the Securities and Exchange Act of 1934, as amended. Similarly, GMS-CF, LLC does not provide the Hartford Terrace Community Development District with financial advisory services or offer investment advice in any form.

#### 1.0 Introduction

The Hartford Terrace Community Development District is a local unit of special-purpose government organized and existing under Chapter 190, Florida Statutes, as amended (the "District"). The District plans to issue up to \$29,400,000 of tax exempt bonds in one or more series (the "Bonds") for the purpose of financing certain infrastructure improvements within the District, more specifically described in the Master Engineer's Report dated July 5, 2022 prepared by Kimley-Horn and Associates, Inc. as may be amended and supplemented from time to time (the "Engineer's Report"). The District anticipates the construction of public infrastructure improvements consisting of improvements that benefit property owners within the District.

#### 1.1 Purpose

This Master Assessment Methodology Report (the "Assessment Report") provides for an assessment methodology for allocating the debt to be incurred by the District to benefiting properties within the District. This Assessment Report allocates the debt to properties based on the special benefits each receives from the District's capital improvement plan ("CIP"). This Assessment Report will be supplemented with one or more supplemental methodology reports to reflect the actual terms and conditions at the time of the issuance of each series of Bonds. This Assessment Report is designed to conform to the requirements of Chapters 190, 197 and 170, Florida Statutes with respect to special assessments and is consistent with our understanding of case law on this subject.

The District intends to impose non ad valorem special assessments on the benefited lands within the District based on this Assessment Report. It is anticipated that all of the proposed special assessments will be collected through the Uniform Method of Collection described in Section 197.3632, Florida Statutes or any other legal means of collection available to the District. It is not the intent of this Assessment Report to address any other assessments, if applicable, that may be levied by the District, a homeowner's association, or any other unit of government.

#### 1.2 Background

The District currently includes approximately 104.25 acres located within unincorporated Polk County, Florida, and a portion is located in Haines City, Florida. The portion of the District located within unincorporated Polk County is the subject of a pending annexation into the City of Davenport, Florida. If that annexation occurs, the District will be located in Haines City and Davenport, and no remaining portion will be in unincorporated Polk County. The development program currently envisions 517 residential units (herein the "Development"). The proposed Development program is depicted in Table 1. It is recognized that such land use plan may change, and this Assessment Report will be modified accordingly.

The public improvements contemplated by the District in the CIP will provide facilities that benefit certain property within the District. The CIP is delineated in the Engineer's Report. Specifically, the District will construct and/or acquire certain roadways, drainage/earthwork, utilities (water, sewer, reclaimed, and offsite force main), Forest Lake Road improvements, U.S. Highway 27 turn lanes, site landscaping & entry features, and contingency. The CIP estimated acquisition and construction costs are summarized in Table 2.

The assessment methodology is a four-step process.

- 1. The District Engineer must first determine the public infrastructure improvements that may be provided by the District and the costs to implement the CIP.
- 2. The District Engineer determines the assessable acres that benefit from the District's CIP.
- 3. A calculation is made to determine the funding amounts necessary to acquire and/or construct CIP.
- 4. This amount is initially divided equally among the benefited properties on a prorated gross acreage basis. Ultimately, as land is platted, site planned, or subjected to a declaration of condominiums, this amount will be assigned to each of the benefited properties based on an ERU basis.

### **1.3** Special Benefits and General Benefits

Improvements undertaken by the District create special and peculiar benefits to the assessable property, different in kind and degree than general benefits, for properties outside it's borders as well as general benefits to the public at large.

However, as discussed within this Assessment Report, these general benefits are incidental in nature and are readily distinguishable from the special and peculiar benefits, which accrue to the assessable property within the District. The implementation of the CIP enables properties within its boundaries to be developed. Without the District's CIP, there would be no infrastructure to support development of land within the District. Without these improvements, the proposed Development of the property within the District would be prohibited by law.

There is no doubt that the general public and property owners outside the District will benefit from the provision of the District's CIP. However, these benefits will be incidental to the District's CIP, which is designed solely to meet the needs of property within the District. Properties outside the District boundaries do not depend upon the District's CIP. The property owners within the District are therefore receiving special benefits not received by those outside the District's boundaries.

## 1.4 Requirements of a Valid Assessment Methodology

There are two requirements under Florida law for a valid special assessment:

- 1) The properties must receive a special benefit from the improvements being paid for.
- 2) The assessments must be fairly and reasonably allocated to the properties being assessed.

Florida law provides for a wide application of special assessments that meet these two requirements for valid special assessments.

## **1.5** Special Benefits Exceed the Costs Allocated

The special benefits provided to the property owners within the District are greater than the costs associated with providing these benefits. The District Engineer estimates that the District's CIP that is necessary to support full development of property will cost approximately \$24,420,000. The District's Underwriter projects that financing costs required to fund the infrastructure improvements, including project costs, the cost of issuance of the Bonds, the funding of debt service reserves and capitalized interest, will be approximately \$29,400,000. Additionally, funding required to complete the CIP which is not financed with Bonds will be funded by Pulte Home Company, LLC or a related entity (the "Developer"). Without the CIP, the property would not be able to be developed per the Development program and occupied by future residents of the community.

### 2.0 Assessment Methodology

### 2.1 Overview

The District is planning to issue up to \$29,400,000 in Bonds, in one or more series to fund the District's CIP, provide for capitalized interest, a debt service reserve account and cost of issuance. It is the purpose of this Assessment Report to allocate the \$29,400,000 in debt to the properties benefiting from the CIP.

Table 1 identifies the proposed land uses as identified by the Developer and current landowners of the land within the District . The District has relied on the Engineer's Report to develop the costs of the CIP needed to support the Development, these construction costs are outlined in Table 2. The improvements needed to support the Development are described in detail in the Engineer's Report and are estimated to cost \$24,420,000. Based on the estimated costs, the size of the Bond issue under current market conditions needed to generate funds to pay for the CIP and related costs was

determined by the District's Underwriter to total approximately \$29,400,000. Table 3 shows the breakdown of the bond sizing.

## 2.2 Allocation of Debt

Allocation of debt is a continuous process until the Development plan is completed. The CIP funded by District Bonds benefits all developable acres within the District.

The initial assessments will be levied on an equal basis to all acres within the District. A fair and reasonable methodology allocates the debt incurred by the District proportionately to the properties receiving the special benefits. At this point all of the lands within the District are benefiting from the improvements.

Once platting, site planning, or the recording of declaration of condominium, ("Assigned Properties") has begun, the assessments will be allocated to the Assigned Properties based on the benefits they receive. The Unassigned Properties, defined as property that has not been platted, assigned development rights or subjected to a declaration of condominium, will continue to be assessed on a per acre basis ("Unassigned Properties"). Eventually the Development plan will be completed and the debt relating to the Bonds will be allocated to the planned 517 residential units within the District, which are the beneficiaries of the CIP, as depicted in Table 5 and Table 6. If there are changes to the Development plan, a true up of the assessment will be calculated to determine if a debt reduction or true-up payment from the Development is required. The process is outlined in Section 3.0

Until all the land within the District has been platted and sold, the assessments on the portion of the land that has not been platted and sold are not fixed and determinable. The reasons for this are (1) until the lands are platted, the number of developable acres within each tract against which the assessments are levied is not determined; (2) the lands are subject to re-plat, which may result in changes in development density and product type; and (3) until the lands are sold it is unclear of the timing of the absorptions. Only after the property has been platted and sold will the developable acreage be determined, the final plat be certain, the developable density known, the product types be confirmed, and the timing of the sales solidified.

The assignment of debt in this Assessment Report sets forth the process by which debt is apportioned. As mentioned herein, this Assessment Report will be supplemented from time to time.

## 2.3 Allocation of Benefit

The CIP consists of roadways, drainage/earthwork, utilities (water, sewer, reclaimed, and offsite force main), Forest Lake Road improvements, U.S. Highway 27 turn lanes, site landscaping & entry features, and contingency. There are *four* residential product

types within the planned Development. The single family 50' home has been set as the base unit and has been assigned one equivalent residential unit ("ERU"). Table 4 shows the allocation of the CIP costs and Bond debt to the particular land uses. It is important to note that the benefit derived from the improvements on the particular units exceeds the cost that the units will be paying for such benefits.

## 2.4 Lienability Test: Special and Peculiar Benefit to the Property

Construction and/or acquisition by the District of its proposed CIP will provide several types of roadways, drainage/earthwork, utilities (water, sewer, reclaimed, and offsite force main), Forest Lake Road improvements, U.S. Highway 27 turn lanes, site landscaping & entry features, and contingency. These improvements accrue in differing amounts and are somewhat dependent on the type of land use receiving the special benefits peculiar to those properties, which flow from the logical relationship of the improvements to the properties.

Once these determinations are made, they are reviewed in the light of the special benefits peculiar to the property, which flow to the properties as a result of their logical connection from the improvements in fact actually provided.

For the provision of CIP, the special and peculiar benefits are:

- 1) the added use of the property,
- 2) added enjoyment of the property, and
- 3) the probability of increased marketability and value of the property.

These special and peculiar benefits are real and ascertainable, but are not yet capable of being calculated as to value with mathematical certainty. However, each is more valuable than either the cost of, or the actual non-ad valorem special assessment levied for the improvement or the debt as allocated.

### 2.5

## Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay Non-Ad Valorem Assessments

A reasonable estimate of the proportion of special and peculiar benefits received from the public improvements described in the Engineer's Report is delineated in Table 5 (expressed as Allocation of Par Debt per Product Type).

The determination has been made that the duty to pay the non-ad valorem special assessments is fairly and reasonably apportioned because the special and peculiar benefits to the property derived from the acquisition and/or construction of the District's CIP have been apportioned to the property according to reasonable estimates of the special and peculiar benefits provided consistent with the land use categories.

Accordingly, no acre or parcel of property within the boundaries of the District will have a lien for the payment of any non-ad valorem special assessment more than the determined special benefit peculiar to that property and therefore, the debt allocation will not be increased more than the debt allocation set forth in this Assessment Report.

In accordance with the benefit allocation suggested for the product types in Table 4, a total debt per unit and an annual assessment per unit have been calculated for each product type (Table 6). These amounts represent the preliminary anticipated per unit debt allocation assuming all anticipated units are built and sold as planned, and the entire proposed CIP is developed or acquired and financed by the District.

#### 3.0 True Up Mechanism

Although the District does not process plats, declaration of condominiums, site plans or revisions thereto for the Developer, it does have an important role to play during the course of platting and site planning. Whenever a plat, declaration of condominium or site plan is processed, the District must allocate a portion of its debt to the property according to this Assessment Report outlined herein. In addition, the District must also prevent any buildup of debt on Unassigned Property. Otherwise, the land could be fully conveyed and/or platted without all of the debt being allocated. To preclude this, at the time Unassigned Properties become Assigned Properties, the District will determine the amount of anticipated assessment revenue that remains on the Unassigned Properties, taking into account the proposed plat, or site plan approval. If the total anticipated assessment revenue to be generated from the Assigned and Unassigned Properties is greater than or equal to the maximum annual debt service then no adjustment is required. In the case that the revenue generated is less than the required amount then a debt reduction or true-up payment by the landowner in the amount necessary to reduce the par amount of the outstanding Bonds plus accrued interest to a level that will be supported by the new net annual debt service assessments will be required.

#### 4.0 Assessment Roll

The District will initially distribute the liens across the property within the District boundaries on a gross acreage basis. As Assigned Property becomes known with certainty, the District will refine its allocation of debt from a per acre basis to a per unit basis as shown in Table 7. If the land use plan changes, then the District will update Tables 1, 4, 5 & 6 to reflect the changes. As a result, the assessment liens are neither fixed nor are they determinable with certainty on any acre of land in the District prior to the time final Assigned Properties become known. At this time the debt associated with the District's CIP will be distributed evenly across the acres within the District. As the development process occurs, the debt will be distributed against the Assigned Property in the manner described in this Assessment Report. The current assessment roll is depicted in Table 7.

#### TABLE 1 HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT DEVELOPMENT PROGRAM MASTER ASSESSMENT METHODOLOGY

Product Types	No. of Units *	Totals	ERUs per Unit (1)	Total ERUs
Townhome	84	84	0.4	33.6
Single Family 40'	191	191	0.8	152.8
Single Family 50'	204	204	1.0	204.0
Single Family 60'	38	38	1.2	45.6
Total Units	517	517		436.0

(1) Benefit is allocated on an ERU basis; based on density of planned development, with a 50' Single Family unit equal to 1 ERU

\* Unit mix is subject to change based on marketing and other factors

Prepared by: Governmental Management Services - Central Florida, LLC

## TABLE 2 HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT INFRASTRUCTURE COST ESTIMATES MASTER ASSESSMENT METHODOLOGY

Constal Increase ont Dian ("CID") (1)	Total Cost Fatimata
Capital Improvement Plan ("CIP") (1)	Total Cost Estimate
Roadways	\$3,000,000
Drainage/Earthwork	\$8,400,000
Utilities - Water	\$1,800,000
Utilities - Sewer	\$1,750,000
Utilities - Reclaimed	\$1,300,000
Utilities - Offsite Force Main	\$150,000
Forest Lake Road Improvements	\$1,800,000
U.S. Highway 27 Turn Lanes	\$3,500,000
Site Landscaping & Entry Features	\$500,000
Contingency	\$2,220,000
	\$24,420,000

(1) A detailed description of these improvements is provided in the Master Engineer's Report dated July 5, 2022

Prepared by: Governmental Management Services - Central Florida, LLC

## TABLE 3 HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT BOND SIZING MASTER ASSESSMENT METHODOLOGY

Description	Total		
Construction Funds	\$24,420,000		
Debt Service Reserve	\$2,251,377		
Capitalized Interest	\$1,911,000		
Underwriters Discount	\$225,000		
Cost of Issuance	\$588,000		
Rounding	\$4,623		
Par Amount*	\$29,400,000		
Bond Assumptions:			
Average Coupon	6.50%		
Amortization	30 years		
Capitalized Interest	12 months		
Debt Service Reserve	Max Annual D/S		

\* Par amount is subject to change based on the actual terms at the sale of the Bonds

Prepared by: Governmental Management Services - Central Florida, LLC

Underwriters Discount

2%

## TABLE 4 HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT ALLOCATION OF BENEFIT MASTER ASSESSMENT METHODOLOGY

				Total		
				Improvements		
	No. of	ERU	Total	% of Total	Costs Per Product	Improvement
Product Types	Units *	Factor	ERUs	ERUs	Туре	Costs Per Unit
Townhome	84	0.4	33.6	7.71%	\$1,881,908	\$22,404
Single Family 40'	191	0.8	152.8	35.05%	\$8,558,202	\$44,807
Single Family 50'	204	1.0	204.0	46.79%	\$11,425,872	\$56,009
Single Family 60'	38	1.2	45.6	10.46%	\$2,554,018	\$67,211
Totals	517		436.0	100.00%	\$24,420,000	

\* Unit mix is subject to change based on marketing and other factors

Prepared by: Governmental Management Services - Central Florida, LLC

## TABLE 5 HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT ALLOCATION OF TOTAL BENEFIT/PAR DEBT TO EACH PRODUCT TYPE MASTER ASSESSMENT METHODOLOGY

		Total Improvements	Allocation of Par	
		Costs Per Product	Debt Per Product	Par Debt
Product Types	No. of Units *	Туре	Туре	Per Unit
Townhome	84	\$1,881,908	\$2,265,688	\$26,972
Single Family 40	191	\$8,558,202	\$10,303,486	\$53,945
Single Family 50	204	\$11,425,872	\$13,755,963	\$67,431
Single Family 60	38	\$2,554,018	\$3,074,862	\$80,917
Totals	517	\$24,420,000	\$29,400,000	

\* Unit mix is subject to change based on marketing and other factors

Prepared by: Governmental Management Services - Central Florida, LLC

#### TABLE 6 HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT PAR DEBT AND ANNUAL ASSESSMENTS FOR EACH PRODUCT TYPE MASTER ASSESSMENT METHODOLOGY

					Net Annual	
		Allocation of	Total Par	Maximum	Debt	Gross Annual Debt
	No. of	Par Debt Per	Debt Per	Annual Debt	Assessment	Assessment Per Unit
Product Types	Units *	Product Type	Unit	Service	Per Unit	(1)
Townhome	84	\$2,265,688	\$26,972	\$173,501	\$2,065.48	\$2,220.95
Single Family 40	) 191	\$10,303,486	\$53 <i>,</i> 945	\$789,015	\$4,130.97	\$4,441.90
Single Family 50	204	\$13,755,963	\$67,431	\$1,053,397	\$5,163.71	\$5,552.37
Single Family 60	38	\$3,074,862	\$80,917	\$235,465	\$6,196.45	\$6,662.85
Totals	517	\$29,400,000		\$2,251,377		

(1) This amount includes collection fees and early payment discounts when collected on the County Tax Bill

\* Unit mix is subject to change based on marketing and other factors

Prepared by: Governmental Management Services - Central Florida, LLC

#### TABLE 7 HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT PRELIMINARY ASSESSMENT ROLL MASTER ASSESSMENT METHODOLOGY

Owner	Property*	Acres	Total Par Debt Allocation Per Acre	Total Par Debt Allocated	Net Annual Debt Assessment Allocation	Gross Annual Debt Assessment Allocation (1)
Pulte Home Company	Hartford Terrace CDD	104.25	\$282,014	\$29,400,000	\$2,251,377	\$2,420,835
Totals		104.25		\$29,400,000	\$2,251,377	\$2,420,835

(1) This amount includes 7% to cover collection fees and early payment discounts when collected utilizing the uniform method.

Annual Assessment Periods	30
Average Coupon Rate (%)	6.50%
Maximum Annual Debt Service	\$2,251,377

\* - See Metes and Bounds, attached as Exhibit A

Prepared by: Governmental Management Services - Central Florida, LLC

## **Exhibit A**

#### LEGAL DESCRIPTION:

Tracts 18 through 22 and 28 through 30 and a portion of Tracts 17, 31 and 32 in the Southwest 1/4 of Section 32, Township 26 South, Range 27 East, AND Tracts 3 through 14 and a portion of Tract 2 in the Northwest 1/4 of Section 5, Township 27 South, Range 27 East AND that portion of 30 foot platted Right of Way therein, all lying in FLORIDA DEVELOPMENT CO. TRACT, as recorded in Plat Book 3, Page 60 of the Public Records of Polk County, Florida being more particularly described as follows:

BEGIN at the Northeast corner of Tract 22 in the Southwest 1/4 of Section 32, Township 26 South, Range 27 East, FLORIDA DEVELOPMENT CO. TRACT, as recorded in Plat Book 3, Page 60 of the Public Records of Polk County, Florida; thence run S00°15'07"E, a distance of 648.97 feet to the Southeast corner of said Tract 22; thence run S89°58'55"W, a distance of 330.45 feet to the Northeast corner of Tract 28; thence run S00°14'51"E, a distance of 678.69 feet to the Northwest corner of Tract 6 in the Northwest 1/4 of Section 5, Township 27 South, Range 27 East; thence run S89°58'09"E, a distance of 976.56 feet to the Northeast corner of Tract 8; thence run S00°30'40"E, a distance of 1,265.97 feet to a point on the North Right of Way line of Forest Lake Drive; thence along said North Right of Way line the following twelve (12) courses: run S61°35'18"W, a distance of 14.01 feet; thence run S80°17'32"W, a distance of 15.71 feet; thence run S87°57'23"W, a distance of 22.67 feet; thence run S89°43'27"W, a distance of 61.85 feet; thence run S89°55'41"W, a distance of 176.93 feet; thence run N89°45'43"W, a distance of 246.61 feet; thence run N89°24'47"W, a distance of 277.06 feet; thence run S89°55'59"W, a distance of 276.37 feet; thence run N89°19'06"W, a distance of 260.77 feet; thence run N89°23'15"W, a distance of 289.47 feet; thence run N89°20'10"W, a distance of 189.39 feet; thence run N89°04'05"W, a distance of 139.77 feet; thence leaving said North Right of Way line run N00°29'05"W, a distance of 624.32 feet to the Northwest corner of Tract 14; thence run N89°58'23"W, a distance of 117.00 feet; thence run N00°10'08"W, a distance of 1,262.66 feet; thence run S89°49'52"W, a distance of 398.33 feet to a point on the East Right of Way line of State Road 25 (U.S. Highway 27); thence along said East Right of Way line the following three (3) courses: run N00°22'01"W, a distance of 418.77 feet; thence run S89°37'59"W, a distance of 15.00 feet; thence run N00°22'01"W, a distance of 283.96 feet; thence run N89°55'58"E, a distance of 1,849.24 feet to the POINT OF BEGINNING.

Containing 104.25 acres, more or less.

## SECTION 3

#### **RESOLUTION 2022-31**

A RESOLUTION AUTHORIZING DISTRICT PROJECTS FOR CONSTRUCTION AND/OR ACQUISITION OF INFRASTRUCTURE IMPROVEMENTS; EQUALIZING, APPROVING, CONFIRMING, AND LEVYING SPECIAL ASSESSMENTS ON PROPERTY SPECIALLY BENEFITED BY SUCH PROJECTS TO PAY THE COST THEREOF; PROVIDING FOR THE PAYMENT AND THE COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE METHODS PROVIDED FOR BY CHAPTERS 170, 190, AND 197, FLORIDA STATUTES; CONFIRMING THE DISTRICT'S INTENTION TO ISSUE SPECIAL ASSESSMENT REVENUE BONDS; MAKING PROVISIONS FOR TRANSFERS OF REAL PROPERTY TO GOVERNMENTAL BODIES; PROVIDING FOR THE RECORDING OF AN ASSESSMENT NOTICE; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

#### RECITALS

**WHEREAS**, Hartford Terrace Community Development District ("**District**") previously indicated its intention to construct certain types of infrastructure improvements and to finance such infrastructure improvements through the issuance of bonds, which bonds would be repaid by the imposition of special assessments on benefited property within the District; and

**WHEREAS**, the District Board of Supervisors ("**Board**") noticed and conducted a public hearing pursuant to Chapters 170, 190, and 197, *Florida Statutes*, relating to the imposition, levy, collection and enforcement of such assessments.

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT AS FOLLOWS:

**SECTION 1.** The Recitals stated above are true and correct and by this reference are incorporated into and form a material part of this Resolution.

**SECTION 2. AUTHORITY FOR THIS RESOLUTION.** This Resolution is adopted pursuant to Chapters 170, 190, and 197, *Florida Statutes*, including without limitation, Section 170.08, *Florida Statutes*.

SECTION 3. FINDINGS. The Board hereby finds and determines as follows:

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

(b) The District is authorized by Chapter 190, *Florida Statutes*, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct potable water systems, wastewater systems, roadway improvements, stormwater management systems, landscape, hardscape and irrigation improvements, recreational amenities, and other infrastructure projects and services necessitated by the development of, and serving lands within, the District.

(c) The District is authorized by Chapter 190, *Florida Statutes*, to levy and impose special assessments to pay all, or any part of, the cost of such infrastructure projects and services and to issue special assessment revenue bonds payable from such special assessments as provided in Chapters 170, 190, and 197, *Florida Statutes*.

(d) It is necessary to the public health, safety and welfare and in the best interests of the District that (i) the District provide certain infrastructure projects and services, the nature and location of which was initially described in Resolution 2022-25 and is shown in the *Engineer's Report*, dated July 5, 2022 (the "**Engineer's Report**") attached as **Exhibit A** hereto and incorporated herein by this reference (the "**Project**"), and which Project's plans and specifications are on file at 219 East Livingston Street, Orlando, Florida 32801 ("**District Records Offices**"); (ii) the cost of such Project be assessed against the lands specially benefited by such Project; and (iii) the District issue bonds to provide funds for such purposes pending the receipt of such special assessments.

(e) The provision of said Project, the levying of such Assessments (hereinafter defined) and the sale and issuance of such bonds serves a proper, essential, and valid public purpose and is in the best interests of the District, its landowners, and residents.

(f) In order to provide funds with which to pay all or a portion of the costs of the Project which are to be assessed against the benefitted properties, pending the collection of such Assessments, it is necessary for the District from time to time to sell and issue its special assessment revenue bonds, in one or more series (the "**Bonds**").

(g) By Resolution 2022-25, the Board determined to provide the Project and to defray the costs thereof by making Assessments on benefited property and expressed an intention to issue Bonds, notes or other specific financing mechanisms to provide a portion of the funds needed for the Project prior to the collection of such Assessments. Resolution 2022-25 was adopted in compliance with the requirements of Section 170.03, *Florida Statutes*, and prior to the time it was adopted, the requirements of Section 170.04, *Florida Statutes*, had been met.

(h) As directed by Resolution 2022-25, said Resolution 2022-25 was published as required by Section 170.05, *Florida Statutes*, and a copy of the publisher's affidavit of publication is on file with the Secretary of the District.

(i) As directed by Resolution 2022-25, a preliminary assessment roll was adopted and filed with the Board as required by Section 170.06, *Florida Statutes*.

(j) As required by Section 170.07, *Florida Statutes*, upon completion of the preliminary assessment roll, the Board adopted Resolution 2022-26, fixing the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein may appear before the Board and be heard as to (1) the propriety and advisability of making the infrastructure improvements, (2) the cost thereof, (3) the manner of payment therefore, and (4) the amount thereof to be assessed against each specially benefited property or parcel and provided for publication of notice of such public hearing and individual mailed notice in accordance with Chapters 170, 190, and 197, *Florida Statutes*.

(k) Notice of such public hearing was given by publication and also by mail as required by Section 170.07, *Florida Statutes*. Affidavits as to such publications and mailings are on file in the office of the Secretary of the District.

(I) On August 18, 2022, at the time and place specified in Resolution 2022-26 and the notice referred to in paragraph (k) above, the Board met as an Equalization Board, conducted such public hearing, and heard and considered all complaints and testimony as to the matters described in paragraph (j) above. The Board has made such modifications in the preliminary assessment roll as it deems necessary, just and right in the making of the final assessment roll.

(m) Having considered the estimated costs of the Project, estimates of financing costs and all complaints and evidence presented at such public hearing, the Board further finds and determines:

(i) that the estimated costs of the Project is as specified in the Engineer's Report, which Engineer's Report is hereby adopted and approved, and that the amount of such costs is reasonable and proper; and

(ii) it is reasonable, proper, just and right to assess the cost of such Project against the properties specially benefited thereby using the method determined by the Board set forth in the *Master Special Assessment Methodology Report* dated June 28, 2022 (the "Assessment Report") attached hereto as Exhibit B and incorporated herein by this reference, for the Bonds, which results in the special assessments set forth on the final assessment roll included within such Exhibit B (the "Assessments"); and

(iii) the Assessment Report is hereby approved, adopted and confirmed. The District ratifies its use in connection with the issuance of the Bonds;

(iv) it is hereby declared that the Project will constitute a special benefit to all parcels of real property listed on said final assessment roll and that the benefit, in the case of each such parcel, will be equal to or in excess of the Assessments thereon when allocated as set forth in Exhibit B;

(v) it is in the best interests of the District that the Assessments be paid and collected as herein provided; and

(vi) it is reasonable, proper, just and right for the District to utilize the true-up mechanisms and calculations contained in the Assessment Report in order to ensure that all parcels of real property benefiting from the Project are assessed accordingly and that sufficient assessment receipts are being generated in order to pay the corresponding bond debt-service when due.

**SECTION 4. AUTHORIZATION OF DISTRICT PROJECT.** That certain Project for construction of infrastructure improvements initially described in Resolution 2022-25, and more specifically identified and described in Exhibit A attached hereto, is hereby authorized and approved and the proper officers, employees and/or agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable to cause the same to be made.

**SECTION 5. ESTIMATED COST OF IMPROVEMENTS.** The total estimated costs of the Project and the costs to be paid by Assessments on all specially benefited property are set forth in Exhibits A and B, respectively, hereto.

SECTION 6. EQUALIZATION, APPROVAL, CONFIRMATION AND LEVY OF SPECIAL **ASSESSMENTS.** The Assessments on the parcels specially benefited by the Project, all as specified in the final assessment roll set forth in Exhibit B, attached hereto, are hereby equalized, approved, confirmed and levied. Immediately following the adoption of this Resolution these Assessments, as reflected in Exhibit B, attached hereto, shall be recorded by the Secretary of the Board of the District in a special book, to be known as the "Improvement Lien Book." The Assessment or Assessments against each respective parcel shown on such final assessment roll and interest, costs and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such parcel until paid and such lien shall be coequal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims. Prior to the issuance of any Bonds, including refunding bonds, the District may, by subsequent resolution, adjust the acreage assigned to particular parcel identification numbers listed on the final assessment roll to reflect accurate apportionment of acreage within the District amongst individual parcel identification numbers. The District may make any other such acreage and boundary adjustments to parcels listed on the final assessment roll as may be necessary in the best interests of the District as determined by the Board by subsequent resolution. Any such adjustment in the assessment roll shall be consistent with the requirements of law. In the event the issuance of Bonds, including refunding bonds, by the District would result in a decrease of the Assessments, then the District shall by subsequent resolution, adopted within sixty (60) days of the sale of such Bonds at a publicly noticed meeting and without the need for further public hearing, evidence such a decrease and amend the final assessment roll as shown in the Improvement Lien Book to reflect such a decrease.

SECTION 7. FINALIZATION OF SPECIAL ASSESSMENTS. When the entire Project has both

been constructed or otherwise provided to the satisfaction of the Board, the Board shall adopt a resolution accepting the same and determining the actual costs (including financing costs) thereof, as required by Sections 170.08 and 170.09, *Florida Statutes*. Pursuant to the provisions of Section 170.08, *Florida Statutes*, regarding completion of a project funded by a particular series of bonds, the District shall credit to each Assessment the difference, if any, between the Assessment as hereby made, approved and confirmed and the proportionate part of the actual costs of the Project, as finally determined upon completion thereof, but in no event shall the final amount of any such special assessment exceed the amount of benefits originally assessed hereunder. In making such credits, no credit shall be given for bond financing costs, capitalized interest, funded reserves or bond discounts. Such credits, if any, shall be entered in the Improvement Lien Book. Once the final amount of Assessments for the entire Project has been determined, the term "Assessment" shall, with respect to each parcel, mean the sum of the costs of the Project.

#### SECTION 8. PAYMENT OF SPECIAL ASSESSMENTS AND METHOD OF COLLECTION.

(a) The Assessments may be paid in not more than thirty (30) substantially equal consecutive annual installments of principal and interest. The Assessments may be paid in full without interest at any time within thirty (30) days after the completion of the Project and the adoption by the Board of a resolution accepting the Project, unless such option has been waived by the owner of the land subject to the Assessments; provided, however, that the Board shall at any time make such adjustments by resolution, at a noticed meeting of the Board, to that payment schedule as may be necessary and in the best interests of the District to account for changes in long and short term debt as actually issued by the District. All impact fee credits received and/or value received for impact fee credits shall be applied against the Project costs and/or the outstanding indebtedness of any debt issuance that funded the improvement giving rise to the credits which application may be addressed by such resolutions. At any time subsequent to thirty (30) days after the Project has been completed and a resolution accepting the Project has been adopted by the Board, the Assessments may be prepaid in full including interest amounts to the next succeeding interest payment date or to the second succeeding interest payment date if such a prepayment is made within forty-five (45) calendar days before an interest payment date. The owner of property subject to Assessments may prepay the entire remaining balance of the Assessments at any time, or a portion of the remaining balance of the Assessment one time if there is also paid, in addition to the prepaid principal balance of the Assessment, an amount equal to the interest that would otherwise be due on such prepaid amount on the next succeeding interest payment date, or, if prepaid during the forty-five day (45) period preceding such interest payment date, to the interest payment date following such next succeeding interest payment date. Prepayment of Assessments does not entitle the property owner to any discounts for early payment.

(b) The District may elect to use the method of collecting Assessments authorized by Sections 197.3632 and 197.3635, *Florida Statutes* (the "**Uniform Method**"). The District has heretofore taken or will use its best efforts to take as timely required, any necessary actions to comply with the provisions of said Sections 197.3632 and 197.3635, *Florida Statutes*. Such Assessments may be subject to all of the collection provisions of Chapter 197, *Florida Statutes*.

Notwithstanding the above, in the event the Uniform Method of collecting its special or non-ad valorem assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Assessments may be collected as is otherwise permitted by law. The District may, in its sole discretion, collect Assessments by directly assessing landowner(s) and enforcing said collection in any manner authorized by law.

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

#### SECTION 9. APPLICATION OF TRUE-UP PAYMENTS.

(a) Pursuant to the Assessment Report, attached hereto as Exhibit B, there may be required from time to time certain true-up payments. As parcels of land or lots are platted, the Assessments securing the Bonds shall be allocated as set forth in the Assessment Report. In furtherance thereof, at such time as parcels or land or lots are platted, it shall be an express condition of the lien established by this Resolution that any and all initial plats of any portion of the lands within the District, as the District's boundaries may be amended from time to time, shall be presented to the District Manager for review, approval and calculation of the percentage of acres and numbers of units which will be, after the plat, considered to be developed. No further action by the Board of Supervisors shall be required. The District's review shall be limited solely to this function and the enforcement of the lien established by this Resolution. The District Manager shall cause the Assessments to be reallocated to the units being platted and the remaining property in accordance with Exhibit B, cause such reallocation to be recorded in the District's Improvement Lien Book, and shall perform the true-up calculations described in Exhibit B, which process is incorporated herein as if fully set forth. Any resulting true-up payment shall become due and payable that tax year by the landowner(s) of record of the remaining unplatted property, in addition to the regular assessment installment payable with respect to such remaining unplatted acres.

(b) The District will take all necessary steps to ensure that true-up payments are made in a timely fashion to ensure its debt service obligations are met. The District shall record all true-up payments in its Improvement Lien Book.

(c) The foregoing is based on the District's understanding that Pulte Home Company, LLC, the current developer, intends to develop the unit numbers and types shown in Exhibit B, on the net developable acres and is intended to provide a formula to ensure that the appropriate ratio of the Assessments to gross acres is maintained if fewer units are developed. However, no action by the District prohibits more than the maximum units shown in Exhibit B from being developed. In no event shall the District collect Assessments pursuant to this Resolution in excess of the total debt service related to the Project, including all costs of financing and interest. The District recognizes that such events as regulatory requirements and market conditions may affect the timing and scope of the development in the District. If the strict application of the true-up

methodology, as described in the Assessment Report, to any assessment reallocation pursuant to this paragraph would result in Assessments collected in excess of the District's total debt service obligation for the Project, the Board shall by resolution take appropriate action to equitably reallocate the Assessments. Further, upon the District's review of the final plat for the developable acres, any unallocated Assessments shall become due and payable and must be paid prior to the District's approval of that plat.

(d) The application of the monies received from true-up payments or Assessments to the actual debt service obligations of the District, whether long term or short term, shall be set forth in the supplemental assessment resolution adopted for each series of Bonds actually issued. Such subsequent resolution shall be adopted at a noticed meeting of the District, and shall set forth the actual amounts financed, costs of issuance, expected costs of collection, and the total amount of the assessments pledged to that issue, which amount shall be consistent with the lien imposed by this Resolution. Each such supplemental resolution shall also address the allocation of any impact fee credits expected to be received from the provision of the Project funded by the corresponding series of Bonds issued or to be issued.

SECTION 10. GOVERNMENT PROPERTY; TRANSFERS OF PROPERTY TO UNITS OF LOCAL, STATE, AND FEDERAL GOVERNMENT. Property owned by units of local, state, and federal government shall not be subject to the Assessments without specific consent thereto. If at any time, any real property on which Assessments are imposed by this Resolution is sold or otherwise transferred to a unit of local, state, or federal government (without consent of such governmental unit to the imposition of Assessments thereon), all future unpaid Assessments for such tax parcel shall become due and payable immediately prior to such transfer without any further action of the District.

**SECTION 11. ASSESSMENT NOTICE.** The District's Secretary is hereby directed to record a general Notice of Assessments in the Official Records of Polk County, Florida, which shall be updated from time to time in a manner consistent with changes in the boundaries of the District.

**SECTION 12. SEVERABILITY.** If any section or part of a section of this Resolution is declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

**SECTION 13. CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**SECTION 14. EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED THIS 18<sup>th</sup> DAY OF AUGUST, 2022.

Secretary/Assistant Secretary

Chairman, Board of Supervisors

Exhibit A: Engineer's Report, dated July 5, 2022

**Exhibit B:** *Master Special Assessment Methodology Report*, dated June 28, 2022

# SECTION B

# **SECTION 1**

#### **RESOLUTION 2022-32**

## A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT ADOPTING RULES OF PROCEDURE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS,** the Hartford Terrace 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 Polk County, 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

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 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 HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT:

**SECTION 1.** The attached Rules of Procedure are hereby adopted pursuant to this resolution as necessary for the conduct of District business. These 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.

**SECTION 3.** This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST: HARTFORD TERRACE COMMUNITY

DEVELOPMENT DISTRICT

Secretary

Chairman, Board of Supervisors

**Exhibit A:** Rules of Procedure

## EXHIBIT A:

## **RULES OF PROCEDURE** HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT

## **EFFECTIVE AS OF AUGUST 18, 2022**

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Rule	4.0	Effective l	Date

#### Rule 1.0 General.

- (1) The Hartford Terrace 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) <u>Board of Supervisors.</u> 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) <u>Officers.</u> 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) <u>Committees.</u> 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) <u>Record Book.</u> 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) <u>Meetings.</u> 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) <u>Voting Conflict of Interest.</u> 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, 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) <u>District Offices.</u> 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) <u>Public Records.</u> 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) <u>Service Contracts.</u> 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  $8\frac{1}{2}$  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) <u>Records Retention</u>. The Secretary of the District shall be responsible for retaining the District's records in accordance with applicable Florida law.

- (6) <u>Policies.</u> The Board may adopt policies related to the conduct of its business and the provision of services either by resolution or motion.
- (7) <u>Financial Disclosure Coordination.</u> 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 (561) 571-0010. 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) <u>Mistake.</u> 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 Vice-Chairperson, shall prepare Chairperson or an agenda the of 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 (7) 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 Eineneiel Denert
      - 1. Financial Report

2. Approval of Expenditures Supervisor's requests and comments Public comment Adjournment

- (4) <u>Minutes.</u> 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) <u>Special Requests.</u> 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 prepay the cost of the copying and postage.

- Emergency Meetings. The Chairperson, or Vice-Chairperson if the Chairperson is (6) 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) <u>Public Comment.</u> 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) <u>Budget Hearing.</u> 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) <u>Public Hearings.</u> 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) <u>Participation by Teleconference/Videoconference.</u> 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) <u>Board Authorization.</u> 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) <u>Continuances.</u> 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) <u>Security and Firesafety Board Discussions</u>. 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) <u>Internal Controls.</u> 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) <u>Adoption.</u> 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) <u>Commencement of Proceedings.</u> 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) <u>Notice of Rule Development.</u>
  - (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) <u>Notice of Proceedings and Proposed Rules.</u>

(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) <u>Rule Development Workshops.</u> 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) <u>Petitions to Initiate Rulemaking.</u> 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) <u>Rulemaking Materials.</u> 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) <u>Hearing.</u> 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. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (8) <u>Emergency Rule Adoption.</u> 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) <u>Negotiated Rulemaking</u>. 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) <u>Rulemaking Record.</u> 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) <u>Petitions to Challenge Existing Rules.</u>
  - (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) <u>Variances and Waivers.</u> 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. Variances and waivers from District rules may be granted subject to the following:
  - (a) Variances 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) <u>Rates, Fees, Rentals and Other Charges.</u> 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.

- <u>Purpose and Scope.</u> 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, designbuild services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) <u>Board Authorization.</u> Except in cases of an Emergency Purchase, a competitive purchase governed by these Rules shall only be undertaken after authorization by the Board.
- (3) <u>Definitions.</u>
  - (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 performancebased 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.
- (1) "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) <u>Scope.</u> 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 by the District to exceed the threshold mount provided in Section 287.017 of the fee for Professional Services is estimated by the District to exceed the threshold mount provided in Section 287.017 for CATEGORY TWO, as such categories may be amended or adjusted from time to time.
- (2) <u>Qualifying Procedures.</u> 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) <u>Competitive Selection.</u>

- (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) <u>Competitive Negotiation.</u>

- (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) <u>Contracts; Public Records.</u> 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) <u>Continuing Contract.</u> Nothing in this Rule shall prohibit a Continuing Contract between a consultant and the District.
- (8) <u>Emergency Purchase</u>. 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) <u>Definitions.</u>
  - (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) <u>Establishment of Auditor Selection Committee.</u> 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) <u>Establishment of Minimum Qualifications and Evaluation Criteria.</u> 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) <u>Minimum Qualifications.</u> 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) <u>Public Announcement.</u> 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) <u>Request for Proposals.</u> 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) <u>Committee's Evaluation of Proposals and Recommendation.</u> 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) <u>Board Selection of Auditor.</u>
  - (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) <u>Contract.</u> 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) <u>Notice of Award.</u> 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) <u>Scope.</u> 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) <u>Procedure.</u> 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 3.4Pre-qualification

- (1) <u>Scope.</u> 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) <u>Procedure.</u> 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 prequalification 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) <u>Suspension, Revocation, or Denial of Qualification</u>
  - (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) <u>Scope.</u> 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) <u>Procedure.</u> 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) <u>Sole Source; Government.</u> 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) <u>Contracts; Public Records.</u> 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) <u>Emergency Purchases.</u> 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) <u>Exceptions.</u> 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) <u>Scope.</u> 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) <u>Procedure.</u>
  - (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) <u>Qualifications-Based Selection.</u> 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) <u>Competitive Proposal-Based Selection.</u> 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.

The proposals, or the portions of which that include the 4. 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) <u>Contracts; Public Records.</u> 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) <u>Emergency Purchase.</u> 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) <u>Exceptions.</u> 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) <u>Scope.</u> 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) <u>Required Bond.</u> 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) <u>Discretionary Bond.</u> 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) <u>Purpose and Scope.</u> 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) <u>Procedure.</u> 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 prequalified 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 Responsible and Responsive 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 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 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 Responsible and Responsive

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) <u>Goods, Supplies, and Materials included in a Construction Contract Awarded</u> <u>Pursuant to Rule 3.5 or 3.6.</u> 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) <u>Exemption.</u> 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) <u>Renewal.</u> 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) <u>Emergency Purchases.</u> 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 3.9Maintenance Services.

- (1) <u>Scope.</u> 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) <u>Procedure.</u> 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) <u>Exemptions.</u> 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) <u>Renewal.</u> Contracts for the purchase of maintenance services subject to this Rule may be renewed for a maximum period of five (5) years.
- (5) <u>Contracts; Public Records.</u> 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) <u>Emergency Purchases.</u> 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) <u>Contracts; Public Records.</u> 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) <u>Filing.</u>
  - With respect to a protest regarding qualifications, specifications, (a) documentation, or other requirements contained in a Request for Oualifications, 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) <u>Contract Execution.</u> 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) <u>Informal Proceeding.</u> 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) <u>Formal Proceeding.</u> 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) <u>Intervenors.</u> Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (6) <u>Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest.</u> 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) <u>Settlement.</u> 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 29, 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.

# SECTION C

# **SECTION 1**

#### **RESOLUTION 2022-33**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE** HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING, AND **ENFORCING NON-AD VALOREM ASSESSMENTS WHICH** MAY BE LEVIED BY THE DISTRICT IN ACCORDANCE WITH SECTION 197.3632, FLORIDA **STATUTES:** PROVIDING Α SEVERABILITY CLAUSE; AND **PROVIDING AN EFFECTIVE DATE.** 

WHEREAS, the Hartford Terrace Community Development District ("District") was established pursuant to the provisions of Chapter 190, *Florida Statutes*, which authorizes the District to levy certain assessments which include benefit and maintenance assessments and further authorizes the District to levy special assessments pursuant to Chapters 170 and 197, *Florida Statutes*, for the acquisition, maintenance, construction, or reconstruction of assessable improvements authorized by Chapter 190, *Florida Statutes*; and

WHEREAS, the above referenced assessments are non-ad valorem in nature and, therefore, may be levied and collected under the provisions of Section 197.3632, *Florida Statutes*, in which the State of Florida has provided a uniform method for the levying, collecting, and enforcing such non-ad valorem assessments (the "Uniform Method"); and

WHEREAS, pursuant to Section 197.3632, *Florida Statutes*, the District has caused notice of a public hearing on the District's intent to use the Uniform Method to be advertised weekly in a newspaper of general circulation within Polk County for four (4) consecutive weeks prior to such hearing; and

WHEREAS, the District has held a public hearing pursuant to Section 197.3632, *Florida Statutes*, where public and landowners were allowed to give testimony regarding the use of the Uniform Method; and

WHEREAS, the District desires to use the Uniform Method for the levy, collection and enforcement of non-ad valorem special assessments authorized by Section 197.3632, *Florida Statutes*, for special assessments, including benefit and maintenance assessments, over all the lands in the District as further described in **Exhibit A**.

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

**SECTION 1.** The Hartford Terrace Community Development District upon conducting its public hearing as required by Section 197.3632, *Florida Statutes*, hereby expresses its need and intent to use the Uniform Method of collecting assessments imposed by the District over the lands described in **Exhibit A**, as provided in Chapters 170 and 190, *Florida Statutes*, each of which are non-ad valorem assessments which may be collected annually pursuant to the provisions of

Chapter 190, *Florida Statutes*, for the purpose of paying principal and interest on any and all of its indebtedness and for the purpose of paying the cost of operating and maintaining its assessable improvements. The legal description of the boundaries of the real property subject to a levy of assessments is attached and made a part of this Resolution as **Exhibit A**. The non-ad valorem assessments and the District's use of the uniform method of collecting its non-ad valorem assessment(s) may continue in any given year when the Board of Supervisors determines that use of the uniform method for that year is in the best interests of the District.

**SECTION 2.** The District's Secretary is authorized to provide the Property Appraiser and Tax Collector of Polk County and the Department of Revenue of the State of Florida with a copy of this Resolution and enter into any agreements with the Property Appraiser and/or Tax Collector necessary to carry out the provisions of this Resolution.

**SECTION 3.** If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

**SECTION 4.** This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

**PASSED AND ADOPTED** this 18th day of August 2022.

ATTEST:

#### HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT

Secretary / Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: Legal Description of Hartford Terrace Community Development District

#### EXHIBIT A

#### Legal Description of Hartford Terrace Community Development District

#### LEGAL DESCRIPTION:

Tracts 18 through 22 and 28 through 30 and a portion of Tracts 17, 31 and 32 in the Southwest 1/4 of Section 32, Township 26 South, Range 27 East, AND Tracts 3 through 14 and a portion of Tract 2 in the Northwest 1/4 of Section 5, Township 27 South, Range 27 East AND that portion of 30 foot platted Right of Way therein, all lying in FLORIDA DEVELOPMENT CO. TRACT, as recorded in Plat Book 3, Page 60 of the Public Records of Polk County, Florida being more particularly described as follows:

BEGIN at the Northeast corner of Tract 22 in the Southwest 1/4 of Section 32, Township 26 South, Range 27 East, FLORIDA DEVELOPMENT CO. TRACT, as recorded in Plat Book 3, Page 60 of the Public Records of Polk County, Florida; thence run S00°15'07"E, a distance of 648.97 feet to the Southeast corner of said Tract 22; thence run S89°58'55"W, a distance of 330.45 feet to the Northeast corner of Tract 28; thence run S00°14'51"E, a distance of 678.69 feet to the Northwest corner of Tract 6 in the Northwest 1/4 of Section 5, Township 27 South, Range 27 East; thence run S89°58'09"E, a distance of 976.56 feet to the Northeast corner of Tract 8; thence run S00°30'40"E, a distance of 1,265.97 feet to a point on the North Right of Way line of Forest Lake Drive; thence along said North Right of Way line the following twelve (12) courses: run S61°35'18"W, a distance of 14.01 feet; thence run S80°17'32"W, a distance of 15.71 feet; thence run S87°57'23"W, a distance of 22.67 feet; thence run S89°43'27"W, a distance of 61.85 feet; thence run S89°55'41"W, a distance of 176.93 feet; thence run N89°45'43"W, a distance of 246.61 feet; thence run N89°24'47"W, a distance of 277.06 feet; thence run S89°55'59"W, a distance of 276.37 feet; thence run N89°19'06"W, a distance of 260.77 feet; thence run N89°23'15"W, a distance of 289.47 feet; thence run N89°20'10"W, a distance of 189.39 feet; thence run N89°04'05"W, a distance of 139.77 feet; thence leaving said North Right of Way line run N00°29'05"W, a distance of 624.32 feet to the Northwest corner of Tract 14; thence run N89°58'23"W, a distance of 117.00 feet; thence run N00°10'08"W, a distance of 1,262.66 feet; thence run S89°49'52"W, a distance of 398.33 feet to a point on the East Right of Way line of State Road 25 (U.S. Highway 27); thence along said East Right of Way line the following three (3) courses: run N00°22'01"W, a distance of 418.77 feet; thence run S89°37'59"W, a distance of 15.00 feet; thence run N00°22'01"W, a distance of 283.96 feet; thence run N89°55'58"E, a distance of 1,849.24 feet to the POINT OF BEGINNING.

Containing 104.25 acres, more or less.

# SECTION D

# **SECTION 1**

#### **RESOLUTION 2022-34**

THE ANNUAL APPROPRIATION RESOLUTION OF THE HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT ("DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE REMAINDER OF THE FISCAL YEAR ENDING SEPTEMBER 30, 2022; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS,** the Hartford Terrace Community Development District (**"District"**) was established pursuant Polk County Ordinance No. 2022-045, which became effective on June 22, 2022; and

WHEREAS, the District Manager has submitted to the Board of Supervisors ("Board") of the District a proposed budget ("Proposed Budget") for the remainder of the fiscal year ending September 30, 2022 ("Fiscal Year 2021/2022") 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 the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the 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 HARTFORD TERRACE 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 Hartford Terrace Community Development District for the Fiscal Year Ending September 30, 2022."
- 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 2021/2022, 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 of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	\$
TOTAL ALL FUNDS	\$

#### SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2021/2022 or within 60 days following the end of the Fiscal Year 2021/2022 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 18TH DAY OF AUGUST 2022.

ATTEST:

#### HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT

Secretary / Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: FY 2021/2022 Budget

## Hartford Terrace Community Development District

Proposed Budget FY2022 - FY2023



# **Table of Contents**

1	General Fund
2-4	General Fund Narrative

## **Hartford Terrace**

### **Community Development District**

### **Proposed Budget**

#### **General Fund**

Description	Proposed Budget FY2022*		Proposed Budget FY2023	
Revenues				
Developer Contributions	\$	54,087	\$	137,860
Total Revenues	\$	54,087	\$	137,860
Expenditures				
General & Administrative.				
Supervisor Fees	\$	4,000	\$	12,000
FICA Expense	\$	300	\$	900
Engineering	\$	5,000	\$	15,000
Attorney	\$	8,333	\$	25,000
Annual Audit	\$	-	\$	4,000
Assessment Administration	\$	-	\$	5,000
Arbitrage	\$	-	\$	450
Dissemination	\$	-	\$	5,000
Trustee Fees	\$	-	\$	3,750
Management Fees	\$	13,333	\$	40,000
Information Technology	\$	600	\$	1,800
Website Maintenance **	\$	2,150	\$	1,200
Telephone	\$	100	\$	300
Postage & Delivery	\$	333	\$	1,000
Insurance	\$	5,000	\$	5,000
Printing & Binding	\$	333	\$	1,000
Legal Advertising	\$	10,000	\$	10,000
Other Current Charges	\$	4,000	\$	5,000
Office Supplies	\$	208	\$	625
Travel Per Diem	\$	220	\$	660
Dues, Licenses & Subscriptions	\$	175	\$	175
Total Expenditures	\$	54,087	\$	137,860
Excess Revenues/(Expenditures)	\$	-	\$	-

\* Budget is prorated from June 2022 to September 2022.

\*\* Budget amount includes a one-time website creation fee.

#### **Revenues:**

#### **Developer Contributions**

The District will enter into a funding agreement with the Developer to fund the General Fund expenditures for the Fiscal Year.

#### **Expenditures:**

#### General & Administrative:

#### Supervisor Fees

Chapter 190, Florida Statutes, allows for each Board member to receive \$200 per meeting, not to exceed \$4,800 per year paid to each Supervisor for the time devoted to District business and meetings.

#### FICA Expense

Represents the Employer's share of Social Security and Medicare taxes withheld from Board of Supervisor checks.

#### Engineering

The District's engineer, Honeycutt & Associates, Inc provides general engineering services to the District, e.g. attendance and preparation for monthly board meetings, review invoices and various projects as directed by the Board of Supervisors and the District Manager.

#### <u>Attorney</u>

The District's legal counsel, Cob Cole, provides general legal services to the District, e.g. attendance and preparation for meetings, preparation and review of agreements, resolutions, etc. as directed by the Board of Supervisors and the District Manager.

#### <u>Annual Audit</u>

The District is required by Florida Statutes to arrange for an independent audit of its financial records on an annual basis.

#### Assessment Administration

The District will contract to levy and administer the collection of non-ad valorem assessment on all assessable property within the District. Governmental Management Services – Central Florida, LLC provides these services.

#### <u>Arbitrage</u>

The District will contract with an independent certified public accountant to annually calculate the District's Arbitrage Rebate Liability on an anticipated bond issuance.

#### **Dissemination**

The District is required by the Security and Exchange Commission to comply with Rule 15c2-12(b)(5) which relates to additional reporting requirements for unrated bond issues. This cost is based upon an anticipated bond issuance. Governmental Management Services – Central Florida, LLC provides these services.

#### Trustee Fees

The District will incur trustee related costs with the issuance of its' issued bonds.

#### Management Fees

The District receives Management, Accounting and Administrative services as part of a Management Agreement with Governmental Management Services-Central Florida, LLC. The services include but are not limited to, recording and transcription of board meetings, administrative services, budget preparation, all financial reports, annual audits, etc.

#### Information Technology

Represents costs related to the District's information systems, which include but are not limited to video conferencing services, cloud storage services and servers, security, accounting software, etc. Governmental Management Services – Central Florida, LLC provides these systems.

#### Website Maintenance

Represents the costs associated with monitoring and maintaining the District's website created in accordance with Chapter 189, Florida Statutes. These services include site performance assessments, security and firewall maintenance, updates, document uploads, hosting and domain renewals, website backups, etc. Governmental Management Services – Central Florida, LLC provides these services.

#### **Telephone**

Telephone and fax machine.

#### Postage & Delivery

The District incurs charges for mailing of Board meeting agenda packages, overnight deliveries, correspondence, etc.

#### <u>Insurance</u>

The District's general liability and public official's liability insurance coverage is provided by the Florida Insurance Alliance (FIA). FIA specializes in providing insurance coverage to governmental agencies.

#### Printing & Binding

Printing and Binding agenda packages for board meetings, printing of computerized checks, stationary, envelopes, etc.

#### Legal Advertising

The District is required to advertise various notices for monthly Board meetings, public hearings, etc. in a newspaper of general circulation.

#### **Other Current Charges**

Bank charges and any other miscellaneous expenses incurred during the year.

#### **Office Supplies**

Any supplies that may need to be purchased during the fiscal year, e.g., paper, minute books, file folders, labels, paper clips, etc.

#### Travel Per Diem

The Board of Supervisors can be reimbursed for travel expenditures related to the conducting of District business.

#### Dues, Licenses & Subscriptions

The District is required to pay an annual fee to the Florida Department of Economic Opportunity for \$175. This is the only expense under this category for the District.

# SECTION 2

#### **RESOLUTION 2022-35**

THE ANNUAL APPROPRIATION RESOLUTION OF THE HARTFORD TERRACE 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 (15<sup>th</sup>) day in June, 2022, submitted to the Board of Supervisors ("Board") of the Hartford Terrace 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 1<sup>st</sup> of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

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

## NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE HARTFORD TERRACE 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 Hartford Terrace 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  $\qquad$  \_\_\_\_\_\_ 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 of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	\$
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.
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- 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 18TH DAY OF AUGUST 2022.

ATTEST:

#### HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT

Secretary / Assistant Secretary

Ву:\_\_\_\_\_

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

Exhibit A: Fiscal Year 2022/2023 Budget

## Hartford Terrace Community Development District

Proposed Budget FY2022 - FY2023



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# SECTION VIII

# SECTION C

# **SECTION 1**

#### BOARD OF SUPERVISORS MEETING DATES HARTFORD TERRACE COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2023

The Board of Supervisors of the Hartford Terrace Community Development District will hold their regular meetings for Fiscal Year 2023 on the Third Thursday of each month, at\_\_\_\_\_\_, at 2:30 p.m. unless otherwise indicated as follows:

October 20, 2022 November 17, 2022 December 15, 2022 January 19, 2023 February 16, 2023 March 16, 2023 April 20, 2023 May 18, 2023 June 15, 2023 July 20, 2023 August 17, 2023 September 21, 2023

The meetings are open to the public and will be conducted in accordance with the provision of Florida Law for Community Development Districts. A copy of the agenda for a particular meeting may be obtained from the District Manager, at 219 E. Livingston Street, Orlando, FL32801

The meetings may be continued to a date, time, and place to be specified on the record at the meeting. There may be occasions when one or more Supervisors will participate by telephone.

Any person requiring special accommodations at these meetings because of a disability or physical impairment should contact the District Office at (407) 841-5524 at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service 1-800-955-8770, for aid in contacting the District Office.

Each person who decides to appeal any action taken at these meetings 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.

George S. Flint District Manager Governmental Management Services – Central Florida, LLC