

**TIMBER CREEK  
COMMUNITY DEVELOPMENT DISTRICT  
BOARD OF SUPERVISORS  
PUBLIC HEARINGS AND REGULAR MEETING  
MAY 3, 2018**

**TIMBER CREEK  
COMMUNITY DEVELOPMENT DISTRICT AGENDA  
THURSDAY, MAY 3, 2018  
2:00 P.M.**

The Offices of Meritus  
Located at 2005 Pan Am Circle, Suite 120, Tampa, FL 33607

<b>District Board of Supervisors</b>	Chairman Vice-Chairman Supervisor Supervisor Supervisor	Jeff Hills Nicholas Dister Ryan Motko Alberto Viera Steve Luce
<b>District Manager</b>	Meritus	Brian Lamb
<b>District Attorney</b>	Straley Robin Vericker	John Vericker
<b>District Engineer</b>	Stantec, Inc	Tonja Stewart

*All cellular phones and pagers must be turned off while in the meeting room*

**The District Agenda is comprised of four different sections:**

The meeting will begin at **2:00 p.m.** with the seventh section called **Business Matters**. The business matters section contains items for approval by the District Board of Supervisors that may require discussion, motion and votes on an item-by-item basis. If any member of the audience would like to speak on one of the business items, they will need to register with the District Administrator prior to the presentation of that agenda item. Agendas can be reviewed by contacting the Manager's office at (813) 397-5120 at least seven days in advance of the scheduled meeting. Requests to place items on the agenda must be submitted in writing with an explanation to the District Manager at least fourteen (14) days prior to the date of the meeting. The ninth section is called **Administrative Matters**. The Administrative Matters section contains items that require the review and approval of the District Board of Supervisors as a normal course of business. The tenth section is called **Staff Reports**. This section allows the District Administrator, Engineer, and Attorney to update the Board of Supervisors on any pending issues that are being researched for Board action. The final sections are called **Board Members Comments and Public Comments**. This is the section in which the Supervisors may request Staff to prepare certain items in an effort to meet residential needs. The Audience Comment portion of the agenda is where individuals may comment on matters that concern the District. Each individual is limited to **three (3) minutes** for such comment. The Board of Supervisors or Staff is not obligated to provide a response until sufficient time for research or action is warranted. **IF THE COMMENT CONCERNS A MAINTENANCE RELATED ITEM, THE ITEM WILL NEED TO BE ADDRESSED BY THE DISTRICT ADMINSTRATOR OUTSIDE THE CONTEXT OF THIS MEETING.**

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

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District Office at (813) 397-5120, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770, who can aid you in contacting the District Office.

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

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

*Dear Board Members:*

The Public Hearings and Regular Meeting of Timber Creek Community Development District will be held on **May 3, 2018 at 2:00 p.m.** at the Offices of Meritus located at 2005 Pan Am Circle, Suite 120, Tampa, FL 33607. Following is the Agenda for the Meeting:

**Call In Number: 1-866-906-9330**

**Access Code: 4863181**

- 1. CALL TO ORDER/ROLL CALL**
- 2. PUBLIC COMMENT ON AGENDA ITEMS**
- 3. RECESS TO PUBLIC HEARINGS**
- 4. PUBLIC HEARING ON ADOPTING UNIFORM METHOD OF COLLECTION**
  - A. Open the Public Hearing on Adopting Uniform Method of Collection
  - B. Staff Presentation
  - C. Public Comment
  - D. Close the Public Hearing on Adopting Uniform Method of Collection
  - E. Consideration of Resolution 2018-28; Adopting Uniform Method of Collection.....Tab 01
- 5. PUBLIC HEARING ON ADOPTING UNIFORM RULES OF PROCEDURE**
  - A. Open the Public Hearing on Adopting Uniform Rules of Procedure
  - B. Staff Presentations
  - C. Public Comment
  - D. Close the Public Hearing on Adopting Uniform Rules of Procedure
  - E. Consideration of Resolution 2018-29; Adopting Uniform Rules of Procedure.....Tab 02
- 6. PUBLIC HEARING ON PROPOSED FISCAL YEAR 2018 BUDGET**
  - A. Open Public Hearing on Proposed Fiscal Year 2018 Budget
  - B. Staff Presentations
  - C. Public Comment
  - D. Close Public Hearing on Proposed Fiscal Year 2018 Budget
  - E. Consideration of Resolution 2018-30; Adopting Fiscal Year 2018 Budget.....Tab 03
    - i. Consideration of Developer Funding Agreement
- 7. RETURN AND PROCEED TO REGULAR MEETING**
- 8. VENDOR AND STAFF REPORTS**
  - A. District Counsel
  - B. District Manager
  - C. District Engineer
- 9. BUSINESS ITEMS**
  - A. Consideration of Resolution 2018-31; FY 2018 Assessment Resolution.....Tab 04
  - B. Consideration of Resolution 2018-32; Approving Fiscal Year 2019 Proposed Budget & Setting Public Hearing.....Tab 05
  - C. Consideration of Resolution 2018-33; Delegation Resolution.....Tab 06
  - D. Annual Disclosure of Qualified Electors..... Tab 07
- 10. CONSENT AGENDA**
  - A. Consideration of Minutes of the Special Organizational Meeting February 23, 2018.....Tab 08
  - B. Consideration of Minutes of the Landowners Election & Regular Meeting April 5, 2018..Tab 09
- 11. BOARD OF SUPERVISORS REQUEST AND COMMENTS**
- 12. PUBLIC COMMENTS**
- 13. ADJOURNMENT**

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call us at (813) 397-5120.

Sincerely

Bank. Ltd

**RESOLUTION 2018-28**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF  
TIMBER CREEK 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 TIMBER CREEK  
COMMUNITY DEVELOPMENT DISTRICT IN  
ACCORDANCE WITH SECTIONS 197.3631 AND 197.3632,  
FLORIDA STATUTES; PROVIDING A SEVERABILITY  
CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Timber Creek 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 operation and maintenance assessments and further authorizes the District to levy special assessments pursuant to Chapter 170, Florida Statutes, for the acquisition, 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 collected under the provisions of Sections 197.3631 and 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; and

**WHEREAS**, pursuant to Section 197.3632, Florida Statutes, the District has caused notice of a public hearing to be advertised weekly in a newspaper of general circulation within Hillsborough County for four (4) consecutive weeks prior to such hearing.

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

**SECTION 1.** Timber Creek Community Development District upon conducting its public hearing as required by Section 197.3632, Florida Statutes, hereby expresses its intent to use the uniform method of collecting assessments imposed by the District 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 Hillsborough 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 3RD DAY OF MAY, 2018.**

**TIMBER CREEK COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/ Assistant Secretary  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Chair/ Vice Chair  
Print Name: \_\_\_\_\_

**Exhibit A:** Legal Description

# SKETCH AND DESCRIPTION – NOT A SURVEY

## DESCRIPTION:

PARCEL "A"

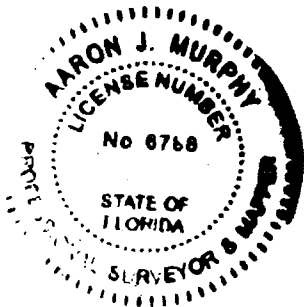
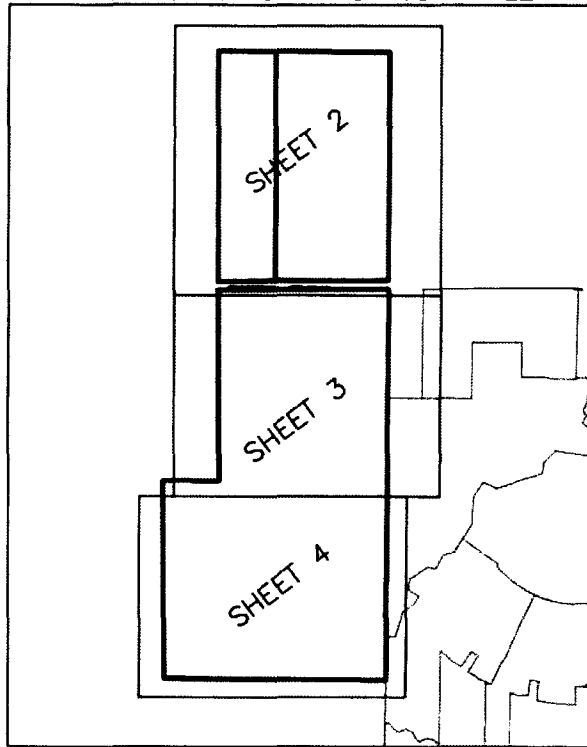
THE EAST ONE-HALF (E 1/2) OF THE SOUTH ONE-HALF (S 1/2) OF GOVERNMENT LOT TWO AND THE NORTH ONE-HALF (N 1/2), LESS THE WEST THREE HUNDRED TWENTY FOUR FEET (W 324') THEREOF OF GOVERNMENT LOT SEVEN, LESS THE ROAD RIGHT-OF-WAY, AND THE SOUTH ONE-HALF (S 1/2) OF GOVERNMENT LOT SEVEN; ALL OF THE ABOVE BEING IN SECTION 31, TOWNSHIP 30 SOUTH, RANGE 20 EAST, HILLSBOROUGH COUNTY, FLORIDA.

AND

PARCEL "B"

THE EAST 1/2 OF THE WEST 1/2 OF THE SOUTH 1/2 OF GOVERNMENT LOT 2 IN SECTION 31, TOWNSHIP 30 SOUTH, RANGE 20 EAST, OF THE PUBLIC RECORDS OF HILLSBOROUGH COUNTY, FLORIDA.

SHEET LAYOUT NOT TO SCALE



*(Handwritten Signature)*

*2/7/17*

Aaron J. Murphy, PSM  
 Florida Professional Surveyor and Mapper No. 6768  
 for Hamilton Engineering and Surveying, Inc.  
 Certificate of Authorization No. LB7013



TIMBER CREEK  
 CDD

3409 W. LEMON STREET  
 Tampa, FL 33609



LB7013

Tel (813) 250-3535  
 Fax (813) 250-3636

SEC TWP RGE  
 31-30-20

JOB NUMBER  
 03263.0020

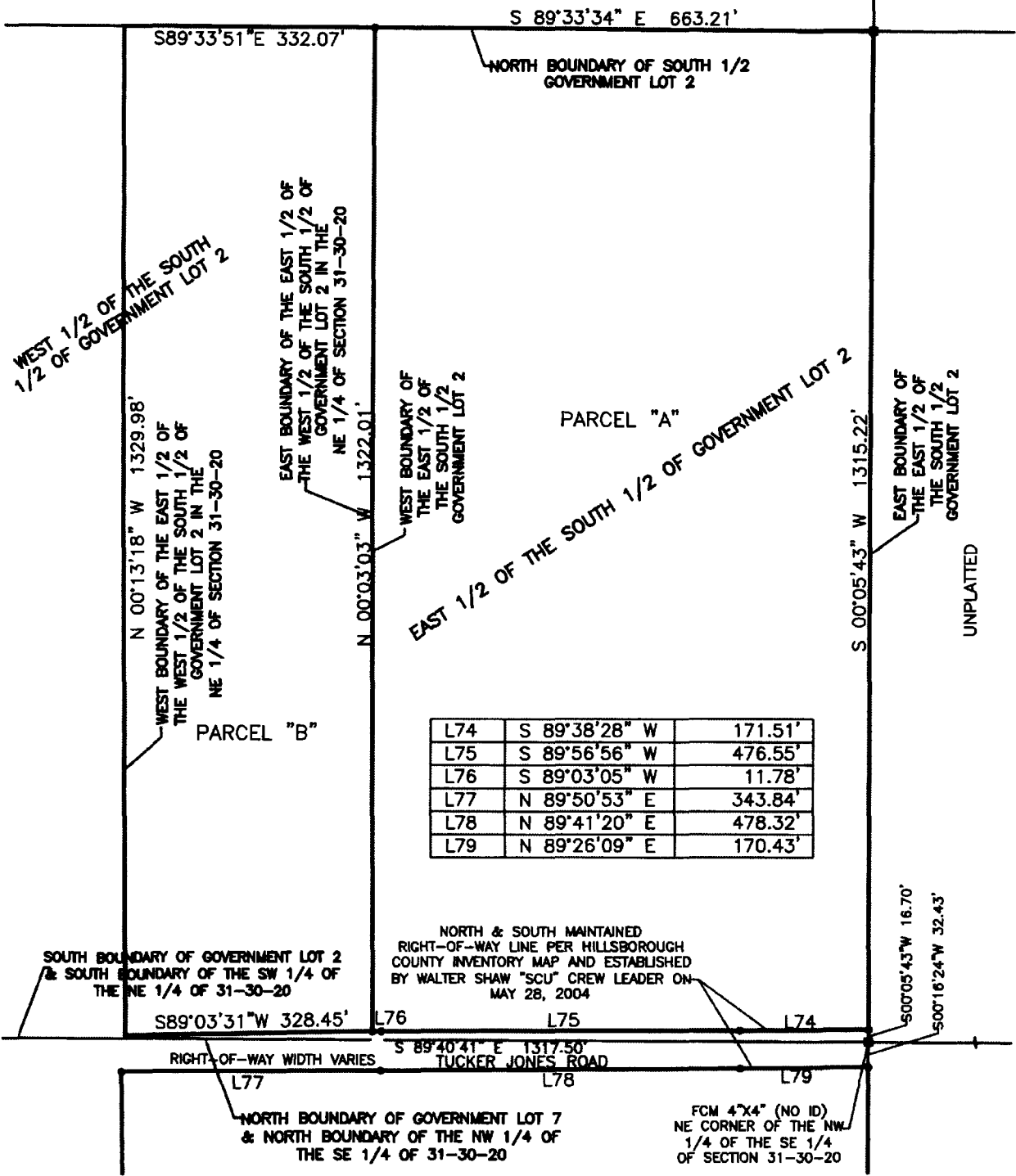
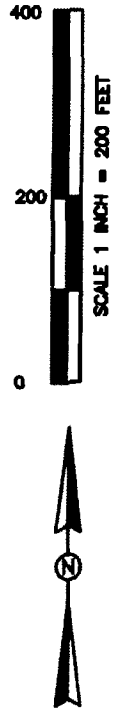
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 AS SHOWN

DATE  
 10-05-2017

SHEET  
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# SKETCH AND DESCRIPTION - NOT A SURVEY

SYMMES GROVE SUBDIVISION PLAT  
BOOK 93, PAGE 67



**HAMILTON**  
ENGINEERING & SURVEYING, INC.

TIMBER CREEK  
CDD

3409 W. LEMON STREET  
Tampa, FL 33609



LB7013

Tel (813) 250-3535  
Fax (813) 250-3636

SEC TWP RGE  
31-30-20

JOB NUMBER  
03263.0020

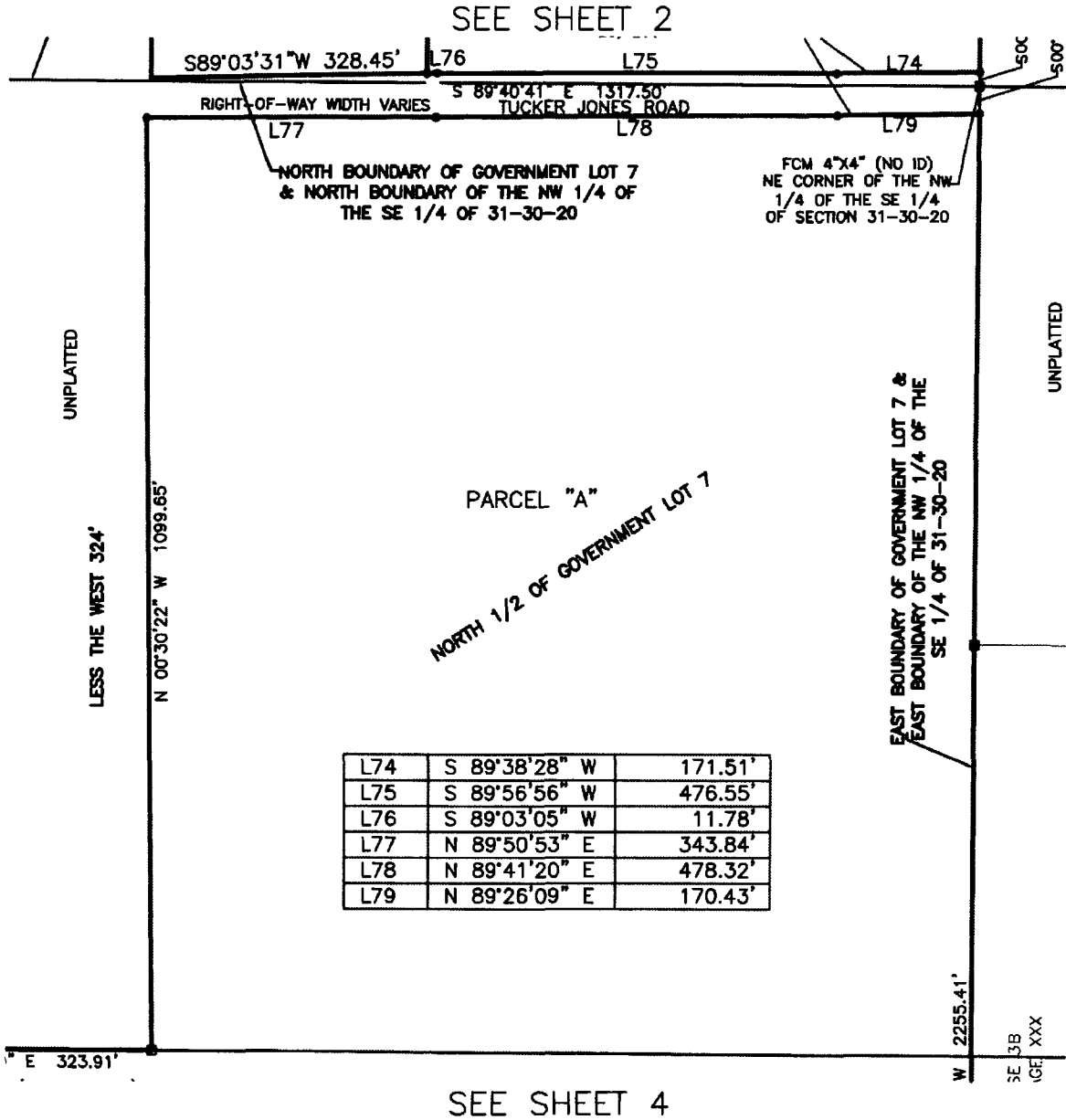
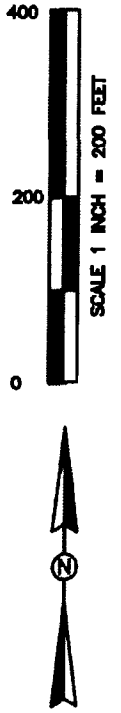
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DATE  
10-05-2017

SHEET  
2/4



# SKETCH AND DESCRIPTION – NOT A SURVEY



**HAMILTON**  
ENGINEERING & SURVEYING, INC.

3409 W. LEMON STREET  
Tampa, FL 33609

LB#7013

Tel (813) 250-3535  
Fax (813) 250-3636

TIMBER CREEK  
CDD

SEC TWP RGE  
31-30-20

JOB NUMBER  
03263.0020

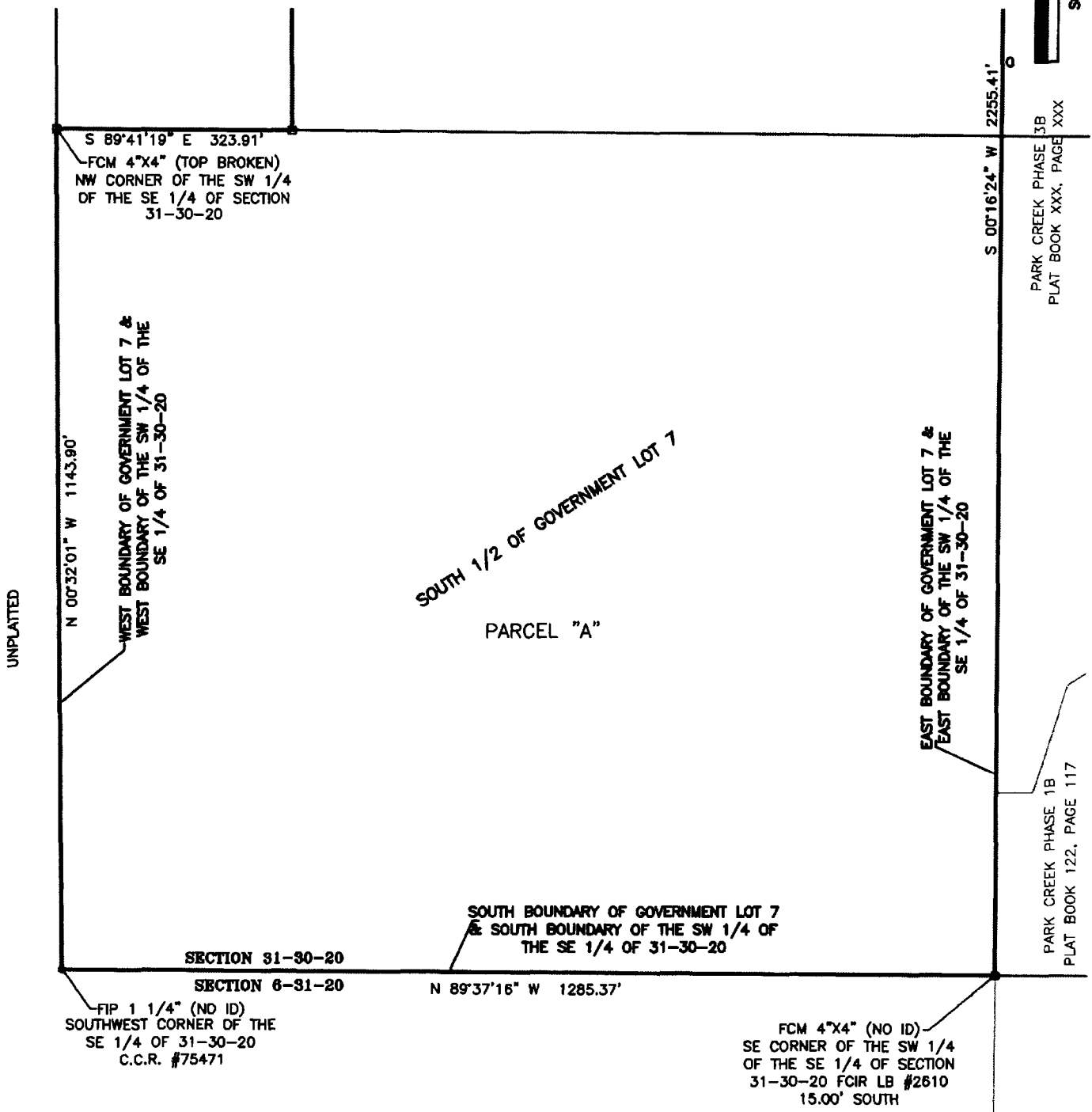
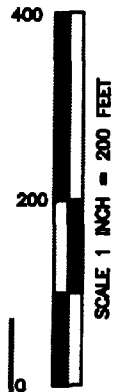
SCALE  
AS SHOWN

DATE  
10-05-2017

SHEET  
3/4

# SKETCH AND DESCRIPTION – NOT A SURVEY

SEE SHEET 3



TIMBER CREEK  
CDD

3409 W. LEMON STREET  
Tampa, FL 33609



Tel (813) 250-3535  
Fax (813) 250-3638

SEC TWP RGE  
31-30-20

JOB NUMBER  
03263.0020

SCALE  
AS SHOWN

DATE  
10-05-2017

SHEET  
4/4

**RESOLUTION 2018-29**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT ADOPTING UNIFORM RULES OF PROCEDURE, IN KEEPING WITH CHAPTER 120.54(5), FLORIDA STATUTES.**

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

**WHEREAS**, the Board of Supervisors of the District (hereinafter the “**Board**”) is authorized by Section 190.011(5), Florida Statutes, to adopt rules and orders pursuant to Chapter 120, Florida Statutes; and

**WHEREAS**, in accordance with Section 120.54(5), Florida Statutes, the District must comply with the adoption of Uniform Rules of Procedure as established by the Florida Administration Commission; and

**WHEREAS**, the District set May 3, 2018, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 120.54, Florida Statutes; and

**WHEREAS**, the District has complied with the rule making process as outlined in Section 120.54, Florida Statutes.

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

Section 1: The Board hereby adopts the Rules of Procedure as attached hereto as **Exhibit “A”**.

Section 2: This resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED THIS 3RD DAY OF MAY, 2018.**

**TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/ Assistant Secretary  
Print Name: \_\_\_\_\_

\_\_\_\_\_  
Chair/ Vice Chair  
Print Name: \_\_\_\_\_

**RULES OF PROCEDURE**  
**TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT**

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**RULES OF PROCEDURE  
TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT**

1.0 General.

- (1) Timber Creek Community Development District (“**District**”) was created pursuant to the provisions of Chapter 190, Florida Statutes and was established to provide for ownership, operation, maintenance, and provision of various capital facilities and services within its jurisdiction.
- (2) The purpose of these Rules of Procedure (“**Rules**”) is to describe the general operations of the District. Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190, Florida Statutes.
- (2) Definitions located within any section of the Rules shall be applicable within all other sections, unless specifically stated to the contrary.
- (3) A Rule of the District shall be effective upon adoption by affirmative vote of the Board of Supervisors of the District (the “**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:** s.s. 190.011(5), 120.53(1)(a), Fla. Stat.

**Law Implemented:** s.s. 190.011(5), 120.53(1)(a), Fla. Stat.

1.1 Board of Supervisors: Officers and Voting.

- (1) Board of Supervisors. The Board shall consist of five (5) members. Members of the Board must be residents of the State of Florida and citizens of the United States of America. The Board shall exercise the powers granted to the District.
  - (a) Board members shall hold office for the term specified by Section 190.006, 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).
  - (b) Three (3) members of the Board physically present at the meeting location shall constitute a quorum for the purposes of conducting business and

exercising its powers and for 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 or abstains from participating in discussion or voting on a particular item. If three (3) or more vacancies occur at the same time, a quorum is not necessary to fill the vacancies. 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.

- (2) Officers. At the first Board meeting held after each election or appointment where the newly elected members take office, the Board shall select a Chair, Vice-Chair, Secretary, Assistant Secretary, and Treasurer.
- (a) The Chair must be a member of the Board. If the Chair resigns from that office or ceases to be a member of the Board, the Board shall select a Chair, after filling the vacancy. The Chair serves at the pleasure of the Board. The Chair or Vice-Chair shall be authorized to sign checks and warrants for the District, countersigned by the Treasurer. The Chair or Vice-Chair shall be authorized to execute agreements, resolutions, and other documents approved by the Board at a Board meeting. The Chair shall convene and conduct all meetings of the Board. In the event the Chair is unable to attend a meeting, the Vice-Chair shall convene and conduct the meeting. The Chair or Vice-Chair may request the District Manager or other district staff to convene and conduct any meeting of the Board.
  - (b) The Vice-Chair shall be a member of the Board and shall have such duties and responsibilities as specifically designated by the Board from time to time. If the Vice-Chair resigns from office or ceases to be a member of the Board, the Board shall select a Vice-Chair, after filling the Board vacancy. The Vice-Chair 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. The District Manager may serve as Secretary.
  - (d) The Treasurer need not be a member of the Board but must be a resident of Florida. The Treasurer shall perform duties described in Section 190.007(2) and (3), Florida statutes, as well as those assigned by the Board from time to time. The Treasurer shall serve at the pleasure of the Board.
  - (e) In the event that both the Chair and Vice-Chair 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 Chair and Vice-Chair are both unavailable to execute a document previously approved by the Board, the Secretary or any Assistant Secretary may execute such document.

- (3) Committees. The Board may establish committees of the Board, either on a permanent or temporary basis, to perform specifically designated functions. Committees may include individuals who are not members of the Board. Such functions may include, but are not limited to, contract negotiations, personnel matters, and budget preparation.
- (4) Record Book. The Board shall keep a permanent record book entitled “Record of Proceedings”, in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates and corporate acts. The Records of Proceedings shall be located at the District Office and shall be available for inspection by the public.
- (5) Meetings. The Board shall establish each fiscal year, an annual schedule of regular meetings, which shall be submitted to the local governing authority. All meetings of the Board and all committee meetings shall be open to the public in accord with the provisions of Chapter 286, Florida Statutes.
- (6) Voting Conflict of Interest. The Board shall comply with Section 112.3143, 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 Chapters 112 and 190, Florida Statutes, as amended from time to time.
  - (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 the Board’s discussion on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes. 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 attached 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 they have 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 shall immediately be provided



to other Board members and shall be read publicly at the next meeting held subsequent to the filing of the written memorandum.

**Specific Authority:** s.s. 190.001, 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.006, 190.007, 112.3143, Fla. Stat.

## 1.2 Public Information and Inspection of Records.

- (1) Public Records. All District public records within the meaning of Chapter 119, Florida Statutes, and not otherwise restricted by law, including the “Records of Proceedings”, may be copied or inspected at the District 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.
- (2) Copies. Copies of public records shall be made available to the requesting person at the current rate authorized under Section 119.07(4), Florida Statutes. The requesting person may be required to pay for any charges in advance.

**Specific Authority:** s.s. 190.011(5), 120.53, Fla. Stat.

**Law Implemented:** s.s. 190.006, 119.07, 120.53, Fla. Stat.

## 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 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 shall state:
  - (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;

- (d) Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting, hearing, or workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting, hearing, or workshop by contacting the District Manager. If you are hearing or speech impaired, please contact Florida Relay Service at 711, who can aid you in contacting the District Office.
  - (e) A person who decides to appeal any decision made at the meeting, hearing, or workshop with respect to any matter considered at the meeting, hearing, or 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.
- (2) Agenda. The District Manager, under the guidance of the Chair or Vice-Chair if the Chair is unavailable, shall prepare an agenda of the meeting, hearing, or workshop. The agenda shall be available to the public at least seven (7) days before the meeting, hearing, or workshop except in an emergency. The agenda may be changed before or at the meeting, hearing, or workshop by a vote of the Board.
- (a) 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
    - Audience Questions and Comments on Agenda Items
    - Review of minutes
    - Specific items of old business
    - Specific items of new business
  
    - Staff reports
      - (a) District Counsel
      - (b) District Engineer
      - (c) District Manager
    - Supervisor's requests and comments
    - Audience Questions and Comments
    - Adjournment
- (3) Minutes. The Secretary shall be responsible for keeping the minutes of each meeting of the Board. Minutes shall be corrected and approved by the Board at a subsequent meeting.

- (4) Receipt of Notice. Persons wishing to receive, by mail, notices or agendas of meetings, may so advise the District Manager or Secretary at the District Office. Such persons shall furnish a mailing address in writing and shall be required to pre-pay the cost of the copying and postage.
- (5) Emergency Meetings. The Chair, or Vice-Chair if the Chair is unavailable, may convene an emergency meeting of the Board without first having complied with subsections (1), (2), (4), and (6) to act on emergency matters that may affect the public health, safety or welfare. Whenever possible, the Chair shall make reasonable efforts to notify all Board members of an emergency meeting twenty-four (24) hours in advance. Reasonable efforts may include telephone notification. 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. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one major newspaper of general circulation in the District. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.
- (6) Public Comment. The public shall be provided the opportunity to be heard on any proposition that will come before the Board at a meeting. The Board shall set aside a reasonable amount of time for public comment on agenda items, and the time for public comment shall be identified in the agenda. Persons wishing to address the Board should notify the Secretary of the Board prior to the “Audience Comment” section of the agenda. Each person wishing to address the Board will be given a reasonable amount of time for their comments, in the interest of time and fairness to other speakers.
- (7) Budget Hearing. Notice of hearing on the annual budget(s) shall be in accord with Section 190.008, Florida statutes. Once adopted in accord with Section 190.008, 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.
- (8) Continuances. Any meeting of the Board or any item or matter included on the agenda for a meeting may be continued without re-notice or re-advertising provided that the continuance is to a specified date, time and location publicly announced at the meeting where the item or matter was included on the agenda.
- (9) Board Authorization. The District has not adopted Robert’s Rules of Order. For each agenda item, there shall be discussion permitted among the Board members during the meeting. 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 Chair, can make or second a motion.

**Specific Authority:** s.s. 190.005, 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.007, 190.008, 120.53, 286.0105, 286.0114, 120.54, Fla. Stat.

## 2.0 Rulemaking Proceedings.

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to the applicable provisions of Chapter 120, Florida Statutes, and these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District.
- (2) Notice of Rule Development.
  - (a) Except when the intended action is the repeal of a rule, the District shall provide notice of the development of proposed rules 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 paragraph (3). The notice of rule development shall indicate the subject area to be addressed by rule development, provide short, plain explanation of the purpose and effect of the proposed rule, cite specific legal authority for the proposed rule, and a statement of how a person may promptly obtain a copy of any preliminary draft, if available. The notice of rule development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed rule.
  - (b) All rules shall be drafted in accord with Chapter 120, Florida Statutes.
- (3) Notice of Proceedings and Proposed Rules.
  - (a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action; a reference to the specific rulemaking authority pursuant to which the rule is adopted; and a reference to the section or subsection of the Florida Statutes or the Laws of Florida 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), 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; and a statement as to whether, based on the statement of the estimated regulatory costs or other information expressly relied upon and described

by the District if no statement of regulatory costs is required, the proposed rule is expected to require legislative ratification pursuant to Section 120.541(3). The notice must state the procedure for requesting a public hearing on the proposed rule unless one is otherwise scheduled or required under Florida Statutes. Except when the intended action is the repeal of a rule, the notice must include a reference both to the date on which and to the place where the notice of rule development that is required by subsection (2) appeared.

- (b) The notice shall be published in a newspaper of general circulation in the 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. Notice will then be mailed to all persons whom, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its proceedings.
- (4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Board must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
  - (5) Petitions to Initiate Rulemaking. All petitions for the initiation of rulemaking proceedings pursuant to Section 120.54(7), Florida Statutes, must contain the name, address and telephone number of the Petitioner, specific action requested, specific reason for adoption, amendment, or repeal, the date submitted, and shall specify the text of the proposed rule and the facts showing that the Petitioner is regulated by the District, or has substantial interest in the rulemaking, shall be filed with the District. The Board shall then act on the petition in accordance with Section 120.54(7), Florida Statutes, except that copies of the petition shall not be sent to the Administrative Procedure Committee, and notice may be given in a newspaper of general circulation in the county in which the District is located.
  - (6) Rulemaking Materials. After the publication of the notice to initiate rulemaking, 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, Florida Statutes; and
  - (d) The published notice.
- (7) Hearing. The District may, or, upon the written request of any affected person received within twenty-one (21) days after the date of publication of the notice described in section (3) of this Rule, shall, provide a public hearing for the presentation of evidence, argument, and oral statements, within the reasonable conditions and limitations imposed by the District to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings. The District shall publish notice of the public hearing in a newspaper of general circulation within the District either in the text of the notice described in section (3) of this Rule or in a separate publication at least seven (7) days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing. Written statements may be submitted by any person prior to or at the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (8) Emergency Rule Adoption. The Board may adopt an emergency rule if it finds that immediate danger to the public health, safety or welfare exists which requires immediate action. Prior to the adoption of an emergency rule, the District Manager shall make reasonable efforts to notify a newspaper of general circulation in the District. Notice of emergency rules shall be published as soon as possible in a newspaper of general circulation in the District. The District may use any procedure which is fair under the circumstances in the adoption of an emergency rule as long as it protects the public interest as determined by the District and otherwise complies with these provisions.
- (9) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54, Florida Statutes.
- (10) Variations and Waivers. Variations and waivers from these Rules may be granted to the provisions and limitations contained in Section 120.542, Florida Statutes.

- (11) Rates, Fees, Rentals and Other Charges. All rates, fees, rentals, or other charges shall be adopted pursuant to Section 190.035, Florida Statutes.

**Specific Authority:** s.s. 190.011(5), 190.011(15), 120.54, 190.035, Fla. Stat.

**Law Implemented:** s.s. 120.54, 190.035(2), Fla. Stat.

### 3.0 Decisions Determining Substantial Interests.

- (1) Conduct of Proceedings. Proceedings may be held by the District in response to a written request submitted by a substantially affected person within fourteen (14) days after written notice or published notice of District action or notice of District intent to render a decision. Notice of both action taken by the District and the District's intent to render a decision shall state the time limit for requesting a hearing and shall reference the District's procedural rules. If a hearing is held, the Chair shall designate any member of the Board (including the Chair), District Manager, District Counsel, or other person to conduct the hearing.

The person conducting the hearing may:

1. Administer oaths and affirmations;
  2. Rule upon offers of proof and receive relevant evidence;
  3. Regulate the course of the hearing, including any prehearing matters;
  4. Enter orders;
  5. Make or receive offers of settlement, stipulation, and adjustment.
- (a) The person conducting the hearing 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.
- (b) The District shall issue a final order within forty-five (45) days:
1. After the hearing is concluded, if conducted by the Board;
  2. After a recommended order is submitted to the Board and mailed to all parties, if the hearing is conducted by persons other than the Board; or

3. After the Board has received the written and oral material it has authorized to be submitted, if there has been no hearing.
- (2) Eminent Domain. After determining the need to exercise the power of eminent domain pursuant to Subsection 190.11(11), Florida Statutes, the District shall follow those procedures prescribed in Chapters 73 and 74, Florida statutes. Prior to exercising the power of eminent domain, the District shall:
    - (a) Adopt a resolution identifying the property to be taken;
    - (b) If the property is beyond the boundaries of the District, obtain approval by resolution of the governing body of the county if the taking will occur in an unincorporated area, or of the municipality if the taking will occur within the municipality.

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

**Law Implemented:** s.s. 190.011(11), Fla. Stat.

#### 4.0 Purchasing, Contracts, Construction and Maintenance.

- (1) Purpose and Scope. In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017, Florida Statutes, the following procedures, definitions and rules are outlined for the purchase of professional, construction, maintenance, and contract services, and goods, supplies, materials, and insurance.
- (2) Definitions.
  - (a) “Continuing contract” is a contract for professional services (of a type described above), entered into in accordance with this Rule, between the District and a firm whereby the firm provides professional services for the District for work of a specified nature with no time limitation, except that the contract shall provide a termination clause.
  - (b) “Contractual services” means rendering time and effort rather than furnishing specific goods or commodities. Contractual services do not include legal (including attorneys, paralegals, court reporters and expert witnesses, including appraisers), artistic, auditing, health, or academic program services, or professional services (as defined in Section 287.055(2)(a), Florida Statutes and these Rules) and shall generally be considered the services referenced by Section 287.012(8), Florida Statutes. Contractual services do not include the extension of an existing contract for services if such extension is provided for in the contract terms.
  - (c) “Emergency purchases” 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 solicitation 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.

- (d) “Goods, supplies and materials” do not include printing, insurance, advertising, or legal notices.
- (e) “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, evaluation criteria, and provides for a manual signature of an authorized representative.
- (f) “Lowest Responsible bid/proposal” means, in the sole discretion of the Board, the bid or proposal (i) is submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements and with the integrity and reliability to assure good faith performance, (ii) is responsive to the invitation to bid or request for proposal as determined by the Board, and (iii) is the lowest cost to the District. Minor variations in the bid may be waived by the Board. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids may not be modified after opening.
- (g) “Most Advantageous bid/proposal” means, in the sole discretion of the Board, the bid or proposal (i) is submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements and with the integrity and reliability to assure good faith performance, (ii) is responsive to the invitation to bid or request for proposal as determined by the Board, and (iii) is the most advantageous bid or proposal to the District. Minor variations in the bid may be waived by the Board. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids may not be modified after opening.
- (h) “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 performed by an architect, professional engineer, landscape architect or registered surveyor and mapper, in connection with the firm’s or individual’s professional employment or practice.
- (i) “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, Florida Statutes, for CATEGORY FOUR, or for a planning study activity when the fee for professional services is estimated by the District to exceed the threshold amount provided in Section 287.017, for CATEGORY TWO, as such categories may be amended from time to time by the State of Florida Department of Management Services to reflect inflation or other measures.

- (j) “Purchase” means acquisition by sale, rent, 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 government entity or political subdivision of the state.
- (k) “Request for Proposal” 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, proposal instructions, work detail analysis and evaluation criteria as necessary.
- (l) “Responsive bid/proposal” means a bid or proposal which conforms in all material respects to the specifications and conditions in the invitation to bid or request for proposal and these Rules, and the cost components of which are appropriately balanced. A bid/proposal is not responsive if the person or firm submitting the bid fails to meet any requirement relating to the qualifications, financial stability, or licensing of the bidder.

**Specific Authority:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, Fla. Stat.

#### 4.1 Purchase of Goods, Supplies, and Materials.

- (1) Purpose and Scope. All purchases of goods, supplies, or materials exceeding the amount provided in Section 287.017, Florida Statutes, for CATEGORY FOUR, as such category may be amended from time to time, shall be purchased under the terms of these Rules. Contracts for purchases of “goods, supplies, and materials” do not include printing, insurance, advertising or legal notices.
- (2) Procedure. When a purchase of goods, supplies or materials is within the scope of this Rule, the following is appropriate:
  - (a) The Board shall cause to prepare an Invitation to Bid or Request for Proposal, as appropriate.
  - (b) The Notice of Invitation to Bid or Request for Proposal shall be advertised at least once in a newspaper of general circulation within the District. The

notice shall allow at least seven (7) days for submittal of bids, unless the Board, for good cause, determines a shorter period of time is appropriate.

- (c) The District may maintain lists of persons interested in receiving notices of invitations to bid or requests for proposals. Persons who provide their name and address to the District Manager for inclusion on the list shall receive notices by mail.
- (d) Bids or proposals shall be opened at the time and place noted on the Invitation to Bid or Request for Proposal. Bids and proposals shall be evaluated in accordance with the invitation or request and these Rules.
- (e) The Most Advantageous Bid or Proposal shall be accepted; however, the Board shall have the right to reject all bids, either because they are too high or because the Board determines that it is in the best interests of the District. In the event the bids exceed the amount of funds available to be allocated by the District for this purchase, the bids may be rejected. The board may require bidders to furnish performance and/or other bonds with a responsible surety to be approved by the Board.
- (f) Notice of award or intent to award, including rejection of some or all bids, shall be provided in writing to all bidders by United States Mail, or by hand delivery, or by overnight delivery service, and by posting same in the District Office for seven (7) days.
- (g) If only one response to an Invitation to Bid or Request for Proposal is received, the District may proceed with the procurement of goods, supplies or materials. If no response to an Invitation to Bid or Request for Proposal is received, the District may take whatever steps reasonably necessary in order to proceed with the procurement of goods, supplies, and materials.
- (h) If the District does not receive a response to its competitive solicitation, the District may proceed to purchase such goods, supplies, materials, or construction services in the manner it deems in the best interests of the District.
- (i) 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:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, Fla. Stat.

## 4.2 Contracts for Construction of Authorized Project.

- (1) Scope. All contracts for the construction or improvement of any building, structure or other public construction works authorized by Chapter 190, 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, Florida Statutes, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and comply with the bidding procedures of Section 255.20, Florida Statutes, as the same may be amended from time to time. In the event of conflict between these Rules and Section 255.20, Florida statutes, the latter shall control. A project shall not be divided solely to avoid the threshold bidding requirements.
  
- (2) Procedure.
  - (a) Notice of Invitation to Bid or Request for Proposal shall be advertised at least once in a newspaper of general circulation in the District. The notice shall allow at least twenty-one (21) days for submittal of sealed bids, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than \$500,000 must be noticed at least thirty (30) days prior to the date of submittal for bids.
  
  - (b) The District may maintain lists of persons interested in receiving notices of Invitation to Bid or Requests for Proposals. Persons who provide their name and address to the District Office for inclusion on the list shall receive notices by mail.
  
  - (c) To be eligible to submit a bid or proposal, a firm or individual must, at the time of receipt of its bid proposal:
    1. Hold all required applicable state professional licenses in good standing.
    2. Hold all required applicable federal licenses in good standing, if applicable.
    3. If the bidder is a corporation, hold a current and active Florida Corporate Charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes.
    4. Meet any special pre-qualification requirement set forth in the bid/proposal specifications.

Evidence of compliance with these Rules may be submitted with the bid or proposal, if required by the District.

- (d) Bids or proposals shall be opened at the time, date and place noted on the Invitation to Bid or Request for Proposals. Bids or proposals shall be evaluated in accordance with the Invitation to Bid or Request for Proposal and these Rules.
- (e) To assist in the determination of the most advantageous bidder, the District Representative may invite public presentation by firms regarding their qualifications, approach to the project, and ability to perform the contract in all respects.
- (f) In determining the most advantageous bidder, the District Representative may consider, in addition to the factors described in the invitation or request, the following:
  - 1. The ability and adequacy of the professional personnel employed by each bidder or proposer.
  - 2. The past performance of each bidder or proposer for the District and in other professional employment settings.
  - 3. The willingness of each bidder or proposer to meet time and budget requirements.
  - 4. The geographic location of each bidder or proposer's headquarters or office in relation to the project.
  - 5. The recent, current, and project workloads of the bidder or proposer.
  - 6. The volume of work previously awarded to each bidder or proposer.
  - 7. Whether the cost components of each bid or proposal are appropriately balanced.
  - 8. Whether the bidder or proposer is a certified minority business enterprise.
- (g) The Most Advantageous Bid/Proposal shall be accepted; however, the Board shall have the right to reject all bids, either because they are too high or because the Board determines it is in the best interests of the District. The Board may require bidders or proposers to furnish performance bonds and/or other bonds with a responsive surety to be approved by the Board. If the Board receives fewer than three (3) responses to an Invitation to Proposal, the Board, may, in its discretion, re-advertise for additional bids without rejecting any submitted bid or

proposal. In the event the bids exceed the amount of funds available to or allocated by the District for this purchase, the bids may be rejected. Bidders or proposers not receiving a contract award shall not be entitled to recover costs of bid or proposal preparation or submittal from the District.

- (h) Notice of the award or intent to award, including rejection of some or all bids, shall be provided in writing to all bidders or proposers by United States Mail, or by hand delivery, or by overnight delivery service, and by posting the same in the District Office for seven (7) days.

**Specific Authority:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, 255.0525, Fla. Stat.

#### 4.3 Contracts for Maintenance Service.

- (1) Scope. All contracts for maintenance of any District facility or project shall be let under the terms of these Rules if the cost exceeds the amount provided in Section 287.017, Florida Statutes, for CATEGORY FOUR, as such category may be amended from time to time by the State of Florida Department of Management Services. The maintenance of these facilities or projects may involve the purchase of contract services and /or goods, supplies or materials as defined herein. Where a contract for maintenance of such facility or project includes goods, supplies or materials and/or contract services, the District may in its sole discretion, award the contract according to the Rules in this subsection in lieu of separately bidding for maintenance, goods, supplies and materials, and contract services. However, a project shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure.
  - (a) Notice of Invitation to Bid or Request for Proposal shall be advertised at least once in a newspaper of general circulation in the District. The notice shall allow at least seven (7) days for submittal of bids, unless the Board, for good cause, determines a shorter period of time is appropriate.
  - (b) The District may maintain lists of persons interested in receiving notices of Invitations to Bid or Requests for Proposals. Persons who provide their name and address to the District Office for inclusion on the list shall receive notices by mail.
  - (c) In order to be eligible to submit a bid or proposal, a firm or individual must, at the time of receipt of the bids or proposals:
    - 1. Hold the required applicable state and professional licenses in good standing.

2. Hold all required applicable federal licenses in good standing, if any.
3. Hold a current and active Florida Corporate Charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes, if the bidder is a corporation.
4. Meet any special pre-qualification requirements set forth in the bid proposal specifications.

Evidence of compliance with these Rules may be submitted with the bid, if required by the District.

- (d) Bids or Proposals shall be opened at the time, date and place noted on the Invitation to Bid or Request for Proposal. Bids and Proposals shall be evaluated in accordance with the Invitation or Request and these Rules.
- (e) To assist in the determination of the Most Advantageous Bid or Proposal, the District Representative may invite public presentation by firms regarding their qualifications, approach to the project, and ability to perform the contract in all respects.
- (f) In determining the Most Advantageous Bid or Proposal, the District Representative may consider, in addition to the factors described in the Invitation or request, the following:
  1. The ability and adequacy of the professional personnel employed by each bidder or proposer.
  2. The past performance of each bidder or proposer for the District and in other professional employment settings.
  3. The willingness of each bidder or proposer to meet time and budget requirements.
  4. The geographic location of each bidder or proposer's headquarters or office in relation to the project.
  5. The recent, current, and project workloads of the bidder or proposer.
  6. The volume of work previously awarded to each bidder or proposer.

7. Whether the cost components of each bid or proposal are appropriately balanced.
  8. Whether the bidder or proposer is a certified minority business enterprise.
- (g) The Most Advantageous Bid or Proposal may be accepted; however, the Board shall have the right to reject all bids or proposals, either because they are too high or because the Board determines it is in the best interests of the District. The Board may require bidders to furnish performance bonds and/or other bonds with a responsive surety to be approved by the Board. If the Board receives fewer than three (3) responses to an Invitation to Proposal, the Board, may, in its discretion, re-advertise for additional bids without rejecting any submitted bid or proposal. In the event the bids or proposals exceed the amount of funds available to or allocated by the District for this purchase, the bids or proposals may be rejected. Bidders or proposers not receiving a contract award shall not be entitled to recover costs of bid or proposal preparation or submittal from the District.
- (h) Notice of the award or intent to award, including rejection of some or all bids or proposals, shall be provided in writing to all bidders or proposers by United States Mail, or by hand delivery, or by overnight delivery service, and by posting the same in the District Office for seven (7) days.

**Specific Authority:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, Fla. Stat.

#### 4.4 Purchase of Insurance.

- (1) Scope. The purchase of life, health, accident, hospitalization, legal expense, or annuity insurance, or all or any kind 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 these Rules. Nothing in this Rule shall require the District to purchase insurance.
- (2) Procedure. For a purchase of insurance within the scope of these Rules, the following procedure shall be followed:
  - (a) The Board shall cause to be prepared a Notice of Invitation to Bid.
  - (b) Notice of Invitation to Bid may be advertised at least once in a newspaper of general circulation in the District. The notice shall allow at least seven (7) days for submittal of bids, unless the Board, for good cause, determines a shorter period of time is appropriate.



- (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid. Persons who provide their name and address to the District Office for inclusion on the list shall receive notices by mail.
- (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 to Bid 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 which 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, 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 need of the District, its officers, employees and/or dependents.
- (h) Notice of the award or intent to award, including rejection of some or all bids, shall be provided in writing to all bidders by United States Mail, or by hand delivery service, or by overnight delivery service, and by posting the same in the District Office for seven (7) days.

**Specific Authority:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 112.08, Fla. Stat.

#### 4.5 Procedure for Purchasing Contractual Services.

- (1) Scope. All purchases for contractual services (except for maintenance services) may, but are not required to, be made by competitive Invitation to Bid. If state or federal law prescribes with whom the District must contract, or established the rate of payment, then these Rules shall not apply. A contract involving both goods, supplies, and materials plus contractual services may, at the discretion of the Board, be treated as a contract for goods, supplies, and materials.

- (2) Procedure. When a purchase of contractual services is within the scope of this Rule (and the District has elected to follow this procedure), the following procedure shall be followed:
- (a) The Board shall cause to be prepared a notice of Invitation to Bid or Request for Proposal, as appropriate.
  - (b) Notice of Invitation to Bid shall be advertised at least once in a newspaper of general circulation in the District. The notice shall allow at least seven (7) days for submittal of bids, unless the Board, for good cause, determines a shorter period of time is appropriate.
  - (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid or Requests for Proposals. The District shall make a good faith effort to provide written notice, by United States Mail, to persons who provide their names and addresses to the District Office for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with these Rules and shall not be the basis for a protest of any contract award.
  - (d) Bids or proposals shall be opened at the time and place noted on the Invitation to Bid and Request for Proposal. Bids and proposals shall be evaluated in accordance with Invitation to Bid or Request for Proposal and these Rules.
  - (e) If only one (1) response to an Invitation to Bid or Request for Proposal is received, the District may proceed with the procurement for contractual services from such bidder or proposer. If no response to an Invitation to Bid or Request for Proposal is received, the District may take whatever steps are reasonably necessary in order to proceed with the procurement of the needed contractual services.
  - (f) The Board has the right to reject any and all bids or proposals. The reservation regarding the right to reject shall be included in all solicitations and advertisements. If the bids or proposals exceed the amount of funds available to or allocated by the District for this purchase, the bids or proposals may be rejected. Bidders and proposers not receiving a contract award shall not be entitled to recover any costs of bid or proposal preparation or submittal from the District.
  - (g) The Most Advantageous Bid or Proposal may be accepted by the District. The Board may require bidders to furnish bid, performance and/or other bonds with a reasonable surety to be approved by the Board.

- (3) Notice. Notice of contract award, including the rejection of some or all bids or proposals, shall be provided in writing to all bidders or proposers by United States Mail, or by hand delivery, or by overnight delivery, and by posting same in the District Office for seven (7) days.
- (4) Contract Renewal. Renewal of a contract for contractual services shall be in writing and shall be subject to the same terms and conditions set forth in the initial contract, unless otherwise provided in the initial contract. Renewal shall be contingent upon satisfactory performance evaluations by the District.
- (5) Contract Manager and Contract Administrator. The Board may designate a representative to function as contract manager, who shall be responsible for enforcing performance of the contract terms and conditions and serve as the liaison with the contractor. The Board may also designate a representative to function as contract administrator, who shall be responsible for maintaining all contract files and financial information. One person may serve as both contract manager and administrator.
- (6) Emergency Purchase. The District may make an emergency purchase of contractual services 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.
- (7) Continuing Contract. Nothing in this Rule shall prohibit a continuing contract between a firm or an individual and the District.

**Specific Authority:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033(3), Fla. Stat.

#### 4.6 Procedure Under Consultant's Competitive Negotiations Act.

In order to comply with the requirements of Section 287.055, Florida Statutes (regarding certain types of professional services), the following procedures are outlined for selection of firms or individuals to provide professional services exceeding the thresholds herein described and in the negotiation of such contracts.

- (1) Qualifying Procedures. In order to be eligible to submit a bid or proposal, a firm must, at the time of receipt of the bid or proposal:
  - (a) Hold all required applicable state professional licenses in good standing.
  - (b) Hold all required applicable federal licenses in good standing, if any.

- (c) If the bidder is a corporation, hold a current and active Florida Corporate Charter or be authorized to do business in Florida in accordance with Chapter 607, Florida Statutes.
- (d) Meet any pre-qualification requirements set forth in the project or bid specifications. Qualification standards may include, but are not limited to, capability and adequacy of personnel, past record, and experience of the bidding entity.

Evidence of compliance with this Rule may be submitted with the bid, if requested by the District.

- (2) Public Announcement. Prior to a public announcement that professional services are required for a project, the Board shall identify the project as meeting the threshold requirement. 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 by publishing a notice providing a general description of the project and 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 District may maintain lists of persons interested in receiving such notices. These persons are encouraged to submit annually statements of qualifications and performance data. Persons who provide their name and address to the District Manager for inclusion on the list shall receive notices by mail. The Board has the right to reject any and all bids, and such reservation shall be included in the public announcement. Bidders not receiving a contract award shall not be entitled to recover any costs of bid preparation or submittal from the District.

- (3) Competitive Selection.

- (a) The Board shall review and evaluate the data submitted in response to the notice described above regarding qualifications and performance ability, as well as any statements of qualification of file. The Board shall conduct discussions with, and may require public presentation by firms regarding their qualifications, and/or public presentation, select and list the firms, 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:
  - 1. The ability and adequacy of the professional personnel employed by each firm.
  - 2. Each firm's past performance for the District in other professional employment settings.

3. The willingness of each firm to meet time and budget requirements.
4. The geographic location of each firm's headquarters or office in relation to the project.
5. The recent, current, and projected workloads of each firm.
6. The volume of work previously awarded to each firm.
7. Whether a firm is a certified minority business enterprise.

Nothing in these Rules shall prevent the District from evaluating and eventually selecting a firm if less than three (3) responses, including responses indicating a desire not to submit a formal bid on a given project, are received.

- (b) If the selection process is administered by a person 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.

(4) Competitive Negotiation.

- (a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as the most qualified to perform the required professional services.
- (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, 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 within twenty-one (21) days 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 unless modified by the Board, 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 within twenty-one (21) days (unless modified by the Board to the contrary) 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 any of the selected firms within twenty-one (21) days (unless modified by the Board to the contrary) 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.
- (e) Once an agreement with a firm or individual is reached, notice of the award or intent to award, including the rejection of some or all bids, shall be provided in writing to all bidders by United States Mail, or by hand delivery, or by overnight delivery service, and by posting same in the District Office for seven (7) days.
- (5) Continuing Contract. Nothing in this Rule shall prohibit a continuing contract between a firm or an individual and the District.
- (6) Emergency Purchase. The District may make an emergency purchase without complying with these Rules. The fact that an emergency purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

**Specific Authority:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.011(3), 287.055, 190.033, Fla. Stat.

## 5.0 Bid Protests.

Purpose and Scope. In order to comply with Sections 190.033(1) through (3), Florida Statutes, the following procedures and rules are outlined for the protest of any bids or contracts awarded.

**Specific Authority:** s.s. 120.57, 190 011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, Fla. Stat.

## 5.1 Bid Protests Under the Consultants' Competitive Negotiations Act.

Notwithstanding any other provision in these Rules, the resolution of any protests regarding the decision to solicit or award a contract for a bid or proposal shall be in accordance with this section.

- (1) Notice. The District shall give all bidders written notice of its decision to award or intent to award a contract, including rejection of some or all bids, by United States Mail (which shall be deemed delivered two (2) days after delivery to the U.S. Postal Service), or by certified/registered mail return receipt requested, or by hand delivery, or by overnight delivery service (which shall be deemed delivered by the next business day), and by posting same in the District Office for seven (7) days. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Section 5.3 of the Rules of Timber Creek Community Development District shall constitute a waiver of proceedings under those Rules."
- (2) Filing. Any person who is affected adversely by the District's decision or intended decision shall file with the District a notice of protest within seventy-two (72) hours after the posting of the final bid tabulation or after receipt of the notice of the District decision or intended decision, and shall file a formal written protest within seven (7) days after the date of filing of the notice of protest. The notice of protest shall identify the procurement by title and number or any other language that will enable the District to identify it, shall state that the person intends to protest the decision, and shall state with particularity the law and facts upon which the protest is based. With respect to a protest of the specifications contained in an Invitation to Bid or in a Request for Proposals, the notice of protest shall be filed in writing within seventy-two (72) hours after the receipt of the notice of the project plans and specifications (or intended project plans and specifications) in an Invitation to Bid or Request for Proposals, and the formal written protest shall be filed within seven (7) days after the date when notice of protest is filed. Failure to file a notice of protest, or failure to file a formal written protest, shall constitute a waiver of all further proceedings.
- (3) Award Process. Upon a receipt of a notice of protest which has been timely filed, the District shall stop the bid solicitation process (or the contract and award process) until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances which require the continuance of the process without delay in order to avoid immediate and serious danger to the public health, safety, or welfare, the award process may continue.
- (4) Mutual Agreement. The District, on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties within seven (7) days, excluding Saturdays, Sundays and legal holidays, upon receipt of a formal written request.

- (5) Proceedings. If the subject of a protest is not resolved by mutual agreement, a proceeding shall be conducted in accordance with the procedural guidelines set forth in Section 3.0.

**Specific Authority:** s.s. 120.57(3), 190.011(5) Fla. Stat.

**Law Implemented:** s.s. 120.57(3), 190.033, Fla. Stat.

## 5.2 Protests With Respect To Contracts Awarded Or Bid Documents.

The resolution of any protests regarding Bid Documents or the decision to award a contract for a bid or proposal shall be in accordance with section 5.2.

- (1) Notice. The District shall give all bidders or proposers written notice of a decision to award or to reject all bids by posting the notice in the District Office for seven (7) days, with a copy being provided to all submitting firms by United States Mail (which shall be deemed delivered two (2) days after delivery to the U.S. Postal Service), or by certified/registered mail return receipt requested, or by hand delivery, or by overnight delivery service (which shall be deemed delivered by the next business day). The notice shall include the following statement: “Failure to file a written protest with the District within seventy-two (72) hours following the receipt of notice of the District’s decision to award a contract shall constitute a waiver of any objection to the award of such contract.”

(2) Filing.

- (a) Any firm or person who is affected adversely by a District decision to award a contract shall file with the District a written notice of protest within seventy-two (72) hours after receipt of the notice of the District’s decision, and shall file a formal written protest with the District within seven (7) calendar days after timely filing the initial notice of protest. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt of the District. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of any right to object to or protest the District’s decision or contract award. The formal written protest shall state with particularity the facts and law upon which the protest is based.
- (b) With respect to a protest regarding the Bid Documents, including specifications or other requirements contained in an Invitation to Bid or in a Request for Proposals, the notice of protest shall be filed in writing within seventy-two (72) hours after the receipt of the proposed project plans and specifications or other contract documents. The formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days after the initial notice of protest was filed. Failure to timely file a notice of protest or failure to



timely file a formal written protest shall constitute a waiver of any right to object to or protest with respect to the aforesaid plans, specifications or contract documents.

- (3) Award Process. Upon receipt of a timely filed notice of protest, the District shall abate the contract award process until the protest is resolved by final Board action. However, if the District determines particular facts and circumstances require the continuance of the contract award process without delay in order to avoid immediate and serious danger to the public health, safety, or welfare, the contract award process may continue. In such circumstances, the contract awarded shall be conditioned on the outcome of the protest.
- (4) Informal Proceeding. If the Board determines a protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be posted in the office of the District not less than three (3) calendar days prior to such informal proceeding, with copies being mailed to the protestant and any substantially affected person or parties. Within fifteen (15) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (5) Formal Proceeding. If the Board determines a protest involves disputed issues of material fact or if the Board elects not to use the informal proceeding process provided above, the District shall schedule a formal hearing to resolve the protest in accordance with the procedural guidelines set forth in Section 3.0.

**Specific Authority:** s.s. 120.57, 190 011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, Fla. Stat.

### 5.3 Bid Protests Relating to Any Other Award.

Notwithstanding any other provision in these Rules, the resolution of any protests regarding the decision to solicit or award a contract for a bid proposal under Sections 4.1, 4.2, or 4.5 shall be in accordance with Section 5.3.

- (1) Notice. The District shall give all bidders written notice of its decision to award or intent to award a contract, including rejection of some or all bids, by United States Mail (which shall be deemed delivered two (2) days after delivery to the U.S. Postal Service), or by certified/registered mail return receipt requested, or by hand delivery, or by overnight delivery service (which shall be deemed delivered on the next business day), and by posting same in the District Office for seven (7) calendar days.

- (2) Filing. Any person who is adversely affected by the District’s decision or intended decision shall file with the District a notice of protest in writing within seventy-two (72) hours after the posting of the final bid tabulation or after receipt of the notice of the District decision or intended decision, and shall file a formal written protest within seven (7) days after the date of filing of the notice of protest. The formal written protest shall state with particularity facts and law upon which the protest is based. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of all further proceedings.
- (3) Award Process. Upon receipt of a notice of protest which has been timely filed, the District shall stop the bid solicitation process or the contract and award process until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances which require the continuance of the process without delay in order to avoid an immediate and serious danger to the public health, safety, or welfare, the award process may continue.
- (4) Mutual Agreement. The District, on its own initiative or upon the request of a protester, shall provide an opportunity to resolve the protest by mutual agreement between the parties within five (5) days, excluding Saturdays, Sundays and legal holidays, of receipt of a formal written protest.
- (5) Hearing. If the subject of a protest is not resolved by mutual agreement, the District shall hold a proceeding in accordance with the procedural guidelines set forth in Section 3.0.

**Specific Authority:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, Fla. Stat.

6.0 Design-Build Contract Competitive Proposal Selection Process.

- (1) Scope. The District may utilize design-build contracts for any public construction project for which the Board determines that use of such contracts in the best interest of the District. When letting a design-build contract, the District shall use the following procedure:
  - (a) The District shall utilize a design criteria professional meeting the requirements of Section 287.055(2)(k) when developing a design criteria package, evaluating the responses or bids 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 or may be retained using Section 4.6, Procedure Under Consultant’s Competitive Negotiations Act.

- (b) A design criteria package for the construction project shall be developed and sealed by the design criteria professional. The package shall include concise, performance-oriented drawings or specifications of the project, and shall include sufficient information to put interested firms on notice of substantially all of the requirements of the project. 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. All 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.
  
- (c) The Board, in consultation with the design criteria professional, shall establish the standards and procedures for the evaluation of design-build proposals which may include, but not be limited to, based on price, technical, and design aspects of the project, weighted for the project.
  
- (d) After the 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 seven (7) days for submittal of proposals, unless the Board, for good cause, determines a shorter period of time is appropriate.
  
  - 2. The District may maintain qualifications information, including: capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small Business and Minority Assistance Act of 1985, and other factors, on design-build firms. Such firms shall receive a copy of the request for proposals by mail.
  
  - 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 license in good standing, as defined by Section 287.055(2)(h), 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 Florida in accordance with Chapter 607, Florida Statutes, if the bidder is a corporation;
- (d) Meet any special prequalification requirements set forth in the design criteria package.

Evidence of compliance with these Rules may be submitted with the bid, if required by the District.

- (e) The Board shall select no fewer than three (3) design-build firms as the most qualified, based on the information submitted in the response to the request for proposals, and in consultation with the design criteria professional, shall evaluate their proposals based on the evaluation standards and procedures established prior to the solicitation of requests for proposal.
  - (f) 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 to be 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. Failing accord with the second most qualified firm, the Board must terminate negotiations. The Board shall then undertake negotiations with the third firm. 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.
  - (g) After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
  - (h) The design criteria professional shall evaluate the compliance of the project construction with the design criteria package, and shall provide the Board with a report of the same.
- (2) Emergency Purchase. The Board may, in case of public emergency, declare an emergency and immediately proceed with negotiations with the best qualified design-build firm available at the time. The fact that an emergency purchase has occurred shall be noted in the minutes of the next Board meeting.

**Specific Authority:** s.s. 190.011(5), Fla. Stat.

**Law Implemented:** s.s. 190.033, 255.20, Fla. Stat.

7.0 District Auditor Selection Procedures.

Prior to selecting an auditor to conduct the annual financial audit as required in section 218.39, Florida Statutes, the District shall use the auditor selection procedures as required under section 218.391, Florida Statutes.

**Specific Authority:** s. 190.011(5), Fla. Stat.

**Law Implemented:** s. 218.391, Fla. Stat.

8.0 Effective Date.

These Rules shall be effective May 3, 2018.

**RESOLUTION 2018-30**

**THE ANNUAL APPROPRIATION RESOLUTION OF THE  
TIMBER CREEK COMMUNITY DEVELOPMENT  
DISTRICT (THE “DISTRICT”) RELATING TO THE  
ANNUAL APPROPRIATIONS AND ADOPTING THE  
BUDGET FOR THE FISCAL YEAR BEGINNING  
FEBRUARY 14, 2018 (THE EFFECTIVE DATE OF THE  
FORMATION OF THE DISTRICT), AND ENDING  
SEPTEMBER 30, 2018; APPROVING A DEVELOPER  
FUNDING AGREEMENT; AND PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, the District Manager submitted to the Board of Supervisors (the “Board”) a proposed budget for the next ensuing budget year, consistent with the provisions of Section 190.008(2)(a), Florida Statutes; and

**WHEREAS**, at least sixty (60) days prior to the adoption of the proposed annual budget and any proposed long-term financial plan or program of the District for future operations (the “Proposed Budget”), the District Manager 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 May 3, 2018, as the date for 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;

**WHEREAS**, Section 190.008(2)(a), Florida Statutes, requires that, prior to October 1, of each year, the District 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;

**WHEREAS**, in order to fully fund the Budget, the Board desires to approve the Developer Funding Agreement for the Fiscal Year 2017/2018 attached in **Exhibit “A”**.

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

**Section 1. Budget**

- a. That the Board of Supervisors has reviewed the District Manager’s Proposed Budget, a copy of which is on file with the office of the District Treasurer, the office of the Recording Secretary, and the District Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. That the District Managers Proposed Budget, as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, 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 and/or revised projections for fiscal year 2017/2018.

- c. That the adopted budget, as amended, shall be maintained in the office of the District Treasurer and the District Recording Secretary and identified as The Budget for Timber Creek Community Development District for the Fiscal Year Ending September 30, 2018, as Adopted by the Board of Supervisors on May 3, 2018.

**Section 2. Appropriations**

There is hereby appropriated out of the revenues of the Timber Creek Community Development District, for the fiscal year beginning February 14, 2018, the effective date of the formation of the District, and ending September 30, 2018, the sum of \$ \_\_\_\_\_ to be raised by a Developer Funding Agreement, which sum is deemed by the Board of Supervisors to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	\$ _____
DEBT SERVICE FUND	\$ _____
TOTAL ALL FUNDS	\$ _____

**Section 3. Supplemental Appropriations**

The Board may authorize by resolution, supplemental appropriations or revenue changes for any lawful purpose from funds on hand or estimated to be received within the fiscal year as follows:

- a. Board may authorize a transfer of the unexpended balance or portion thereof of any appropriation item.
- b. Board may authorize an appropriation from the unappropriated balance of any fund.
- c. Board may increase any revenue or income budget amount to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.

The District Manager and Treasurer shall have the power within a given fund to authorize the transfer of any unexpended balance of any appropriation item or any portion thereof, provided such transfers do not exceed Ten Thousand (\$10,000) Dollars or have the effect of causing more than 10% of the total appropriation of a given program or project to be transferred previously approved transfers included. Such transfer shall not have the effect of causing a more than \$10,000 or 10% increase, previously approved transfers included, to the original budget appropriation for the receiving program. The District Manager or Treasurer must establish administrative procedures which require information on the request forms proving that such transfer requests comply with this section.

**Section 4. Developer Funding Agreement**

The Developer Funding Agreement attached as Exhibit “A” is hereby approved in order to fund the budget for Fiscal Year 2017/2018.

Introduced, considered favorably, and adopted this 3rd day of May, 2018.

**ATTEST:**

**TIMBER CREEK COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Name: \_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Name: \_\_\_\_\_  
Chair of the Board of Supervisors



**Timber Creek Community Development District  
Developer Funding Agreement for the Fiscal Year 2017/2018**

This Agreement is made and entered into as of the 3rd day of May, 2018, by and between the **Timber Creek Community Development District**, a local unit of special-purpose government, established pursuant to Chapter 190, Florida Statutes, whose mailing address is 2005 Pan Am Circle, Suite 120, Tampa, Florida 33607 (the "**District**") and **Timber Creek Development, LLC**, a Florida limited liability company, authorized to do business in the State of Florida, whose mailing address is 111 S. Armenia Avenue, Suite 202 Tampa, Florida 33609 (the "**Owner**").

**Recitals**

**WHEREAS**, the District was established by the Board of County Commissioner of Hillsborough County, Florida, for the purpose of planning, financing, constructing, operating and/or maintaining public infrastructure; and

**WHEREAS**, the District, pursuant to Chapter 190, Florida Statutes, is authorized to levy such taxes, special assessments, fees and other charges as may be necessary in furtherance of the District's activities and services; and

**WHEREAS**, the Owner presently owns all real property, as more particularly described in **Exhibit "A"** attached hereto, (the "**Property**") within the District, which Property will benefit from the continued operations of the District; and

**WHEREAS**, the District is adopting its general fund budget for the balance of the fiscal year 2017/2018, which commenced on February 14, 2018, the effective date of the formation of the District, and concludes on September 30, 2018 (the "**Budget**"); and

**WHEREAS**, in lieu of levying special assessments on the Property, the District is willing to allow the Owner to provide such funds as are necessary to allow the District to proceed with its operations as described in **Exhibits “B,”** so long as payment is timely provided; and

**WHEREAS**, the Owner agrees that the activities, operations and services provide a special and peculiar benefit equal to or in excess of the costs reflected on **Exhibits “B”** to the Property; and

**WHEREAS**, the Owner has agreed to enter into this Agreement in lieu of having the District levy non ad valorem special assessments as authorized by law against the Property to pay for the activities, operations and services of the District as set forth in **Exhibits “B”**.

### **Operative Provisions**

Now, therefore, based upon good and valuable consideration and the mutual covenants of the parties, the receipt of which and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Funding Obligations.** From time to time during the 2017/2018 fiscal year, the Owner agrees to make available to the District the aggregate sum of up to \$\_\_\_\_\_ in accordance with the Budget attached hereto as **Exhibit “B”** as such expenses are incurred by the District. Such payments shall be made within 30 days of written request for funding by the District. All funds provided hereunder shall be placed in the District's general operating account.

2. **Budget Revisions.** The District and Owner agree that the Budget shall be revised at the end of the 2017/2018 fiscal year to reflect the actual expenditures of the District for the period beginning on February 14, 2018, and ending on September 30, 2018. The Owner shall not be responsible for any additional costs other than those costs provided for in the Budget.

However, if the actual expenditures of the District are less than the amount shown in the Budget, the Owner's funding obligations under this Agreement shall be reduced by that amount.

3. Amendments. This instrument constitutes the final and complete expression of the agreement between the parties relating to the subject matter of this Agreement. Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.

4. Authority. The execution of this Agreement has been duly authorized by the appropriate body or official of all parties hereto, each party has complied with all the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.

5. Assignment. This Agreement may be assigned, in whole or in part, by either party only upon the written consent of the other, which consent shall not be unreasonably withheld.

6. Default. A default by either party under this Agreement shall entitle the other to all remedies available at law or in equity, which shall include, but not be limited to, the right to seek specific performance of the Owner's payment obligations under this Agreement, but shall not include special, consequential, or punitive damages.

7. Third Parties. This Agreement is solely for the benefit of the parties hereto and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person or corporation other than the parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained shall

inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns.

8. Governing Law. This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida with venue in Hillsborough County, Florida.

9. Interpretation. This Agreement has been negotiated fully between the parties as an arm's length transaction. The parties participated fully in the preparation of this Agreement with the assistance of their respective counsel. In the case of a dispute concerning the interpretation of any provision of this Agreement, the parties are each deemed to have drafted, chosen and selected the language, and the doubtful language will not be interpreted or construed against any party.

10. Termination of Agreement. The Agreement shall be effective upon execution by both parties hereto and shall remain in force until the end of the 2017/2018 fiscal year on September 30, 2018. The enforcement provisions of this Agreement shall survive its termination, until all payments due under this Agreement are paid in full.

11. Costs and Fees. In the event either party is required to enforce this Agreement, then the prevailing party shall be entitled to all fees and costs, including reasonable attorney's fees and costs, from the non-prevailing party.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first written above.

**Attest:**

**Timber Creek Community  
Development District**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Chair of the Board of Supervisors

**Witnesses:**

**Timber Creek Development, LLC,  
a Florida limited liability company**

By: \_\_\_\_\_  
Name: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_

**RESOLUTION 2018-31**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT IMPOSING SPECIAL ASSESSMENTS; PROVIDING FOR COLLECTION AND ENFORCEMENT OF SPECIAL ASSESSMENTS; ADOPTING AND CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENT OF THE ASSESSMENT ROLL; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

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

**WHEREAS**, the District owns and operates various infrastructure improvements and provides certain services in accordance with Chapter 190, Florida Statutes; and

**WHEREAS**, the Board of Supervisors (“**Board**”) of the District hereby determines to undertake various operations and maintenance activities described in the District’s budget for fiscal year 2017/2018 (“**Budget**”), attached hereto as **Exhibit “A”** and incorporated as a material part of this Resolution by this reference; and

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

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

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

**WHEREAS**, Chapter 197, Florida Statutes, provides a mechanism pursuant to which such special assessments may be placed on the County Tax Roll and collected by the County Tax Collector (“**Uniform Method**”); and

**WHEREAS**, the District has, by resolution and public notice, previously evidenced its intention to utilize the Uniform Method; and

**WHEREAS**, the District has approved an agreement with the County Property Appraiser and County Tax Collector to provide for the collection of special assessments under the Uniform Method; and

**WHEREAS**, it is in the best interests of the District to proceed with the imposition of the special assessments on all assessable lands for operations and maintenance in the amount contained in the Budget; and

**WHEREAS**, the District desires to levy and collect special assessments reflecting each parcel's portion of the District's Budget; and

**WHEREAS**, it is in the best interests of the District to adopt the Assessment Roll of the District ("**Assessment Roll**") attached to this Resolution as **Exhibit "B"** and incorporated as a material part of this Resolution by this reference, and to certify a portion of the Assessment Roll on the parcels designated in **Exhibit "B"** to the County Tax Collector pursuant to the Uniform Method and to directly collect a portion of the assessments on the parcels designated in **Exhibit "B"** through the direct collection method pursuant to Chapter 190, Florida Statutes; and

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

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

**SECTION 1. BENEFIT.** The provision of the services, facilities and operations as described in **Exhibit "A"** confer a special and peculiar benefit to the lands within the District, which benefits exceed or equal the costs of the assessments. The allocation of the costs to the specially benefited lands is shown in **Exhibits "A"** and **"B"**.

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

**SECTION 3. COLLECTION AND DUE DATE.**

**A. Uniform Method Assessments.** The collection of the previously levied debt service assessments and operation and maintenance special assessments on a portion of the

platted lots and developed lands shall be at the same time and in the same manner as County taxes in accordance with the Uniform Method, as set forth in **Exhibits “A” and “B.”**

**B. Direct Bill Assessments.** The annual installment for the previously levied debt service assessments, and the annual operations and maintenance assessments, on a portion of the undeveloped and unplatted lands will be collected directly by the District in accordance with Florida law, as set forth in **Exhibits “A” and “B.”** Assessments directly collected by the District are due in full on December 1, 2017; provided, however, that, to the extent permitted by law, the assessments due may be paid in several partial, deferred payments and according to the following schedule: 50% due no later than December 1, 2017, 25% due no later than February 1, 2018 and 25% due no later than May 1, 2018. In the event that an assessment payment is not made in accordance with the schedule stated above, the whole assessment – including any remaining partial, deferred payments for Fiscal Year 2017/2018, as well as any future installments of special assessments securing debt service – shall immediately become due and payable; shall accrue interest, penalties in the amount of one percent (1%) per month, and all costs of collection and enforcement; and shall either be enforced pursuant to a foreclosure action, or, at the District’s sole discretion, collected pursuant to the Uniform Method on a future tax bill, which amount may include penalties, interest, and costs of collection and enforcement. Any prejudgment interest on delinquent assessments shall accrue at the applicable rate of any bonds or other debt instruments secured by the special assessments, or, in the case of operations and maintenance assessments, at the applicable statutory prejudgment interest rate. In the event an assessment subject to direct collection by the District shall be delinquent, the District Manager and District Counsel, without further authorization by the Board, may initiate foreclosure proceedings pursuant to Chapter 170 of the Florida Statutes or other applicable law to collect and enforce the whole assessment, as set forth herein.

**C. Future Collection Methods.** The decision to collect special assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices. The District certifies all assessments for debt service and operations and maintenance for collection pursuant to Chapters 190 and 197, Florida Statutes. All assessments collected by the County Tax Collector shall be due and payable as provided in Chapter 197, Florida Statutes.

**SECTION 4. ASSESSMENT ROLL.** The District's Assessment Roll, attached to this Resolution as **Exhibit “B”**, is hereby certified and adopted.

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



**SECTION 6. SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

**SECTION 7. EFFECTIVE DATE.** This Resolution shall take effect upon the passage and adoption of this Resolution by the Board of Supervisors of the Timber Creek Community Development District.

**PASSED AND ADOPTED THIS 3RD DAY OF MAY, 2018.**

**TIMBER CREEK COMMUNITY  
DEVELOPMENT DISTRICT**

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

Print Name: \_\_\_\_\_

\_\_\_\_\_  
Chair/ Vice Chair

Print Name: \_\_\_\_\_

**Exhibit "A" – Fiscal Year 2017/2018 Budget**  
**Exhibit "B" – District Assessment Lien Roll**  
**Assessment Roll (Uniform Method)**  
**Assessment Roll (Direct Collect)**

2018



# TIMBER CREEK

COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2018  
FINAL ANNUAL OPERATING BUDGET

FEBRUARY 23, 2018



# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## FISCAL YEAR 2018 FINAL ANNUAL OPERATING BUDGET

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FEBRUARY 23, 2018

# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## BUDGET INTRODUCTION

### Background Information

The Summit at Fern Hill Community Development District is a local special purpose government authorized by Chapter 190, Florida Statutes, as amended. The Community Development District (CDD) is an alternative method for planning, financing, acquiring, operating and maintaining community-wide infrastructure in master planned communities. The CDD also is a mechanism that provides a “solution” to the State’s needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers. CDDs represent a major advancement in Florida’s effort to manage its growth effectively and efficiently. This allows the community to set a higher standard for construction along with providing a long-term solution to the operation and maintenance of community facilities.

The following report represents the District budget for Fiscal Year 2018, which begins on October 1, 2017. The District budget is organized by fund to segregate financial resources and ensure that the segregated resources are used for their intended purpose, and the District has established the following funds.

<u>Fund Number</u>	<u>Fund Name</u>	<u>Services Provided</u>
001	General Fund	Operations and Maintenance of Community Facilities

### Facilities of the District

The District’s existing facilities include storm-water management (lake and water control structures), wetland preserve areas, street lighting, landscaping, entry signage, entry features, irrigation distribution facilities, recreational center, parks, pool facility, tennis courts and other related public improvements.

### Maintenance of the Facilities

In order to maintain the facilities, the District conducts hearings to adopt an operating budget each year. This budget includes a detailed description of the maintenance program along with an estimate of the cost of the program. The funding of the maintenance budget is levied as a non-ad valorem assessment on your property by the District Board of Supervisors.

# TIMBER CREEK

## COMMUNITY DEVELOPMENT DISTRICT

Fiscal Year 2018 Final  
Operating Budget

<b>REVENUES</b>	
<b>SPECIAL ASSESSMENTS - SERVICE CHARGES</b>	
Operations & Maintenance Assmts-Tax Roll	0.00
<b>TOTAL SPECIAL ASSESSMENTS - SERVICE CHARGES</b>	<b>\$0.00</b>
<b>CONTRIBUTIONS &amp; DONATIONS FROM PRIVATE SOURCES</b>	
Landowner Direct Funding	49,725.00
<b>TOTAL CONTRIBUTIONS &amp; DONATIONS FROM PRIVATE SOURCES</b>	<b>\$49,725.00</b>
<b>OTHER MISCELLANEOUS REVENUES</b>	
Miscellaneous	0.00
<b>TOTAL OTHER MISCELLANEOUS REVENUES</b>	<b>\$0.00</b>
<b>TOTAL REVENUES</b>	<b>\$49,725.00</b>
<b>EXPENDITURES</b>	
<b>FINANCIAL &amp; ADMINISTRATIVE</b>	
District Management	24,000.00
District Engineer	2,000.00
Disclosure Report	3,000.00
Trustees Fees	3,000.00
Auditing Services	0.00
Postage, Phone, Faxes, Copies	150.00
Public Officials Insurance	2,500.00
Legal Advertising	3,000.00
Bank Fees	200.00
Dues, Licenses & Fees	175.00
Office Supplies	100.00
Website Administration	600.00
Miscellaneous Fees	0.00
<b>TOTAL FINANCIAL &amp; ADMINISTRATIVE</b>	<b>\$38,725.00</b>
<b>LEGAL COUNSEL</b>	
District Counsel	5,000.00
<b>TOTAL DISTRICT COUNSEL</b>	<b>\$5,000.00</b>
<b>UTILITY SERVICES</b>	
Street Lights	0.00
Other Electric Services	0.00
Potable Water Utility Services	0.00
Non-Potable Irr. Water Fees	0.00
<b>TOTAL UTILITY SERVICES</b>	<b>\$0.00</b>
<b>OTHER PHYSICAL ENVIRONMENT</b>	
Waterway Management System	0.00
Landscape Maintenance	0.00
Plant Replacement Program	0.00
Hardscape Maintenance	0.00
Miscellaneous Repairs & Maintenance	0.00
General, Property & Casualty Insurance	6,000.00
<b>TOTAL OTHER PHYSICAL ENVIRONMENT</b>	<b>\$6,000.00</b>
<b>TOTAL EXPENDITURES</b>	<b>\$49,725.00</b>
<b>EXCESS OF REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$0.00</b>

\*\*\* EXCLUDES 2% HILLSBOROUGH COUNTY COLLECTION COST

\*\*\* EXCLUDES 4% EARLY PAYMENT DISCOUNT

# FISCAL YEAR 2018

## FINAL ANNUAL OPERATING BUDGET

# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## GENERAL FUND 001

### Financial & Administrative

#### District Manager

The District retains the services of a consulting manager, who is responsible for the daily administration of the District's business, including any and all financial work related to the Bond Funds and Operating Funds of the District, and preparation of the minutes of the Board of Supervisors. In addition, the District Manager prepares the Annual Budget(s), implements all policies of the Board of Supervisors, and attends all meetings of the Board of Supervisors.

#### District Engineer

Consists of attendance at scheduled meetings of the Board of Supervisors, offering advice and consultation on all matters related to the works of the District, such as bids for yearly contracts, operating policy, compliance with regulatory permits, etc.

#### Disclosure Reporting

On a quarterly and annual basis, disclosure of relevant district information is provided to the Muni Council, as required within the bond indentures.

#### Trustees Fees

This item relates to the fee assessed for the annual administration of bonds outstanding, as required within the bond indentures.

#### Auditing Services

The District is required to annually undertake an independent examination of its books, records and accounting procedures. This audit is conducted pursuant to State Law and the Rules of the Auditor General.

#### Postage, Phone, Fax, Copies

This item refers to the cost of materials and service to produce agendas and conduct day-to-day business of the District.

#### Miscellaneous Administration

This is required of the District to store its official records.

#### Public Officials Insurance

The District carries Public Officials Liability in the amount of \$1,000,000.

#### Legal Advertising

This is required to conduct the official business of the District in accordance with the Sunshine Law and other advertisement requirements as indicated by the Florida Statutes.

#### Bank Fees

The District operates a checking account for expenditures and receipts.

#### Dues, Licenses & Fees

The District is required to file with the County and State each year.

# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## GENERAL FUND 001

### **Miscellaneous Fees**

To provide for unbudgeted administrative expenses.

### **Investment Reporting Fees**

This is to provide an investment report to the District on a quarterly basis.

### **Office Supplies**

Cost of daily supplies required by the District to facilitate operations.

### **Technology Services**

This is to upgrade and keep current the operating components to comply with new governmental accounting standards along with basic website maintenance.

### **Website Administration**

This is for maintenance and administration of the District's official website.

### **Capital Outlay**

This is to purchase new equipment as required.

## **Legal Counsel**

### **District Counsel**

Requirements for legal services are estimated at an annual expenditures on an as needed and also cover such items as attendance at scheduled meetings of the Board of Supervisor's, Contract preparation and review, etc.

## **Electric Utility Services**

### **Electric Utility Services**

This item is for street lights, pool, recreation facility and other common element electricity

## **Garbage/Solid Waste Control Services**

### **Garbage Collection**

This item is for pick up at the recreation facility and parks as needed.

## **Water-Sewer Combination Services**

### **Water Utility Services**

This item is for the potable and non-potable water used for irrigation.

## **Other Physical Environment**

### **Waterway Management System**

This item is for maintaining the multiple waterways that compose the District's waterway management system and aids in controlling nuisance vegetation that may otherwise restrict the flow of water.

### **Property & Casualty Insurance**

The District carries \$1,000,000 in general liability and also has sovereign immunity.

### **Entry & Walls Maintenance**

This item is for maintaining the main entry feature and other common area walls.

# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## GENERAL FUND 001

### **Landscape Maintenance**

The District contracts with a professional landscape firm to provide service through a public bid process. This fee does not include replacement material or irrigation repairs.

### **Miscellaneous Landscape**

This item is for any unforeseen circumstances that may effect the appearance of the landscape program.

### **Plant Replacement Program**

This item is for landscape items that may need to be replaced during the year.

### **Property Taxes**

This item is for property taxes assessed to lands within the District.

### **Irrigation Maintenance**

Repairs necessary for everyday operation of the irrigation system to ensure its effectiveness.

### **Pool Maintenance**

This item is necessary to contract with a vendor to maintain the pool within state guidelines for public use.

### **Clubhouse Maintenance**

This item provides for operations, maintenance, and supplies to the District's Amenity Center.



# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## SCHEDULE OF ANNUAL ASSESSMENTS<sup>(1)</sup>

Lot Size	EBU Value	Unit Count	Debt Service Per Unit	O&M Per Unit	FY 2018 Total Assessment
<b>SERIES 2018</b>					
<b>Single Family 40'</b>	1.00	226			\$0.00
<b>Single Family 50'</b>	1.25	137			\$0.00

**363**

**Notations:**

<sup>(1)</sup> Annual assessments exclude Hillsborough County collection costs and statutory discounts for early payment.

**ASSESSMENT ROLL**

TOTAL ASSESSMENT:	\$14,190,000.00	
ANNUAL ASSESSMENT:	<u>\$448,098.00</u>	(30 Installments)
TOTAL GROSS ASSESSABLE ACRES +/-: <u>88.90</u>		
TOTAL ASSESSMENT PER ASSESSABLE GROSS ACRE:	<u>\$159,617.55</u>	
ANNUAL ASSESSMENT PER GROSS ASSESSABLE ACRE:	<u>\$5,040.47</u>	(30 Installments)

Landowner Name, Lee County Folio ID & Address	Gross Unplatted Assessable Acres	PER PARCEL ASSESSMENTS	
		Total PAR Debt	Total Annual
Timber Creek Development LLC Folio ID 077197-5000 111 S. Armenia Avenue, Suite 200 Tampa, FL 33609	9.90	\$1,580,213.72	\$49,900.68
Timber Creek Development LLC Folio ID 077206-0000 111 S. Armenia Avenue, Suite 200 Tampa, FL 33609	79.00	\$12,609,786.28	\$398,197.32
Totals:	88.90	\$14,190,000.00	\$448,098.00

**RESOLUTION 2018-32**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2018/2019; SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; ADDRESSING TRANSMITTAL, POSTING AND PUBLICATION REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the District Manager prepared and submitted to the Board of Supervisors (“Board”) of the Timber Creek Community Development District (“District”) prior to June 15, 2018, a proposed operations and maintenance budget for Fiscal Year 2018/2019; and

WHEREAS, the Board has considered the proposed budget and desires to set the required public hearing thereon.

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

1. **BUDGET APPROVED.** The operating budget proposed by the District Manager for Fiscal Year 2018/2019 attached hereto as **Exhibit A** is hereby approved as the basis for conducting a public hearing to adopt said budget.

2. **SETTING A PUBLIC HEARING.** The public hearing on said approved budget is hereby declared and set for the following date, hour and location:

DATE: August 2, 2018  
HOUR: 2:00 p.m.  
LOCATION: Meritus  
2005 Pan Am Circle, Suite 120  
Tampa, Florida 33607

3. **TRANSMITTAL OF BUDGET TO LOCAL GENERAL PURPOSE GOVERNMENT.** The District Manager is hereby directed to submit a copy of the proposed budget to Hillsborough County, Florida at least 60 days prior to the hearing date set above.

4. **POSTING OF BUDGETS.** In accordance with Section 189.016, Florida Statutes, the District's Secretary is further directed to post the approved proposed budget on the District's website at least two days before the budget hearing date as set forth in section 2.

5. **PUBLICATION OF NOTICE.** Notice of this public hearing shall be published in the manner prescribed by Florida law.

6. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED THIS 3RD DAY OF MAY, 2018.**

ATTEST:

**TIMBER CREEK COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

Title:

- Secretary
- Assistant Secretary

Title:

- Chair of the Board of Supervisors
- Vice Chair of the Board of Supervisors

**Exhibit A:** Proposed FY 2018/2019 Budget

2019



# TIMBER CREEK

COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2019  
PROPOSED ANNUAL OPERATING BUDGET

MAY 3, 2018



# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## FISCAL YEAR 2019 PROPOSED ANNUAL OPERATING BUDGET

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MAY 3, 2018

# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## BUDGET INTRODUCTION

### **Background Information**

The Summit at Fern Hill Community Development District is a local special purpose government authorized by Chapter 190, Florida Statutes, as amended. The Community Development District (CDD) is an alternative method for planning, financing, acquiring, operating and maintaining community-wide infrastructure in master planned communities. The CDD also is a mechanism that provides a “solution” to the State’s needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers. CDDs represent a major advancement in Florida’s effort to manage its growth effectively and efficiently. This allows the community to set a higher standard for construction along with providing a long-term solution to the operation and maintenance of community facilities.

The following report represents the District budget for Fiscal Year 2019, which begins on October 1, 2018. The District budget is organized by fund to segregate financial resources and ensure that the segregated resources are used for their intended purpose, and the District has established the following funds.

<b><u>Fund Number</u></b>	<b><u>Fund Name</u></b>	<b><u>Services Provided</u></b>
001	General Fund	Operations and Maintenance of Community Facilities
200	Debt Service Fund	Collection of Special Assessments for Debt Service on the Series 2018 Capital Improvement Revenue Bonds

### **Facilities of the District**

The District’s existing facilities include storm-water management (lake and water control structures), wetland preserve areas, street lighting, landscaping, entry signage, entry features, irrigation distribution facilities, recreational center, parks, pool facility, tennis courts and other related public improvements.

### **Maintenance of the Facilities**

In order to maintain the facilities, the District conducts hearings to adopt an operating budget each year. This budget includes a detailed description of the maintenance program along with an estimate of the cost of the program. The funding of the maintenance budget is levied as a non-ad valorem assessment on your property by the District Board of Supervisors.

# TIMBER CREEK

## COMMUNITY DEVELOPMENT DISTRICT

	Fiscal Year 2018 Final Operating Budget	Current Period Actuals 10/1/2017 - 3/31/2018	Projected Revenues & Expenditures 4/1/18 to 9/30/18	Total Actuals and Projections Through 09/30/18	Over/(Under) Budget Through 09/30/18
<b>REVENUES</b>					
<b>SPECIAL ASSESSMENTS - SERVICE CHARGES</b>					
Operations & Maintenance Assmts-Tax Roll	0.00	0.00	0.00	0.00	0.00
<b>TOTAL SPECIAL ASSESSMENTS - SERVICE CHARGES</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>CONTRIBUTIONS &amp; DONATIONS FROM PRIVATE SOURCES</b>					
Landowner Direct Funding	49,725.00	0.00	17,748.95	17,748.95	(31,976.05)
<b>TOTAL CONTRIBUTIONS &amp; DONATIONS FROM PRIVATE SOURCES</b>	<b>\$49,725.00</b>	<b>\$0.00</b>	<b>\$17,748.95</b>	<b>\$17,748.95</b>	<b>(\$31,976.05)</b>
<b>OTHER MISCELLANEOUS REVENUES</b>					
Miscellaneous	0.00	0.00	0.00	0.00	0.00
<b>TOTAL OTHER MISCELLANEOUS REVENUES</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL REVENUES</b>	<b>\$49,725.00</b>	<b>\$0.00</b>	<b>\$17,748.95</b>	<b>\$17,748.95</b>	<b>(\$31,976.05)</b>
<b>EXPENDITURES</b>					
<b>FINANCIAL &amp; ADMINISTRATIVE</b>					
District Management	24,000.00	0.00	6,000.00	6,000.00	(18,000.00)
District Engineer	2,000.00	0.00	1,000.00	1,000.00	(1,000.00)
Disclosure Report	3,000.00	0.00	0.00	0.00	(3,000.00)
Trustees Fees	3,000.00	0.00	0.00	0.00	(3,000.00)
Auditing Services	0.00	0.00	0.00	0.00	0.00
Postage, Phone, Faxes, Copies	150.00	0.00	50.00	50.00	(100.00)
Public Officials Insurance	2,500.00	1,264.00	0.00	1,264.00	(1,236.00)
Legal Advertising	3,000.00	4,237.50	327.00	4,564.50	1,564.50
Bank Fees	200.00	0.00	75.00	75.00	(125.00)
Dues, Licenses & Fees	175.00	175.00	0.00	175.00	0.00
Office Supplies	100.00	0.00	30.00	30.00	(70.00)
Website Administration	600.00	0.00	0.00	0.00	(600.00)
Miscellaneous Fees	0.00	0.00	600.00	600.00	600.00
<b>TOTAL FINANCIAL &amp; ADMINISTRATIVE</b>	<b>\$38,725.00</b>	<b>\$5,676.50</b>	<b>\$8,082.00</b>	<b>\$13,758.50</b>	<b>(\$24,966.50)</b>
<b>LEGAL COUNSEL</b>					
District Counsel	5,000.00	1,240.45	2,500.00	3,740.45	(1,259.55)
<b>TOTAL DISTRICT COUNSEL</b>	<b>\$5,000.00</b>	<b>\$1,240.45</b>	<b>\$2,500.00</b>	<b>\$3,740.45</b>	<b>(\$1,259.55)</b>
<b>UTILITY SERVICES</b>					
Street Lights	0.00	0.00	0.00	0.00	0.00
Other Electric Services	0.00	0.00	0.00	0.00	0.00
Potable Water Utility Services	0.00	0.00	0.00	0.00	0.00
Non-Potable Irr. Water Fees	0.00	0.00	0.00	0.00	0.00
<b>TOTAL UTILITY SERVICES</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>OTHER PHYSICAL ENVIRONMENT</b>					
Waterway Management System	0.00	0.00	0.00	0.00	0.00
Landscape Maintenance	0.00	0.00	0.00	0.00	0.00
Plant Replacement Program	0.00	0.00	0.00	0.00	0.00
Hardscape Maintenance	0.00	0.00	0.00	0.00	0.00
Miscellaneous Repairs & Maintenance	0.00	0.00	0.00	0.00	0.00
General, Property & Casualty Insurance	6,000.00	1,750.00	0.00	1,750.00	(4,250.00)
<b>TOTAL OTHER PHYSICAL ENVIRONMENT</b>	<b>\$6,000.00</b>	<b>\$1,750.00</b>	<b>\$0.00</b>	<b>\$1,750.00</b>	<b>(\$4,250.00)</b>
<b>PARKS &amp; RECREATION</b>					
Pool Operations & Maintenance	0.00	0.00	0.00	0.00	0.00
Recreation Facility Maintenance	0.00	0.00	0.00	0.00	0.00
Recreation Equipment Maintenance	0.00	0.00	0.00	0.00	0.00
Security System	0.00	0.00	0.00	0.00	0.00
<b>TOTAL PARKS &amp; RECREATION</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL EXPENDITURES</b>	<b>\$49,725.00</b>	<b>\$8,666.95</b>	<b>\$10,582.00</b>	<b>\$19,248.95</b>	<b>(\$30,476.05)</b>
<b>EXCESS OF REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$0.00</b>	<b>(\$8,666.95)</b>	<b>\$7,166.95</b>	<b>(\$1,500.00)</b>	<b>(\$1,500.00)</b>

\*\*\* EXCLUDES 2% HILLSBOROUGH COUNTY COLLECTION COST

\*\*\* EXCLUDES 4% EARLY PAYMENT DISCOUNT

# FISCAL YEAR 2018 BUDGET ANALYSIS



# TIMBER CREEK

## COMMUNITY DEVELOPMENT DISTRICT

	Fiscal Year 2018 Final Operating Budget	Total Actuals and Projections Through 09/30/18	Over/(Under) Budget Through 09/30/18	Fiscal Year 2019 Proposed Operating Budget	Increase / (Decrease) from FY 2018 to FY 2019
<b>REVENUES</b>					
<b>SPECIAL ASSESSMENTS - SERVICE CHARGES</b>					
Operations & Maintenance Assmts-Tax Roll	0.00	0.00	0.00	97,225.00	97,225.00
<b>TOTAL SPECIAL ASSESSMENTS - SERVICE CHARGES</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$97,225.00</b>	<b>\$97,225.00</b>
<b>CONTRIBUTIONS &amp; DONATIONS FROM PRIVATE SOURCES</b>					
Landowner Direct Funding	49,725.00	17,848.95	(31,876.05)	0.00	(49,725.00)
<b>TOTAL CONTRIBUTIONS &amp; DONATIONS FROM PRIVATE SOURCES</b>	<b>\$49,725.00</b>	<b>\$17,848.95</b>	<b>(\$31,876.05)</b>	<b>\$0.00</b>	<b>(\$49,725.00)</b>
<b>OTHER MISCELLANEOUS REVENUES</b>					
Miscellaneous	0.00	0.00	0.00	0.00	0.00
<b>TOTAL OTHER MISCELLANEOUS REVENUES</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL REVENUES</b>	<b>\$49,725.00</b>	<b>\$17,848.95</b>	<b>(\$31,876.05)</b>	<b>\$97,225.00</b>	<b>\$47,500.00</b>
<b>EXPENDITURES</b>					
<b>FINANCIAL &amp; ADMINISTRATIVE</b>					
District Management	24,000.00	6,000.00	(18,000.00)	24,000.00	0.00
District Engineer	2,000.00	1,000.00	(1,000.00)	2,000.00	0.00
Disclosure Report	3,000.00	0.00	(3,000.00)	3,000.00	0.00
Trustees Fees	3,000.00	0.00	(3,000.00)	4,000.00	1,000.00
Auditing Services	0.00	0.00	0.00	4,000.00	4,000.00
Postage, Phone, Faxes, Copies	150.00	50.00	(100.00)	150.00	0.00
Public Officials Insurance	2,500.00	1,264.00	(1,236.00)	2,500.00	0.00
Legal Advertising	3,000.00	4,564.50	1,564.50	3,000.00	0.00
Bank Fees	200.00	75.00	(125.00)	200.00	0.00
Dues, Licenses & Fees	175.00	175.00	0.00	175.00	0.00
Office Supplies	100.00	130.00	30.00	100.00	0.00
Website Administration	600.00	0.00	(600.00)	600.00	0.00
Miscellaneous Fees	0.00	600.00	600.00	0.00	0.00
<b>TOTAL FINANCIAL &amp; ADMINISTRATIVE</b>	<b>\$38,725.00</b>	<b>\$13,858.50</b>	<b>(\$24,866.50)</b>	<b>\$43,725.00</b>	<b>\$5,000.00</b>
<b>LEGAL COUNSEL</b>					
District Counsel	5,000.00	2,240.45	(2,759.55)	5,000.00	0.00
<b>TOTAL DISTRICT COUNSEL</b>	<b>\$5,000.00</b>	<b>\$2,240.45</b>	<b>(\$2,759.55)</b>	<b>\$5,000.00</b>	<b>\$0.00</b>
<b>UTILITY SERVICES</b>					
Street Lights	0.00	0.00	0.00	10,000.00	10,000.00
Other Electric Services	0.00	0.00	0.00	0.00	0.00
Potable Water Utility Services	0.00	0.00	0.00	0.00	0.00
Non-Potable Irr. Water Fees	0.00	0.00	0.00	0.00	0.00
<b>TOTAL UTILITY SERVICES</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$10,000.00</b>	<b>\$10,000.00</b>
<b>OTHER PHYSICAL ENVIRONMENT</b>					
Waterway Management System	0.00	0.00	0.00	0.00	0.00
Landscape Maintenance	0.00	0.00	0.00	25,000.00	25,000.00
Pond Maintenance	0.00	0.00	0.00	7,500.00	7,500.00
Plant Replacement Program	0.00	0.00	0.00	0.00	0.00
Hardscape Maintenance	0.00	0.00	0.00	0.00	0.00
Miscellaneous Repairs & Maintenance	0.00	0.00	0.00	0.00	0.00
General, Property & Casualty Insurance	6,000.00	1,750.00	(4,250.00)	6,000.00	0.00
<b>TOTAL OTHER PHYSICAL ENVIRONMENT</b>	<b>\$6,000.00</b>	<b>\$1,750.00</b>	<b>(\$4,250.00)</b>	<b>\$38,500.00</b>	<b>\$32,500.00</b>
<b>PARKS &amp; RECREATION</b>					
Pool Operations & Maintenance	0.00	0.00	0.00	0.00	0.00
Recreation Facility Maintenance	0.00	0.00	0.00	0.00	0.00
Recreation Equipment Maintenance	0.00	0.00	0.00	0.00	0.00
Security System	0.00	0.00	0.00	0.00	0.00
<b>TOTAL PARKS &amp; RECREATION</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>TOTAL EXPENDITURES</b>	<b>\$49,725.00</b>	<b>\$17,848.95</b>	<b>(\$31,876.05)</b>	<b>\$97,225.00</b>	<b>\$47,500.00</b>
<b>EXCESS OF REVENUES OVER/(UNDER) EXPENDITURES</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>

\*\*\* EXCLUDES 2% HILLSBOROUGH COUNTY COLLECTION COST  
 \*\*\* EXCLUDES 4% EARLY PAYMENT DISCOUNT

## FISCAL YEAR 2019 PROPOSED ANNUAL OPERATING BUDGET

# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## GENERAL FUND 001

### **Financial & Administrative**

#### **District Manager**

The District retains the services of a consulting manager, who is responsible for the daily administration of the District's business, including any and all financial work related to the Bond Funds and Operating Funds of the District, and preparation of the minutes of the Board of Supervisors. In addition, the District Manager prepares the Annual Budget(s), implements all policies of the Board of Supervisors, and attends all meetings of the Board of Supervisors.

#### **District Engineer**

Consists of attendance at scheduled meetings of the Board of Supervisors, offering advice and consultation on all matters related to the works of the District, such as bids for yearly contracts, operating policy, compliance with regulatory permits, etc.

#### **Disclosure Reporting**

On a quarterly and annual basis, disclosure of relevant district information is provided to the Muni Council, as required within the bond indentures.

#### **Trustees Fees**

This item relates to the fee assessed for the annual administration of bonds outstanding, as required within the bond indentures.

#### **Auditing Services**

The District is required to annually undertake an independent examination of its books, records and accounting procedures. This audit is conducted pursuant to State Law and the Rules of the Auditor General.

#### **Postage, Phone, Fax, Copies**

This item refers to the cost of materials and service to produce agendas and conduct day-to-day business of the District.

#### **Miscellaneous Administration**

This is required of the District to store its official records.

#### **Public Officials Insurance**

The District carries Public Officials Liability in the amount of \$1,000,000.

#### **Legal Advertising**

This is required to conduct the official business of the District in accordance with the Sunshine Law and other advertisement requirements as indicated by the Florida Statutes.

#### **Bank Fees**

The District operates a checking account for expenditures and receipts.

#### **Dues, Licenses & Fees**

The District is required to file with the County and State each year.

# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## GENERAL FUND 001

### **Miscellaneous Fees**

To provide for unbudgeted administrative expenses.

### **Investment Reporting Fees**

This is to provide an investment report to the District on a quarterly basis.

### **Office Supplies**

Cost of daily supplies required by the District to facilitate operations.

### **Technology Services**

This is to upgrade and keep current the operating components to comply with new governmental accounting standards along with basic website maintenance.

### **Website Administration**

This is for maintenance and administration of the District's official website.

### **Capital Outlay**

This is to purchase new equipment as required.

## **Legal Counsel**

### **District Counsel**

Requirements for legal services are estimated at an annual expenditures on an as needed and also cover such items as attendance at scheduled meetings of the Board of Supervisor's, Contract preparation and review, etc.

## **Electric Utility Services**

### **Electric Utility Services**

This item is for street lights, pool, recreation facility and other common element electricity

## **Garbage/Solid Waste Control Services**

### **Garbage Collection**

This item is for pick up at the recreation facility and parks as needed.

## **Water-Sewer Combination Services**

### **Water Utility Services**

This item is for the potable and non-potable water used for irrigation.

## **Other Physical Environment**

### **Waterway Management System**

This item is for maintaining the multiple waterways that compose the District's waterway management system and aids in controlling nuisance vegetation that may otherwise restrict the flow of water.

### **Property & Casualty Insurance**

The District carries \$1,000,000 in general liability and also has sovereign immunity.

### **Entry & Walls Maintenance**

This item is for maintaining the main entry feature and other common area walls.

# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## GENERAL FUND 001

### **Landscape Maintenance**

The District contracts with a professional landscape firm to provide service through a public bid process. This fee does not include replacement material or irrigation repairs.

### **Miscellaneous Landscape**

This item is for any unforeseen circumstances that may effect the appearance of the landscape program.

### **Plant Replacement Program**

This item is for landscape items that may need to be replaced during the year.

### **Property Taxes**

This item is for property taxes assessed to lands within the District.

### **Irrigation Maintenance**

Repairs necessary for everyday operation of the irrigation system to ensure its effectiveness.

### **Pool Maintenance**

This item is necessary to contract with a vendor to maintain the pool within state guidelines for public use.

### **Clubhouse Maintenance**

This item provides for operations, maintenance, and supplies to the District's Amenity Center.

# TIMBER CREEK

## COMMUNITY DEVELOPMENT DISTRICT

### DEBT SERVICE FUND

### SERIES 2018

#### REVENUES

CDD Debt Service Assessments	\$	-
<b>TOTAL REVENUES</b>	<b>\$</b>	<b>-</b>

#### EXPENDITURES

Series 2018 May Bond Principal Payment	\$	-
Series 2018 May Bond Interest Payment	\$	-
Series 2018 November Bond Interest Payment	\$	-
<b>TOTAL EXPENDITURES</b>	<b>\$</b>	<b>-</b>
<b>EXCESS OF REVENUES OVER EXPENDITURES</b>	<b>\$</b>	<b>-</b>

#### ANALYSIS OF BONDS OUTSTANDING

Bonds Outstanding - Period Ending 11/1/2018	\$	-
Principal Payment Applied Toward Series 2018 Bonds	\$	-
<b>Bonds Outstanding - Period Ending 11/1/2019</b>	<b>\$</b>	<b>-</b>

# TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT

## SCHEDULE OF ANNUAL ASSESSMENTS<sup>(1)</sup>

Lot Size	EBU Value	Unit Count	Debt Service Per Unit	O&M Per Unit	FY 2018 Total Assessment
<b>SERIES 2018</b>					
<b>Single Family 40'</b>	1.00	226			\$0.00
<b>Single Family 50'</b>	1.25	137			\$0.00

**363**

**Notations:**

<sup>(1)</sup> Annual assessments exclude Hillsborough County collection costs and statutory discounts for early payment.

## RESOLUTION 2018-33

**A RESOLUTION OF TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT SUPPLEMENTING ITS RESOLUTIONS 2018-22 BY AUTHORIZING THE ISSUANCE OF ITS TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT SPECIAL ASSESSMENT REVENUE BONDS, SERIES 2018 IN A PRINCIPAL AMOUNT OF NOT EXCEEDING \$10 MILLION FOR THE PRINCIPAL PURPOSE OF ACQUIRING AND CONSTRUCTING ASSESSABLE IMPROVEMENTS; DELEGATING TO THE CHAIRMAN OR VICE CHAIRMAN OF THE BOARD OF SUPERVISORS OF THE DISTRICT, SUBJECT TO COMPLIANCE WITH THE APPLICABLE PROVISIONS HEREOF, THE AUTHORITY TO AWARD THE SALE OF SUCH 2018 BONDS TO FMSBONDS, INC. BY EXECUTING AND DELIVERING TO SUCH UNDERWRITER A BOND PURCHASE AGREEMENT AND APPROVING THE FORM THEREOF; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF THE FIRST SUPPLEMENTAL TRUST INDENTURE; APPROVING U.S. BANK NATIONAL ASSOCIATION AS THE TRUSTEE, BOND REGISTRAR AND PAYING AGENT FOR SUCH 2018 BONDS; MAKING CERTAIN FINDINGS; APPROVING FORM OF SAID 2018 BONDS; APPROVING THE FORM OF THE PRELIMINARY LIMITED OFFERING MEMORANDUM AND AUTHORIZING THE USE BY THE UNDERWRITER OF THE PRELIMINARY LIMITED OFFERING MEMORANDUM AND THE LIMITED OFFERING MEMORANDUM AND THE EXECUTION OF THE LIMITED OFFERING MEMORANDUM; APPROVING THE FORM OF THE CONTINUING DISCLOSURE AGREEMENT AND AUTHORIZING THE EXECUTION THEREOF; AUTHORIZING CERTAIN OFFICIALS OF TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT AND OTHERS TO TAKE ALL ACTIONS REQUIRED IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SAID 2018 BONDS; PROVIDING CERTAIN OTHER DETAILS WITH RESPECT TO SAID 2018 BONDS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Timber Creek Community Development District (the "District") is authorized by Florida Statutes, Chapter 190 (the "Act") and Ordinance No. 18-9 of Hillsborough County, Florida, (the "Ordinance"), to issue its bonds for the purpose of acquiring and constructing assessable improvements all as provided in the Act and the Ordinance; and

**WHEREAS**, the District is authorized by the Act to make payments of principal, interest, and premium, if any, with respect to its bonds by levying and collecting special assessments on property located within the District and specially benefited by the assessable improvements to be financed with certain proceeds of its bonds; and

**WHEREAS**, the District pursuant to its Resolution 2018-22 (the "First Resolution") authorized the issuance of its not exceeding \$14,190,000 principal amount of its special

assessment revenue bonds (the "Bonds") in separate series for the purposes set forth in said First Resolution and approved the form of the Master Indenture (hereinafter defined) in substantially the form attached to the First Resolution; and

**WHEREAS**, the District has not previously issued any Bonds; and

**WHEREAS**, the District now desires to supplement the First Resolution, to authorize the issuance of and award the sale of its Special Assessment Revenue Bonds, Series 2018 (Series 2018 Assessment Area) (the "2018 Bonds") in a principal amount not exceeding \$10 Million, to approve the Supplemental Indenture (hereinafter defined) and to provide for various other matters relating to the issuance of the 2018 Bonds; and

**WHEREAS**, prior to the issuance of the 2018 Bonds the Bonds shall have been validated by a final judgment rendered by the Circuit Court in and for Hillsborough County, Florida and such final judgment shall remain confirmed following the applicable appeal period; and

**WHEREAS**, the Board of Supervisors of the District (the "Board") has received from FMSbonds, Inc. (the "Underwriter") a proposal in the form of a Bond Purchase Agreement (the "Contract") for the purchase of the 2018 Bonds and the Board has determined that acceptance of such proposal and the sale of the 2018 Bonds to the Underwriter is in the best interest of the District for the reasons hereafter indicated;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF TIMBER CREEK COMMUNITY DEVELOPMENT DISTRICT**, as follows:

**SECTION 1. Definitions.** All words and phrases used herein in capitalized form, unless otherwise defined herein, shall have the meaning ascribed to them in the Indenture (hereinafter defined).

**SECTION 2. Authorization.** There is hereby authorized to be issued the 2018 Bonds in a principal amount not exceeding \$10,000,000. The 2018 Bonds shall be issued under and secured by that Master Trust Indenture (the "Master Indenture") as supplemented by that First Supplemental Trust Indenture (the "Supplemental Indenture") both by and between the District and U.S. Bank National Association, as trustee (the "Trustee") (the Master Indenture and the Supplemental Indenture are referred to collectively as the "Indenture"). The proceeds of the 2018 Bonds shall be used for the purposes set forth in the Supplemental Indenture and the Limited Offering Memorandum (hereinafter defined).

**SECTION 3. Approval of Supplemental Indenture.** The Supplemental Indenture is hereby approved in substantially the form set forth as part of **Exhibit A** hereto and the Chairman or the Vice Chairman of the Board are hereby authorized and directed to execute and deliver such Supplemental Indenture on behalf of and in the name of the District and the Secretary or any Assistant Secretary of the Board is hereby authorized to attest such execution, with such additions and deletions therein as may be made and approved by the Chairman or the Vice Chairman executing the same, such execution to be conclusive evidence of such approval. The Trustee is hereby approved to serve as Trustee, Bond Registrar and Paying Agent under such Supplemental Indenture.



**SECTION 4. Negotiated Sale.** The Board hereby determines that a negotiated sale of the 2018 Bonds to the Underwriter is in the best interest of the District because of prevailing market conditions, because delays caused by soliciting competitive bids could adversely affect the District's ability to issue and deliver the 2018 Bonds at presently favorable interest rates, and because the nature of the security for the 2018 Bonds and the sources of payment of debt service on the 2018 Bonds require the participation of an underwriter in structuring the bond issue.

**SECTION 5. Contract Approved.** The Board hereby approves the Contract submitted by the Underwriter in substantially the form attached as **Exhibit B** hereto. The Chairman or Vice Chairman of the Board is hereby authorized to execute the Contract and to deliver the Contract to the Underwriter with such changes, amendments, modifications, omissions and additions as may be approved by the executing Chairman or Vice Chairman; provided that (i) the principal amount of the 2018 Bonds shall not exceed \$10,000,000; (ii) the interest rate on none of the 2018 Bonds will exceed the maximum rate allowed under applicable Florida law; (iii) the Underwriter's discount shall not exceed two and one-half percent (2.5%) of the principal amount of the 2018 Bonds; (iv) the 2018 Bonds shall be subject to optional redemption no later than November 1, 2035 at a Redemption Price not in excess of 100% of the principal amount to be redeemed plus accrued interest to the redemption date; and (v) the final maturity of the 2018 Bonds shall be no later than November 1, 2050.

**SECTION 6. Preliminary Limited Offering Memorandum and Limited Offering Memorandum.** The District hereby approves the Preliminary Limited Offering Memorandum in substantially the form attached hereto as **Exhibit C** (the "Preliminary Limited Offering Memorandum") and authorizes its distribution and use by the Underwriter in connection with the offering for the sale of the 2018 Bonds. If between the date hereof and the mailing of the Preliminary Limited Offering Memorandum it is necessary to make insertions, modifications and changes to the Preliminary Limited Offering Memorandum, the Chairman or Vice Chairman or other member of the Board is hereby authorized to approve such insertions, changes and modifications, and, the Chairman or Vice Chairman is hereby authorized to deem the Preliminary Limited Offering Memorandum "final" within the meaning of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") under the Securities Exchange Act of 1934, in the form as mailed and in furtherance thereof to execute a certificate evidencing same. The preparation of a final Limited Offering Memorandum is hereby approved and the Chairman or Vice Chairman or other member of the Board is hereby authorized to execute such final Limited Offering Memorandum to be dated the date of the award of the 2018 Bonds and, upon such award, to deliver the same to the Underwriter for use by it in connection with the sale and distribution of the 2018 Bonds. The Limited Offering Memorandum shall be substantially in the form of the final Preliminary Limited Offering Memorandum, with such changes as shall be approved by the Chairman or Vice Chairman or other member of the Board as necessary to conform to the details of the 2018 Bonds and such other insertions, modifications and changes as may be approved by the Chairman or Vice Chairman or other member of the Board. The execution and delivery of the Limited Offering Memorandum by the Chairman or Vice Chairman or other member of the Board shall constitute evidence of the approval thereof. The District hereby authorizes the use of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum and the information contained therein in connection with the offering and sale of the 2018 Bonds.

**SECTION 7. Form of 2018 Bonds.** The 2018 Bonds shall be in substantially the form as set forth in the exhibit to the Supplemental Indenture, with such additions, deletions and other changes thereto as the officials of the Board executing the 2018 Bonds shall approve, such approval to be conclusively evidenced by the execution of the 2018 Bonds (by manual or facsimile signature) by such officials. The Board hereby authorizes and approves the use of a facsimile of the District seal on the 2018 Bonds.

**SECTION 8. Continuing Disclosure Agreement.** The form and content of the Continuing Disclosure Agreement (the "Disclosure Document") relating to the 2018 Bonds attached hereto as **Exhibit D** is hereby approved. The Chairman or Vice Chairman and the Secretary or any Assistant Secretary are hereby authorized to execute on behalf of the District the Disclosure Document in substantially the form attached hereto, with such additions, deletions, and other changes as may be necessitated by applicable law, this Resolution and the Contract as such officers may approve (such approval to be conclusively evidenced by their execution of the Disclosure Document).

**SECTION 9. Application of 2018 Bond Proceeds.** Proceeds of the 2018 Bonds, shall be applied as provided in the Supplemental Indenture.

**SECTION 10. Open Meetings.** It is hereby found and determined that all official acts of this Board concerning and relating to the issuance, sale, and delivery of the 2018 Bonds, including but not limited to adoption of this Resolution, were taken in open meetings of the members of the Board and all deliberations of the members of the Board that resulted in such official acts were in meetings open to the public, in compliance with all legal requirements including, but not limited to, the requirement of Florida Statutes, Section 286.011.

**SECTION 11. Other Actions.** The Chairman, the Vice Chairman, the Secretary, any Assistant Secretary and the District Manager of the District, and any authorized designee thereof (collectively, the "District Officers"), Akerman LLP, as Bond Counsel, Straley Robin Vericker the District's General Counsel, and any other consultant or experts retained by the District, are hereby authorized and directed to take all actions necessary or desirable in connection with the issuance and delivery of the 2018 Bonds and the consummation of all transactions in connection therewith. The District Officers are hereby authorized and directed to execute all necessary or desirable certificates, documents, papers, and agreements necessary to the undertaking and fulfillment of all transactions referred to in or contemplated by the Supplemental Indenture, the Preliminary Limited Offering Memorandum, the Limited Offering Memorandum, this Resolution, the Disclosure Document and the Contract.

**SECTION 12. Approval of Prior Actions.** All actions taken to date by the members of the Board and the officers, agents, and employees of the District in furtherance of the issuance of the Bonds are hereby approved, confirmed and ratified.

**SECTION 13. Inconsistent Resolutions and Motions.** All prior resolutions of the Board inconsistent with the provisions of this Resolution are hereby modified, supplemented and amended to conform with the provisions herein contained and, except as so modified, supplemented and amended hereby, shall remain in full force and effect.

**SECTION 14. Severability.** If any section, paragraph, clause or provision of this Resolution shall be held to be invalid or ineffective for any reason, the remainder of this Resolution shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this Resolution would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

**SECTION 15. Effective Date.** This Resolution shall become effective immediately upon its adoption.

ADOPTED this 3<sup>rd</sup> day of May, 2018.

**TIMBER CREEK COMMUNITY  
DEVELOPMENT DISTRICT**

By: \_\_\_\_\_  
Chairman

[SEAL]  
Attest:

By: \_\_\_\_\_  
Secretary



*Craig Latimer*  
**Supervisor of Elections**

Our Vision: To be the best place in America to vote

GOVERNOR'S  
STERLING  
AWARD  
RECIPIENT

April 20, 2018

Brian Lamb  
2005 Pan Am Circle, Suite 120  
Tampa, FL 33607

Dear Brian Lamb,

As per F.S. 190.006, you'll find the number of qualified registered electors for your Community Development District as of April 15, 2018, listed below.

Community Development District	Number of Registered Electors
Timber Creek CDD	11

We ask that you respond to our office with a current list of CDD office holders by **June 1, 2018**, and that you update us throughout the year if there are changes. This will enable us to provide accurate information to potential candidates during filing and qualifying periods.

Please note it is the responsibility of each district to keep our office updated with current district information. If you have any questions, please do not hesitate to contact me at (813) 384-3944 or [ewhite@hcsoe.org](mailto:ewhite@hcsoe.org).

Respectfully,

Enjoli White  
Candidate Services Liaison

**TIMBER CREEK  
COMMUNITY DEVELOPMENT DISTRICT**

**February 23, 2018 Minutes of Special Organizational Meeting**

**Minutes of the Special Organizational Meeting**

The Special Organizational Meeting of the Board of Supervisors for the Timber Creek Community Development District was held on **Friday, February 23, 2018 at 11:30 p.m.** at The Offices of Meritus, located at 2005 Pan Am Circle, Suite 120, Tampa, FL 33607.

**1. CALL TO ORDER/ROLL CALL**

Brian Lamb called the Special Organizational Meeting of the Board of Supervisors of the Timber Creek Community Development District to order on **Friday, February 23, 2018 at 12:25 p.m.**

**Board Members Present and Constituting a Quorum:**

Jeff Hills	Supervisor
Ryan Motko	Supervisor
Nick Dister	Supervisor

**Staff Members Present:**

Brian Lamb	Meritus
Nicole Chamberlain	Meritus

There were no members of the general public in attendance.

**2. AUDIENCE QUESTIONS AND COMMENT ON AGENDA ITEMS**

There were no audience questions or comments on agenda items.

**3. ADMINISTER OATHS OF OFFICE TO BOARD ASSIGNED IN PETITION**

Mr. Lamb stated that the Board members have already been sworn in, and he has the Oaths of Office.

**4. SEAT NEW BOARD MEMBERS**

**A. Overview of Forms, Sunshine Amendment, Code of Ethics, Supervisor Responsibilities**

**5. APPOINTMENT OF OFFICERS – Resolution 2018-01**

**A. Chairman**  
**B. Vice Chairman**  
**C. Secretary**  
**D. Treasurer**  
**E. Assistant Secretaries**

49  
50 Supervisor Hills will serve as Chair, Supervisor Dister will serve as Vice Chair, Mr. Lamb will  
51 serve as Secretary, Mr. Davidson from Meritus will serve as Treasurer, and the remaining Board  
52 members will serve as Assistant Secretaries.  
53

MOTION TO:	Approve Resolution 2018-01 as stated.
MADE BY:	Supervisor
SECONDED BY:	Supervisor
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 3/0 - Motion Passed Unanimously

- 60  
61  
62 **6. APPOINTMENT OF CONSULTANTS**  
63 **A. Consider Appointment of District Manager/Assessment Consultant– Resolution**  
64 **2018-02.**  
65 **B. Designation of Registered Agent/Office – Resolution 2018-03**  
66 **C. Consider Appointment of District General Counsel – Resolution 2018-04**  
67 **D. Consider Appointment of Interim District Engineer – By Motion**  
68 **i. Authorize RFQ for District Engineer**  
69 **E. Consider Appointment of Bond Counsel – Akerman LLP**  
70 **F. Consider Appointment of Investment Banker – FMS Bonds**  
71 **G. Consider Appointment of Trustee – US Bank**  
72

73 Mr. Lamb went over the Appointment of Consultants items with the Board.

74  
75 *The entire discussion is available on audio recording.*  
76

MOTION TO:	Approve Appointment of Consultants Items 6A-G subject to review of the Chair.
MADE BY:	Supervisor Dister
SECONDED BY:	Supervisor Hills
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 3/0 - Motion Passed Unanimously

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86 **7. BUSINESS MATTERS**  
87 **A. Approve Notice of Establishment – Resolution 2018-05**  
88 **B. Consider Policy of Compensation for Board Members – Resolution 2018-06**  
89 **C. Consider Policy of Reimbursement of District Travel Expenses – Resolution**  
90 **2018-07**  
91 **D. Consider Designation of Local Records Officer – Resolution 2018-08**

- 92 **E. Consider District Records Retention Schedule – Resolution 2018-09**
- 93 **F. Consider Fiscal Year 2018 Regular Meeting Schedule and Location – Resolution**
- 94 **2018-10**
- 95 **G. Consider Fiscal Year 2018 Regular Meeting Schedule and Location – Resolution**
- 96 **2018-11**
- 97 **H. Consider Landowners’ Meeting Date, Time, and Location – Resolution 2018-12**
- 98 **I. Consider Budget Funding Agreement**
- 99 **J. Set Public Hearing for Uniform Method of Collections – Resolution 2018-13**
- 100 **K. Consider Rules of Procedure & Setting Public Hearing – Resolution 2018-14**
- 101 **L. Consider Policy Re: Support & Legal Defense for Board & Staff – Resolution**
- 102 **2018-15**
- 103 **M. Authorization to Obtain General Liability and Public Officers Insurance – By**
- 104 **Motion**
- 105 **N. Consider Designation of a Qualified Public Depository – Resolution 2018-16**
- 106 **O. Authorization of Signatories – Resolution 2018-17**
- 107 **P. Authorization to Disburse Funds for Expenses – Resolution 2018-18**
- 108 **Q. Consideration Adoption of Investment Policy – Resolution 2018-19**
- 109 **R. Consider Approval of Florida Statewide Mutual Aid Agreement – Resolution**
- 110 **2018-20**
- 111 **S. Consider Provisions for Public Comments – Resolution 2018-21**
- 112

113 Mr. Lamb went over the Business Matters items with the Board.

114  
115 *The entire discussion is available on audio recording.*

117	MOTION TO:	Approve Business Matters 7A-S, as stipulated by
118		staff.
119	MADE BY:	Supervisor Dister
120	SECONDED BY:	Supervisor Hills
121	DISCUSSION:	None further
122	RESULT:	Called to Vote: Motion PASSED
123		3/0 - Motion Passed Unanimously

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126 **8. PRELIMINARY REPORT PRESENTATION – ASSESSMENT BONDS**

127 **A. Bond Validation Reports**

- 128 **i. Bond Validation Report – Engineer**
- 129 **ii. Bond Validation Report – Assessment Consultant**

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131 Mr. Lamb went over the Bond Validation Reports with the Board.

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133 *The entire discussion is available on audio.*

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MOTION TO:	Approve the Bond Validation Reports in substantial form.
MADE BY:	Supervisor Hills
SECONDED BY:	Supervisor Motko
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 3/0 - Motion Passed Unanimously

**B. Authorizing Issuance of Bonds/Filing of Validation Complaint – Resolution 2018-22**  
**i. Master Trust Indenture**

Mr. Lamb reviewed the resolution and Master Trust Indenture with the Board.

MOTION TO:	Approve Resolution 2018-22 and the Master Trust Indenture.
MADE BY:	Supervisor Hills
SECONDED BY:	Supervisor Motko
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 3/0 - Motion Passed Unanimously

**C. Consider Authorization of Chairman to Accept or Execute Certain Documents – Resolution 2018-23**  
**D. Other Matters Related to Financing**

Mr. Lamb went over the timeline for the next few months of meetings with the Board.

- 9. ADMINISTRATIVE MATTERS**
  - A. Request for Working Capital – By Motion**
  
- 10. STAFF REPORTS**
  - A. District Counsel**
  - B. District Manager**
  - C. District Engineer**

**11. BOARD MEMBERS’ COMMENTS**

There were no Board member comments.



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**12. PUBLIC COMMENTS**

There were no public comments.

**13. ADJOURNMENT**

MOTION TO:	Adjourn.
MADE BY:	Supervisor Hills
SECONDED BY:	Supervisor Motko
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 3/0 - Motion Passed Unanimously

DRAFT

195 *\*Please note the entire meeting is available on disc.*

196

197 *\*These minutes were done in summary format.*

198

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

203

204 **Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly**  
205 **noticed meeting held on \_\_\_\_\_.**

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209 \_\_\_\_\_  
**Signature**

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**Signature**

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212 \_\_\_\_\_  
**Printed Name**

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214 **Title:**

**Title:**

215  **Secretary**

**Chairman**

216  **Assistant Secretary**

**Vice Chairman**

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*Recorded by Records Administrator*

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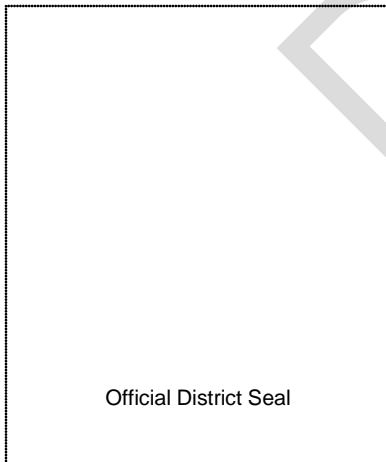
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Official District Seal

**TIMBER CREEK  
COMMUNITY DEVELOPMENT DISTRICT**

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**April 5, 2018 Minutes of Landowners Election and Regular Meeting**

**Minutes of the Landowners Election and Regular Meeting**

The Landowners Election and Regular Meeting of the Board of Supervisors for the Timber Creek Community Development District was held on **Friday, April 5, 2018 at 2:00 p.m.** at The Offices of Meritus, located at 2005 Pan Am Circle, Suite 120, Tampa, FL 33607.

**LANDOWNERS MEETING/ELECTION**

**1. CALL TO ORDER/ROLL CALL**

Brian Lamb called the Landowners Election of the Board of Supervisors of the Timber Creek Community Development District to order on **Friday, April 5, 2018 at 2:00 p.m.**

**Landowner Members Present:**

Jeff Hills	Eisenhower Property Group
Nick Dister	Eisenhower Property Group
Ryan Motko	Eisenhower Property Group
Albert Viera	Eisenhower Property Group
Steve Luce	Eisenhower Property Group

**Staff Members Present:**

Brian Lamb	Meritus
Shannon Kenneston	Meritus

There were no members of the general public in attendance.

**2. APPOINTMENT OF MEETING CHAIRMAN**

Mr. Lamb will serve as meeting Chairman.

**3. ANNOUNCEMENT OF CANDIDATES/CALL FOR NOMINATIONS**

Mr. Lamb announced that he had the ballot from the landowners' representative in attendance. All five Board seats were open for election.

**4. ELECTION OF SUPERVISORS**

Mr. Lamb stated that Jeff Hills had 80 votes, Nick Dister had 80 votes, Ryan Motko had 40 votes, Albert Viera with 40 votes, and Steve Luce with 40 votes. When the Board convenes, the elected individuals will be sworn in.

50           **5. OWNERS REQUESTS**

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52       There were no landowner requests.

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55           **6. ADJOURNMENT**

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57       Mr. Lamb adjourned the Landowners Election Meeting.

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61           **REGULAR MEETING**

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63           **1. CALL TO ORDER/ROLL CALL**

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65       Brian Lamb called the Regular Meeting of the Board of Supervisors of the Timber Creek  
66       Community Development District to order on **Friday, April 5, 2018 at 2:05 p.m.**

67  
68       **Board Members Present and Constituting a Quorum:**

69       Jeff Hills                         Chair  
70       Nick Dister                        Vice Chair  
71       Ryan Motko                         Supervisor  
72       Albert Viera                        Supervisor  
73       Steve Luce                         Supervisor

74  
75       **Staff Members Present:**

76       Brian Lamb                         Meritus  
77       Shannon Kenneston                 Meritus

78  
79       There were no members of the general public in attendance.

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82           **2. AUDIENCE QUESTIONS AND COMMENT ON AGENDA ITEMS**

83  
84       There were no audience questions or comments on agenda items.

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87           **3. OATH OF OFFICE**

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89       Mr. Lamb stated that each Board member has signed the Oath of Office and that he is a notary in  
90       the state of Florida and authorized to conduct the Oath. Mr. Lamb told the new Supervisors that  
91       they are required to file a Form 1 in their County of residence. He also went over some of the  
92       other requirements for newly elected Supervisors.

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96 **4. BUSINESS ITEMS**

- 97 **A. Consideration of Resolution 2018-24; Canvassing and Certifying the Results of**  
98 **the Landowners Elections**  
99 **B. Consideration of Resolution 2018-25; Re-Designating Officers**  
100 **C. Consideration of Master Assessment Methodology Report**  
101 **D. Consideration of District Engineer’s Report Date March 28, 2018**  
102 **E. Consideration of Resolution 2018-26; Declaring Special Assessments**  
103 **F. Consideration of Resolution 2018-27; Setting Public Hearing for Levying Special**  
104 **Assessments**  
105 **G. Consideration of RFQs for District Engineer**  
106

107 Mr. Lamb went over the Resolution 2018-24 with the Board. He stated that Supervisor Hills and  
108 Supervisor Dister would serve in Seat 1 and 2 after having received the highest number of votes,  
109 with Supervisor Motko, Supervisor Viera, and Supervisor Luce serving in Seats 3, 4, and 5 after  
110 having received the lower amount of votes. Supervisor Hills and Supervisor Dister will have  
111 terms that go through November 2022, and Supervisor Motko, Supervisor Viera, and Supervisor  
112 Luce will have terms that go through November 2020.  
113

114 Mr. Lamb reviewed Resolution 2018-25 with the Board. Supervisor Hills will serve as Chair,  
115 Supervisor Dister will serve as Vice Chair, with the balance of the Board serving as Assistant  
116 Secretaries. Mr. Lamb will serve as Secretary, Eric Davidson at Meritus will serve as Treasurer,  
117 and Brian Howell at Meritus serve as an additional Assistant Secretary.  
118

119 Mr. Lamb then went over the Master Assessment Methodology Report and District Engineer’s  
120 Report. He also reviewed Resolution 2018-26 and Resolution 2018-27 with the Board. The date  
121 of the Public Hearing will be Wednesday, May 9, 2018 at 1:00 p.m. at the Meritus Office. Mr.  
122 Lamb recommended ranking Stantec as the top firm. They were the only one to respond to the  
123 RFQ for District Engineering as required.  
124

MOTION TO:	Approve Business Items 4A-4G as stated.
MADE BY:	Supervisor Hills
SECONDED BY:	Supervisor Motko
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED 5/0 - Motion Passed Unanimously

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133 **5. STAFF REPORTS**

- 134 **A. District Counsel**  
135 **B. District Manager**  
136 **C. District Engineer**  
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138 Mr. Lamb said that staff is reviewing preliminary plats and other language associated with the  
139 potential conveyance of other assets and lands in the District.  
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**6. BOARD MEMBERS' COMMENTS**

There were no board member comments.

**7. PUBLIC COMMENTS**

There were no public comments.

**8. ADJOURNMENT**

MOTION TO:	Adjourn.
MADE BY:	Supervisor Hills
SECONDED BY:	Supervisor Dister
DISCUSSION:	None further
RESULT:	Called to Vote: Motion PASSED
	5/0 - Motion Passed Unanimously

DRAFT

161 *\*Please note the entire meeting is available on disc.*

162

163 *\*These minutes were done in summary format.*

164

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

169

170 **Meeting minutes were approved at a meeting by vote of the Board of Supervisors at a publicly**  
171 **noticed meeting held on \_\_\_\_\_.**

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175 \_\_\_\_\_  
**Signature**

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**Printed Name**

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180 **Title:**

181  **Secretary**

182  **Assistant Secretary**

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\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Printed Name**

**Title:**

**Chairman**

**Vice Chairman**

*Recorded by Records Administrator*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

