



DEVELOPMENT PLANNING & FINANCING GROUP, INC.

www.dpfg.com

***BUCKHEAD TRAILS  
COMMUNITY DEVELOPMENT DISTRICT***

***Advanced Board Package***

***Board of Supervisors  
Organizational Meeting***

***Thursday  
June 4, 2015***

***2:00 p.m.***

***At the Offices of:***

***1651 Whitfield  
Sarasota, Florida***

***Note: The Advanced Meeting Package is a working document and thus all materials are considered DRAFTS prior to presentation and Board acceptance, approval or adoption.***

# **Buckhead Trails Community Development District**

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Development Planning and Financing Group  
15310 Amberly Drive, Suite 175, Tampa, Florida 33647  
Phone: 813-374-9105

Board of Supervisors  
**Buckhead Trails  
Community Development District**

Dear Board Members:

The Organizational Meeting of the Board of Supervisors of the Buckhead Trails CDD is scheduled for **Thursday, June 4, 2015 at 2:00 p.m.** at 1651 Whitfield, Sarasota, Florida.

*The advanced copy of the agenda for the meeting is attached, along with associated documentation for your consideration.* Any additional support material will be forwarded to you under separate cover or distributed at the meeting.

The balance of the agenda is routine in nature and staff will present their reports at the meeting. If you have any questions, please contact me.

Sincerely,

***Bruce St. Denis***

Bruce St. Denis  
District Manager

# BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT

Date of Meeting: Thursday June 4, 2015  
Time: 2:00 p.m.  
Location: 1651 Whitfield  
Sarasota, Fl.  
Conference Call No: 712.432.1500  
Code: 434537#

## ***Business Meeting Agenda***

	<b>Exhibit(s)</b>
<b>I. Call to Order</b>	
<b>II. Consideration of Resolution 2015-1 Canvassing and Certifying the Results of the Landowners Election</b>	<b>1.</b>
<b>III. Oath of Office for New Board Members</b>	
<b>IV. Organization of District's Officers and Consideration of Related Resolutions</b>	
<b>a. Consideration of Resolution 2015-2 Election of Officers</b>	<b>2</b>
Chairman	
Vice Chairman	
Secretary	
Treasurer	
Assistant Secretaries	
<b>b. Overview of District Responsibilities</b>	
• Public Officials Code of Ethics	
• Sunshine Law	
• Form 1F – Final Statement of Financial Interests	
<b>c. Compensation of Board Members</b>	

		<b>Exhibit(s)</b>
<b>IV.</b>	<b>Retention of District Staff and Associated Agreements</b>	
<b>a.</b>	Consideration of Resolution 2015-3 Contract for District management and Financial Advisory Services with Development Planning and Financing Group	<b>3</b>
<b>b.</b>	Consideration of Resolution 2015-4 Designating Carolyn Stewart as the District’s Records Officer and Records management Liaison Officer and Assistant Secretary.	<b>4</b>
<b>c.</b>	Consideration of Resolution 2015-5 Authorizing Execution of Public Depositor Report	<b>5</b>
<b>d.</b>	Consideration of Appointment of District Counsel and Resolution 2015-6	<b>6</b>
<b>e.</b>	Consideration or Resolution 2015-7 Appointing a Registered Agent and Registered Office	<b>7</b>
<b>f.</b>	Consideration of Engagement Letter with Bond Counsel	
<b>g.</b>	Consideration of Agreement with an Investment Banker	
<b>h.</b>	Consideration of Engagement Letter with Interim Engineer	
<b>i.</b>	Request Authorization to Issue RFP for Engineering Services	
<b>V.</b>	<b>Designation of Meetings, Hearing Dates and Associated</b>	

	<b>Exhibit(s)</b>
<b>Documents</b>	
a. Designation of Regular Monthly Meeting Date, Time and Location	
b. Consideration of Interim Budget, Resolution 2015-7 Designation of Public Hearing on Proposed Budget	<b>8</b>
c. Consideration of Developer Funding Agreement	<b>8</b>
d. Designation of Date of Public Hearing Expressing the District's Intent to Utilize the Uniform method of Levying, Collecting and Enforcing Non-Ad-Valorem Assessments	<b>10</b>
 <b>VI Other Organizational Matters</b>	
a. Selection of District Depository	
b. Approval of Recorded Notice of Establishment	
c. Selection of District Records Office within the County	
d. Consideration of Resolution 2015-8 Relating to Defense of Board Members	<b>11</b>
e. Consideration of Resolution 2015-9 Adopting Investment Guidelines	<b>12</b>
f. Authorization of Chairman or Vice Chairman to Handle Administrative Issues Between Meetings as Necessary with Ratification of Actions at the Next Board Meeting.	

	<b>Exhibit(s)</b>
g. Authorization to Obtain General Liability and Public Officers Insurance	
h. Approval of the Florida Statewide Mutual Aid Agreement	
i. Consideration of the Rules of Procedure and Setting the Public Hearing to Adopt the Rules of Procedure	<b>13</b>
<b>VII.</b> Other Business	
<b>VIII.</b> Adjournment	

**EXHIBIT 1.**

RESOLUTION 2015-1

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS ELECTION OF SUPERVISORS HELD PURSUANT TO SECTION 190.006(2), FLORIDA STATUTES

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

WHEREAS, following proper publication of notice thereof, such landowners meeting was held June 4, 2015 at which the below recited persons were duly elected by virtue of the votes cast in their respective favor; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT;

1. The following persons are found, certified, and declared to have been duly elected as Supervisors of and for the District, having been elected by the votes cast in their favor as shown, to wit:

_____	Votes
_____	Votes
_____	Votes
_____	Votes
_____	Votes



2. In accordance with said statute, and by virtue of the number of votes cast for the respective Supervisors, they are declared to have been elected for the following terms of office:

_____	four (4) year term
_____	four (4) year term
_____	two (2) year term
_____	two (2) year term
_____	two (2) year term

3. Said terms of office shall commence immediately upon the adoption of this Resolution.

PASSED AND ADOPTED THIS 4TH DAY OF JUNE, 2015.

ATTEST:

BOARD OF SUPERVISORS OF THE  
BUCKHEAD TRAILS COMMUNITY  
DEVELOPMENT DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Title:

- Secretary
- Assistant Secretary

Title:

- Chairman
- Vice Chairman

**EXHIBIT 2.**

RESOLUTION 2015-2

A RESOLUTION DESIGNATING OFFICERS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT

WHEREAS, the Board of Supervisors of the Buckhead Trails Community Development District at the organizational business meeting **following the landowners meeting** held on **June 4, 2015** desires to appoint the below recited persons to the offices specified.

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

- 1. The following persons were appointed to the offices shown, to wit:

_____	Chairperson
_____	Vice Chairperson
<u>Bruce St. Denis</u>	Secretary
<u>Patricia Comings-Thibault</u>	Treasurer
<u>Maik Aagaard &amp; Bruce St. Denis</u>	Assistant Treasurer
<u>Carolyn Stewart</u>	Assistant Secretary
_____	Assistant Secretary
_____	Assistant Secretary
_____	Assistant Secretary

PASSED AND ADOPTED THIS 4th DAY OF JUNE, 2015.

ATTEST:

BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Title:  
 Secretary  
 Assistant Secretary

Title:  
 Chairman  
 Vice Chairman

**EXHIBIT 3.**

RESOLUTION 2015-3

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DEVELOPMENT PLANNING & FINANCING GROUP, INC., AS ITS DISTRICT MANAGER AND FINANCIAL ADVISOR AND AUTHORIZING THEIR COMPENSATION

WHEREAS, the Board of Supervisors of the Buckhead Trails Community Development District desire to appoint Development Planning & Financing Group, Inc. as District Manager and Financial Advisor in accordance with their engagement letter;

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

1. Development Planning & Financing Group, Inc. is appointed District Manager and Financial Advisor.

2. Development Planning & Financing Group, Inc. shall be compensated for services in such capacity in the manner prescribed in their engagement letter.

PASSED AND ADOPTED THIS 4TH DAY OF JUNE, 2015.

ATTEST:

BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Title:

- Secretary
- Assistant Secretary

Title:

- Chairman
- Vice Chairman

DPFG Engagement Letter attached.

## CDD MANAGEMENT AGREEMENT

June 3, 2015

Board of Supervisors  
**Buckhead Trails** Community Development District

Supervisors:

Development Planning & Financing Group, Inc. (“DPFG” or the “Manager”) offers to enter into this agreement with Buckhead Trails Community Development District (the “District”) which, upon your acceptance of this offer, will be binding upon you and upon us.

1. **Scope of Services:** The Manager proposes that its duties, among others, shall include the following:
  - a. Management Services – Manage the District pursuant to Chapter 190 and related provisions of Florida Statutes; advise the Board on substantive, procedural and regulatory issues relating to District matters; budget development and implementation; administer contracts regarding community infrastructure and amenities; oversee District field manager and staff;
  - b. Records Administration – Prepare legal notices, agendas and meeting packets; prepare official minutes; manage, organize, and archive official records; file appropriate records and reports with government agencies; process records requests and other communications;
  - c. Manage Government Fund Accounting System – Prepare financial statements; implement government investment policy; prepare government mandated financial reports; coordinate with auditors on annual independent audits; perform all other government required financial functions pertaining to District administration;
  - d. Special Assessment Services – Provide professional assessment management and related advisory services for the assessment methodology, levying and collection of special assessments; services include alternate assessment methodology, preparing an annual assessment roll and coordinating with county taxing authorities for the collections.
2. **Fees:** The District agrees to compensate DPFPG in accordance with a fixed fee schedule for the annual base contract services and general operating expenses as set forth in Exhibit A.

3. **Term:** This agreement shall commence and be effective as of March 5<sup>th</sup>, 2015, and be binding upon your acceptance hereof and shall remain in effect until such time as the agreement has been terminated in accordance with Section 4 hereof.
4. **Termination:** Both the District and the Manager will have the right to terminate this agreement upon 60 days notice.

You can be assured we will devote our best efforts to the work to be performed. If you have any questions regarding this agreement, please call me at (407) 644-4381 ext 201.

Sincerely,

Development Planning & Financing Group, Inc. by



Maik Aagaard  
Managing Principal

Approved and Accepted by Buckhead Trails Community Development District:

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

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXHIBIT A**  
**Buckhead Trails Community Development District**  
**Fee Schedule**

**Annual Base Contract on a Service Activity Basis:**

1. **Annual District Management Services** – DPFG shall provide professional district management, records compliance, accounting, and assessment services for an activity based fee in the amount of \$1,000 per month. The parties can review the annual fee during each budget adoption cycle, and adjust the specific scope of services and fees according to activity.

The initial fee is activity based and it is anticipated that limited accounting and management activity is required to service the District effectively. At this time, it is contemplated that DPFG will prepare two financial statements in the fiscal year, and provide a check register at every Board meeting beginning with the current fiscal year. Any other financial and accounting activity beyond general fund accounting will be billed under separate invoice based upon mutual agreement.

Management service activity is largely a function of accounting needs, financing requirements, and Board meeting actions at this point in time. Service activity may change as the District develops.

**Other Special Fees Require Advance and Special Authorizations (as applicable):**

2. **Special Transition Services** – If there are significant transition transactions required in connection with accounting, special project management, and managing any outstanding government compliance matters, then the parties will agree to a one-time fee to be paid to DPFG to cover the transition work involved, if any.
3. **Bond Issuance, Assessment Restructuring and Other Special Services** – The DPFG team has extensive experience in providing financial advisory and management services in connection with issuing new bonds and restructuring existing assessment methodologies.

Special services in this capacity should be compensated based upon mutual agreement of the parties and the execution of special authorization agreements, including special work to prepare new bond amortization schedules as requested from time to time by the trustee.

4. **Special Prepayment Collection Agent Services** – Special work to process bond debt prepayments and lien releases will be processed pursuant to special authorizations and paid from proceeds by the transaction parties in land sale closings.
5. **Prior Year Activity / Foreclosure Actions** – Special work to process foreclosure actions, and complete audits, or any other work to reconcile and recreate prior year activity, if needed, will be billed under separate invoice based upon mutual agreement.
6. Future services may include **Field Management, Direct Material Purchase and Reimbursement Tracking and Construction Accounting (reimbursements and project accounting)**.



**EXHIBIT 4.**

RESOLUTION 2015-4

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT DESIGNATING CAROLYN STEWART AS THE DISTRICT'S RECORDS OFFICER; AND AS THE RECORDS MANAGEMENT LIAISON OFFICER

**WHEREAS**, Buckhead Trails COMMUNITY DEVELOPMENT DISTRICT from time to time is responsible for filing certain forms with various Departments of State Florida including but not limited to the Records and Information Management of the District and the Commission on Ethics;

**WHEREAS**, it is in the best interest of BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT and its inhabitants to follow the guidelines of the State relating to Records and Information Management, Records Retention Schedules and Disposition of Records, as outlined in the State of Florida General Records Schedule GS1-SL for Local Government Agencies, and

**WHEREAS**, it is necessary to designate certain individuals as the Records Officer, a Records Management Liaison Officer and Assistant Secretary to execute any necessary documents and to manage the District's Records and Retention Schedules;

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. Carolyn Stewart is designated as the District's Records Officer and is authorized to execute and transmit documentation to various Departments of the State Florida;
2. Carolyn Stewart is designated as the District's Records Management Liaison Officer and is authorized to execute and transmit documents to the Departments of the State of Florida.
3. The Records Officer and Records Management Liaison Officer are authorized to follow the guidelines as set forth by the State of Florida, General Records Schedule GS1-SL for Local Government Agencies for the District's Records and Information Program.
4. That this authorization shall be continuing in nature until revoked by Buckhead Trails Community Development District.

PASSED AND ADOPTED THIS 4th DAY OF JUNE, 2015.

ATTEST:

BOARD OF SUPERVISORS OF THE  
BUCKHEAD TRAILS COMMUNITY  
DEVELOPMENT DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Title:

- Secretary
- Assistant Secretary

Title:

- Chairman
- Vice Chairman

**EXHIBIT 5.**

RESOLUTION 2015-5

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING THE DISTRICT MANAGER OR TREASURER TO EXECUTE THE PUBLIC DEPOSITORS REPORT, AND FURTHER AUTHORIZING THE EXECUTION OF ANY AND ALL OTHER FINANCIAL REPORTS; PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, Buckhead Trails Community Development District has established the position of Treasurer for the purpose of maintaining the financial records of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS AS FOLLOW:

1. The District Manager or Treasurer are hereby authorized on behalf of the Buckhead Trails Community Development District to execute the public depositor report to the Office of the Treasurer as required by Chapter 280, Florida Statutes, and any and all other financial reports required by any other rule, statute, law ordinance or regulation.

2. This Resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED THIS 4th DAY OF JUNE, 2015.

ATTEST:

BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Title:

- Secretary
- Assistant Secretary

Title:

- Chairman
- Vice Chairman

**EXHIBIT 6.**

RESOLUTION 2015-6

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE  
BUCKHEAD TRAILS COMMUNITY DEVELOPMENT  
DISTRICT DESIGNATING THE FIRM OF  
\_\_\_\_\_ AS DISTRICT COUNSEL AND  
AUTHORIZING COMPENSATION

WHEREAS, the Board of Supervisors of the Buckhead Trails Community Development District desires to appoint the firm of \_\_\_\_\_ as District Counsel in accordance with their engagement letter;

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

1. The firm of \_\_\_\_\_ is appointed District Counsel.
2. The firm of \_\_\_\_\_ shall be compensated for their services in such capacity in the manner prescribed in the engagement letter.

PASSED AND ADOPTED THIS 4TH DAY OF JUNE, 2015.

ATTEST:

BOARD OF SUPERVISORS OF THE  
BUCKHEAD TRAILS COMMUNITY  
DEVELOPMENT DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Title:

- Secretary
- Assistant Secretary

Title:

- Chairman
- Vice Chairman

Attorney Engagement Letter attached.

**EXHIBIT 7.**



RESOLUTION 2015-7

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT DESIGNATING \_\_\_\_\_ AS THE DISTRICT'S REGISTERED AGENT, AND FURTHER DESIGNATING THE DISTRICT'S REGISTERED OFFICE FOR SERVICE OF PROCESS AS \_\_\_\_\_

WHEREAS, Section 189.416 of the Florida Statutes requires each District to designate a Registered Office and a Registered Agent upon whom may be served any process, notice, or demand required or permitted by law to be served upon the District; and

WHEREAS, the Board desires to designate \_\_\_\_\_ as its Registered Agent and designate his/her business address which is \_\_\_\_\_, \_\_\_\_\_, Florida, and phone number is \_\_\_\_\_ as its Registered Office;

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

1. \_\_\_\_\_ whose business address is \_\_\_\_\_, Florida, \_\_\_\_\_ and whose telephone number is \_\_\_\_\_ is hereby designated as the Registered Agent of the District for the purpose of Section 189.416(1), Florida Statutes and his office as the Registered Office of the District.

2. This Resolution shall take effect immediately.

3. The District Manager shall transmit certified copies of this Resolution to the Clerk of the Manatee County Board of County Commissioners, and to the State of Florida Department of Economic Opportunity.

PASSED AND ADOPTED THIS 4th DAY OF JUNE, 2015.

ATTEST:

BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Title:  
 Secretary  
 Assistant Secretary

Title:  
 Chairman  
 Vice Chairman

**EXHIBIT 8.**

RESOLUTION 2015-8

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT APPROVING PROPOSED OPERATION AND MAINTNENACE BUDGET FOR FISCAL YEAR 2015; SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the District Manager prepared and submitted to the Board of Supervisors of the Buckhead Trails Community Development District (the "Board") at its organizational meeting the proposed General Fund Operating and Maintenance Budget for the balance of Fiscal Year 2015; and

WHEREAS, the Board 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 BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT:**

1. The operating and maintenance budget proposed by the District Manager for Fiscal Year 2014/2015 attached hereto as **Exhibit A** are hereby approved as the basis for conducting a public hearing to adopt said budget.

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

DATE: \_\_\_\_\_, 2015

HOUR: \_\_\_\_\_m.

LOCATION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. The District Manager is hereby directed to submit a copy of the proposed budgets to Manatee County at least 60 days prior to the hearing date set above.

4. In accordance with Section 189.418, Florida Statutes, the District's Secretary is further directed to post this proposed budget on the District's website at least two days before the budget hearing date. If the District does not have its own website, the District's Secretary is directed to transmit this approved budget to the above listed governmental agency(s) for posting on the local governing authority's website.

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

6. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED THIS 4th DAY OF JUNE, 2015.

ATTEST:

BOARD OF SUPERVISORS OF THE  
BUCKHEAD TRAILS COMMUNITY  
DEVELOPMENT DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Title:

- Secretary
- Assistant Secretary

Title:

- Chairman
- Vice Chairman

**Exhibit A:** Proposed FY 2015 Budget

**STATEMENT 1  
BUCKHEAD TRAIL CDD  
FY 2015 INTERIM BUDGET  
GENERAL FUND (O&M)**

	FY 2015 PROPOSED BUDGET
<b>I. REVENUE</b>	
OFF ROLL FUNDING	\$ 38,975
INTEREST	
<b>TOTAL REVENUE</b>	<b>38,975</b>
<b>II. EXPENDITURES</b>	
<b>GENERAL ADMINISTRATIVE</b>	-
SUPERVISORS COMPENSATION	-
PAYROLL TAXES	-
PAYROLL SERVICES	-
MANAGEMENT CONSULTING SERVICES	12,000
CONSTRUCTION ACCOUNTING SERVICES	-
PLANNING AND COORDINATING SERVICES	-
ADMINISTRATIVE SERVICES	3,500
BANK FEES	300
MISCELLANEOUS	500
AUDITING SERVICES	2,500
TRAVEL PER DIEM	-
INSURANCE	4,000
REGULATORY AND PERMIT FEES	175
LEGAL ADVERTISEMENTS	2,000
ENGINEERING SERVICES	4,000
LEGAL SERVICES	7,500
PERFORMANCE & WARRANTY BOND PREMIUM	-
WEBSITE HOSTING	2,500
ADMINISTRATIVE CONTINGENCY	-
<b>TOTAL GENERAL ADMINISTRATIVE</b>	<b>38,975</b>
<b>DEBT ADMINISTRATION:</b>	
DISSEMINATION AGENT	-
TRUSTEE FEES	-
TRUST FUND ACCOUNTING	-
ARBITRAGE	-
<b>TOTAL DEBT ADMINISTRATION</b>	-
<b>PHYSICAL ENVIRONMENT EXPENDITURES (1/2 Year)</b>	
STREETPOLE LIGHTING	-
ELECTRICITY (IRRIGATION & POND PUMPS)	-
WATER	-
LANDSCAPING MAINTENANCE	-
IRRIGATION MAINTENANCE	-
POND MAINTENANCE	-
SOLID WASTE DISPOSAL	-
<b>TOTAL PHYSICAL ENVIRONMENT EXPENDITURES</b>	-
<b>TOTAL EXPENDITURES</b>	<b>38,975</b>
<b>III. EXCESS OF REVENUE OVER (UNDER) EXPENDITURES</b>	
FUND BALANCE - BEGINNING	-
<b>FUND BALANCE - ENDING</b>	<b>\$ -</b>

**EXHIBIT 9.**

DEVELOPER FUNDING AGREEMENT FOR FISCAL YEAR 2015

THIS AGREEMENT made and entered into this 4th day of June, 2015 by and between:

The Buckhead Trails Community Development District created pursuant to Chapter 190, Florida Statutes, and Established by Manatee County Ordinance hereinafter referred to as District;

and

\_\_\_\_\_, hereinafter referred to as Developer;

WHEREAS, the Developer owns the majority of all lands within the District; and

WHEREAS, the District pursuant to the responsibilities and authorities vested in it by Chapter 190 F.S., desires to proceed with the discharge of its duties to include administrative, legal, and the preparation of certain plans and specifications for the Water Management, roadways and water distribution and wastewater collection facilities, hereinafter referred to as capital improvements; and

WHEREAS, the Developer recognizes that in so discharging said duties and responsibilities, certain benefits will accrue to the land; and

WHEREAS, the Developer is agreeable to funding the operations of the District as called for in the Budget, approved by the Board of Supervisors, which is attached and made a part hereof as Exhibit "A" said budget commencing October 1, 2014 and terminating September 30, 2015

NOW, THEREFORE, BASED UPON GOOD AND VALUABLE CONSIDERATION AND MUTUAL COVENANTS OF THE PARTIES HEREINAFTER RECITED, IT IS AGREED AS FOLLOWS;

1. Developer agrees to make available to the District 90 days of working capital moneys necessary for the operation of the District as called for in the Budget, shown as Exhibit "A". Replenishment funds must be received within fifteen (15) days written request by the District. The funds shall be placed in the District's General checking account in \_\_\_\_\_ County, Florida.

2. The parties hereto recognize that a portion of the aforereferenced operating expenses are required in support of the District's effort to implement its capital improvements program which are to be financed in the form of note(s), bond(s) or future developer advances and as such may be considered to be reimbursable expenses. The District agrees that upon the issuance of its note(s) or bonds(s) that there will be included an amount sufficient to reimburse the Developer for a portion of the advances made pursuant to this agreement and such reimbursement will be made within thirty (30) days of receiving the proceeds of the note(s) or bond(s). The advances made pursuant to this agreement and reimbursement of same will not include any interest charge since it is anticipated that the District will proceed in a timely fashion to obtain its note(s) or bond(s).

The Buckhead Trails Community  
Development District

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairman

Attest:  
  
\_\_\_\_\_

[Type in Company Name]  
  
\_\_\_\_\_  
Officer of the Corporation



**EXHIBIT 10.**

NOTICE BY THE  
BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT  
OF THE DISTRICTS INTENT TO USE THE UNIFORM METHOD  
OF COLLECTION OF NON-AD VALOREM ASSESSMENTS

NOTICE IS HEREBY GIVEN that the Buckhead Trails Community Development District (the "District") intends to use the uniform method of collecting non-ad valorem assessments to be levied by the District, pursuant to Section 197.3632, Florida Statutes. The Board of Supervisors of the District will conduct a public hearing on August 6, 2015 at Medallion Homes 1651 Whitfield Sarasota Florida.

The purpose of the public hearing is to consider the adoption of a resolution authorizing the District to use the uniform method of collecting non-ad valorem assessments to be levied by the District on properties located within the District's boundaries, pursuant to Section 197.3632, Florida Statutes.

The District may levy non-ad valorem assessments for the purpose(s) of constructing, acquiring, making, maintaining, operating, and equipping infrastructure improvements to serve the District including, but not limited to, drainage facilities, transportation improvements, water and sewer facilities, and landscape and irrigation, and any other lawful projects or services of the District.

Interested parties may appear at the public hearing to be heard regarding the use of the uniform method of collecting such non-ad valorem assessments.

The public hearing may be continued to a date, time, and place to be specified on the record at the hearing. If any person decides to appeal any decision made with respect to any matter considered at this public hearing such person will need a record of proceedings, and for such purpose such person may need to ensure that a verbatim record of the proceedings is made at their own expense and that such record includes the testimony and evidence on which the appeal is based.

One or more Supervisors may participate in the public hearing by telephone. At the above location there will be present a speaker telephone so that any interested party can attend the public hearing at the above location and be fully informed of the discussions taking place either in person or by speaker telephone device.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District's Management Office at 813-374-9105 at least two (2) business days prior to the date of the hearing. If you are hearing or speech impaired, please contact the Florida Relay Service at (800) 955-8770 for aid in contacting the District Office.

Bruce St. Denis,  
Manager

**EXHIBIT 11.**

RESOLUTION 2015-9

A RESOLUTION OF THE BOARD OF SUPERVISORS (“BOARD”) OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) SETTING FORTH THE POLICY OF THE DISTRICT BOARD WITH REGARD TO THE SUPPORT AND LEGAL DEFENSE OF THE BOARD AND DISTRICT STAFF

WHEREAS, the Board and the officers, agents, and employees of the District are constantly presented with the necessity for making decisions regarding various phases of District policy and management; and

WHEREAS, it is essential to the effective operation of the District that such decisions be made in an environment where the threat of personal liability for the Board and its officers, agents, and employees is maintained at a minimum; and

WHEREAS, the Board wishes to formalize a policy with regard to the support and legal protection of the Board and its officers, agents, and employees so as to reduce the threat of personal liability to such individuals.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT, MANATEE COUNTY, FLORIDA, that:

1. As set forth in this Resolution, the District, in accordance with Florida Law, agrees that the following Board members and officers, agents, or employees of the District shall not be held liable or named as a party defendant in any action allegedly caused by the negligence or wrongful act or omission of action within the scope of their office, employment, agency, or function, provided they have not acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property:

- (a) All members of the Board of Supervisors; and
- (b) The District Manager, Secretary, Treasurer, Assistant Secretary(s), Assistant Treasurer(s), District Engineer, and Counsel for the District (the “staff”).

2. The District, in accordance with Florida Law, recognizes that the exclusive remedy for the actions described in paragraph 1 above, shall be by action against the District or the Chairperson of the Board in his or her official capacity.

3. As set forth in this Resolution, the District hereby agrees to provide legal representation to defend any civil action arising from a complaint for damages or injuries suffered as a result of any act or omission of action of any of the above-listed Board and staff members of the District, present or former, arising out of and in the scope of his or her employment or function, unless, in the case of a tort action, the Board or staff member acted in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. Provided, however, that if the affected Board member and staff member of the District in good faith believes that there is a conflict of interest in said attorneys retained by the District providing representation to said individual, then at the request of said individual, District will and shall employ attorneys of said individual's selection to appear and defend the claim, action or item on behalf of the individual at the expense of the District. By this provision, the District does not waive any immunity from liability as granted under Florida Law, including the District's stating that to the extent the State does not through its laws protect the members of the Board and its officers, employees, or agents from liability, it is committed to doing so to the extent described in this Resolution.

4. The District may insure itself in order to cover all reasonable costs and fees directly arising out of or in connection with any legal claim or suit which directly results from a decision or act made by a Board member or staff while performing the duties and functions of his or her position.

5. This Resolution is intended to evidence the District's support of Board members and staff who perform acts and render decisions in the good faith performance of their duties and functions. The District will neither support nor defend an individual whose act or decision is the result of fraud, malfeasance or knowing criminal misconduct. The District will neither support nor defend those actions or omissions committed by an individual outside the scope of his/her office or committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property. In the event that the District has expended funds to provide an Attorney to defend a staff or Board member who is found to be personally liable by virtue of actions outside the scope of his or her employment or function, or was acting in bad faith, with malicious purpose, or in a manner exhibiting wanton and willful disregard of human rights, safety, or property, the individual shall be required to reimburse the District for funds so expended. The District may recover such funds in a civil action against such individual.

6. The District agrees to pay any final judgment, including damages, costs, and Attorney's fees, arising from the complaint for damages or injuries suffered as a result of any action or omission of action of any staff or Board member in a civil or civil rights lawsuit described in Section 111.07, Florida Statutes. If the civil action arises under Section 768.28, Florida Statutes, as a tort claim, the limitations and provisions of that section governing payment shall apply. If the action is a civil rights action arising under 42 U.S.C. § 1983, or similar federal statutes including by of example and not of limitation those statutes listed in 42 U.S.C. § 1988(b) (1994), payment for the full amount of judgment may be made unless the individual has been determined in the final judgment to have caused the harm intentionally. The District agrees to pay any compromise or settlement of any claim or litigation described in this paragraph, provided, however, that the District determines such compromise or settlement to be in the District's best interest.

7. This Resolution shall not apply to actions initiated by the District against a Board member, officer, agent, or employee.

PASSED AND ADOPTED THIS 4TH DAY OF JUNE, 2015.

ATTEST:

BOARD OF SUPERVISORS OF THE  
BUCKHEAD TRAILS COMMUNITY  
DEVELOPMENT DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Title:

- Secretary
- Assistant Secretary

Title:

- Chairman
- Vice Chairman

**EXHIBIT 12.**

Resolution 2015-10

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT, ADOPTING THE ALTERNATIVE INVESTMENT GUIDELINES FOR INVESTING PUBLIC FUNDS IN EXCESS OF AMOUNTS NEEDED TO MEET CURRENT OPERATING EXPENSES, IN ACCORDANCE WITH SECTION 218.415(17), FLORIDA STATUTES

WHEREAS, the Board of Supervisors ("Board") of the Buckhead Trails Community Development District ("District") is required to adopt an investment policy in accordance with Section 218.415, Florida Statutes, and

WHEREAS, the Board desires to adopt the alternative investment guidelines for the investment of public funds in excess of amounts needed to meet current operating expenses, in accordance with Section 218.415, Florida Statutes.

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

1. The District hereby adopts the alternative investment guidelines for the investment of public funds in excess of the amounts needed to meet current operating expenses, in accordance with Section 218.415(17), Florida Statutes. The District may invest in the following instruments and may divest itself of investments, at prevailing prices or rates:

- a. The Local Government Surplus Trust Fund, or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act, as provided in Section 163.01, Florida Statutes.
- b. Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency.
- c. Interest-bearing time deposits or savings accounts in qualified public depositories, as defined in Section 280.02, Florida Statutes.
- d. Direct obligations of the U. S. Treasury.

2. Securities listed in paragraphs c and d shall be invested to provide sufficient liquidity to pay obligations as they come due.



3. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED THIS 4TH DAY OF JUNE, 2015.

ATTEST:

BOARD OF SUPERVISORS OF THE  
BUCKHEAD TRAILS COMMUNITY  
DEVELOPMENT DISTRICT

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

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

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

Title:

- Secretary
- Assistant Secretary

Title:

- Chairman
- Vice Chairman

**EXHIBIT 16.**

# **RULES OF PROCEDURE**

## **BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT**

**TABLE OF CONTENTS**

1.0 Organization.....1

1.1 Board of Supervisors: Officers and Voting .....1

1.2 Public Information and Inspection of Records .....3

1.3 Public Meetings, Hearings, and Workshops .....4

2.0 Rulemaking Proceedings .....6

3.0 Decisions Determining Substantial Interests .....9

4.0 Purchasing, Contracts, Construction and Maintenance .....11

4.1 Purchase of Goods, Supplies, and Materials.....13

4.2 Contracts for Construction of Authorized Project .....14

4.3 Contracts for Maintenance Service.....17

4.4 Purchase of Insurance .....19

4.5 Procedure for Purchasing Contractual Services.....20

4.6 Procedure Under Consultant’s Competitive Negotiations Act .....22

5.0 Bid Protests Under Consultant’s Competitive Negotiations Act.....25

5.1 Protests With Respect to Contracts Awarded or Bid Documents.....26

5.2 Bid Protests Relating to Any Other Award.....28

6.0 Design-Build Contract Competitive Proposal Selection Process .....29

7.0 District Auditor Selection Procedures .....31

8.0 Effective Date .....31

**RULES OF PROCEDURE  
BUCKHEAD TRAILS COMMUNITY DEVELOPMENT DISTRICT**

1.0 Organization

- (1) Buckhead Trails Community Development District (the “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. The purpose of these rules (the “Rules”) is to describe the general operations of the District.
- (2) Definitions located within any section of the Rules shall be applicable within all other sections, unless specifically stated to the contrary.

**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 of Supervisors of the District (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. However, 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 Chairman, Vice-Chairman, Secretary, Assistant Secretary, and Treasurer.
  - (a) The Chairman must be a member of the Board. If the Chairman resigns from that office or ceases to be a member of the Board, the Board shall select a Chairman, after filling the vacancy. The Chairman serves at the

pleasure of the Board. The Chairman or Vice-Chairman shall be authorized to sign checks and warrants for the District, countersigned by the Treasurer. The Chairman shall convene and conduct all meetings of the Board. In the event the Chairman is unable to attend a meeting, the Vice-Chairman shall convene and conduct the meeting. The Chairman or Vice-Chairman may request the District Manager or other district staff to convene and conduct any meeting of the Board.

- (b) The Vice-Chairman 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-Chairman resigns from office or ceases to be a member of the Board, the Board shall select a Vice-Chairman, after filling the Board vacancy. The Vice-Chairman 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.
- (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 county and the state of Florida. All meetings of the Board 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 participating in any discussion with the Board on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes. 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 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.
- (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 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/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager. If you are hearing or speech impaired, please contact Florida Relay Service at 1-800-955-8770, who can aid you in contacting the District Office.
  - (e) A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.
- (2) Agenda. The District Manager, under the guidance of the Chairman or those members of the Board calling for the meeting/hearing/workshop, shall prepare a notice and an agenda of the meeting/hearing/workshop. The notice and agenda shall be available to the public at least seven (7) days before the meeting/hearing/workshop except in an emergency. The agenda may be changed before or at the meeting/hearing/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 Chairman, or Vice-Chairman if the Chairman 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 Chairman 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) Resident Committee Meetings. The Board may establish resident committees as needed. Such committee meetings shall be noticed to the public at least seven (7) days in advance. Notice shall be posted at the clubhouse and if available the District website.

**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.
  - (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 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 District Chairman 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) Rulemaking Proceedings – No Hearing. When no hearing is requested or required under Florida Statutes and the Board chooses not to initiate a hearing on its own, or if the rule relates exclusively to organization, practice or procedure, the Board may direct the proposed rule be filed with the District Office no less than twenty-eight (28) days following notice. Such direction may be given by the Board either before initiating the rule adoption process or after the expiration of the twenty-one (21) days during which affected persons may request a hearing.
- (8) Rulemaking Proceedings – Hearing. If the proposed rule does not relate exclusively to organization, practice or procedure, the District shall provide, upon request, 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. Any affected person may request a hearing within twenty-one (21) days after the date of publication of the notice of intent to adopt, amend or repeal a rule. When a public hearing is held, the District must ensure that the Board members are available to explain the District’s proposal and to respond to questions or comments regarding the rule. If one or more requested public hearings is scheduled, the Board shall conduct at least one of the public hearings itself and may not delegate this responsibility without the consent of those persons requesting the public hearing.
- (9) Request for Public Hearing.
  - (a) A request for a public hearing shall be in writing and shall specify how the person requesting the public hearing would be affected by the proposed rule. The request shall be submitted to the District within twenty-one (21)

days after notice of intent to adopt, amend, or repeal the rule is published as required by law, in accordance with the procedure for submitting requests for public hearing stated in the notice of intent to adopt, amend or repeal the rule.

- (b) If the notice of intent to adopt, amend, or repeal a rule did not notice a public hearing and the District determines to hold a public hearing, the District shall publish notice of a public hearing in a newspaper of general circulation within the District 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.
  - (c) Written statements may be submitted by any person within a specified period of time prior to or following the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (10) 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.
- (11) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54, Florida Statutes.
- (12) Variations and Waivers. Variations and waivers from District rules may be granted to the provisions and limitations contained in Section 120.542, 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 Chairman shall designate any member of the Board (including the Chairman), District Manager, District General 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 (e.g. 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.
  - (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 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 FIVE, or for a planning study activity when the fee for professional services is estimated by the District to exceed the threshold amount provided in Section 287.017, for CATEGORY TWO, as such categories may be amended 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, 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.

- (1) “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, 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 deliver, 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 deliver, 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, by hand 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, overnight delivery, or by hand 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, 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 Under 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), by certified/registered mail return receipt requested, 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 5.2 of the Rules of Buckhead Trails 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.

#### 5.1 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 5.1.

- (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), by certified/registered mail return receipt requested, or by hand delivery. 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 copy 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.

## 5.2 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 5.2.

- (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), by certified/registered mail return receipt requested, 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 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 \_\_\_\_\_, 2015.



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