

*Yarborough Lane  
Community Development District*

*Meeting Agenda*

*July 14, 2022*

# AGENDA

# *Yarborough Lane*

## *Community Development District*

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219 E. Livingston St., Orlando, Florida 32801

Phone: 407-841-5524 – Fax: 407-839-1526

July 7, 2022

**Board of Supervisors  
Yarborough Lane  
Community Development District**

Dear Board Members:

A meeting of the Board of Supervisors of the **Yarborough Lane Community Development District** will be held on **Thursday, July 14, 2022, at 10:30 AM** at **Highland Homes Offices, 3020 S. Florida Ave., Suite 101, Lakeland, FL 33803**

**Zoom Video Link:** <https://us06web.zoom.us/j/81252035212>

**Zoom Call-In Number:** 1-646-876-9923

**Meeting ID:** 812 5203 5212

Following is the advance agenda for the meeting:

### **Landowners' Meeting**

1. Determination of Number of Voting Units Represented
2. Call to Order
3. Election of Chairman for the Purpose of Conducting the Landowners' Meeting
4. Nominations for the Position of Supervisor
5. Casting of Ballots
6. Ballot Tabulation
7. Landowner's Questions and Comments
8. Adjournment

### **Board of Supervisors Meeting**

1. Roll Call
2. Public Comment Period (<sup>1</sup>Speakers will fill out a card and submit it to the District Manager prior to the beginning of the meeting)
3. Organizational Matters
  - A. Administration of Oaths of Office to Newly Elected Board Members

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<sup>1</sup> Comments will be limited to three (3) minutes

- B. Consideration of Resolution 2022-34 Canvassing and Certifying the Results of the Landowners' Election
  - C. Election of Officers
  - D. Consideration of Resolution 2022-35 Electing Officers
- 4. Approval of Minutes of the May 12, 2022 Organizational Meeting
- 5. Public Hearings
  - A. Public Hearing on the Imposition of Special Assessments
    - i. Presentation of Engineer's Report
    - ii. Presentation of Assessment Methodology
    - iii. Consideration of Resolution 2022-36 Levying Special Assessments
  - B. Public Hearing on the District's Use of the Uniform Method of Levying, Collection, and Enforcement of Non-Ad Valorem Assessments
    - i. Consideration of Resolution 2022-37 Expressing the District's Intent to Utilize the Uniform Method of Collection
  - C. Public Hearing on the Adoption of District Rules of Procedure
    - i. Consideration of Resolution 2022-38 Adopting the Rules of Procedure
  - D. Public Hearing on the Adoption of the Fiscal Year 2021/2022 and 2022/2023 Budgets
    - i. Consideration of Resolution 2022-39 Adopting the District's Fiscal Year 2021/2022 and Fiscal Year 2022/2023 Budgets and Appropriating Funds
- 6. Review and Ranking of Proposals for District Engineering Services and Selection of District Engineer
- 7. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. District Manager's Report
- 8. Other Business
- 9. Supervisors Requests and Audience Comments
- 10. Adjournment



# Landowners' Meeting

**INSTRUCTIONS RELATING TO LANDOWNERS' MEETING OF  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
FOR THE ELECTION OF SUPERVISORS**

DATE OF LANDOWNERS' MEETING: **Thursday, July 14, 2022**

TIME: **10:30 AM**

LOCATION: **Highland Homes Offices, 3020 S. Florida Ave., Suite 101, Lakeland, FL 33803**

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

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

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

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

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

# Board of Supervisors Meeting

## SECTION III

## SECTION B

**RESOLUTION 2022-34**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT CANVASSING AND CERTIFYING THE RESULTS OF THE LANDOWNERS' ELECTION OF SUPERVISORS HELD PURSUANT TO SECTION 190.006(2), *FLORIDA STATUTES*, AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

**WHEREAS**, such landowners meeting was held at which the below recited persons were duly elected by virtue of the votes cast in their favor; and

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

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

1. **ELECTION RESULTS.** 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:

<u>Brian Walsh</u>	Seat 1	Votes	<u>150</u>
<u>Milton Andrade</u>	Seat 2	Votes	<u>150</u>
<u>Jeff Shenefield</u>	Seat 3	Votes	<u>100</u>
<u>Garret Parkinson</u>	Seat 4	Votes	<u>100</u>
<u>Joel Adams</u>	Seat 5	Votes	<u>100</u>

2. **TERMS.** In accordance with Section 190.006(2), *Florida Statutes*, and by virtue of the number of votes cast for the Supervisors, the above-named persons are declared to have been elected for the following term of office:

<u>Brian Walsh</u>	4 Year Term
<u>Milton Andrade</u>	4 Year Term
<u>Jeff Shenefield</u>	2 Year Term
<u>Garret Parkinson</u>	2 Year Term
<u>Joel Adams</u>	2 Year Term

3. **EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 14th day of July, 2022.

ATTEST:

**YARBOROUGH LANE COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary/Assistant Secretary

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Chairperson/Vice Chairperson, Board of Supervisors

# SECTION D



**RESOLUTION 2022-35**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE YARBOROUGH  
LANE COMMUNITY DEVELOPMENT DISTRICT ELECTING THE OFFICERS  
OF THE DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**WHEREAS**, the Board of Supervisors of the District (“Board”) desires to elect the Officers of the District.

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

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

Chairperson	<u>Milton Andrade</u>
Vice Chairperson	<u>Brian Walsh</u>
Secretary	<u>Jill Burns</u>
Assistant Secretary	<u>Jeff Shenefield</u>
Assistant Secretary	<u>Garret Parkinson</u>
Assistant Secretary	<u>Joel Adams</u>
Assistant Secretary	<u>George Flint</u>
Assistant Secretary	<u></u>

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

**PASSED AND ADOPTED** this 14th day of July, 2022.

ATTEST:

**YARBOROUGH LANE COMMUNITY  
DEVELOPMENT DISTRICT**

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

\_\_\_\_\_  
Chairperson, Board of Supervisors

# MINUTES

**MINUTES OF MEETING  
YARBOROUGH LANE  
COMMUNITY DEVELOPMENT DISTRICT**

The Organizational meeting of the Board of Supervisors of the Yarrowborough Lane Community Development District was held on Thursday, **May 12, 2022** at 10:37 a.m. at 320 S. Florida Ave., Suite 101, Lakeland, Florida.

Present and constituting a quorum were:

Milton Andrade	Chairman
Brian Walsh	Vice Chairman
Jeff Shenefield	Supervisor

Also, present were:

Jill Burns	District Manager, GMS
Lauren Gentry	KE Law
Grace Kobitter	KE Law
Ashton Bligh <i>via Zoom</i>	Greenberg Traurig
Mark Wilson	Kimley-Horn

*The following is a summary of the discussions and actions taken at the May 12, 2022 Yarrowborough Lane Community Development District's Organizational Board of Supervisor's Meeting.*

**FIRST ORDER OF BUSINESS**

**Introduction**

**A. Call to Order**

Ms. Burns called the meeting to order at 10:37 a.m. Three Supervisors were present at the meeting constituting a quorum.

**B. Public Comment Period**

There were no members of the public present.

**C. Oath of Office**

Ms. Burns conducted the oath of office to the new Supervisors.

**SECOND ORDER OF BUSINESS**

**Organizational Matters**

**A. Confirmation of Notice of Meeting**

Ms. Burns noted the meeting notice had been documented properly as required by statutes.

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

Ms. Burns explained the duties and responsibilities of the officers. She reviewed the forms to be completed by new Supervisors and reviewed additional legal statutes including Sunshine law, records keeping, etc.

**C. Election of Officers**

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

Ms. Burns reviewed the current status of officers with Mr. Andrade as Chair and Mr. Walsh as Vice Chair, Mr. Shenefield, Mr. Parkinson, and Mr. Adams as Assistant Secretaries. She noted GMS staff of George Flint as Assistant Secretary and herself as Secretary.

On MOTION by Mr. Walsh, seconded by Mr. Shenefield, with all in favor, Resolution 2022-01 Appointing Officers with Mr. Andrade as Chair and Mr. Walsh as Vice Chair, Mr. Shenefield, and Mr. Parkinson and Mr. Adams as Assistant Secretaries, and GMS staff of George Flint as an Assistant Secretary and Ms. Burns as Secretary, was approved.

**2. Resolution 2022-02 Appointing Treasurer and Assistant Treasurer**

Ms. Burns suggested GMS staff George Flint and Katie Costa as Treasurer and Assistant Treasurer.

On MOTION by Mr. Walsh, seconded by Mr. Shenefield, with all in favor, Resolution 2022-02 Appointing Treasurer as Mr. Flint and Katie Costa as Assistant Treasurer, was approved.

**THIRD ORDER OF BUSINESS**

**Retention of District Staff**

**A. Consideration of Contract for District Management Services**

Ms. Burns noted that the District Manager will be GMS.

**1. Resolution 2022-03 Appointing District Manager**

Ms. Burns notes the agreement form is included with fees for GMS and was the same as they had seen in other Districts. She stated that the only change from the others was that they had not raised their fee in about 4 years. She noted that it was going from \$35,000 to \$37,500, but other than that all the other fees were the same.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Resolution 2022-03 Appointing District Manager as GMS, was approved.

**B. Consideration of Contract for District Counsel Services**

Ms. Burns noted that KE Law Group will be District Attorney

**2. Resolution 2022-04 Appointing District Counsel**

Ms. Burns noted fees were included in the packet.

On MOTION by Mr. Andrade, seconded by Mr. Shenefield, with all in favor, Resolution 2022-04 Appointing District Counsel as KE Law Group, was approved.

**C. Resolution 2022-05 Selection of Registered Agent and Office**

Ms. Burns stated that this would name herself and the office in Orlando as the registered agent and office.

On MOTION by Mr. Walsh, seconded by Mr. Shenefield, with all in favor, Resolution 2022-05 Selection of Registered Agent and Office, was approved as amended.

**D. Resolution 2022-06 Appointing Interim District Engineer**

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

Ms. Burns noted the interim engineer would be Kimley-Horn.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Resolution 2022-06 Appointing Interim District Engineer as Kimley-Horn and the Interim District Engineering Agreement, was approved.

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

Ms. Burns suggested to set the due date for June 10, 2022 to issue the RFQ for engineering services.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, the Authorization to Issue RFQ for Engineering Services Set for June 10<sup>th</sup>, 2022, was approved.

**FOURTH ORDER OF BUSINESS**

**Designation of Meetings and Hearing Dates**

**A. Consideration of Resolution 2022-07 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2022 and 2023**

Ms. Burns stated that the proposed schedule would be the second Thursday of each month at 10:30 a.m. at the same location.

On MOTION by Mr. Walsh, seconded by Mr. Andrade, with all in favor, Resolution 2022-07 Designation of Regular Monthly Meeting Date, Time, and Location for Fiscal Year 2022 and 2023 as the 2<sup>nd</sup> Thursday of the Month at 10:30 a.m. at the same location, was approved.

**B. Consideration of Resolution 2022-08 Designation of Landowner's Meeting Date, Time, and Location**

Ms. Burns suggested July 14, 2022 at 10:30 a.m. at the same location.

On MOTION by Mr. Walsh, seconded by Mr. Andrade, with all in favor, Resolution 2022-08 Designation of Landowner's Meeting Date, Time, and Location for July 14, 2022 at 10:30 a.m. at the same location, was approved.

**C. Designation of Date of Public Hearing to Adopt Rules of Procedure in accordance with Section 120.54, Florida Statutes**

**1. Consideration of Resolution 2022-09 Setting a Public Hearing to Consider the Proposed Rules of the District**

**A. Rules of Procedure**

Ms. Burns suggested this be held in conjunction with the July 14, 2022 meeting at 10:30 a.m. at the same location. She noted that the rules were included for their review.

On MOTION by Mr. Walsh, seconded by Mr. Andrade, with all in favor, Resolution 2022-09 Setting a Public Hearing to Consider the Proposed Rules of the District for July 14, 2022 at 10:30 a.m. at the same location, was approved.

**D. Designation of Dates of Public Hearing on the Budget for Fiscal Year 2022 and 2023**

**1. Consideration of Resolution 2022-10 Setting the Public Hearing and Approving the Proposed Fiscal Year 2021/2022 and 2022/2023 Budget**

Ms. Burns proposed they set the date for July 14, 2022 at 10:30 a.m. at the same location. She added the budget is included for the Board review as Exhibit 'A' for Fiscal Year 2022 and that it was just administrative expenses. She noted that it was prorated for May through September, which was when the District was established for 2023. She asked the Board if they anticipated any landscaping to be turned over before September 30<sup>th</sup> of 2023. They did just a lump sum \$50,000 miscellaneous field contingency in the event that there would be landscaping or lake maintenance that comes on prior to the end of 2023. She noted that it was developer funded, so if it is not incurred, it would not be billed. She stated that they did just put a small field contingency in case there was anything to come online early.

On MOTION by Mr. Walsh, seconded by Mr. Andrade, with all in favor, Resolution 2022-10 Setting the Public Hearing and Approving the Proposed Fiscal Year 2021/2022 and 2022/2023 Budget for July 14, 2022 at 10:30 a.m. at the same location, was approved.

**2. Approval of the Fiscal Year 2021/2022 and 2022/2023 Developer Funding Agreement**

Ms. Burns noted that under the terms of this agreement, Clayton Properties Group, Inc. agreed to fund the averages and maintenance that the District puts on the budget that the Board just preliminarily approved.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, the Fiscal Year 2021/2022 and 2022/2023 Developer Funding Agreement, was approved.

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

Ms. Burns stated that this would be a public hearing where they would approve a resolution that would be sent to the tax collector and property appraiser that would allow them to collect their assessments on the Polk County tax bill when they were ready to do so. She suggested July 14, 2022 at 10:30 a.m. at the same location for this meeting.

On MOTION by Mr. Walsh, seconded by Mr. Andrade, with all in favor, Resolution 2022-11 Setting Date of Public Hearing Expressing the District's Intent to Utilize the Uniform Method of Levying, Collecting and Enforcing Non-Ad Valorem Assessments in Accordance with Section 197.3632, Florida Statutes for July 14, 2022 at 10:30 a.m. at the same location, was approved.

## **FIFTH ORDER OF BUSINESS**

### **Other Organizational Matters**

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

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

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

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

Ms. Burns noted the approved signatories would be the Treasurer and Assistant Treasurer elected today as Jill Burns, Katie Costa, and George Flint.

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

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

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



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

**D. Consideration of Resolution 2022-15 Authorizing District Counsel to Record in the Property Records of Polk County the “Notice of Establishment” in accordance with Chapter 190.0485, Florida Statutes**

**1. Notice of Establishment**

Ms. Burns stated that this was an authorization for counsel to record the “Notice of Establishment.”

On MOTION by Mr. Walsh, seconded by Mr. Shenefield, with all in favor, Resolution 2022-15 Authorizing District Counsel to Record in the Property Records of Polk County the “Notice of Establishment” in Accordance with Chapter 190.0485, Florida Statutes, was approved.

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

Ms. Burns noted that this resolution adopts investment guidelines for the investment of public funds in excess of amounts that they needed to make current operating expenses. She noted that it outlined the four options that were available to the District.

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

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

Ms. Burns noted this authorizes the District Manager or Treasurer to authorize that report and send to the Treasurer.

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

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

Ms. Burns stated that Florida statute requires that members of the public be given a reasonable opportunity to be heard on an issue before it comes before the Board or permission to vote on it. She stated that this resolution sets forth the guidelines and rules that govern the public's opportunity to be heard.

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

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

Ms. Burns noted this is for travel reimbursement for Supervisors on District business and is in-line with Florida statutes.

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

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

Ms. Burns noted that this is in accordance with Florida statutes and included in the packet.

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

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

Ms. Burns noted this policy is in accordance with Florida statutes and has two options included in the packet. She noted that there was also a memo from KE Law that was included as well. She stated that option 1 would allow for timely destruction of records based on the schedules that were in compliance with the statute. She stated that option 2 stated that they could never destroy any records. She suggested the Board choose option 1.

On MOTION by Mr. Walsh, seconded by Mr. Andrade, with all in favor, Resolution 2022-21 Adopting a Records Retention Policy Option 1, was approved.

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

Ms. Burns stated this is for Board members attending CDD meetings to be compensated. All Board members elected to receive compensation. This is accordance with Florida statute and no vote was needed.

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

Ms. Burns proposed this be set as 320 S. Florida Ave., Suite 101 as the records office for the District.

On MOTION by Mr. Walsh, seconded by Mr. Andrade, with all in favor, Resolution 2022-22 Selecting District Records Office Within Polk County as 320 S. Florida Ave., Suite 101, was approved.
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**M. Resolution 2022-23 Designating the Primary Administrative Office and Principal Headquarters of the District**

Ms. Burns proposed this be the GMS offices in Orlando, Florida at 219 E. Livingston Street, and the principal headquarters would be 320 S. Florida Ave.

On MOTION by Mr. Walsh, seconded by Mr. Andrade, with all in favor, Resolution 2022-23 Designating the Primary Administrative Office as 219 E. Livingston, Orlando, Florida, and Principal Headquarters of the District as 320 S. Florida Ave., was approved.
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**N. Consideration of Website Services Agreement**

Ms. Burns stated the agreement is in the package and is required by statute. This is with ReAlign Web Design and the set-up fee will be \$1,750.

On MOTION by Mr. Walsh, seconded by Mr. Shenefield, with all in favor, the Website Services Agreement One Time Web Creation, was approved.
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**O. Authorization to Prepare Public Facilities Report in Accordance with Chapter 189.08 Florida Statutes to Coincide with Special District Filing Date of August 1<sup>st</sup> for Polk County**

Ms. Burns noted this is filed on an annual basis.

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

**SIXTH ORDER OF BUSINESS**

**Capital Improvements**

**A. Appointment of Financing Team**

Ms. Burns noted this appoints a financing team.

**1. Consideration of Resolution 2022-24 Appointing Bond Counsel**

Ms. Burns noted this would be for Greenberg Traurig as Bond Counsel and the agreement is in the packet. Ms. Bligh was present via Zoom.

On MOTION by Mr. Walsh, seconded by Mr. Shenefield, with all in favor, Resolution 2022-24, Appointing Bond Counsel as Greenberg Traurig, was approved.

**2. Consideration of Resolution 2022-25 Appointing an Investment Banker**

Ms. Burns noted FMS Bond Specialist would be the investment banker.

On MOTION by Mr. Walsh, seconded by Mr. Shenefield, with all in favor, Resolution 2022-25, Appointing an Investment Banker as FMS Bond Specialist, was approved.

**3. Assessment Administrator**

Ms. Burns noted this would be with GMS.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Assessment Administrator as GMS, was approved.

**4. Trustee**

Ms. Burns noted this proposal in the packet is with US Bank.

On MOTION by Mr. Walsh, seconded by Mr. Shenefield, with all in favor, Trustee as US Bank, was approved.

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

Ms. Burns noted this is with Clayton Properties Group, Inc. She explained that the entity was agreeing to fund the costs associated with the Districts financing of the capital improvements.

On MOTION by Mr. Walsh, seconded by Mr. Shenefield, with all in favor, the Financing Team Funding Agreement, was approved.

**SEVENTH ORDER OF BUSINESS****Financing Matters****A. Consideration of Engineer's Report**

The District Engineer gave an overview of his report.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, the Engineer's Report, was approved.

**B. Consideration of Assessment Methodology**

Ms. Burns reviewed the Master Assessment Methodology report. She explained this allocates debt to the properties based on the special benefits from the District's capital improvement plan that Mr. Wilson reviewed in his engineer's report. She noted that this report would be updated with one or more Supplemental Assessment Methodologies that would reflect the actual terms and conditions of the bonds at the time of issuance.

Ms. Burns reviewed the tables starting with table 1 which showed 558 single family lots with 154 40' lots, 320 50' lots, and 84 60' lots. She noted that the ERUs that were assigned to those units were the single family 50' with an ERU of 1, the single family 40' with an ERU of .8, and the single family 60' with an ERU of 1.2. She stated that table 2 showed the cost estimate in the engineer's report of \$25,000,000. Table 3 showed an estimated bond sizing of \$32,155,000. Table 4 showed the improvement costs per unit for each of those three product types. Table 5 showed the par debt per unit, and she noted that would be the most that they would issue for each of those product types. She reviewed table 5 explaining that the single family 40' was \$47,287, the single family 50' was \$59,108, and the single family 60' was \$70,930. Table 6 showed the net and gross annual debt assessments per unit. The net annual debt assessment for the 40' lot would be \$3,308.82, the 50' lot would be \$4,136.03 and the 60' lot would be \$4,963.24. She noted that the gross amount was shown as well and that would be the amount grossed up for collection on

the Polk County tax bill. Table 7 showed the total par debt per acre to all 157 acres within the community with one property owner, Clayton Properties Group, Inc., who owns all the land within the District. She noted that they needed a legal disruption of the boundary. She noted that once they get that, they would attach that as well.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, the Assessment Methodology, was approved.

**C. Consideration of Resolution 2022-26 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings**

Ms. Bligh presented the resolution noting there was a not-to-exceed amount of \$30,000,000 of bonds for the District. She noted that they would come back to the Board with a delegation resolution, which would detail a series of bonds that the District intended to issue. She stated that she wanted to bring attention to certain sections of the resolution. She started with Chapter 190 which required any bonds to be secured by a Trust Agreement for certain projects. She noted that section 5 authorized an approved execution and delivery of Master Trust Indenture, which was also attached as an exhibit. She noted that under section 7 the District was appointing U.S. Bank as the Trustee under the Trust Agreement of the Master Trust Indenture. She explained that Chapter 75 of Florida statutes required any bonds maturing after five years to be validated. She stated that under section 8, the District was authorizing and directing District counsel and bond counsel to the District to proceed with filing for validation.

On MOTION by Mr. Walsh, seconded by Mr. Andrade, with all in favor, Resolution 2022-26 Authorizing the Issuance of Bonds and Authorizing the Commencement of Validation Proceedings, was approved.

**D. Consideration of Resolution 2022-27, Declaring Special Assessments and Approval of Assessment Methodology**

Ms. Burns noted that cost estimates are included with updated amounts. She noted that this kicks off their assessment process and they would send a mailed notice to the landowner notifying them of a hearing date that they would set in the next resolution and the Board would come back and go through the process to levy and set master assessments on the land.

Ms. Gentry noted that similar to the prior resolution, which was the first step of their bond process, this was the first step in their assessment process. She noted that they were only talking about the master assessment lien to set those maximum amounts that could be levied on the property. She stated that once they go through the proceedings, they would have the master lien, but they wouldn't actually have assessments that were due and payable until they go through the bond process.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Resolution 2022-27, Declaring Special Assessment and Approval of Assessment Methodology, was approved.

**E. Consideration of Resolution 2022-28 Setting a Public Hearing for Special Assessments**

Ms. Burns suggested July 14, 2022 at 10:30 a.m. at the same location.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Resolution 2022-28, Setting a Public Hearing for Special Assessments for July 14, 2022 at 10:30 a.m., was approved.

**EIGHTH ORDER OF BUSINESS**

**Other Business**

**A. Consideration of Resolution 2022-29 Authorizing the Disbursement of Funds**

Ms. Burns presented the resolution. The Board had no questions.

On MOTION by Mr. Andrade, seconded by Mr. Shenefield, with all in favor, Resolution 2022-29 Authorizing the Disbursement of Funds, was approved.

**B. Consideration of Resolution 2022-30 Granting the Chairperson and Vice Chairperson the Authority to Execute Plats and Documents Related to the Development of the District's Improvements**

Ms. Burns stated that this resolution authorizes the assigned plats and development documents.

On MOTION by Mr. Andrade, seconded by Mr. Shenefield, with all in favor, Resolution 2022-30 Granting the Chairperson and Vice Chairperson Authority to Execute Plats and Documents Related to the Development of the District's Improvements, was approved.

**C. Consideration of Resolution 2022-31 Direct Purchase Resolution**

Ms. Burns noted this allows the District to directly purchase construction materials since they are tax exempt. She added this is in the agenda packet and names the District Engineer or the District manager as the purchasing agent.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Resolution 2022-31 Direct Purchase Resolution, was approved.

**D. Consideration of Resolution 2022-32 Authorizing the Use of Electronic Documents**

Ms. Burns stated that this would allow them to use DocuSign for the majority of the Districts resolutions and agreements.

On MOTION by Mr. Walsh, seconded by Mr. Shenefield, with all in favor, Resolution 2022-32 Authorizing the Use of Electronic Documents, was approved.

**E. Consideration of Resolution 2022-33 Adopting an Internal Controls Policy**

Ms. Burns presented the resolution. The Board had no questions.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Resolution 2022-33 Adopting an Internal Controls Policy, was approved.

**F. Staff Reports**

**i. Attorney**

Ms. Gentry noted that the validation complaint will be filed as soon as possible.

**ii. Manager**

Ms. Burns noted she had nothing further to report.

**G. Supervisors Requests**

There being none, the next item followed.



**H. Approval of Funding Request No. 1**

Ms. Burns noted this request is in the package for review.

On MOTION by Mr. Andrade, seconded by Mr. Walsh, with all in favor, Funding Request No. 1, was approved.
--

**NINTH ORDER OF BUSINESS**

**Adjournment**

On MOTION by Mr. Andrade, seconded by Mr. Shenefield, with all in favor, the meeting was adjourned.
---

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

\_\_\_\_\_  
Chairman/Vice Chairman

## SECTION V

# SECTION A

# SECTION 1

*Engineer's Report*

# ***Yarborough Lane Community Development District***

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*Polk County/ Crews Lake Drive and Yarborough Lane*

*May 2022*

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**Kimley»Horn**



# Yarborough Lane Community Development District

## Engineer's Report

### 1. Introduction

#### A. Description of the Yarborough Lane Community Development District

The Yarborough Lane Planned Development is proposed to be served by the Yarborough Lane Community Development District (the "District") and is located within portions of Sections 23 and 26, Township 29 South, Range 24 East in Polk County, Florida. The District is bounded on the North by Crews Lake Drive on the West by the proposed Yarborough Lane extension and undeveloped lands, on the East by existing subdivisions and undeveloped lands, and on the South by Windmeadows South subdivision. A location map is included as Exhibit "A" along with the District boundary as Exhibit "B". The proposed capital improvement plan for the District includes various community infrastructure improvements necessary to serve development of residential and open areas within the District and includes drainage facilities, conservation areas, amenities and related improvements as indicated in Tables 2 and 3 (together, the "Master Project"). Unit 1 provides the land use category breakdowns.

The Planned Development was approved for a 558 lot residential community to include open areas, conservation area, community clubhouse area and open space recreation area. The project will contain 558 single family lots with 154-40 feet wide lots, 320-50 feet wide lots, and 84-60 feet wide lots. See Exhibit "C" for phasing breakdown of lots and lot sizes.

**Table 1**

#### **Summary of Land Uses Proposed Yarborough Lane Community Development District**

Land Use	Gross Acres (Phases I & II)	Percentage (Phases I & II)
Single Family	86.8	55.2%
Wetlands	8.2	5.2%
Recreation/Buffer	26.4	16.5%
Right of Way	24.8	15.8%
Drainage Facilities	10.8	7.3%
Total	157.0	100%

## **B. Purpose and Scope of Report**

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

### **District Boundary And Property**

#### **A. District Boundary**

Exhibit "B" delineates the proposed District, which consists of approximately 157 acres. The District is bounded by Polk County roadways on the North and Northeast and a combination of developed subdivisions and undeveloped lands on the South and East.

#### **B. Description of Property**

The District property is located within Polk County in Sections 23 and 26, Township 29 South, Range 24 East. The District falls within the Touchstone Planned Development approved by the County, and is zoned residential.

The existing land slopes to the south and southeast towards various existing wetlands within and bounding the District. The remaining undeveloped areas are former citrus groves and grass-covered areas with soils ranging from very poorly drained to excessively drained. Existing water table levels range from being above ground to depths greater than 10 feet.

#### **C. Existing Infrastructure**

The District is located within the Polk County Utilities (PCU) service area. On Ronald Reagan Parkway, PCU has an existing 12-inch potable water main and is currently constructing a 30-inch wastewater force main as part of their capital improvements plan. Connection for these services for the Phase I portion of the project has been approved through the normal permitting process with PCU.

Polk County's Northeast Regional Wastewater Treatment Facility will provide sewage treatment to the District.

Ronald Reagan Parkway is an existing two lane paved County roadway. The District's existing access point will be relocated to the west and will include turn and deceleration lanes consistent with Polk County criteria.

The District is located within the franchise areas of Progress Energy, Bright House Networks Cable, and Verizon. Service is available from these providers and they are expected to serve the District throughout development.

## **2. Proposed District Infrastructure**

### **Summary of Proposed District Infrastructure**

The District Master Project will be completed as indicated in Exhibit C and will generally consist of the following categories:

- Roadways
- Utilities
- Earthwork/Demolition
- Storm Water Management
- Landscaping/Pedestrian Improvements
- Signage/Lighting
- Conservation

#### **A. Roadways**

The roadways within the District will consist of two-lane sections constructed to provide access to all of the proposed land uses within the District's boundaries. Construction will include the addition of turn lanes on Crews Lake Drive, as required by Polk County as conditions of approval of the project. The roads will be constructed by the District and dedicated as public right of way. All roads within the District will be open and available to the general public.

Yarborough Lane will be constructed with a cross-section consistent with the County's requirements for a collector road and extend along the District's western boundary.

The roadways will be constructed in accordance with Polk County and Florida Department of Transportation standards. Typically, the roads will consist of asphalt, limerock and stabilized subbase with curb. The right of way design will include sidewalks, lighting, landscaping and utilities such as water, sewer and drainage. It is anticipated that the roadways will provide ingress and egress for the entire District and the residents within the District will generate the vast majority of the trips anticipated for the roadways.

Site grading including preparation of roadway areas for installation of paving construction has been partially completed. Construction of limerock roadway sub-base and asphalt paving will be initiated once all grading work has been completed.

#### **B. Utilities**

The utilities within the District will consist of potable water, wastewater collection and transmission, reclaimed water, irrigation system and conduit. Costs for conduit to be used by private utilities such as electric, cable, gas and communication lines have not been included as CDD costs. The utility systems will be designed in accordance with the applicable standards of each type of system. Potable water will be designed to Polk County Utilities (PCU) specifications as well as the Polk County Health Department, and the wastewater system will be designed to Polk County Utilities standards as well as the Florida Department of Environmental Protection. Polk County Utilities has allocated the capacity to provide water and wastewater treatment services to the District, with the PD approval and with the final construction plan approval that is pending.



The potable water lines will typically run within the right of way of all the roadways and at build out will provide a complete interconnected network of water lines. At build out the water lines will connect along Crews Lake Drive. Fire hydrants will be installed according to Polk County Fire Codes at one thousand-foot intervals or four hundred feet to each structure.

The wastewater lines will consist of manholes and gravity PVC lines within the roadway rights-of-way. These will convey sewage flow to a lift station. The pump station will then pump the wastewater via PVC force main to the existing Polk County Utilities force main/sewage collection system on Crews Lake Drive. When constructed the wastewater lines will provide service to lots and parcels within the District. Polk County is working on force main upgrades along Crews Lake Drive that will likely require Developer participation prior to the final phase.

### **C. Earthwork**

The District consists of undulating and rolling terrain which will require earthwork moving operations in order to construct roadways and storm water management facilities. The material excavated will be moved and shaped to allow for controlled slopes within the District boundaries.

### **D. Storm Water Management**

The District storm water management system will consist of detention ponds, inlets, pipes, swales, berms, and control structures. The storm water management system will be designed in accordance with standards set by Polk County and the SWFWMD. A system of inlets, pipes, swales and berms will convey the runoff into detention ponds throughout the District's boundaries. The detention ponds will treat and attenuate the runoff to required standards prior to discharging to offsite properties and conveyance systems. Surface water permitting is required for the District through Polk County Engineering and SWFWMD. As described in Section 5 below, the Southwest Florida Water Management District will issue an Environmental Resource Permit for the construction.

### **E. Landscaping/Pedestrian Improvements/Amenities**

Landscaping is proposed throughout the District boundaries in right of ways, open space areas, and boundary buffers. The landscaping will consist of shrub and tree planting as well as a variety of plants and material. Incorporated with the landscape improvements will also be pedestrian improvements such as sidewalks. Construction of sidewalks and other pedestrian improvements will be performed after the roadways are complete, and installation of landscape improvements will occur near the time of project construction completion. Amenities are to include recreation area with clubhouse and activities within open space area.

### **F. Signage and Lighting**

Signage and lighting improvements will be needed within the District's boundaries marking the entrance way, roadways and points of interest. Lighting will be constructed in pedestrian and parking areas and will be maintained by the District or by agreement with Lakeland Electric. No construction has begun on the signage and lighting systems.

## **G. Conservation and Mitigation**

Conservation of wetland areas and associated upland buffers have been approved for specified areas throughout the District as part of the SWFWMD permitting process. Additionally, relocation of gopher tortoises will be permitted prior to construction and relocated accordingly. These areas are proposed for passive use and will be maintained by the District; all such areas will be open and available to the general public.

A description of the ownership and maintenance of the proposed infrastructure is provided in Table 2 below.

**Table 2**  
**Infrastructure Ownership & Maintenance**

Infrastructure	Ownership	Maintenance
Roadways	Yarborough Lane CDD	Yarborough Lane CDD
Roadways	Polk County/CDD	Polk County/CDD
Drainage Structures and Retention Ponds	Yarborough Lane CDD	Yarborough Lane CDD
Water and Sewer	Polk Co. Utilities	Polk Co. Utilities
Street Lighting	Yarborough Lane CDD	Yarborough Lane CDD/ Lakeland Electric
Landscape, Open Space, and Irrigation	Yarborough Lane CDD	Yarborough Lane CDD
Amenities/Recreation	Yarborough Lane CDD	Yarborough Lane CDD

## **3. Opinion of Preliminary Probable Construction Costs**

A summary of the opinion of the probable costs for the District infrastructure is noted in Table 3. The opinion of costs has assumed 2021 fees for design and construction of the anticipated improvements. Fluctuations do occur with material costs, permitting and design constraints that could impact the estimates. The costs do not include legal, administrative or financial services necessary to operate and maintain the District. Earthwork costs

included in this report are those costs associated with earthmoving on CDD land, utilities and for storm water management purposes and not for private development or lot purposes.

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

**Table 3**  
**Summary of Preliminary Probable Capital Costs for Master Project of the Proposed Yarborough Lane Community Development District**

<b>Category</b>	<b>Cost</b>
Stormwater Management System	\$ 3,500,000
Roadways	\$ 7,500,000
Water & Wastewater Systems	\$ 4,000,000
Street Lighting and Conduit	\$ 800,000
Entry Feature, Landscape, Irrigation	\$ 800,000
Parks and Amenities	\$ 2,500,000
Offsite Improvements*	\$ 1,800,000
Professional Services	\$ 750,000
Contingency	\$ 3,350,000
<b>Total</b>	<b>\$ 25,000,000</b>

#### **4. List of Approvals to Date**

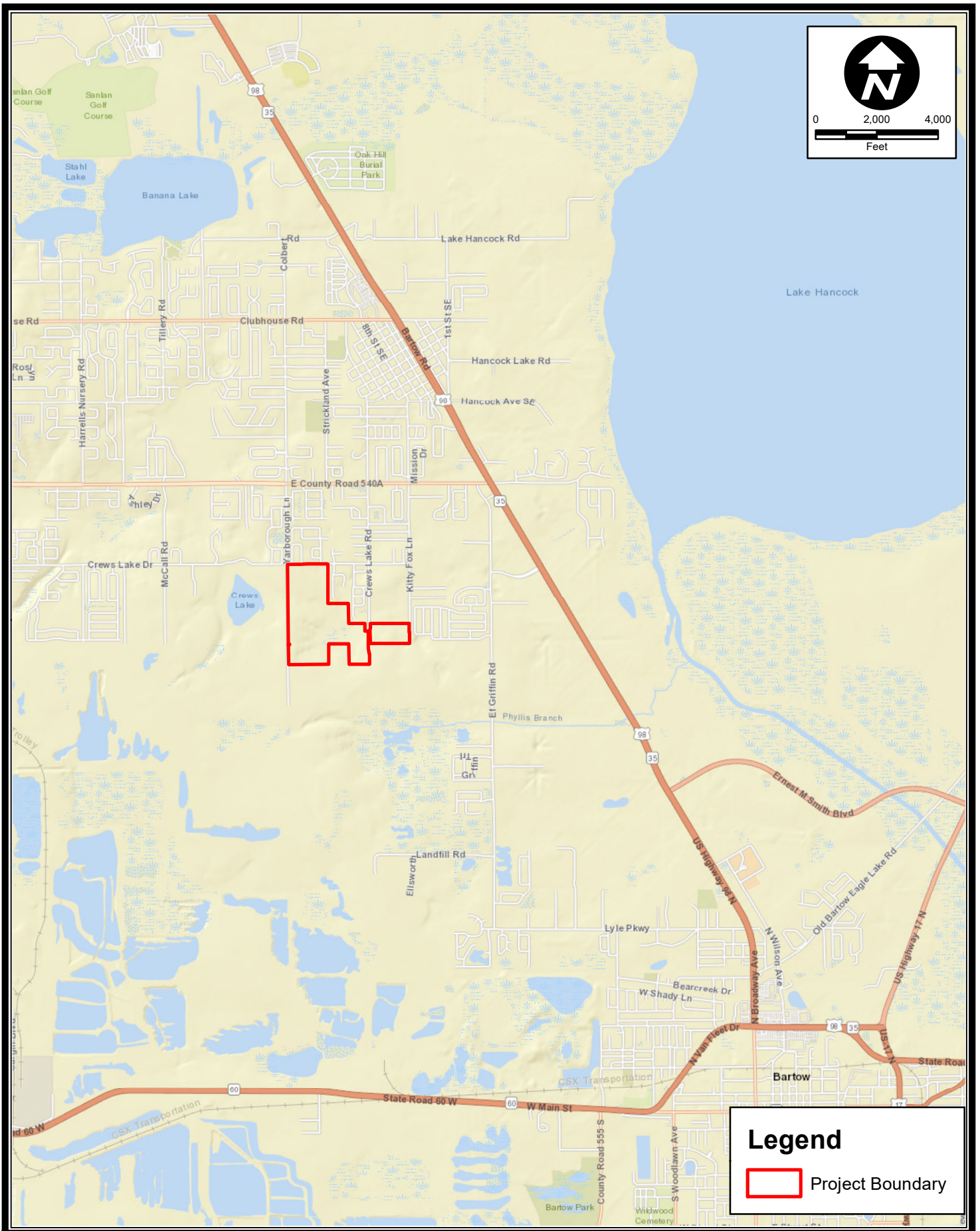
##### **For Entire Project:**

- Polk County Board of County Commissioners approved the establishment of the Community Development District on May of 2022.
- Polk County Board of County Commissioners approved LDPD-2021-17, Planned Development on September 22, 2021.
- National Pollutant Discharge Elimination System (NPDES) permit pertaining to methods that attempt to reduce the transmission of construction related silt to adjacent properties. Application has not been made for this permit.
- Southwest Florida Water Management District Environmental Resource Permit pertaining to the proposed storm water management systems. Application is pending for this permit.

- Polk County Utilities construction permit to allow the construction of domestic wastewater and public water systems. Application is pending for this permit.
- Polk County Development Review Committee construction permit which grants permission for construction of improvements under County jurisdiction. Application is pending for this permit.
- Florida Department of Environmental Protection permit for a domestic wastewater collection/transmission system. Application is pending for this permit.
- Polk County Health Department permit for the construction of public water systems. Application is pending for this permit.

Note that all permits noted as not yet applied for or otherwise pending are expected to be obtained in the ordinary course of development.

# EXHIBITS



# LOCATION MAP

YARBOROUGH LANE

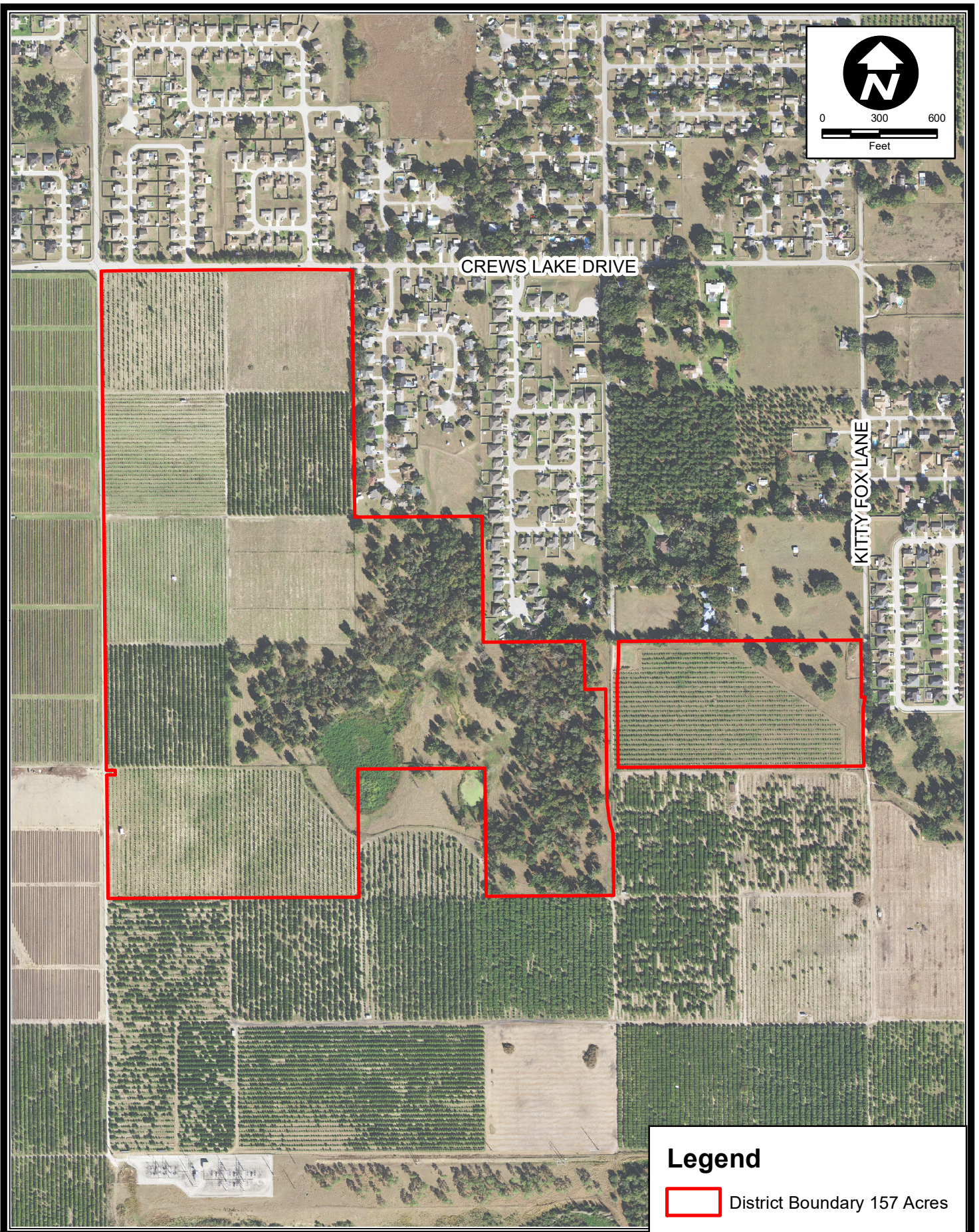
MAY, 2022

KHA JOB No. 046511000

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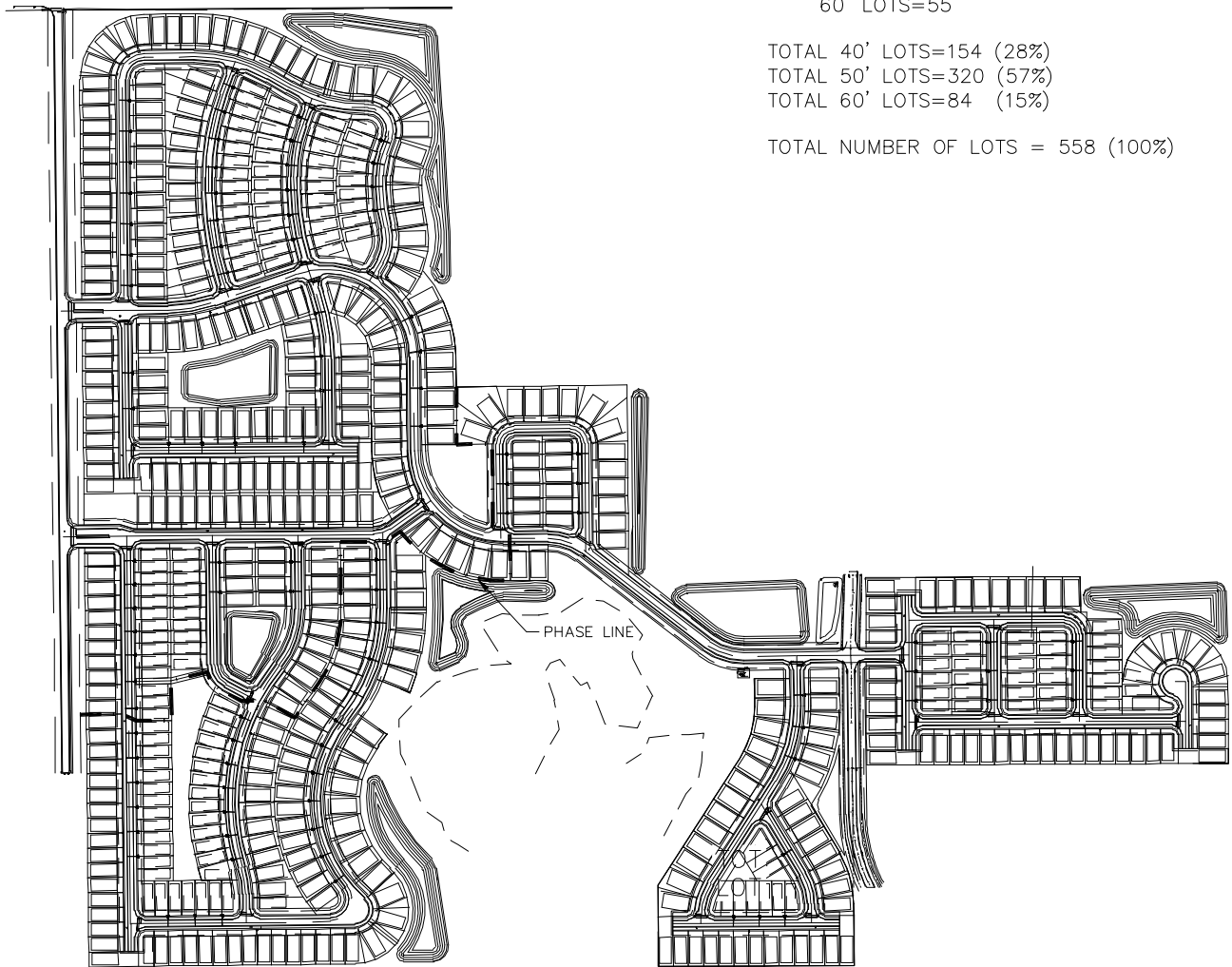


PHASE 1  
 40' LOTS=75  
 50' LOTS=177  
 60' LOTS=29

PHASE 2  
 40' LOTS=79  
 50' LOTS=143  
 60' LOTS=55

TOTAL 40' LOTS=154 (28%)  
 TOTAL 50' LOTS=320 (57%)  
 TOTAL 60' LOTS=84 (15%)

TOTAL NUMBER OF LOTS = 558 (100%)





## SECTION 2

**MASTER  
ASSESSMENT METHODOLOGY  
  
FOR  
YARBOROUGH LANE  
COMMUNITY DEVELOPMENT DISTRICT**

**Date: May 12, 2022**

**Prepared by**

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



## Table of Contents

1.0 Introduction.....	3
1.1 Purpose.....	3
1.2 Background.....	3
1.3 Special Benefits and General Benefits .....	4
1.4 Requirements of a Valid Assessment Methodology .....	4
1.5 Special Benefits Exceed the Costs Allocated .....	5
2.0 Assessment Methodology .....	5
2.1 Overview .....	5
2.2 Allocation of Debt.....	5
2.3 Allocation of Benefit .....	6
2.4 Lienability Test: Special and Peculiar Benefit to the Property .....	6
2.5 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay Non-Ad Valorem Assessments .....	7
3.0 True-Up Mechanism.....	7
4.0 Assessment Roll.....	8
5.0 Appendix .....	9
Table 1: Development Program .....	9
Table 2: Infrastructure Cost Estimates.....	10
Table 3: Bond Sizing.....	11
Table 4: Allocation of Benefit .....	12
Table 5: Allocation of Benefit/Total Par Debt to Each Product Type .....	13
Table 6: Par Debt and Annual Assessments .....	14
Table 7: Preliminary Assessment Roll .....	15

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

## **1.0 Introduction**

The Yarborough Lane Community Development District is a local unit of special-purpose government organized and existing under Chapter 190, Florida Statutes (the “District”), as amended. The District plans to issue up to \$32,155,000 of tax exempt bonds in one or more series (the “Bonds”) for the purpose of financing certain infrastructure improvements within the District, more specifically described in the Master Engineer’s Report dated May 12, 2022 prepared by Kimley-Horn and Associates, Inc. as may be amended and supplemented from time to time (the “Engineer’s Report”). The District anticipates the construction of public infrastructure improvements consisting of improvements that benefit property owners within the District.

### **1.1 Purpose**

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

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

### **1.2 Background**

The District currently includes approximately 157 acres within unincorporated Polk County, Florida. The development program currently envisions approximately 558 residential units (herein the “Development”). The proposed Development program is depicted in Table 1. It is recognized that such land use plan may change, and this Assessment Report will be modified accordingly.

The public improvements contemplated by the District in the CIP will provide facilities that benefit certain property within the District. The CIP is delineated in the

Engineer's Report. Specifically, the District will construct and/or acquire certain stormwater management system, roadways, water & wastewater systems, street lighting and conduit, entry feature, landscape & irrigation, parks and amenities, offsite improvements, professional fees, and contingency. The acquisition and construction costs are summarized in Table 2.

The assessment methodology is a four-step process.

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

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

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

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

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

### **1.4 Requirements of a Valid Assessment Methodology**

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

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

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

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

The special benefits provided to the property owners within the District are greater than the costs associated with providing these benefits. The District Engineer estimates that the District's CIP that is necessary to support full development of property will cost approximately \$25,000,000. The District's Underwriter projects that financing costs required to fund the infrastructure improvements, including project costs, the cost of issuance of the Bonds, the funding of debt service reserves and capitalized interest, will be approximately \$32,155,000. Additionally, funding required to complete the CIP which is not financed with Bonds will all or a portion of be funded by Developer. Without the CIP, the property would not be able to be developed and occupied by future residents of the community.

## **2.0 Assessment Methodology**

### **2.1 Overview**

The District is planning to issue up to \$32,155,000 in Bonds to fund the District's CIP, provide for capitalized interest, a debt service reserve account and cost of issuance. It is the purpose of this Assessment Report to allocate the \$32,155,000 in debt to the properties benefiting from the CIP.

Table 1 identifies the proposed land uses as identified by the Developer and current landowners of the land within the District. The District has relied on the Engineer's Report to develop the costs of the CIP needed to support the Development, these construction costs are outlined in Table 2. The improvements needed to support the Development are described in detail in the Engineer's Report and are estimated to cost \$25,000,000. Based on the estimated costs, the size of the bond issue under current market conditions needed to generate funds to pay for the CIP and related costs was determined by the District's Underwriter to total approximately \$32,155,000. Table 3 shows the breakdown of the bond sizing.

## **2.2 Allocation of Debt**

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

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

Once platting or the recording of declaration of condominium, ("Assigned Properties") has begun, the assessments will be levied to the Assigned Properties based on the benefits they receive. The Unassigned Properties, defined as property that has not been platted, assigned development rights or subjected to a declaration of condominium, will continue to be assessed on a per acre basis ("Unassigned Properties"). Eventually the development plan will be completed and the debt relating to the Bonds will be allocated to the planned 558 residential units within the District, which are the beneficiaries of the CIP, as depicted in Table 5 and Table 6. If there are changes to the development plan, a true up of the assessment will be calculated to determine if a debt reduction or true-up payment from the Developer is required. The process is outlined in Section 3.0

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

## **2.3 Allocation of Benefit**

The CIP consists of stormwater management system, roadways, water & wastewater systems, street lighting and conduit, entry feature, landscape & irrigation, parks and amenities, offsite improvements, professional fees, and contingency. There are three residential product type(s) within the planned development. The Single Family 50' home has been set as the base unit and has been assigned one equivalent residential unit ("ERU"). Table 4 shows the allocation of benefit to the particular land uses. It is important to note that the benefit derived from the improvements on the particular units exceeds the cost that the units will be paying for such benefits.

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

Construction and/or acquisition by the District of its proposed CIP will provide several types of systems, facilities and services for its residents. These include stormwater management system, roadways, water & wastewater systems, street lighting and conduit, entry feature, landscape & irrigation, parks and amenities, offsite improvements, professional fees, and contingency. These improvements accrue in

differing amounts and are somewhat dependent on the type of land use receiving the special benefits peculiar to those properties, which flow from the logical relationship of the improvements to the properties.

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

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

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

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

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

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

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

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

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

## **3.0 True Up Mechanism**



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

#### **4.0 Assessment Roll**

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

TABLE 1  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
DEVELOPMENT PROGRAM  
MASTER ASSESSMENT METHODOLOGY

Product Types	Phase 1	Phase 2	Total		Total ERUs
			No. of Units *	ERUs per Unit (1)	
Single Family 40'	75	79	154	0.8	123
Single Family 50'	177	143	320	1.0	320
Single Family 60'	29	55	84	1.2	101
Total Units			558		544

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

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 2  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
INFRASTRUCTURE COST ESTIMATES  
MASTER ASSESSMENT METHODOLOGY

Capital Improvement Plan ("CIP") (1)	Total Cost Estimate
Stormwater Management System	\$3,500,000
Roadways	\$7,500,000
Water & Wastewater Systems	\$4,000,000
Street Lighting and Conduit	\$800,000
Entry Feature, Landscape, Irrigation	\$800,000
Parks and Amenities	\$2,500,000
Offsite Improvements	\$1,800,000
Professional Services	\$750,000
Contingency	\$3,350,000
<b>Total</b>	<b>\$25,000,000</b>

(1) A detailed description of these improvements is provided in the Master Engineer's Report dated May 12, 2022

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 3  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
BOND SIZING  
MASTER ASSESSMENT METHODOLOGY

Description	Total
Construction Funds	\$25,000,000
Debt Service Reserve	\$2,250,000
Capitalized Interest	\$3,858,600
Underwriters Discount	\$643,100
Cost of Issuance	\$400,000
Rounding	\$3,300
<b>Par Amount*</b>	<b>\$32,155,000</b>

Bond Assumptions:

Average Coupon	6.00%
Amortization	30 years
Capitalized Interest	24 months
Debt Service Reserve	Max Annual D/S
Underwriters Discount	2%

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 4  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
ALLOCATION OF BENEFIT  
MASTER ASSESSMENT METHODOLOGY

Product Types	No. of Units *	ERU Factor	Total ERUs	% of Total ERUs	Total Improvements Costs Per Product Type	Improvement Costs Per Unit
Single Family 40'	154	0.8	123	22.65%	\$5,661,765	\$36,765
Single Family 50'	320	1.0	320	58.82%	\$14,705,882	\$45,956
Single Family 60'	84	1.2	101	18.53%	\$4,632,353	\$55,147
Totals	558		544	100.00%	\$25,000,000	

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 5  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
ALLOCATION OF TOTAL BENEFIT/PAR DEBT TO EACH PRODUCT TYPE  
MASTER ASSESSMENT METHODOLOGY

Product Types	No. of Units *	Total Improvements Costs Per Product Type	Allocation of Par Debt Per Product Type	Par Debt Per Unit
Single Family 40'	154	\$5,661,765	\$7,282,162	\$47,287
Single Family 50'	320	\$14,705,882	\$18,914,706	\$59,108
Single Family 60'	84	\$4,632,353	\$5,958,132	\$70,930
Totals	558	\$25,000,000	\$32,155,000	

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 6  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
PAR DEBT AND ANNUAL ASSESSMENTS FOR EACH PRODUCT TYPE  
MASTER ASSESSMENT METHODOLOGY

Product Types	No. of Units *	Allocation of Par Debt Per Product Type	Total Par Debt Per Unit	Maximum Annual Debt Service	Net Annual Debt Assessment Per Unit	Gross Annual Debt Assessment Per Unit (1)
Single Family 40	154	\$7,282,162	\$47,287	\$509,559	\$3,308.82	\$3,557.87
Single Family 50	320	\$18,914,706	\$59,108	\$1,323,529	\$4,136.03	\$4,447.34
Single Family 60	84	\$5,958,132	\$70,930	\$416,912	\$4,963.24	\$5,336.81
Totals	558	\$32,155,000		\$2,250,000		

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

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 7  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
PRELIMINARY ASSESSMENT ROLL  
MASTER ASSESSMENT METHODOLOGY

Owner	Property*	Acres	Total Par Debt Allocation Per Acre	Total Par Debt Allocated	Net Annual Debt Assessment Allocation	Gross Annual Debt Assessment Allocation (1)
Clayton Properties Group, Inc.	Yarborough Lane CDD	157	\$204,809	\$32,155,000	\$2,250,000	\$2,419,355
Totals		157		\$32,155,000	\$2,250,000	\$2,419,355

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

Annual Assessment Periods	30
Average Coupon Rate (%)	6.00%
Maximum Annual Debt Service	\$2,250,000

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

Prepared by: Governmental Management Services - Central Florida, LLC



## SECTION 3

## RESOLUTION 2022-36

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

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

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT AS FOLLOWS:**

**SECTION 1. AUTHORITY FOR THIS RESOLUTION.** This Resolution is adopted pursuant to Chapters 170, 190, and 197, *Florida Statutes*, including without limitation, Section 170.08, *Florida Statutes*.

**SECTION 2. FINDINGS.** The Board hereby finds and determines as follows:

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

**(b)** The District is authorized by Chapter 190, *Florida Statutes*, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct stormwater management facilities; roadways; water and wastewater facilities; off-site improvements; electrical utilities

(street lighting); entry features and signage; parks and amenities; and other infrastructure projects and services necessitated by the development of, and serving lands within, the District, together the “Improvements.”

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

(d) It is necessary to the public health, safety and welfare and in the best interests of the District that (i) the District provide the capital improvements (“Capital Improvements”), the nature and location of which is described in the *Engineer’s Report – Yarborough Lane Community Development District*, dated May 2022 (the “Engineer’s Report”) (attached as **Exhibit A** hereto and incorporated herein by this reference), and which the plans and specifications are on file at the office of the District Manager c/o Governmental Management Services-CF, LLC, 219 East Livingston Street, Orlando, FL 32801 (“District Records Offices”); (ii) the cost of such Capital Improvements be assessed against the lands specially benefited by such Capital Improvements; and (iii) the District issue bonds to provide funds for such purposes pending the receipt of such special assessments.

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

(f) In order to provide funds with which to pay all or a portion of the costs of the Capital Improvements which are to be assessed against the benefitted properties, pending the collection of such Assessments, it is necessary for the District from time to time to sell and issue its Special Assessment Bonds, in one or more series (the “Bonds”).

(g) By Resolution 2022-27, the Board determined to provide the Capital Improvements and to defray the costs thereof by making Assessments on benefitted property and expressed an intention to issue Bonds, notes or other specific financing mechanisms to provide all or a portion of the funds needed for the Capital Improvements prior to the collection of such Assessments. Resolution 2022-27 was adopted in compliance with the requirements of Section 170.03, *Florida Statutes*, and prior to the time it was adopted, the requirements of Section 170.04, *Florida Statutes*, had been met.

(h) As directed by Resolution 2022-27, said Resolution 2022-27 was published as required by Section 170.05, *Florida Statutes*, and a copy of the publisher’s affidavit of publication is on file with the Secretary of the Board.

(i) As directed by Resolution 2022-27, a preliminary assessment roll was adopted and filed with the Board as required by Section 170.06, *Florida Statutes*.

(j) As required by Section 170.07, *Florida Statutes*, upon completion of the preliminary assessment roll, the Board adopted Resolution 2022-28, fixing the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein may appear before the Board and be heard as to (1) the propriety and advisability of making the

infrastructure improvements, (2) the cost thereof, (3) the manner of payment therefore, and (4) the amount thereof to be assessed against each specially benefited property or parcel and provided for publication of notice of such public hearing and individual mailed notice in accordance with Chapters 170, 190, and 197, *Florida Statutes*.

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

(l) On July 14, 2022, at the time and place specified in Resolution 2022-28 and the notice referred to in paragraph (k) above, the Board met as an Equalization Board, conducted such public hearing, and heard and considered all complaints and testimony as to the matters described in paragraph (j) above. The Board has made such modifications in the preliminary assessment roll as it deems necessary, just and right in the making of the final assessment roll.

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

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

ii. it is reasonable, proper, just and right to assess the cost of such Capital Improvements against the properties specially benefited thereby using the method determined by the Board set forth in the *Master Assessment Methodology for Yarborough Lane Community Development District*, dated May 12, 2022 (the "Assessment Report," attached hereto as **Exhibit B** and incorporated herein by this reference), for the Bonds, which results in the special assessments set forth on the final assessment roll included within such Exhibit B (the "Assessments"); and

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

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

v. that the costs of the Capital Improvements are fairly and reasonably apportioned to the properties specifically benefitted as set forth in Exhibit B;

vi. it is in the best interests of the District that the Assessments be paid and collected as herein provided; and

vii. it is reasonable, proper, just and right for the District to utilize the true-up mechanisms and calculations contained in the Assessment Report in order to ensure that all parcels of real property benefiting from the Capital Improvements are

assessed accordingly and that sufficient assessment receipts are being generated in order to pay the corresponding bond debt-service when due;

**SECTION 3. AUTHORIZATION OF DISTRICT PROJECT.** That construction of Capital Improvements initially described in Resolution No. 2022-27, and more specifically identified and described in Exhibit A attached hereto, is hereby authorized and approved and the proper officers, employees and/or agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable to cause the same to be made.

**SECTION 4. ESTIMATED COST OF IMPROVEMENTS.** The total estimated costs of the Capital Improvements and the costs to be paid by Assessments on all specially benefited property are set forth in Exhibits A and B, respectively, hereto.

**SECTION 5. EQUALIZATION, APPROVAL, CONFIRMATION AND LEVY OF SPECIAL ASSESSMENTS.** The Assessments on the parcels specially benefited by the Capital Improvements, all as specified in the final assessment roll set forth in Exhibit B, attached hereto, are hereby equalized, approved, confirmed and levied. Immediately following the adoption of this Resolution, these Assessments, as reflected in Exhibit B attached hereto, shall be recorded by the Secretary of the Board of the District in a special book, to be known as the "Improvement Lien Book." The Assessment or assessments against each respective parcel shown on such final assessment roll and interest, costs and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such parcel until paid and such lien shall be coequal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims. Prior to the issuance of any Bonds, including refunding bonds, the District may, by subsequent resolution, adjust the acreage assigned to particular parcel identification numbers listed on the final assessment roll to reflect accurate apportionment of acreage within the District amongst individual parcel identification numbers. The District may make any other such acreage and boundary adjustments to parcels listed on the final assessment roll as may be necessary in the best interests of the District as determined by the Board by subsequent resolution. Any such adjustment in the assessment roll shall be consistent with the requirements of law. In the event the issuance of Bonds, including refunding bonds, by the District would result in a decrease of the Assessments, then the District shall by subsequent resolution, adopted within sixty (60) days of the sale of such Bonds at a publicly noticed meeting and without the need for further public hearing, evidence such a decrease and amend the final assessment roll as shown in the Improvement Lien Book to reflect such a decrease.

**SECTION 6. FINALIZATION OF SPECIAL ASSESSMENTS.** When the entire Capital Improvements project has both been constructed or otherwise provided to the satisfaction of the Board, the Board shall adopt a resolution accepting the same and determining the actual costs (including financing costs) thereof, as required by Sections 170.08 and 170.09, *Florida Statutes*. Pursuant to the provisions of Section 170.08, *Florida Statutes*, regarding completion of a project funded by a particular series of bonds, the District shall credit to each Assessment the difference, if any, between the Assessment as hereby made, approved and confirmed and the proportionate part of the actual costs of the Capital Improvements, as finally determined upon completion thereof, but in no event shall the final amount of any such special assessment exceed the amount of benefits originally assessed hereunder. In making such credits, no credit shall be given for bond financing costs, capitalized interest, funded reserves or bond discounts. Such credits, if any, shall

be entered in the Improvement Lien Book.

#### **SECTION 7. PAYMENT OF SPECIAL ASSESSMENTS AND METHOD OF COLLECTION.**

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

(b) The District may elect to use the method of collecting Assessments authorized by Sections 197.3632 and 197.3635, *Florida Statutes* (the "Uniform Method"). The District has heretofore taken or will use its best efforts to take as timely required, any necessary actions to comply with the provisions of said Sections 197.3632 and 197.3635, *Florida Statutes*. Such Assessments may be subject to all of the collection provisions of Chapter 197, *Florida Statutes*. Notwithstanding the above, in the event the Uniform Method of collecting its special or non-ad valorem assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Assessments may be collected as is otherwise permitted by law. The District may, in its sole discretion, collect Assessments by directly assessing landowner(s) and enforcing said collection in any manner authorized by law.

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

#### **SECTION 8. APPLICATION OF TRUE-UP PAYMENTS.**

(a) Pursuant to the Assessment Report, attached hereto as Exhibit B, there may be

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

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

**(c)** The foregoing is based on the District's understanding with landowner and/or developer that it intends to develop the unit numbers and types shown in Exhibit B, on the net developable acres and is intended to provide a formula to ensure that the appropriate ratio of the Assessments to gross acres is maintained if fewer units are developed. However, no action by the District prohibits more than the maximum units shown in Exhibit B from being developed. In no event shall the District collect Assessments pursuant to this Resolution in excess of the total debt service related to the Capital Improvements, including all costs of financing and interest. The District recognizes that such events as regulatory requirements and market conditions may affect the timing and scope of the development in the District. If the strict application of the True-Up Methodology to any assessment reallocation pursuant to this paragraph would result in Assessments collected in excess of the District's total debt service obligation for the Capital Improvements, the Board shall by resolution take appropriate action to equitably reallocate the Assessments. Further, upon the District's review of the final plat for the developable acres, any unallocated Assessments shall become due and payable and must be paid prior to the District's approval of that plat.

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

**SECTION 9. GOVERNMENT PROPERTY; TRANSFERS OF PROPERTY TO UNITS OF LOCAL, STATE, AND FEDERAL GOVERNMENT.** Property owned by units of local, state, and federal government shall not be subject to the Assessments without specific consent thereto. If at any time, any real property on which Assessments are imposed by this Resolution is sold or otherwise transferred to a unit of local, state, or federal government (without consent of such governmental unit to the imposition of Assessments thereon), all future unpaid Assessments for such tax parcel shall become due and payable immediately prior to such transfer without any further action of the District.

**SECTION 10. ASSESSMENT NOTICE.** The District's Secretary is hereby directed to record a general Notice of Assessments in the Official Records of Polk County, Florida, which shall be updated from time to time in a manner consistent with changes in the boundaries of the District.

**SECTION 11. SEVERABILITY.** If any section or part of a section of this Resolution be declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

**SECTION 12. CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**SECTION 13. EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

*[Remainder of this page intentionally left blank]*



**APPROVED AND ADOPTED** this 14th day of July 2022.

ATTEST:

**YARBOROUGH LANE COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary/Assistant Secretary

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Chairperson, Board of Supervisors

**Exhibit A:** *Engineer's Report – Yarborough Lane Community Development District, dated May 2022*

**Exhibit B:** *Master Assessment Methodology for Yarborough Lane Community Development District, dated May 12, 2022*

*Engineer's Report*

# ***Yarborough Lane Community Development District***

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*Polk County/ Crews Lake Drive and Yarborough Lane*

*May 2022*

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**Kimley»Horn**



# Yarborough Lane Community Development District

## Engineer's Report

### 1. Introduction

#### A. Description of the Yarborough Lane Community Development District

The Yarborough Lane Planned Development is proposed to be served by the Yarborough Lane Community Development District (the "District") and is located within portions of Sections 23 and 26, Township 29 South, Range 24 East in Polk County, Florida. The District is bounded on the North by Crews Lake Drive on the West by the proposed Yarborough Lane extension and undeveloped lands, on the East by existing subdivisions and undeveloped lands, and on the South by Windmeadows South subdivision. A location map is included as Exhibit "A" along with the District boundary as Exhibit "B". The proposed capital improvement plan for the District includes various community infrastructure improvements necessary to serve development of residential and open areas within the District and includes drainage facilities, conservation areas, amenities and related improvements as indicated in Tables 2 and 3 (together, the "Master Project"). Unit 1 provides the land use category breakdowns.

The Planned Development was approved for a 558 lot residential community to include open areas, conservation area, community clubhouse area and open space recreation area. The project will contain 558 single family lots with 154-40 feet wide lots, 320-50 feet wide lots, and 84-60 feet wide lots. See Exhibit "C" for phasing breakdown of lots and lot sizes.

**Table 1**

#### **Summary of Land Uses Proposed Yarborough Lane Community Development District**

Land Use	Gross Acres (Phases I & II)	Percentage (Phases I & II)
Single Family	86.8	55.2%
Wetlands	8.2	5.2%
Recreation/Buffer	26.4	16.5%
Right of Way	24.8	15.8%
Drainage Facilities	10.8	7.3%
Total	157.0	100%

## **B. Purpose and Scope of Report**

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

### **District Boundary And Property**

#### **A. District Boundary**

Exhibit "B" delineates the proposed District, which consists of approximately 157 acres. The District is bounded by Polk County roadways on the North and Northeast and a combination of developed subdivisions and undeveloped lands on the South and East.

#### **B. Description of Property**

The District property is located within Polk County in Sections 23 and 26, Township 29 South, Range 24 East. The District falls within the Touchstone Planned Development approved by the County, and is zoned residential.

The existing land slopes to the south and southeast towards various existing wetlands within and bounding the District. The remaining undeveloped areas are former citrus groves and grass-covered areas with soils ranging from very poorly drained to excessively drained. Existing water table levels range from being above ground to depths greater than 10 feet.

#### **C. Existing Infrastructure**

The District is located within the Polk County Utilities (PCU) service area. On Ronald Reagan Parkway, PCU has an existing 12-inch potable water main and is currently constructing a 30-inch wastewater force main as part of their capital improvements plan. Connection for these services for the Phase I portion of the project has been approved through the normal permitting process with PCU.

Polk County's Northeast Regional Wastewater Treatment Facility will provide sewage treatment to the District.

Ronald Reagan Parkway is an existing two lane paved County roadway. The District's existing access point will be relocated to the west and will include turn and deceleration lanes consistent with Polk County criteria.

The District is located within the franchise areas of Progress Energy, Bright House Networks Cable, and Verizon. Service is available from these providers and they are expected to serve the District throughout development.

## **2. Proposed District Infrastructure**

### **Summary of Proposed District Infrastructure**

The District Master Project will be completed as indicated in Exhibit C and will generally consist of the following categories:

- Roadways
- Utilities
- Earthwork/Demolition
- Storm Water Management
- Landscaping/Pedestrian Improvements
- Signage/Lighting
- Conservation

#### **A. Roadways**

The roadways within the District will consist of two-lane sections constructed to provide access to all of the proposed land uses within the District's boundaries. Construction will include the addition of turn lanes on Crews Lake Drive, as required by Polk County as conditions of approval of the project. The roads will be constructed by the District and dedicated as public right of way. All roads within the District will be open and available to the general public.

Yarborough Lane will be constructed with a cross-section consistent with the County's requirements for a collector road and extend along the District's western boundary.

The roadways will be constructed in accordance with Polk County and Florida Department of Transportation standards. Typically, the roads will consist of asphalt, limerock and stabilized subbase with curb. The right of way design will include sidewalks, lighting, landscaping and utilities such as water, sewer and drainage. It is anticipated that the roadways will provide ingress and egress for the entire District and the residents within the District will generate the vast majority of the trips anticipated for the roadways.

Site grading including preparation of roadway areas for installation of paving construction has been partially completed. Construction of limerock roadway sub-base and asphalt paving will be initiated once all grading work has been completed.

#### **B. Utilities**

The utilities within the District will consist of potable water, wastewater collection and transmission, reclaimed water, irrigation system and conduit. Costs for conduit to be used by private utilities such as electric, cable, gas and communication lines have not been included as CDD costs. The utility systems will be designed in accordance with the applicable standards of each type of system. Potable water will be designed to Polk County Utilities (PCU) specifications as well as the Polk County Health Department, and the wastewater system will be designed to Polk County Utilities standards as well as the Florida Department of Environmental Protection. Polk County Utilities has allocated the capacity to provide water and wastewater treatment services to the District, with the PD approval and with the final construction plan approval that is pending.

The potable water lines will typically run within the right of way of all the roadways and at build out will provide a complete interconnected network of water lines. At build out the water lines will connect along Crews Lake Drive. Fire hydrants will be installed according to Polk County Fire Codes at one thousand-foot intervals or four hundred feet to each structure.

The wastewater lines will consist of manholes and gravity PVC lines within the roadway rights-of-way. These will convey sewage flow to a lift station. The pump station will then pump the wastewater via PVC force main to the existing Polk County Utilities force main/sewage collection system on Crews Lake Drive. When constructed the wastewater lines will provide service to lots and parcels within the District. Polk County is working on force main upgrades along Crews Lake Drive that will likely require Developer participation prior to the final phase.

### **C. Earthwork**

The District consists of undulating and rolling terrain which will require earthwork moving operations in order to construct roadways and storm water management facilities. The material excavated will be moved and shaped to allow for controlled slopes within the District boundaries.

### **D. Storm Water Management**

The District storm water management system will consist of detention ponds, inlets, pipes, swales, berms, and control structures. The storm water management system will be designed in accordance with standards set by Polk County and the SWFWMD. A system of inlets, pipes, swales and berms will convey the runoff into detention ponds throughout the District's boundaries. The detention ponds will treat and attenuate the runoff to required standards prior to discharging to offsite properties and conveyance systems. Surface water permitting is required for the District through Polk County Engineering and SWFWMD. As described in Section 5 below, the Southwest Florida Water Management District will issue an Environmental Resource Permit for the construction.

### **E. Landscaping/Pedestrian Improvements/Amenities**

Landscaping is proposed throughout the District boundaries in right of ways, open space areas, and boundary buffers. The landscaping will consist of shrub and tree planting as well as a variety of plants and material. Incorporated with the landscape improvements will also be pedestrian improvements such as sidewalks. Construction of sidewalks and other pedestrian improvements will be performed after the roadways are complete, and installation of landscape improvements will occur near the time of project construction completion. Amenities are to include recreation area with clubhouse and activities within open space area.

### **F. Signage and Lighting**

Signage and lighting improvements will be needed within the District's boundaries marking the entrance way, roadways and points of interest. Lighting will be constructed in pedestrian and parking areas and will be maintained by the District or by agreement with Lakeland Electric. No construction has begun on the signage and lighting systems.

## **G. Conservation and Mitigation**

Conservation of wetland areas and associated upland buffers have been approved for specified areas throughout the District as part of the SWFWMD permitting process. Additionally, relocation of gopher tortoises will be permitted prior to construction and relocated accordingly. These areas are proposed for passive use and will be maintained by the District; all such areas will be open and available to the general public.

A description of the ownership and maintenance of the proposed infrastructure is provided in Table 2 below.

**Table 2**  
**Infrastructure Ownership & Maintenance**

Infrastructure	Ownership	Maintenance
Roadways	Yarborough Lane CDD	Yarborough Lane CDD
Roadways	Polk County/CDD	Polk County/CDD
Drainage Structures and Retention Ponds	Yarborough Lane CDD	Yarborough Lane CDD
Water and Sewer	Polk Co. Utilities	Polk Co. Utilities
Street Lighting	Yarborough Lane CDD	Yarborough Lane CDD/ Lakeland Electric
Landscape, Open Space, and Irrigation	Yarborough Lane CDD	Yarborough Lane CDD
Amenities/Recreation	Yarborough Lane CDD	Yarborough Lane CDD

## **3. Opinion of Preliminary Probable Construction Costs**

A summary of the opinion of the probable costs for the District infrastructure is noted in Table 3. The opinion of costs has assumed 2021 fees for design and construction of the anticipated improvements. Fluctuations do occur with material costs, permitting and design constraints that could impact the estimates. The costs do not include legal, administrative or financial services necessary to operate and maintain the District. Earthwork costs

included in this report are those costs associated with earthmoving on CDD land, utilities and for storm water management purposes and not for private development or lot purposes.

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

**Table 3**  
**Summary of Preliminary Probable Capital Costs for Master Project of the Proposed Yarborough Lane Community Development District**

<b>Category</b>	<b>Cost</b>
Stormwater Management System	\$ 3,500,000
Roadways	\$ 7,500,000
Water & Wastewater Systems	\$ 4,000,000
Street Lighting and Conduit	\$ 800,000
Entry Feature, Landscape, Irrigation	\$ 800,000
Parks and Amenities	\$ 2,500,000
Offsite Improvements*	\$ 1,800,000
Professional Services	\$ 750,000
Contingency	\$ 3,350,000
<b>Total</b>	<b>\$ 25,000,000</b>

#### **4. List of Approvals to Date**

##### **For Entire Project:**

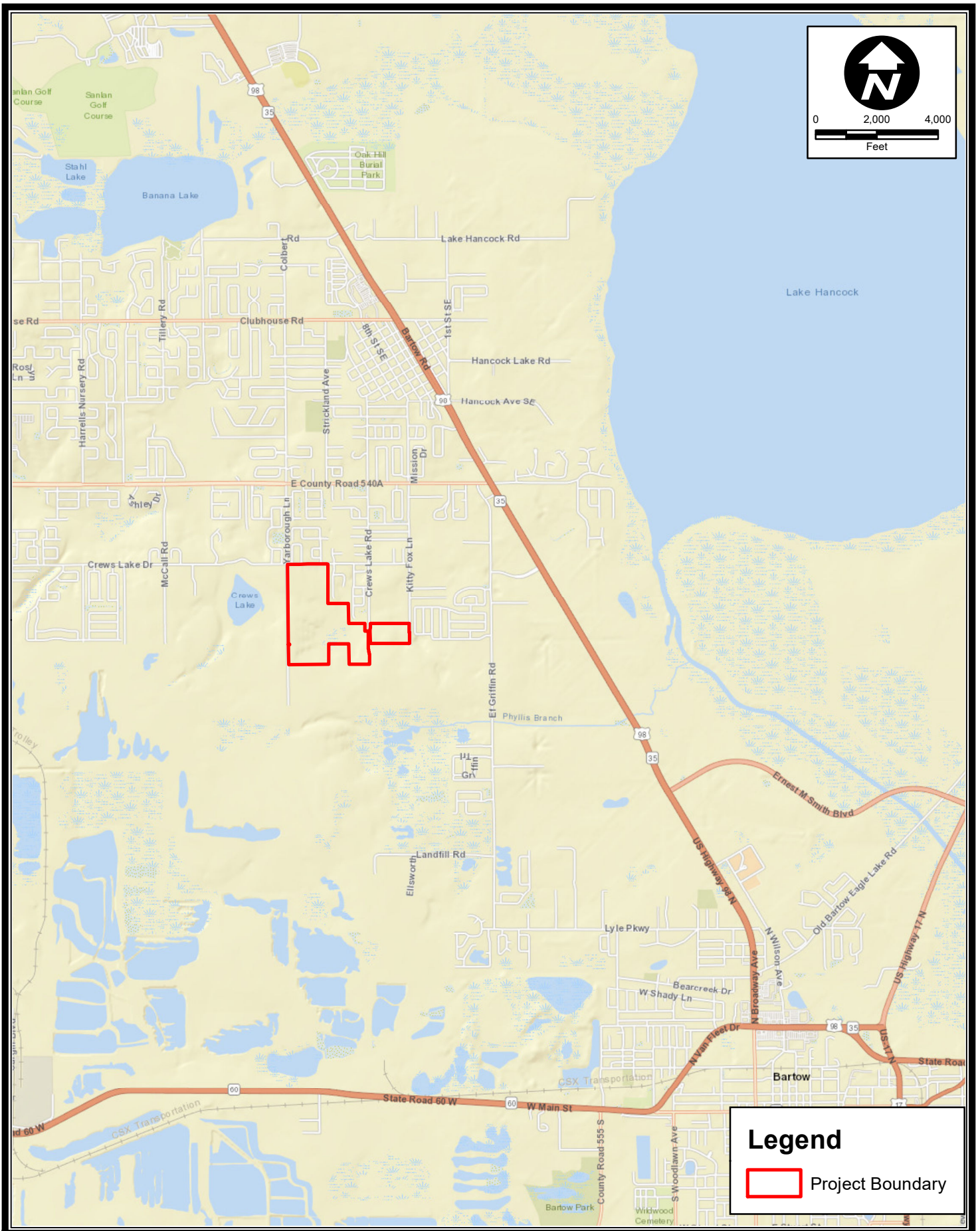
- Polk County Board of County Commissioners approved the establishment of the Community Development District on May of 2022.
- Polk County Board of County Commissioners approved LDPD-2021-17, Planned Development on September 22, 2021.
- National Pollutant Discharge Elimination System (NPDES) permit pertaining to methods that attempt to reduce the transmission of construction related silt to adjacent properties. Application has not been made for this permit.
- Southwest Florida Water Management District Environmental Resource Permit pertaining to the proposed storm water management systems. Application is pending for this permit.



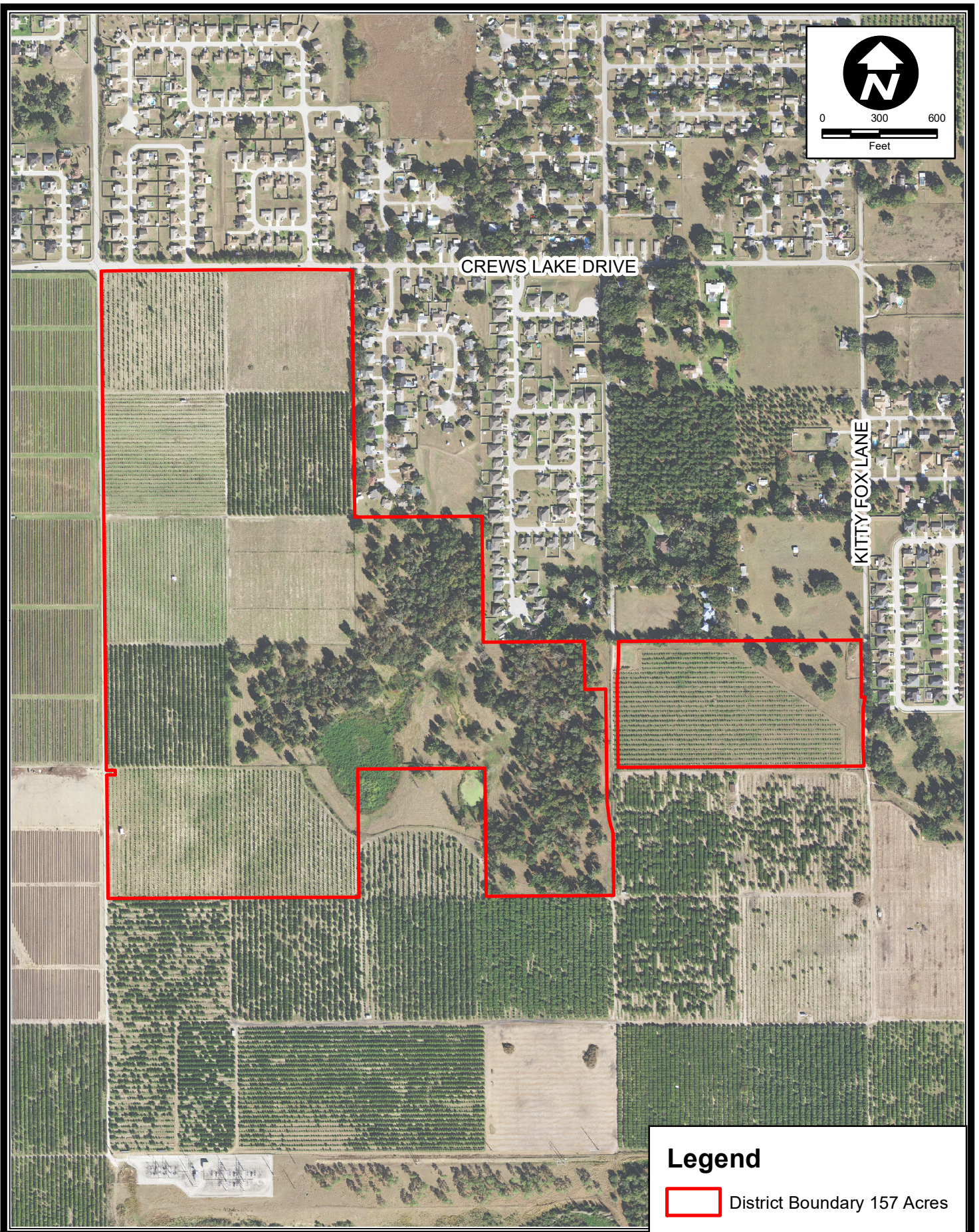
- Polk County Utilities construction permit to allow the construction of domestic wastewater and public water systems. Application is pending for this permit.
- Polk County Development Review Committee construction permit which grants permission for construction of improvements under County jurisdiction. Application is pending for this permit.
- Florida Department of Environmental Protection permit for a domestic wastewater collection/transmission system. Application is pending for this permit.
- Polk County Health Department permit for the construction of public water systems. Application is pending for this permit.

Note that all permits noted as not yet applied for or otherwise pending are expected to be obtained in the ordinary course of development.

# EXHIBITS









PHASE 1

40' LOTS=75

50' LOTS=177

60' LOTS=29

PHASE 2

40' LOTS=79

50' LOTS=143

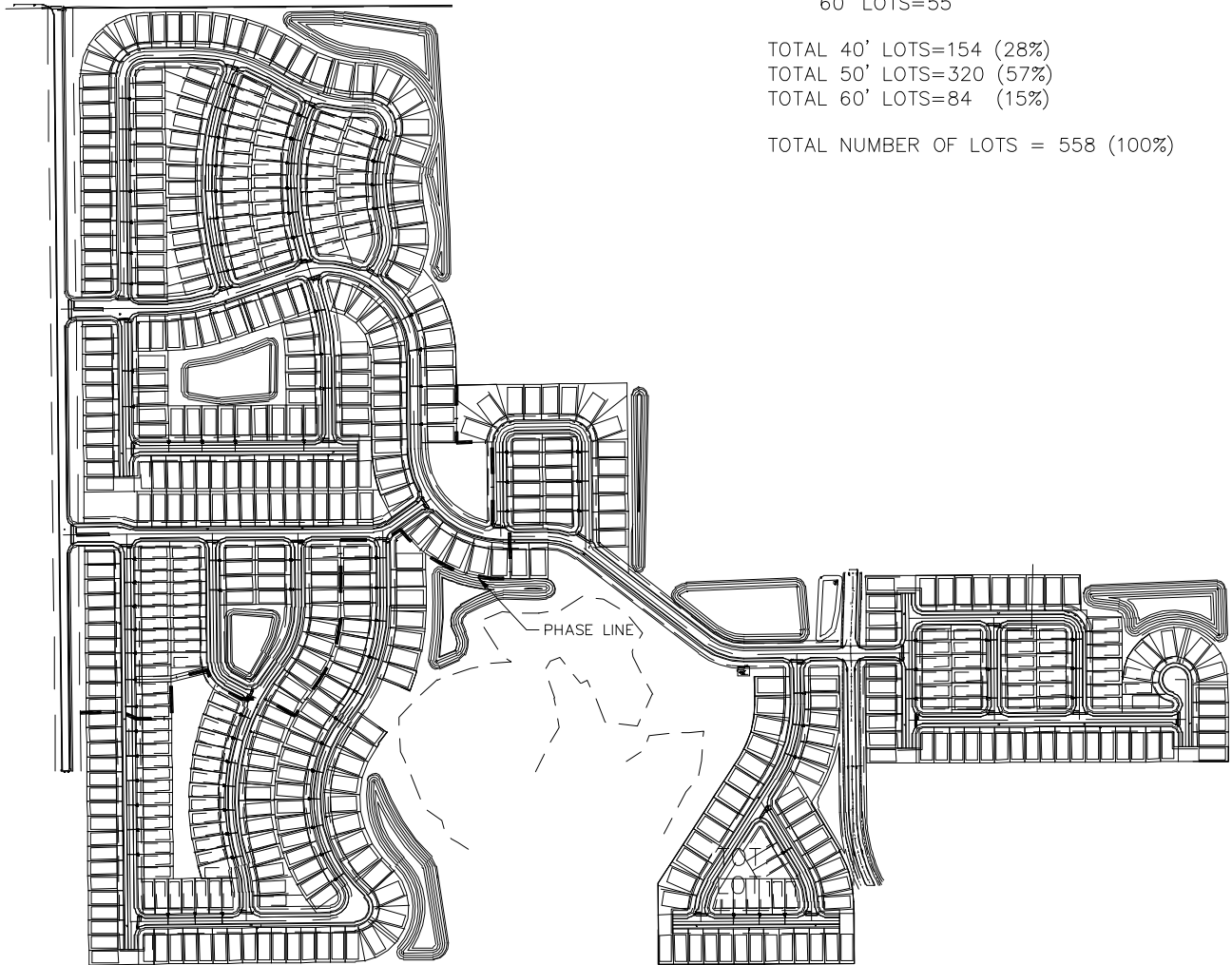
60' LOTS=55

TOTAL 40' LOTS=154 (28%)

TOTAL 50' LOTS=320 (57%)

TOTAL 60' LOTS=84 (15%)

TOTAL NUMBER OF LOTS = 558 (100%)



**MASTER  
ASSESSMENT METHODOLOGY  
  
FOR  
YARBOROUGH LANE  
COMMUNITY DEVELOPMENT DISTRICT**

**Date: May 12, 2022**

**Prepared by**

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



## Table of Contents

1.0 Introduction.....	3
1.1 Purpose.....	3
1.2 Background.....	3
1.3 Special Benefits and General Benefits .....	4
1.4 Requirements of a Valid Assessment Methodology .....	4
1.5 Special Benefits Exceed the Costs Allocated .....	5
2.0 Assessment Methodology .....	5
2.1 Overview .....	5
2.2 Allocation of Debt.....	5
2.3 Allocation of Benefit .....	6
2.4 Lienability Test: Special and Peculiar Benefit to the Property .....	6
2.5 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay Non-Ad Valorem Assessments .....	7
3.0 True-Up Mechanism.....	7
4.0 Assessment Roll.....	8
5.0 Appendix .....	9
Table 1: Development Program .....	9
Table 2: Infrastructure Cost Estimates.....	10
Table 3: Bond Sizing.....	11
Table 4: Allocation of Benefit .....	12
Table 5: Allocation of Benefit/Total Par Debt to Each Product Type .....	13
Table 6: Par Debt and Annual Assessments .....	14
Table 7: Preliminary Assessment Roll .....	15

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

## **1.0 Introduction**

The Yarborough Lane Community Development District is a local unit of special-purpose government organized and existing under Chapter 190, Florida Statutes (the “District”), as amended. The District plans to issue up to \$32,155,000 of tax exempt bonds in one or more series (the “Bonds”) for the purpose of financing certain infrastructure improvements within the District, more specifically described in the Master Engineer’s Report dated May 12, 2022 prepared by Kimley-Horn and Associates, Inc. as may be amended and supplemented from time to time (the “Engineer’s Report”). The District anticipates the construction of public infrastructure improvements consisting of improvements that benefit property owners within the District.

### **1.1 Purpose**

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

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

### **1.2 Background**

The District currently includes approximately 157 acres within unincorporated Polk County, Florida. The development program currently envisions approximately 558 residential units (herein the “Development”). The proposed Development program is depicted in Table 1. It is recognized that such land use plan may change, and this Assessment Report will be modified accordingly.

The public improvements contemplated by the District in the CIP will provide facilities that benefit certain property within the District. The CIP is delineated in the



Engineer's Report. Specifically, the District will construct and/or acquire certain stormwater management system, roadways, water & wastewater systems, street lighting and conduit, entry feature, landscape & irrigation, parks and amenities, offsite improvements, professional fees, and contingency. The acquisition and construction costs are summarized in Table 2.

The assessment methodology is a four-step process.

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

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

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

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

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

### **1.4 Requirements of a Valid Assessment Methodology**

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

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

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

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

The special benefits provided to the property owners within the District are greater than the costs associated with providing these benefits. The District Engineer estimates that the District's CIP that is necessary to support full development of property will cost approximately \$25,000,000. The District's Underwriter projects that financing costs required to fund the infrastructure improvements, including project costs, the cost of issuance of the Bonds, the funding of debt service reserves and capitalized interest, will be approximately \$32,155,000. Additionally, funding required to complete the CIP which is not financed with Bonds will all or a portion of be funded by Developer. Without the CIP, the property would not be able to be developed and occupied by future residents of the community.

## **2.0 Assessment Methodology**

### **2.1 Overview**

The District is planning to issue up to \$32,155,000 in Bonds to fund the District's CIP, provide for capitalized interest, a debt service reserve account and cost of issuance. It is the purpose of this Assessment Report to allocate the \$32,155,000 in debt to the properties benefiting from the CIP.

Table 1 identifies the proposed land uses as identified by the Developer and current landowners of the land within the District. The District has relied on the Engineer's Report to develop the costs of the CIP needed to support the Development, these construction costs are outlined in Table 2. The improvements needed to support the Development are described in detail in the Engineer's Report and are estimated to cost \$25,000,000. Based on the estimated costs, the size of the bond issue under current market conditions needed to generate funds to pay for the CIP and related costs was determined by the District's Underwriter to total approximately \$32,155,000. Table 3 shows the breakdown of the bond sizing.

## **2.2 Allocation of Debt**

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

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

Once platting or the recording of declaration of condominium, ("Assigned Properties") has begun, the assessments will be levied to the Assigned Properties based on the benefits they receive. The Unassigned Properties, defined as property that has not been platted, assigned development rights or subjected to a declaration of condominium, will continue to be assessed on a per acre basis ("Unassigned Properties"). Eventually the development plan will be completed and the debt relating to the Bonds will be allocated to the planned 558 residential units within the District, which are the beneficiaries of the CIP, as depicted in Table 5 and Table 6. If there are changes to the development plan, a true up of the assessment will be calculated to determine if a debt reduction or true-up payment from the Developer is required. The process is outlined in Section 3.0

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

## **2.3 Allocation of Benefit**

The CIP consists of stormwater management system, roadways, water & wastewater systems, street lighting and conduit, entry feature, landscape & irrigation, parks and amenities, offsite improvements, professional fees, and contingency. There are three residential product type(s) within the planned development. The Single Family 50' home has been set as the base unit and has been assigned one equivalent residential unit ("ERU"). Table 4 shows the allocation of benefit to the particular land uses. It is important to note that the benefit derived from the improvements on the particular units exceeds the cost that the units will be paying for such benefits.

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

Construction and/or acquisition by the District of its proposed CIP will provide several types of systems, facilities and services for its residents. These include stormwater management system, roadways, water & wastewater systems, street lighting and conduit, entry feature, landscape & irrigation, parks and amenities, offsite improvements, professional fees, and contingency. These improvements accrue in

differing amounts and are somewhat dependent on the type of land use receiving the special benefits peculiar to those properties, which flow from the logical relationship of the improvements to the properties.

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

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

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

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

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

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

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

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

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

## **3.0 True Up Mechanism**

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

#### **4.0 Assessment Roll**

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

TABLE 1  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
DEVELOPMENT PROGRAM  
MASTER ASSESSMENT METHODOLOGY

Product Types	Phase 1	Phase 2	Total		Total ERUs
			No. of Units *	ERUs per Unit (1)	
Single Family 40'	75	79	154	0.8	123
Single Family 50'	177	143	320	1.0	320
Single Family 60'	29	55	84	1.2	101
Total Units			558		544

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

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 2  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
INFRASTRUCTURE COST ESTIMATES  
MASTER ASSESSMENT METHODOLOGY

Capital Improvement Plan ("CIP") (1)	Total Cost Estimate
Stormwater Management System	\$3,500,000
Roadways	\$7,500,000
Water & Wastewater Systems	\$4,000,000
Street Lighting and Conduit	\$800,000
Entry Feature, Landscape, Irrigation	\$800,000
Parks and Amenities	\$2,500,000
Offsite Improvements	\$1,800,000
Professional Services	\$750,000
Contingency	\$3,350,000
<b>Total</b>	<b>\$25,000,000</b>

(1) A detailed description of these improvements is provided in the Master Engineer's Report dated May 12, 2022

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 3  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
BOND SIZING  
MASTER ASSESSMENT METHODOLOGY

Description	Total
Construction Funds	\$25,000,000
Debt Service Reserve	\$2,250,000
Capitalized Interest	\$3,858,600
Underwriters Discount	\$643,100
Cost of Issuance	\$400,000
Rounding	\$3,300
<b>Par Amount*</b>	<b>\$32,155,000</b>

Bond Assumptions:

Average Coupon	6.00%
Amortization	30 years
Capitalized Interest	24 months
Debt Service Reserve	Max Annual D/S
Underwriters Discount	2%

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

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TABLE 4  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
ALLOCATION OF BENEFIT  
MASTER ASSESSMENT METHODOLOGY

Product Types	No. of Units *	ERU Factor	Total ERUs	% of Total ERUs	Total Improvements Costs Per Product Type	Improvement Costs Per Unit
Single Family 40'	154	0.8	123	22.65%	\$5,661,765	\$36,765
Single Family 50'	320	1.0	320	58.82%	\$14,705,882	\$45,956
Single Family 60'	84	1.2	101	18.53%	\$4,632,353	\$55,147
Totals	558		544	100.00%	\$25,000,000	

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 5  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
ALLOCATION OF TOTAL BENEFIT/PAR DEBT TO EACH PRODUCT TYPE  
MASTER ASSESSMENT METHODOLOGY

Product Types	No. of Units *	Total Improvements Costs Per Product Type	Allocation of Par Debt Per Product Type	Par Debt Per Unit
Single Family 40'	154	\$5,661,765	\$7,282,162	\$47,287
Single Family 50'	320	\$14,705,882	\$18,914,706	\$59,108
Single Family 60'	84	\$4,632,353	\$5,958,132	\$70,930
Totals	558	\$25,000,000	\$32,155,000	

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

Prepared by: Governmental Management Services - Central Florida, LLC

TABLE 6  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
PAR DEBT AND ANNUAL ASSESSMENTS FOR EACH PRODUCT TYPE  
MASTER ASSESSMENT METHODOLOGY

Product Types	No. of Units *	Allocation of Par Debt Per Product Type	Total Par Debt Per Unit	Maximum Annual Debt Service	Net Annual Debt Assessment Per Unit	Gross Annual Debt Assessment Per Unit (1)
Single Family 40	154	\$7,282,162	\$47,287	\$509,559	\$3,308.82	\$3,557.87
Single Family 50	320	\$18,914,706	\$59,108	\$1,323,529	\$4,136.03	\$4,447.34
Single Family 60	84	\$5,958,132	\$70,930	\$416,912	\$4,963.24	\$5,336.81
Totals	558	\$32,155,000		\$2,250,000		

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

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

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TABLE 7  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT  
PRELIMINARY ASSESSMENT ROLL  
MASTER ASSESSMENT METHODOLOGY

Owner	Property*	Acres	Total Par Debt Allocation Per Acre	Total Par Debt Allocated	Net Annual Debt Assessment Allocation	Gross Annual Debt Assessment Allocation (1)
Clayton Properties Group, Inc.	Yarborough Lane CDD	157	\$204,809	\$32,155,000	\$2,250,000	\$2,419,355
Totals		157		\$32,155,000	\$2,250,000	\$2,419,355

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

Annual Assessment Periods	30
Average Coupon Rate (%)	6.00%
Maximum Annual Debt Service	\$2,250,000

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

Prepared by: Governmental Management Services - Central Florida, LLC

## SECTION B

# SECTION 1

## **RESOLUTION 2022-37**

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

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

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

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

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The District, upon conducting its public hearing as required by Section 197.3632, *Florida Statutes*, hereby expresses its intent to use the uniform method of collecting assessments imposed by the District as provided in Chapters 170 and 190, *Florida Statutes*, each of which are non-ad valorem assessments which may be collected annually pursuant to the provisions of Chapter 190, *Florida Statutes*, for the purpose of paying principal and interest on any and all of its indebtedness and for the purpose of paying the cost of operating and maintaining its assessable improvements. The legal description of the boundaries of the real property subject to a levy of assessments is attached and made a part of this Resolution as **Exhibit A**. The non-ad valorem assessments and the District’s use of the uniform method of collecting its non-ad valorem assessment(s) may continue in any given year when the Board of Supervisors determines that use of the uniform method for that year is in the best interests of the District.

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

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

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

**PASSED AND ADOPTED** this 14th day of July, 2022.

ATTEST:

**YARBOROUGH LANE COMMUNITY  
DEVELOPMENT DISTRICT**

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

\_\_\_\_\_  
Chairman, Board of Supervisors

**Exhibit A:**     Legal Description



## EXHIBIT A LEGAL DESCRIPTION

### LEGAL DESCRIPTION:

#### PARCEL 1

LOT 40 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, W. F. HALLAM AND COMPANY'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS, FLORIDA, SAID LOT BEING EQUIVALENT TO THE NW 1/4 OF THE NW 1/4 OF THE SW 1/4 OF SAID SECTION, TOWNSHIP AND RANGE. PARCEL ID. 232924-288000-004001 AND 232924-288000-004002.

AND

#### PARCEL 2

LOT 39 OF W.F. HALLAM & COMPANY'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 102, OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, LESS THAT PORTION OF ADDITIONAL ROAD RIGHT-OF-WAY RECORDED FOR CREWS LAKE DRIVE. PARCEL ID. 232924-288000-003900.

AND

#### PARCEL 3

LOT 41 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, OF W. F. HALLAM AND COMPANY'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS, FLORIDA, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. PARCEL ID. 232924-288000-004100.

AND

#### PARCEL 4

THE SE 1/4 OF NW 1/4 OF SW 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, ALSO KNOWN AS LOT 42 OF W. F. HALLAM & CO'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102A OF THE PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703. PARCEL ID. 232924-288000-004200.

AND

#### PARCEL 5

LOTS 55 AND 56 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, OF W. F. HALLAM AND COMPANY'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS, FLORIDA, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 102, PUBLIC RECORDS OF POLK COUNTY, FLORIDA AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703. PARCEL ID. 232924-288000-005500.

AND

#### PARCEL 6

THE SW 1/4 OF THE SW 1/4 OF THE SW 1/4 IN SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST OR LOT 57 OF W. F. HALLAM & CO'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102A, AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. PARCEL ID. 232924-288000-005700.

AND

#### PARCEL 7

THE SE 1/4 OF THE SW 1/4, LESS THE NE 1/4 OF SE 1/4 OF SW 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. PARCEL ID. 232924-000000-042020.

AND

#### PARCEL 8

LOT 58, IN SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, W. F. HALLAM & CO.'S CLUB COLONY TRACT, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN PLAT BOOK 1, PAGE 102 AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, PUBLIC RECORDS OF POLK COUNTY, FLORIDA. PARCEL ID. 232924-288000-005801.

AND

#### PARCEL 9

THE NE 1/4 OF THE NE 1/4 OF THE NW 1/4 OF SECTION 26, TOWNSHIP 29 SOUTH, RANGE 24 EAST, ALL LYING IN POLK COUNTY, FLORIDA. PARCEL ID. 242926-000000-031030.

AND

#### PARCEL 10

THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, LESS RIGHT-OF-WAY, LYING IN POLK COUNTY, FLORIDA. PARCEL ID. 242926-000000-024030.

AND

#### PARCEL 11

THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST, AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, LESS ROAD RIGHT-OF-WAY, LYING IN POLK COUNTY, FLORIDA. PARCEL ID. 232924-000000-024050.

AND

#### PARCEL 12

LOTS 7 AND 8 OF W. F. HALLAM & CO'S CLUB COLONY TRACT OF LAKE LAND HIGHLANDS FLORIDA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 102A, ALSO DESCRIBED AS THEN 1/2 OF THE NW 1/4 OF THE NW 1/4 IN SECTION 28, TOWNSHIP 29 SOUTH, RANGE 24 EAST AND THAT PART OF VACATED ROAD RECORDED DECEMBER 21, 2007 IN OFFICIAL RECORDS BOOK 10348, PAGE 703, PUBLIC RECORDS OF POLK COUNTY, FLORIDA, LESS THE NORTH 24.0 FEET OF THE WEST 65.0 FEET OF THE NW1/4 OF THE NW1/4 OF THE NW 1/4. PARCEL ID. 262924-288500-000072.

LESS AND EXCEPT

THAT PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23, TOWNSHIP 29 SOUTH, RANGE 24 EAST AND THAT PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26, TOWNSHIP 29 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHWEST CORNER OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 26, THE SAME ALSO BEING THE NORTHEAST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 26 AND ALSO THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 23 AND ALSO THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 23; THENCE NORTH 89°43'15" EAST ALONG THE SOUTH BOUNDARY OF SAID SECTION 23, A DISTANCE OF 30.00 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY, NORTH 80°39'14" WEST A DISTANCE OF 382.46 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 1970.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 4°07'19" (CHORD = 141.70 FEET, CHORD BEARING = NORTH 01°24'25" EAST) FOR A DISTANCE OF 141.73 FEET TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 2030.00 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 3°46'28" (CHORD = 133.71 FEET, CHORD BEARING = NORTH 01°34'01" EAST) FOR A DISTANCE OF 133.73 FEET TO THE NON-TANGENT, NON-RADIAL INTERSECTION WITH THE NORTH BOUNDARY OF THE AFOREMENTIONED SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23; THENCE SOUTH 89°38'18" WEST ALONG SAID NORTH BOUNDARY AND ALONG THE NORTH BOUNDARY OF THE AFOREMENTIONED SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, A DISTANCE OF 180.53 FEET; THENCE DEPARTING SAID NORTH BOUNDARY, SOUTH 00°39'14" EAST, A DISTANCE OF 290.00 FEET; THENCE NORTH 89°28'46" EAST, A DISTANCE OF 110.39 FEET TO THE NON-TANGENT, NON-RADIAL INTERSECTION WITH A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 2030.00 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 0°44'18" (CHORD = 26.13 FEET, CHORD BEARING = SOUTH 00°17'07" EAST) FOR A DISTANCE OF 26.13 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 00°39'14" EAST, A DISTANCE OF 538.78 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 595.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE/DELTA OF 18°14'38" (CHORD = 188.86 FEET, CHORD BEARING = SOUTH 09°46'53" EAST) FOR A DISTANCE OF 189.46 FEET TO THE NON-TANGENT, NON-RADIAL INTERSECTION WITH THE EAST BOUNDARY OF THE AFOREMENTIONED NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 26; THENCE DEPARTING SAID CURVE AND ALONG THE SAID EAST BOUNDARY, NORTH 00°38'16" WEST A DISTANCE OF 342.78 FEET TO THE POINT OF BEGINNING.

KHA JOB No. 046511000

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# SECTION C

# SECTION 1

**RESOLUTION 2022-38**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF  
YARBOROUGH LANE COMMUNITY DEVELOPMENT  
DISTRICT ADOPTING RULES OF PROCEDURE; PROVIDING A  
SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE  
DATE.**

**WHEREAS**, Yarborough Lane Community Development District (“**District**”) is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within unincorporated Polk County, Florida, Florida; and

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

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

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

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

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

**SECTION 2.** If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

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

**PASSED AND ADOPTED** this 14<sup>th</sup> day of July, 2022.

ATTEST:

**YARBOROUGH LANE COMMUNITY  
DEVELOPMENT DISTRICT**

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

\_\_\_\_\_  
Chairperson, Board of Supervisors

**Exhibit A:** Rules of Procedure

**RULES OF PROCEDURE  
YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT**

**EFFECTIVE AS OF JULY 14, 2022**

**TABLE OF CONTENTS**

<a href="#"><u>Rule 1.0</u></a>	<a href="#"><u>General</u></a> .....	55
<a href="#"><u>Rule 1.1</u></a>	<a href="#"><u>Board of Supervisors; Officers and Voting</u></a> .....	56
<a href="#"><u>Rule 1.2</u></a>	<a href="#"><u>District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements; Financial Disclosure Coordination</u></a> .....	60
<a href="#"><u>Rule 1.3</u></a>	<a href="#"><u>Public Meetings, Hearings, and Workshops</u></a> .....	63
<a href="#"><u>Rule 1.4</u></a>	<a href="#"><u>Internal Controls to Prevent Fraud, Waste and Abuse</u></a> .....	68
<a href="#"><u>Rule 2.0</u></a>	<a href="#"><u>Rulemaking Proceedings</u></a> .....	69
<a href="#"><u>Rule 3.0</u></a>	<a href="#"><u>Competitive Purchase</u></a> .....	74
<a href="#"><u>Rule 3.1</u></a>	<a href="#"><u>Procedure Under the Consultants' Competitive Negotiations Act</u></a> .....	78
<a href="#"><u>Rule 3.2</u></a>	<a href="#"><u>Procedure Regarding Auditor Selection</u></a> .....	81
<a href="#"><u>Rule 3.3</u></a>	<a href="#"><u>Purchase of Insurance</u></a> .....	85
<a href="#"><u>Rule 3.4</u></a>	<a href="#"><u>Pre-qualification</u></a> .....	87
<a href="#"><u>Rule 3.5</u></a>	<a href="#"><u>Construction Contracts, Not Design-Build</u></a> .....	92
<a href="#"><u>Rule 3.6</u></a>	<a href="#"><u>Construction Contracts, Design-Build</u></a> .....	95
<a href="#"><u>Rule 3.7</u></a>	<a href="#"><u>Payment and Performance Bonds</u></a> .....	100
<a href="#"><u>Rule 3.8</u></a>	<a href="#"><u>Goods, Supplies, and Materials</u></a> .....	101
<a href="#"><u>Rule 3.9</u></a>	<a href="#"><u>Maintenance Services</u></a> .....	105
<a href="#"><u>Rule 3.10</u></a>	<a href="#"><u>Contractual Services</u></a> .....	108
<a href="#"><u>Rule 3.11</u></a>	<a href="#"><u>Protests with Respect to Proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9</u></a> .....	109
<a href="#"><u>Rule 4.0</u></a>	<a href="#"><u>Effective Date</u></a> .....	112

**Rule 1.0      General.**

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

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

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

**Rule 1.1      Board of Supervisors; Officers and Voting.**

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

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



- (4) Record Book. The Board shall keep a permanent record book entitled "Record of Proceedings," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, and corporate acts. The Records of Proceedings shall be located at a District office and shall be available for inspection by the public.
- (5) Meetings. For each fiscal year, the Board shall establish a schedule of regular meetings, which shall be published in a newspaper of general circulation in the county in which the District is located and filed with the local general-purpose governments within whose boundaries the District is located. All meetings of the Board and Committees serving an advisory function shall be open to the public in accord with the provisions of Chapter 286 of the Florida Statutes.
- (6) Voting Conflict of Interest. The Board shall comply with Section 112.3143 of the Florida Statutes, so as to ensure the proper disclosure of conflicts of interest on matters coming before the Board for a vote. For the purposes of this section, "voting conflict of interest" shall be governed by the Florida Constitution and Chapters 112 and 190 of the Florida Statutes, as amended from time to time. Generally, a voting conflict exists when a Board member is called upon to vote on an item which would inure to the Board member's special private gain or loss or the Board member knows would inure to the special private gain or loss of a principal by whom the Board member is retained, the parent organization or subsidiary of a corporate principal, a business associate, or a relative including only a father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law.
- (a) When a Board member knows the member has a conflict of interest on a matter coming before the Board, the member should notify the Board's Secretary prior to participating in any discussion with the Board on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes.

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

The Board's Secretary shall prepare a Memorandum of Voting Conflict (Form 8B) which shall then be signed by the Board member, filed with the Board's Secretary, and provided for attachment to the minutes of the meeting within fifteen (15) days of the meeting.

- (b) If a Board member inadvertently votes on a matter and later learns he or she has a conflict on the matter, the member shall immediately notify the Board's Secretary. Within fifteen (15) days of the notification, the member shall file the appropriate Memorandum of Voting Conflict, which will be attached to the minutes of the Board meeting during which the vote on the matter occurred. The Memorandum of Voting Conflict shall immediately be provided to other Board members and

shall be read publicly at the next meeting held subsequent to the filing of the Memorandum of Voting Conflict. The Board member's vote is unaffected by this filing.

- (c) It is not a conflict of interest for a Board member, the District Manager, or an employee of the District to be a stockholder, officer or employee of a landowner or of an entity affiliated with a landowner.
- (d) In the event that a Board member elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, has a continuing conflict of interest, such Board member is permitted to file a Memorandum of Voting Conflict at any time in which it shall state the nature of the continuing conflict. Only one such continuing Memorandum of Voting Conflict shall be required to be filed for each term the Board member is in office.

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

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

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

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

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

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

public records request. At no time can the District be required to create records or summaries of records, or prepare opinions regarding District policies, in response to a public records request.

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

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

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

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

### **Rule 1.3      Public Meetings, Hearings, and Workshops.**

- (1) Notice. Except in emergencies, or as otherwise authorized or 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 in the county in which the District is located. A newspaper is deemed to be a newspaper of "general circulation" within the District and county in which the District is located if such newspaper has been in existence for two (2) years at the time of publication of the applicable notice (unless no newspaper within the county has been published for such length) and satisfies the criteria of section 50.011(1), Florida Statutes, or if such newspaper is a direct successor of a newspaper which has been so published, as such provisions may be amended from time to time by law. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published as provided in Chapter 50, Florida Statutes, and such notice published consistent with Chapter 50 shall satisfy the requirement to give at least seven (7) days' public notice stated herein. Each Notice shall state, as applicable:
- (a) The date, time and place of the meeting, hearing or workshop;
  - (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
  - (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
  - (d) The following or substantially similar language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at (407) 841-5524. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770 or 1 (800) 955-8771, who can aid you in contacting the District Office."
  - (e) The following or substantially similar language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based."
  - (f) The following or substantially similar language: "The meeting [or hearing or workshop] may be continued in progress without additional notice to a time, date, and location stated on the record."

The date, time, and place of each meeting, hearing, or workshop of the Board shall additionally be posted on the District's website at least seven (7) days before each meeting, hearing, or workshop.

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

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

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

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

- (6) Emergency Meetings. The Chairperson, or Vice-Chairperson if the Chairperson is unavailable, upon consultation with the District Manager and District Counsel, if available, may convene an emergency meeting of the Board without first having complied with sections (1) and (3) of this Rule, to act on emergency matters that may affect the public health, safety, or welfare. Whenever possible, the District Manager shall make reasonable efforts to provide public notice and notify all Board members of an emergency meeting twenty-four (24) hours in advance. Reasonable efforts may include telephone notification. Notice of the emergency meeting must be provided both before and after the meeting on the District's website, if it has one. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District. After an emergency meeting, the Board shall publish in a newspaper of general circulation in the District, the time, date and place of the emergency meeting, the reasons why an emergency meeting was necessary, and a description of the action taken. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.
- (7) Public Comment. The Board shall set aside a reasonable amount of time at each meeting for public comment and members of the public shall be permitted to provide comment on any proposition before the Board. The portion of the meeting generally reserved for public comment shall be identified in the agenda. Policies governing public comment may be adopted by the Board in accordance with Florida law.
- (8) Budget Hearing. Notice of hearing on the annual budget(s) shall be in accord with Section 190.008 of the Florida Statutes. Once adopted in accord with Section 190.008 of the Florida Statutes, the annual budget(s) may be amended from time to time by action of the Board. Approval of invoices by the Board in excess of the funds allocated to a particular budgeted line item shall serve to amend the budgeted line item.
- (9) Public Hearings. Notice of required public hearings shall contain the information required by applicable Florida law and by these Rules applicable to meeting notices and shall be mailed and published as required by Florida law. The District Manager shall ensure that all such notices, whether mailed or published, contain the information required by Florida law and these Rules and are mailed and published as required by Florida law. Public hearings may be held during Board meetings when the agenda includes such public hearing.
- (10) Participation by Teleconference/Videoconference. District staff may participate in Board meetings by teleconference or videoconference. Board members may also participate in Board meetings by teleconference or videoconference if in the good judgment of the Board extraordinary circumstances exist; provided however, at least three Board members must be physically present at the meeting location to establish a quorum. Such extraordinary circumstances shall be presumed when a Board member participates by teleconference or videoconference, unless a majority of the Board members physically present determines that extraordinary circumstances do not exist.
- (11) Board Authorization. The District has not adopted Robert's Rules of Order. For each agenda item, there shall be discussion permitted among the Board members during the meeting. Unless such procedure is waived by the Board, approval or disapproval of resolutions and other proposed Board actions shall be in the form of a motion by one Board



member, a second by another Board member, and an affirmative vote by the majority of the Board members present. Any Board member, including the Chairperson, can make or second a motion.

- (12) Continuances. Any meeting or public hearing of the Board may be continued without re-notice or re-advertising provided that:
- (a) The Board identifies on the record at the original meeting a reasonable need for a continuance;
  - (b) The continuance is to a specified date, time, and location publicly announced at the original meeting; and
  - (c) The public notice for the original meeting states that the meeting may be continued to a date and time and states that the date, time, and location of any continuance shall be publicly announced at the original meeting and posted at the District Office immediately following the original meeting.
- (13) Attorney-Client Sessions. An Attorney-Client Session is permitted when the District's attorneys deem it necessary to meet in private with the Board to discuss pending litigation to which the District is a party before a court or administrative agency or as may be authorized by law. The District's attorney must request such session at a public meeting. Prior to holding the Attorney-Client Session, the District must give reasonable public notice of the time and date of the session and the names of the persons anticipated to attend the session. The session must commence at an open meeting in which the Chairperson or Vice-Chairperson announces the commencement of the session, the estimated length of the session, and the names of the persons who will be attending the session. The discussion during the session is confined to settlement negotiations or strategy related to litigation expenses or as may be authorized by law. Only the Board, the District's attorneys (including outside counsel), the District Manager, and the court reporter may attend an Attorney-Client Session. During the session, no votes may be taken and no final decisions concerning settlement can be made. Upon the conclusion of the session, the public meeting is reopened, and the Chairperson or Vice-Chairperson must announce that the session has concluded. The session must be transcribed by a court-reporter and the transcript of the session filed with the District Secretary within a reasonable time after the session. The transcript shall not be available for public inspection until after the conclusion of the litigation.
- (14) Security and Firesafety Board Discussions. Portions of a meeting which relate to or would reveal a security or firesafety system plan or portion thereof made confidential and exempt by section 119.071(3)(a), Florida Statutes, are exempt from the public meeting requirements and other requirements of section 286.011, Florida Statutes, and section 24(b), Article 1 of the State Constitution. Should the Board wish to discuss such matters, members of the public shall be required to leave the meeting room during such discussion. Any records of the Board's discussion of such matters, including recordings or minutes, shall be maintained as confidential and exempt records in accordance with Florida law.

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

**Law Implemented: §§ 50.011, 50.031, 189.015, 189.069(2)(a)15, 190.006, 190.007, 190.008, 286.0105, 286.011, 286.0113, 286.0114, Fla. Stat.**

**Rule 1.4            Internal Controls to Prevent Fraud, Waste and Abuse**

(1) Internal Controls. The District shall establish and maintain internal controls designed to:

- (a) Prevent and detect “fraud,” “waste” and “abuse” as those terms are defined in section 11.45(1), Florida Statutes; and
- (b) Promote and encourage compliance with applicable laws, rules contracts, grant agreements, and best practices; and
- (c) Support economical and efficient operations; and
- (d) Ensure reliability of financial records and reports; and
- (e) Safeguard assets.

(2) Adoption. The internal controls to prevent fraud, waste and abuse shall be adopted and amended by the District in the same manner as District policies.

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

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

## **Rule 2.0      Rulemaking Proceedings.**

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District. A “rule” is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District (“Rule”). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.
- (2) Notice of Rule Development.
  - (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed Rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
  - (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.
- (3) Notice of Proceedings and Proposed Rules.
  - (a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action, a reference to the specific rulemaking authority pursuant to which the rule is adopted, and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall include a summary of the District’s statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in Section 120.541(2) of the Florida Statutes, and a statement that any person who wishes to provide the District with a lower cost regulatory alternative as provided by Section 120.541(1), must do so in writing within twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing by submitting a written request within twenty-one (21) days after the date of publication of the notice. Except when intended action is the repeal of a rule, the notice shall include a reference to both the date on which and the place where the Notice of Rule Development required by section (2) of this Rule appeared.

- (b) The notice shall be published in a newspaper of general circulation in the District and each county in which the District is located not less than twenty-eight (28) days prior to the intended action. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.
  - (c) The notice shall be mailed to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its rulemaking proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend, or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing.
- (4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
- (5) Petitions to Initiate Rulemaking. All Petitions to Initiate Rulemaking proceedings must contain the name, address, and telephone number of the petitioner, the specific action requested, the specific reason for adoption, amendment, or repeal, the date submitted, the text of the proposed rule, and the facts showing that the petitioner is regulated by the District or has a substantial interest in the rulemaking. Not later than sixty (60) calendar days following the date of filing a petition, the Board shall initiate rulemaking proceedings or deny the petition with a written statement of its reasons for the denial. If the petition is directed to an existing policy that the District has not formally adopted as a rule, the District may, in its discretion, notice and hold a public hearing on the petition to consider the comments of the public directed to the policy, its scope and application, and to consider whether the public interest is served adequately by the application of the policy on a case-by-case basis, as contrasted with its formal adoption as a rule. However, this section shall not be construed as requiring the District to adopt a rule to replace a policy.
- (6) Rulemaking Materials. After the publication of the notice referenced in section (3) of this Rule, the Board shall make available for public inspection and shall provide, upon request and payment of the cost of copies, the following materials:
  - (a) The text of the proposed rule, or any amendment or repeal of any existing rules;
  - (b) A detailed written statement of the facts and circumstances justifying the proposed rule;
  - (c) A copy of the statement of estimated regulatory costs if required by Section 120.541 of the Florida Statutes; and
  - (d) The published notice.
- (7) Hearing. The District may, or, upon the written request of any affected person received within twenty-one (21) days after the date of publication of the notice described in section (3) of this Rule, shall, provide a public hearing for the presentation of evidence, argument,

and oral statements, within the reasonable conditions and limitations imposed by the District to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings. The District shall publish notice of the public hearing in a newspaper of general circulation within the District either in the text of the notice described in section (3) of this Rule or in a separate publication at least seven (7) days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing. Written statements may be submitted by any person prior to or at the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.

- (8) Emergency Rule Adoption. The Board may adopt an emergency rule if it finds that immediate danger to the public health, safety, or welfare exists which requires immediate action. Prior to the adoption of an emergency rule, the District Manager shall make reasonable efforts to notify a newspaper of general circulation in the District. Notice of emergency rules shall be published as soon as possible in a newspaper of general circulation in the District. The District may use any procedure which is fair under the circumstances in the adoption of an emergency rule as long as it protects the public interest as determined by the District and otherwise complies with these provisions.
- (9) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54(2)(d) of the Florida Statutes, except that any notices required under Section 120.54(2)(d) of the Florida Statutes, may be published in a newspaper of general circulation in the county in which the District is located.
- (10) Rulemaking Record. In all rulemaking proceedings, the District shall compile and maintain a rulemaking record. The record shall include, if applicable:
  - (a) The texts of the proposed rule and the adopted rule;
  - (b) All notices given for a proposed rule;
  - (c) Any statement of estimated regulatory costs for the rule;
  - (d) A written summary of hearings, if any, on the proposed rule;
  - (e) All written comments received by the District and responses to those written comments; and
  - (f) All notices and findings pertaining to an emergency rule.
- (11) Petitions to Challenge Existing Rules.
  - (a) Any person substantially affected by a rule may seek an administrative determination of the invalidity of the rule on the ground that the rule is an invalid exercise of the District's authority.

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

section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

- (b) A person who is subject to regulation by a District Rule may file a petition with the District, requesting a variance or waiver from the District's Rule. Each petition shall specify:
    - (i) The rule from which a variance or waiver is requested;
    - (ii) The type of action requested;
    - (iii) The specific facts that would justify a waiver or variance for the petitioner; and
    - (iv) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.
  - (c) The District shall review the petition and may request only that information needed to clarify the petition or to answer new questions raised by or directly related to the petition. If the petitioner asserts that any request for additional information is not authorized by law or by Rule of the District, the District shall proceed, at the petitioner's written request, to process the petition.
  - (d) The Board shall grant or deny a petition for variance or waiver and shall announce such disposition at a publicly held meeting of the Board, within ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.
- (13) Rates, Fees, Rentals and Other Charges. All rates, fees, rentals, or other charges shall be subject to rulemaking proceedings. Policies adopted by the District which do not consist of rates, fees, rentals or other charges may be, but are not required to be, implemented through rulemaking proceedings.

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

**Law Implemented:** §§ 190.011(5), 190.035(2), Fla. Stat.



### **Rule 3.0            Competitive Purchase.**

- (1)    Purpose and Scope. In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017 of the Florida Statutes, the following provisions shall apply to the purchase of Professional Services, insurance, construction contracts, design-build services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2)    Board Authorization. Except in cases of an Emergency Purchase, a competitive purchase governed by these Rules shall only be undertaken after authorization by the Board.
- (3)    Definitions.
  - (a)    “Competitive Solicitation” means a formal, advertised procurement process, other than an Invitation to Bid, Request for Proposals, or Invitation to Negotiate, approved by the Board to purchase commodities and/or services which affords vendors fair treatment in the competition for award of a District purchase contract.
  - (b)    “Continuing Contract” means a contract for Professional Services entered into in accordance with Section 287.055 of the Florida Statutes, between the District and a firm, whereby the firm provides Professional Services to the District for projects in which the costs do not exceed two million dollars (\$2,000,000), for a study activity when the fee for such Professional Services to the District does not exceed two hundred thousand dollars (\$200,000), or for work of a specified nature as outlined in the contract with the District, with no time limitation except that the contract must provide a termination clause (for example, a contract for general District engineering services). Firms providing Professional Services under Continuing Contracts shall not be required to bid against one another.
  - (c)    “Contractual Service” means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. Contractual Services do not include auditing services, Maintenance Services, or Professional Services as defined in Section 287.055(2)(a) of the Florida Statutes, and these Rules. Contractual Services also do not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255 of the Florida Statutes, and Rules 3.5 or 3.6.
  - (d)    “Design-Build Contract” means a single contract with a Design-Build Firm for the design and construction of a public construction project.
  - (e)    “Design-Build Firm” means a partnership, corporation or other legal entity that:
    - (i)    Is certified under Section 489.119 of the Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

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

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

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

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

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

**Rule 3.1      Procedure Under the Consultants' Competitive Negotiations Act.**

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

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

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

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

(5) Competitive Negotiation.

- (a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as most qualified to

perform the required Professional Services at a rate or amount of compensation which the Board determines is fair, competitive, and reasonable.

- (b) In negotiating a lump-sum or cost-plus-a-fixed-fee professional contract for more than the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, the firm receiving the award shall be required to execute a truth-in-negotiation certificate stating that "wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting." In addition, any professional service contract under which such a certificate is required, shall contain a provision that "the original contract price and any additions thereto, shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs."
- (c) Should the District be unable to negotiate a satisfactory agreement with the firm determined to be the most qualified at a price deemed by the District to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the District shall immediately begin negotiations with the second most qualified firm. If a satisfactory agreement with the second firm cannot be reached, those negotiations shall be terminated and negotiations with the third most qualified firm shall be undertaken.
- (d) Should the District be unable to negotiate a satisfactory agreement with one of the top three (3) ranked consultants, additional firms shall be selected by the District, in order of their competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.
- (6) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (7) Continuing Contract. Nothing in this Rule shall prohibit a Continuing Contract between a consultant and the District.
- (8) Emergency Purchase. The District may make an Emergency Purchase without complying with these Rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

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

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

### **Rule 3.2      Procedure Regarding Auditor Selection.**

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

(1)      Definitions.

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

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

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

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



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

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

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

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

- (4) **Public Announcement.** After identifying the factors to be used in evaluating the proposals for Auditing Services as set forth in section (3) of this Rule, the Committee shall publicly announce the opportunity to provide Auditing Services. Such public announcement shall include a brief description of the audit and how interested firms can apply for consideration and obtain the RFP. The notice shall appear in at least one (1) newspaper of general circulation in the District and the county in which the District is located. The public announcement shall allow for at least seven (7) days for the submission of proposals.
- (5) **Request for Proposals.** The Committee shall provide interested firms with a Request for Proposals ("RFP"). The RFP shall provide information on how proposals are to be evaluated and such other information the Committee determines is necessary for the firm to prepare a proposal. The RFP shall state the time and place for submitting proposals.
- (6) **Committee's Evaluation of Proposals and Recommendation.** The Committee shall meet at a publicly held meeting that is publicly noticed for a reasonable time in advance of the meeting to evaluate all qualified proposals and may, as part of the evaluation, require that each interested firm provide a public presentation where the Committee may conduct discussions with the firm, and where the firm may present information, regarding the firm's qualifications. At the public meeting, the Committee shall rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to subsection (3)(b)

of this Rule. If fewer than three firms respond to the RFP or if no firms respond to the RFP, the Committee shall recommend such firm as it deems to be the most highly qualified. Notwithstanding the foregoing, the Committee may recommend that any and all proposals be rejected.

(7) Board Selection of Auditor.

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

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

- (a) A provision specifying the services to be provided and fees or other compensation for such services;
- (b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract;
- (c) A provision setting forth deadlines for the auditor to submit a preliminary draft audit report to the District for review and to submit a final audit report no later than

June 30 of the fiscal year that follows the fiscal year for which the audit is being conducted;

- (d) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed. The maximum contract period including renewals shall be five (5) years. A renewal may be done without the use of the auditor selection procedures provided in this Rule but must be in writing.
  - (e) Provisions required by law that require the auditor to comply with public records laws.
- (9) Notice of Award. Once a negotiated agreement with a firm or individual is reached, or the Board authorizes the execution of an agreement with a firm where compensation was a factor in the evaluation of proposals, notice of the intent to award, including the rejection of some or all proposals, shall be provided in writing to all proposers by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests regarding the award of contracts under this Rule shall be as provided for in Rule 3.11. No proposer shall be entitled to recover any costs of proposal preparation or submittal from the District.

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

**Law Implemented:** §§ 119.0701, 218.33, 218.391, Fla. Stat.

### **Rule 3.3      Purchase of Insurance.**

- (1) Scope. The purchases of life, health, accident, hospitalization, legal expense, or annuity insurance, or all of any kinds of such insurance for the officers and employees of the District, and for health, accident, hospitalization, and legal expenses upon a group insurance plan by the District, shall be governed by this Rule. This Rule does not apply to the purchase of any other type of insurance by the District, including but not limited to liability insurance, property insurance, and directors and officers insurance. Nothing in this Rule shall require the District to purchase insurance.
- (2) Procedure. For a purchase of insurance within the scope of these Rules, the following procedure shall be followed:
  - (a) The Board shall cause to be prepared a Notice of Invitation to Bid.
  - (b) Notice of the Invitation to Bid shall be advertised at least once in a newspaper of general circulation within the District. The notice shall allow at least fourteen (14) days for submittal of bids.
  - (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid. The District shall make reasonable efforts to provide copies of any notices to such persons, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process.
  - (d) Bids shall be opened at the time and place noted in the Invitation to Bid.
  - (e) If only one (1) response to an Invitation is received, the District may proceed with the purchase. If no response to an Invitation to Bid is received, the District may take whatever steps are reasonably necessary in order to proceed with the purchase.
  - (f) The Board has the right to reject any and all bids and such reservations shall be included in all solicitations and advertisements.
  - (g) Simultaneously with the review of the submitted bids, the District may undertake negotiations with those companies that have submitted reasonable and timely bids and, in the opinion of the District, are fully qualified and capable of meeting all services and requirements. Bid responses shall be evaluated in accordance with the specifications and criteria contained in the Invitation to Bid; in addition, the total cost to the District, the cost, if any, to the District officers, employees, or their dependents, the geographic location of the company's headquarters and offices in relation to the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase insurance shall be awarded to that company whose response to the Invitation to Bid best meets the overall needs of the District, its officers, employees, and/or dependents.
  - (h) Notice of the intent to award, including rejection of some or all bids, shall be provided in writing to all bidders by United States Mail, by hand delivery, or by overnight delivery service. The notice shall include the following statement:

"Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of insurance under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

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

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

### **Rule 3.4      Pre-qualification**

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

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

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

- (g) Qualifications shall be presented to the Board, or a committee appointed by the Board, for evaluation in accordance with the Request for Qualifications and this Rule. Minor variations in the qualifications may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature.
- (h) All vendors determined by the District to meet the pre-qualification requirements shall be pre-qualified. To assure full understanding of the responsiveness to the requirements contained in a Request for Qualifications, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion and revision of qualifications. For construction services, any contractor pre-qualified and considered eligible by the Department of Transportation to bid to perform the type of work the project entails shall be presumed to be qualified to perform the project.
- (i) The Board shall have the right to reject all qualifications if there are not enough to be competitive or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of qualification preparation or submittal from the District.
- (j) Notice of intent to pre-qualify, including rejection of some or all qualifications, shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's pre-qualification decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11; provided however, protests related to the pre-qualification criteria and procedures for construction services shall be resolved in accordance with section (2)(b) of this Rule and Section 255.20(1)(b) of the Florida Statutes.

(3) Suspension, Revocation, or Denial of Qualification

- (a) The District, for good cause, may deny, suspend, or revoke a prequalified vendor's pre-qualified status. A suspension, revocation, or denial for good cause shall prohibit the

vendor from bidding on any District construction contract for which qualification is required, shall constitute a determination of non-responsibility to bid on any other District construction or maintenance contract, and shall prohibit the vendor from acting as a material supplier or subcontractor on any District contract or project during the period of suspension, revocation, or denial. Good cause shall include the following:

- i. One of the circumstances specified under Section 337.16(2), Fla. Stat., has occurred.
- ii. Affiliated contractors submitted more than one proposal for the same work. In this event the pre-qualified status of all of the affiliated bidders will be revoked, suspended, or denied. All bids of affiliated bidders will be rejected.
- iii. The vendor made or submitted false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any District contract.
- iv. The vendor or its affiliate defaulted on any contract or a contract surety assumed control of financial responsibility for any contract of the vendor.
- v. The vendor's qualification to bid is suspended, revoked, or denied by any other public or semi-public entity, or the vendor has been the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity.
- vi. The vendor failed to comply with contract or warranty requirements or failed to follow District direction in the performance of a contract.
- vii. The vendor failed to timely furnish all contract documents required by the contract specifications, special provisions, or by any state or federal statutes or regulations. If the vendor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the vendor's pre-qualified status shall remain suspended, revoked, or denied until the documents are furnished.
- viii. The vendor failed to notify the District within 10 days of the vendor, or any of its affiliates, being declared in default or otherwise not completing work on a contract or being suspended from qualification to bid or denied qualification to bid by any other public or semi-public agency.
- ix. The vendor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents.
- x. The vendor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects, uncooperative attitude, contract litigation, inflated claims or defaults.
- xi. An affiliate of the vendor has previously been determined by the District to be non-responsible, and the specified period of suspension, revocation, denial, or



non-responsibility remains in effect.

xii. The vendor or affiliate(s) has been convicted of a contract crime.

1. The term “contract crime” means any violation of state or federal antitrust laws with respect to a public contract or any violation of any state or federal law involving fraud, bribery, collusion, conspiracy, or material misrepresentation with respect to a public contract.
2. The term “convicted” or “conviction” means a finding of guilt or a conviction of a contract crime, with or without an adjudication of guilt, in any federal or state trial court of record as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

- (b) A denial, suspension, or revocation shall prohibit the vendor from being a subcontractor on District work during the period of denial, suspension, or revocation, except when a prime contractor’s bid has used prices of a subcontractor who becomes disqualified after the bid, but before the request for authorization to sublet is presented.
- (c) The District shall inform the vendor in writing of its intent to deny, suspend, or revoke its pre-qualified status and inform the vendor of its right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt by the District of the request for the hearing. The decision shall be issued within 15 days after the hearing.
- (d) Such suspension or revocation shall not affect the vendor’s obligations under any preexisting contract.
- (e) In the case of contract crimes, the vendor’s pre-qualified status under this Rule shall be revoked indefinitely. For all violations of Rule 3.4(3)(a) other than for the vendor’s conviction for contract crimes, the revocation, denial, or suspension of a vendor’s pre-qualified status under this Rule shall be for a specific period of time based on the seriousness of the deficiency.

Examples of factors affecting the seriousness of a deficiency are:

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

vii. Effect on the health, safety, and welfare of the public.

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

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

**Rule 3.5            Construction Contracts, Not Design-Build.**

- (1) Scope. All contracts for the construction or improvement of any building, structure, or other public construction works authorized by Chapter 190 of the Florida Statutes, the costs of which are estimated by the District in accordance with generally accepted cost accounting principles to be in excess of the threshold amount for applicability of Section 255.20 of the Florida Statutes, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and the procedures of Section 255.20 of the Florida Statutes, as the same may be amended from time to time. A project shall not be divided solely to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of construction services is within the scope of this Rule, the following procedures shall apply:
  - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
  - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation in the District and in the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least twenty-one (21) days for submittal of sealed bids, proposals, replies, or responses, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of bids, proposals, replies, or responses. If the Board has previously pre-qualified contractors pursuant to Rule 3.4 and determined that only the contractors that have been pre-qualified will be permitted to submit bids, proposals, replies, and responses, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation need not be published. Instead, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be sent to the pre-qualified contractors by United States Mail, hand delivery, facsimile, or overnight delivery service.
  - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
  - (d) If the District has pre-qualified providers of construction services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses to Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations.

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

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

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

- (f) Bids, proposals, replies, and responses, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and these Rules. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full

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

- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No contractor shall be entitled to recover any costs of bid, proposal, response, or reply preparation or submittal from the District.
  - (i) The Board may require potential contractors to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
  - (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses, shall be provided in writing to all contractors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of construction services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
  - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase construction services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of construction services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.
- (3) Sole Source; Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials, that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.

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

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

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

**Rule 3.6 Construction Contracts, Design-Build.**

- (1) Scope. The District may utilize Design-Build Contracts for any public construction project for which the Board determines that use of such contract is in the best interest of the District. When letting a Design-Build Contract, the District shall use the following procedure:
- (2) Procedure.
  - (a) The District shall utilize a Design Criteria Professional meeting the requirements of Section 287.055(2)(k) of the Florida Statutes, when developing a Design Criteria Package, evaluating the proposals and qualifications submitted by Design-Build Firms, and determining compliance of the project construction with the Design Criteria Package. The Design Criteria Professional may be an employee of the District, may be the District Engineer selected by the District pursuant to Section 287.055 of the Florida Statutes, or may be retained pursuant to Rule 3.1. The Design Criteria Professional is not eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package.
  - (b) A Design Criteria Package for the construction project shall be prepared and sealed by the Design Criteria Professional. If the project utilizes existing plans, the Design Criteria Professional shall create a Design Criteria Package by supplementing the plans with project specific requirements, if any.
  - (c) The Board may either choose to award the Design-Build Contract pursuant to the competitive proposal selection process set forth in Section 287.055(9) of the

Florida Statutes, or pursuant to the qualifications-based selection process pursuant to Rule 3.1.

- (i) Qualifications-Based Selection. If the process set forth in Rule 3.1 is utilized, subsequent to competitive negotiations, a guaranteed maximum price and guaranteed completion date shall be established.
- (ii) Competitive Proposal-Based Selection. If the competitive proposal selection process is utilized, the Board, in consultation with the Design Criteria Professional, shall establish the criteria, standards and procedures for the evaluation of Design-Build Proposals based on price, technical, and design aspects of the project, weighted for the project. After a Design Criteria Package and the standards and procedures for evaluation of proposals have been developed, competitive proposals from qualified firms shall be solicited pursuant to the design criteria by the following procedure:
  - 1. A Request for Proposals shall be advertised at least once in a newspaper of general circulation in the county in which the District is located. The notice shall allow at least twenty-one (21) days for submittal of sealed proposals, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of proposals.
  - 2. The District may maintain lists of persons interested in receiving notices of Requests for Proposals. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
  - 3. In order to be eligible to submit a proposal, a firm must, at the time of receipt of the proposals:
    - a. Hold the required applicable state professional licenses in good standing, as defined by Section 287.055(2)(h) of the Florida Statutes;
    - b. Hold all required applicable federal licenses in good standing, if any;
    - c. Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation;

- d. Meet any special pre-qualification requirements set forth in the Request for Proposals and Design Criteria Package.

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

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

4. The proposals, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. In consultation with the Design Criteria Professional, the Board shall evaluate the proposals received based on evaluation criteria and procedures established prior to the solicitation of proposals, including but not limited to qualifications, availability, and past work of the firms and the partners and members thereof. The Board shall then select no fewer than three (3) Design-Build Firms as the most qualified.
5. The Board shall have the right to reject all proposals if [the proposals are too high](#), or rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of proposal preparation or submittal from the District.
6. If less than three (3) Responsive Proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no Responsive Proposals are received, the District may proceed with the procurement of design-build services in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the design-build services without further competitive selection processes.
7. Notice of the rankings adopted by the Board, including the rejection of some or all proposals, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or



overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's rankings under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

8. The Board shall negotiate a contract with the firm ranking the highest based on the evaluation standards and shall establish a price which the Board determines is fair, competitive and reasonable. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the second most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the third most qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the third most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached or the list of firms is exhausted.
  9. After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
  10. The Design Criteria Professional shall evaluate the compliance of the detailed working drawings and project construction with the Design Criteria Package and shall provide the Board with a report of the same.
- (3) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
  - (4) Emergency Purchase. The Board may, in case of public emergency, declare an emergency and immediately proceed with negotiations with the best qualified Design-Build Firm available at the time. The fact that an Emergency Purchase has occurred shall be noted in the minutes of the next Board meeting.
  - (5) Exceptions. This Rule is inapplicable when:

- (a) The project is undertaken as repair or maintenance of an existing public facility;
- (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
- (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contractor; or
- (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

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

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

**Rule 3.7          Payment and Performance Bonds.**

- (1)     Scope. This Rule shall apply to contracts for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work and shall be construed in addition to terms prescribed by any other Rule that may also apply to such contracts.
- (2)     Required Bond. Upon entering into a contract for any of the services described in section (1) of this Rule in excess of \$200,000, the Board should require that the contractor, before commencing the work, execute and record a payment and performance bond in an amount equal to the contract price. Notwithstanding the terms of the contract or any other law, the District may not make payment to the contractor until the contractor has provided to the District a certified copy of the recorded bond.
- (3)     Discretionary Bond. At the discretion of the Board, upon entering into a contract for any of the services described in section (1) of this Rule for an amount not exceeding \$200,000, the contractor may be exempted from executing a payment and performance bond.

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

**Law Implemented: § 255.05, Fla. Stat.**

**Rule 3.8        Goods, Supplies, and Materials.**

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

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

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

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

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

To assure full understanding of the responsiveness to the solicitation requirements contained in an Invitation to Bid, Request for Proposals, Invitation to Negotiate,

or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.

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

- (5) Renewal. Contracts for the purchase of goods, supplies, and/or materials subject to this Rule may be renewed for a maximum period of five (5) years.
- (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

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

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

### **Rule 3.9        Maintenance Services.**

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



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

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and these Rules. Minor variations in the bids, proposals, replies, and responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid submitted in response to an Invitation to Bid by a Responsive and Responsible Bidder shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate or Competitive Solicitation the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, or responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No Vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of maintenance services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase the maintenance services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of maintenance services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the maintenance services without further competitive selection processes.
- (3) Exemptions. Maintenance services that are only available from a single source are exempt from this Rule. Maintenance services provided by governmental agencies are exempt from this Rule. A contract for maintenance services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) Renewal. Contracts for the purchase of maintenance services subject to this Rule may be renewed for a maximum period of five (5) years.
- (5) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

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

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

**Rule 3.10      Contractual Services.**

- (1) Exemption from Competitive Purchase. Pursuant to Section 190.033(3) of the Florida Statutes, Contractual Services shall not be subject to competitive purchasing requirements. If an agreement is predominantly for Contractual Services, but also includes maintenance services or the purchase of goods and services, the contract shall not be subject to competitive purchasing requirements. Regardless of whether an advertisement or solicitation for Contractual Services is identified as an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, no rights or remedies under these Rules, including but not limited to protest rights, are conferred on persons, firms, or vendors proposing to provide Contractual Services to the District.
- (2) Contracts; Public Records. In accordance with Florida law, each contract for Contractual Services shall include provisions required by law that require the contractor to comply with public records laws.

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

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

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

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

(1)      Filing.

- (a)      With respect to a protest regarding qualifications, specifications, documentation, or other requirements contained in a Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation issued by the District, the notice of protest shall be filed in writing within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after the first advertisement of the Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's intended decision. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.
- (b)      Except for those situations covered by subsection (1)(a) of this Rule, any firm or person who is affected adversely by a District's ranking or intended award under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, or 3.9 and desires to contest the District's ranking or intended award, shall file with the District a written notice of protest within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after receipt of the notice of the District's ranking or intended award. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's ranking or intended award. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.
- (c)      If the requirement for the posting of a protest bond and the amount of the protest bond, which may be expressed by a percentage of the contract to be awarded or a set amount, is disclosed in the District's competitive solicitation documents for a particular purchase under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, or 3.9, any person who files a notice of protest must post the protest bond. The amount of the protest bond shall be determined by District staff after consultation with the Board and within the limits, if any, imposed by Florida law. In the event the protest is successful, the protest bond shall be refunded to the protestor. In the event the protest is unsuccessful, the protest bond shall be applied towards the District's costs, expenses, and attorney's fees associated with hearing and defending the

protest. In the event the protest is settled by mutual agreement of the parties, the protest bond shall be distributed as agreed to by the District and protestor.

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

The hearing officer shall, within thirty (30) days after the hearing or receipt of the hearing transcript, whichever is later, file a recommended order which shall include a caption, time and place of hearing, appearances entered at the hearing, statement of the issues, findings of fact and conclusions of law, separately stated, and a recommendation for final District action. The District shall allow each party fifteen (15) days in which to submit written exceptions to the recommended order. The District shall issue a final order within sixty (60) days after the filing of the recommended order.

- (5) Intervenors. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.

- (6) Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest. If the Board determines there was a violation of law, defect, or an irregularity in the competitive solicitation process, the Bids, Proposals, Replies, and Responses are too high, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.
- (7) Settlement. Nothing herein shall preclude the settlement of any protest under this Rule at any time.

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

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

**Rule 4.0            Effective Date.**

These Rules shall be effective July 14, 2022 except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

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

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

# SECTION D



# SECTION 1

## **RESOLUTION 2022-39**

**THE ANNUAL APPROPRIATION RESOLUTION OF YARBOROUGH LANE COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGETS FOR THE REMAINDER OF THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022 AND BEGINNING OCTOBER 1, 2022 AND ENDING SEPTEMBER 30, 2023; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Yarborough Lane Community Development District (“**District**”) was recently established by the Board of County Commissioners of Polk County, Florida on May 3, 2022; and

**WHEREAS**, the District Manager has submitted to the Board of Supervisors (“**Board**”) of the District proposed budgets (“**Proposed Budgets**”) for the remainder of the fiscal year beginning October 1, 2021, and ending September 30, 2022 (“**Fiscal Year 2021/2022**”) and for the fiscal year beginning October 1, 2022 and ending September 30, 2023 (“**Fiscal Year 2022/2023**”, together with Fiscal Year 2021/2022, “**Fiscal Year 2021/2022 and 2022/2023**”) along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

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

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

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

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

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

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

### **SECTION 1. BUDGET**

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

- b. The Proposed Budgets, each attached hereto as **Exhibit A**, as amended by the Board, are hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* (“**Adopted Budgets**”), and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budgets may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budgets, as amended, shall be maintained in the office of the District Manager and at the District’s Local Records Office and identified as “The Budget for Yarrowborough Lane Community Development District for the Fiscal Year Ending September 30, 2022 and for the Fiscal Year Ending September 30, 2023.”
- d. The Adopted Budgets shall be posted by the District Manager on the District’s official website within thirty (30) days after adoption and shall remain on the website for at least 2 years.

## **SECTION 2. APPROPRIATIONS**

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2021/2022 and 2022/2023, the sum of \$ \_\_\_\_\_ to be raised by the levy of assessments and/or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND                      \$ \_\_\_\_\_

TOTAL ALL FUNDS                              \$ \_\_\_\_\_

## **SECTION 3. BUDGET AMENDMENTS**

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2021/2022 or within 60 days following the end of the Fiscal Year 2021/2022 and 2022/2023 may amend its Adopted Budgets for that fiscal year as follows:

- a. The Board may authorize an increase or decrease in line-item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line-item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.
- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016, *Florida Statutes*, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any

amendments to budget under subparagraphs c. and d. above are posted on the District's website within 5 days after adoption and remain on the website for at least 2 years.

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

**PASSED AND ADOPTED** this 14th day of July 2022.

ATTEST:

**YARBOROUGH LANE COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary / Assistant Secretary

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Chairperson, Board of Supervisors

**Exhibit A:** Fiscal Year 2021/2022 and 2022/2023 Budgets

***Yarborough Lane***  
***Community Development District***

***Proposed Budgets***  
***FY2022 - FY2023***



# Table of Contents

**1** General Fund

**2-4** General Fund Narrative

**Yarborough Lane**  
**Community Development District**  
**Proposed Budget**  
**General Fund**

Description	Proposed Budget FY2022*	Proposed Budget FY2023
<b><u>Revenues</u></b>		
Developer Contributions	\$ 60,960	\$ 184,310
<b>Total Revenues</b>	<b>\$ 60,960</b>	<b>\$ 184,310</b>
<b><u>Expenditures</u></b>		
<b><u>General &amp; Administrative</u></b>		
Supervisor Fees	\$ 5,000	\$ 12,000
Engineering	\$ 6,250	\$ 15,000
Attorney	\$ 10,417	\$ 25,000
Annual Audit	\$ -	\$ 4,000
Assessment Administration	\$ -	\$ 5,000
Arbitrage	\$ -	\$ 450
Dissemination	\$ -	\$ 5,000
Trustee Fees	\$ -	\$ 3,600
Management Fees	\$ 15,625	\$ 37,500
Information Technology	\$ 750	\$ 1,800
Website Maintenance **	\$ 2,250	\$ 1,200
Telephone	\$ 125	\$ 300
Postage & Delivery	\$ 417	\$ 1,000
Insurance	\$ 5,000	\$ 5,000
Printing & Binding	\$ 417	\$ 1,000
Legal Advertising	\$ 10,000	\$ 10,000
Other Current Charges	\$ 4,000	\$ 5,000
Office Supplies	\$ 260	\$ 625
Travel Per Diem	\$ 275	\$ 660
Dues, Licenses & Subscriptions	\$ 175	\$ 175
<b>Total General &amp; Administrative:</b>	<b>\$ 60,960</b>	<b>\$ 134,310</b>
<b><u>Operations &amp; Maintenance</u></b>		
Field Contingency	\$ -	\$ 50,000
<b>Total Operations &amp; Maintenance:</b>	<b>\$ -</b>	<b>\$ 50,000</b>
<b>Total Expenditures</b>	<b>\$ 60,960</b>	<b>\$ 184,310</b>
<b>Excess Revenues/(Expenditures)</b>	<b>\$ -</b>	<b>\$ -</b>

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

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

# Yarborough Lane

## Community Development District

### General Fund Narrative

#### **Revenues:**

##### *Developer Contributions*

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

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#### **Expenditures:**

##### **General & Administrative:**

##### *Supervisor Fees*

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

##### *Engineering*

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

##### *Attorney*

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

##### *Annual Audit*

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

##### *Assessment Administration*

The District will contract to levy and administer the collection of non-ad valorem assessment on all assessable property within the District.

##### *Arbitrage*

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

##### *Dissemination*

The District is required by the Security and Exchange Commission to comply with Rule 15c2-12(b)(5) which relates to additional reporting requirements for unrated bond issues. This cost is based upon an anticipated bond issuance.



# **Yarborough Lane**

## **Community Development District**

### **General Fund Narrative**

#### Trustee Fees

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

#### Management Fees

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

#### Information Technology

Represents costs related to the District's information systems, which include but are not limited to video conferencing services, cloud storage services and servers, security, accounting software, etc.

#### Website Maintenance

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

#### Telephone

Telephone and fax machine.

#### Postage & Delivery

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

#### Insurance

The District's general liability and public official's liability insurance coverages.

#### Printing & Binding

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

#### Legal Advertising

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

#### Other Current Charges

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

# **Yarborough Lane**

## **Community Development District**

### **General Fund Narrative**

#### Office Supplies

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

#### Travel Per Diem

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

#### Dues, Licenses & Subscriptions

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

#### **Operations & Maintenance:**

#### Field Contingency

Represents funds allocated to expenses that the District could incur throughout the fiscal year that do not fit into any field category.

## SECTION VI

June 3, 2022

Governmental management Services Central Florida  
Attn: Jill Burns  
219 East Livingston Street  
Orlando, Florida 32801



**Re: Yarborough Lane Community Development District – Request for Qualifications for Engineering Services Continuous Contract**

Dear Selection Committee,

Lighthouse Engineering (LHE) submits this proposal for professional services with a strong interest to enter a partnership with the Yarborough Lane Community Development District (CDD) as your **District Engineer**. LHE is a multi-discipline civil/site engineering firm with three senior professional engineers and affiliates who are highly qualified for this work. Two copies of Standard Form No. 330 and Qualification Statement are included in this proposal.

Lighthouse Engineering  
has professionals  
experienced with CDD  
operations.

Lighthouse engineering (LHE) had provided engineering services for Meadow Pointe II CDD in Wesley Chapel, Florida with Bob Nanni is the District Manager.

**WHY HIRE LHE? Quite simply, we offer the best value for our professional services.** LHE is an engineering firm with very competitive overhead and the highest quality standards. Our engineers have a combined experience of over 100 years and this knowledge allows us to examine, evaluate and quickly solve both complex and minor tasks. We feel this knowledge provides the best value for our clients.

LHE provides this value through having executive/ senior professionals that are highly qualified for their work. In addition, our operations run efficiently through purchasing and acquiring the same or greater IT infrastructure and office equipment utilized by our competitors and placing them in home offices. As the District Engineer, we would adopt a **safety-first approach**. We will protect the safety of the community first and foremost. We will support the **economic** interests of the community through adhering to capital budgeting requirements. For our part, we commit that we will provide the engineering services for the CDD in accordance with the budget.

**WHY IS THIS IMPORTANT TO THE CDD? It means that our engineering work is easily bid by contractors and produces regular low bids for work. Also, Design-Build projects typically have zero change orders. This allows the CDD to finish more work with less financial and management resources.**

If you wish to discuss our abilities further, we would welcome the opportunity to meet face to face with you.

If you have any additional questions, please let us know.

Sincerely,

A handwritten signature in blue ink that reads 'Bradley J. Foran'.

**Brad Foran, PE**  
**Lighthouse Engineering, Inc.**

Lighthouse Engineering, Inc.  
701 Enterprise Road East, Suite 410  
Safety Harbor, FL 34695  
727-726-7856 (office) 727-683-9848 (fax)

# ARCHITECT – ENGINEER QUALIFICATIONS

## PART I – CONTRACT SPECIFIC QUALIFICATIONS

### A. CONTRACT INFORMATION

1. TITLE AND LOCATION *(City and State)*

**Request for Qualifications for Engineering Services for the Yarborough Lane Community Development District, Hillsborough County**

2. PUBLIC NOTICE DATE

June 3, 2022

3. SOLICITATION OR PROJECT NUMBER

### B. ARCHITECT – ENGINEER POINT OF CONTACT

4. NAME AND TITLE

Brad Foran, P.E., President

5. NAME OF FIRM

**Lighthouse Engineering, Inc.**

6. TELEPHONE NUMBER

727.726.7856

7. FAX NUMBER

727.683.9848

8. E-MAIL ADDRESS

bforan@lighthouseenginc.com

### C. PROPOSED TEAM

*(Complete this section for the prime contractor and all key subcontractors.)*

	(Check)			9. FIRM NAME	10. ADDRESS	11. ROLE IN THIS CONTRACT
	PRIME	J-V PARTNER	SUBCON-TRACTOR			
a.	<input checked="" type="checkbox"/>			<b>Lighthouse Engineering, Inc.</b>  <input type="checkbox"/> CHECK IF BRANCH OFFICE	701 Enterprise Road East Suite 410 Safety Harbor, FL 34695	Project Management, Environmental Permitting, Drainage, Traffic, Design, QA/QC, Specifications
b.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		
c.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		
d.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		
e.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		
f.				<input type="checkbox"/> CHECK IF BRANCH OFFICE		

### D. ORGANIZATIONAL CHART OF PROPOSED TEAM

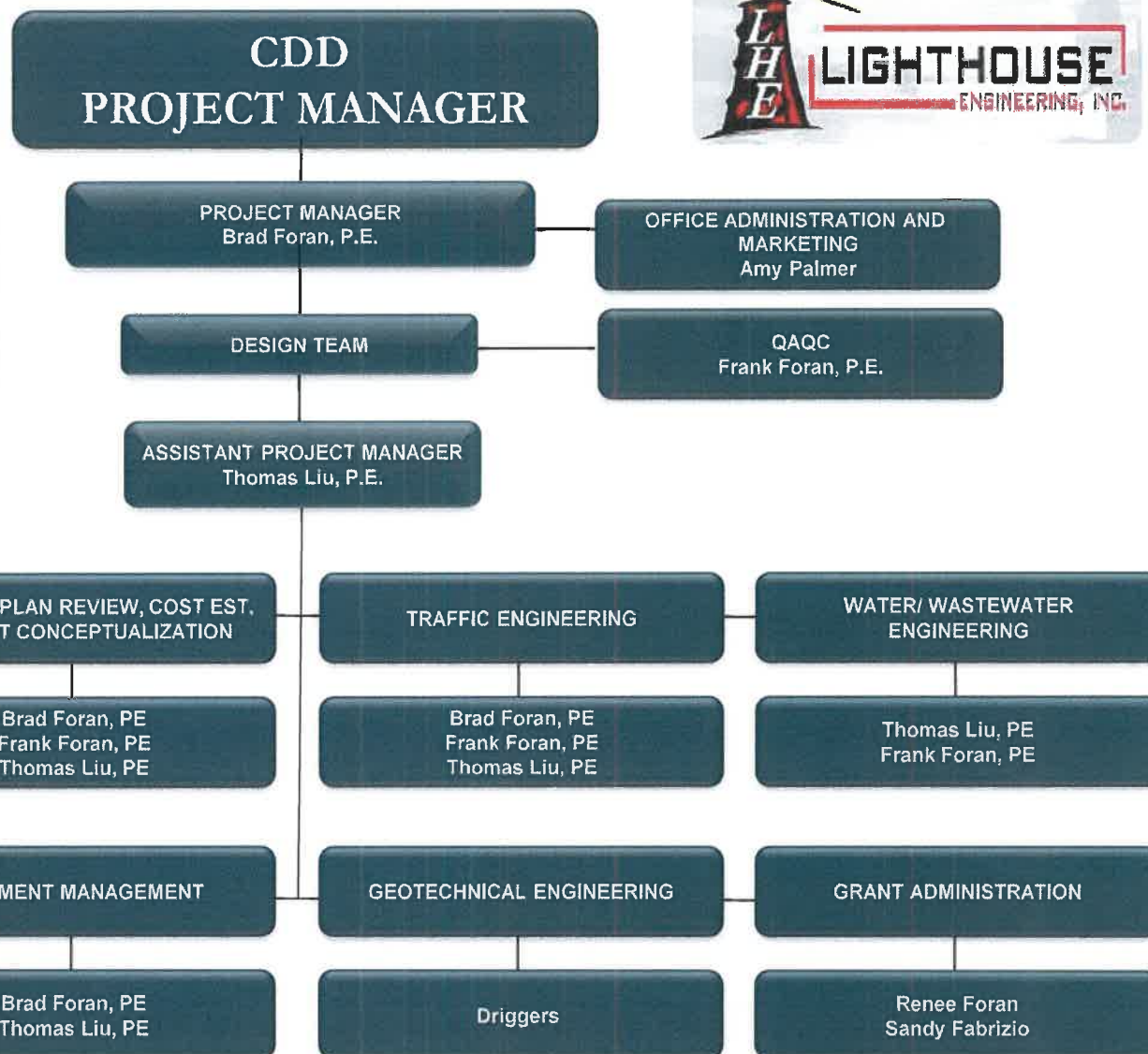
**[X]** *(Attached)*



# ORGANIZATIONAL CHART



X	A. Design Phase
X	B. Construction and Inspection Phase Services (Minor Projects Only)
X	C. Project Administration
X	D. General Civil/ Stormwater Engineering
X	E. Traffic Engineering
X	F. Water / Wastewater Engineering
X	G. Geotechnical Engineering
X	H. Pavement Management
X	I. Geographic Information Systems Services (GIS)
X	J. Grant Administration
X	K. General Engineering Consultation / Peer Review / Quality Assurance Review



# E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME <b>Bradley S. Foran, P.E.</b>	13. ROLE IN THIS CONTRACT <b>Project Manager</b>	14. YEARS EXPERIENCE	
		a. TOTAL 27	b. WITH CURRENT FIRM 16
15. FIRM NAME AND LOCATION (City and State) <b>Lighthouse Engineering, Inc. Safety Harbor, FL</b>			
16. EDUCATION (DEGREE AND SPECIALIZATION) <b>B.S.C.E. / Civil Engineering</b>		17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE) <b>Professional Engineer: Florida, 1998, #52634</b>	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) <b>FDOT Training / Contract Estimating System, Access Mgmt Guidelines for Project Development, Basic Lighting and Electricity, Advanced Work Zone Traffic Control Course, Specifications, Electronic Submittal</b>			

## 19. RELEVANT PROJECTS

	(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION (If Applicable)
a.	<b>Meadow Pointe II CDD – Wesley Chapel, Florida</b>	2021	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>EOR for the gen. engineering consultant for this CDD community which contains 108 ponds, is home to almost 3500 residents and has almost 75 miles of roads. Over a 12-year period LHE was tasked to produce pavement evaluations, pond evaluations and evaluations of all the existing facilities that include the 2500 SF club house, pool, multipurpose courts and all of their existing wholly owned and operated infrastructure. As the GEC for the CDD we routinely interacted with the board and provided reports, evaluation, and financial guidance for current and future needs of the community. We engaged in the reissuance of bonds for the CDD that totaled more than ten million dollars and upgraded the existing infrastructure and produced monies for future expansion of the community facilities. As the GEC for the CDD, he was responsible to the CDD for all its engineering needs.</b>		
	<input checked="" type="checkbox"/> Check if project performed with current firm		
b.	<b>City of Clearwater – Bayshore Blvd. multi-use path</b>	2016	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>Project Manager for the design of a new 10-foot-wide multi use path on the east side of Bayshore Blvd. Beginning at the Ream Wilson Trail Crossing and continuing to Bayshore Blvd's Tee into SR 60. This new trail will be the final link between Pinellas and Hillsborough County. The Bayshore Trail will interconnect the Friendship Trail and the Pinellas Trail that extends throughout Pinellas County. Extensive permits were required with a full Southwest Florida Water Management District (SWFWMD) ERP and US Army Core of Engineering Nationwide #14 permits.</b>		
	<input checked="" type="checkbox"/> Check if project performed with current firm		
c.	<b>City of Tampa – Hawthorne Road from MacDill to Bayshore Blvd. Improvements</b>	2021	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>Project Manager and EOR for the design services for the Hawthorne Rd between Bayshore Blvd. and MacDill Ave. improvements. Project included saving the existing Oak trees, eliminating ponding on roadways, reprofiling of Hawthorne Road, removal of portions of the curb, and placement of curb inlets.</b>		
	<input checked="" type="checkbox"/> Check if project performed with current firm		
d.	<b>City of Tampa – Howard Ave-Dekle Ave-De Soto Ave Improvements</b>	2015	2019
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>Project Manager and EOR for intersection redesign to improve the ADA access and operational maneuvering of this three-way intersection. Coordinated with the public and have assisted with the City for the Howard Ave corridor. (\$110,000)</b>		
	<input checked="" type="checkbox"/> Check if project performed with current firm		
e.	<b>I-275 / SR 93 Bus on Shoulder from Alt US 19/SR595/5th Ave N to SR 694/ Gandy Blvd. – Pinellas County FL *AWARD WINNING*</b>	2019-2021	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>Project Manager/EOR contracted to generate the Project System Engineering Plan (PSEMP) and the Requirement Traceability Verification Matrix (RTVM). Responsible for the installation of the RSS at the northbound and southbound ramps from 38th Ave. N. and 54th Ave. N. Also executed the removal and replacement of an ITS system components that are impacted by the Design-Build Firm's scope of work. Project also included paved shoulder widening, milling and resurfacing, drainage, signing and pavement markings, and lighting.</b>		
	<input checked="" type="checkbox"/> Check if project performed with current firm		

# E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME <b>Thomas Liu, P.E.</b>	13. ROLE IN THIS CONTRACT <b>Project Engineering and Environmental Permitting</b>	11. YEARS EXPERIENCE <table border="1"> <tr> <td>a. TOTAL 22</td> <td>b. WITH CURRENT FIRM 11</td> </tr> </table>		a. TOTAL 22	b. WITH CURRENT FIRM 11
a. TOTAL 22	b. WITH CURRENT FIRM 11				
15. FIRM NAME AND LOCATION (City and State) <b>Lighthouse Engineering, Inc., Safety Harbor, FL</b>					
16. EDUCATION (DEGREE AND SPECIALIZATION) B.S.C.E./1994/Civil Engineering		17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE) Professional Engineer: Florida, 2000, #58258			
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) FDOT Training: Project Management, Drainage, HY-8, AdICPR, HydroCAD, erosion control, Advanced Traffic Control, Specifications, Electronic Submittals					

## 19. RELEVANT PROJECTS

(1) TITLE AND LOCATION (City and State) <b>FDOT District 7 – Withlacoochee Trail from Hernando County Line to Marion County Line – Citrus County, FL</b>	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2020	CONSTRUCTION (If Applicable)
a. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>Project Engineer</b> responsible for roadway design, drainage analysis, signing and pavement marking, and Temporary Traffic Control Plans for this rehabilitation project. Also provided necessary documentation for the procurement and installation of the signalization and ITS system devices	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) <b>City of Clearwater, FL – Bayshore Blvd – Urban Multi Use Trail</b>	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2015	CONSTRUCTION (If Applicable)
b. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>Project Engineer</b> for the design of a new 10 foot wide multi-use path on the east side of the Bayshore Boulevard. Extensive permits were required with a full SWFWMD ERP and US Army Core of Engineering Nationwide #14 permits	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) <b>Tampa Hillsborough Expressway Authority, Selmon Greenway – Tampa, FL</b>	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2013	CONSTRUCTION (If Applicable)
c. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>Project Engineer</b> for design, permitting, construction and performing all other services necessary for a 15' on average (12' to 24' in some locations) multi-use trail to connect the City of Tampa's River Walk in the vicinity of Ashley Drive to the vicinity of 10 <sup>th</sup> Street.	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) <b>US 41/ SR45/S. 50<sup>th</sup> St from Denver St. to N. of 27<sup>th</sup> Ave. S., Pinellas County, FL</b>	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2021	CONSTRUCTION (If Applicable)
d. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>Project Engineer</b> for the 3R project that includes milling and resurfacing, upgrading curb ramps to meet ADA standards, utility coordination, signing and pavement markings, signalization, traffic studies and lighting.	<input checked="" type="checkbox"/> Check if project performed with current firm	
(1) TITLE AND LOCATION (City and State) <b>City of Tampa General Engineering Services – Howard and Dekle Ave. Tampa, FL</b>	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2020	CONSTRUCTION (If Applicable)
e. (3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>Project Engineer</b> for the redesign of an existing intersection that will accommodate the realignment of the intersection at Howard Ave and DeSoto/Dekle. The design included public involvement, utility relocation, roadway design, and signing and pavement markings.	<input checked="" type="checkbox"/> Check if project performed with current firm	



# **E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT**

(Complete one Section E for each key person.)

12. NAME <b>Frank. Foran, P.E.</b>	13. ROLE IN THIS CONTRACT <b>Project Manager</b>	14. YEARS EXPERIENCE	
		a. TOTAL <b>48</b>	b. WITH CURRENT FIRM <b>16</b>
15. FIRM NAME AND LOCATION (City and State) <b>Lighthouse Engineering, Inc. Safety Harbor, FL</b>			
16. EDUCATION (DEGREE AND SPECIALIZATION) <b>B.S.C.E. / Civil Engineering</b>		17. CURRENT PROFESSIONAL REGISTRATION (STATE AND DISCIPLINE) <b>Professional Engineer: Florida, #11635</b>	
18. OTHER PROFESSIONAL QUALIFICATIONS (Publications, Organizations, Training, Awards, etc.) <b>Affiliations: Florida Engineering Society, American Society of Civil Engineers, American Society of Highway Engineers</b>			

## **19. RELEVANT PROJECTS**

	(1) TITLE AND LOCATION (City and State)	(2) YEAR COMPLETED	
		PROFESSIONAL SERVICES	CONSTRUCTION (If Applicable)
a.	<b>FDOT District 7 – Withlacoochee Trail from Hernando County Line to Marion County Line – Citrus County, FL</b>	<b>2020</b>	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>QC Manager</b> responsible for roadway design, drainage analysis, signing and pavement marking, and Temporary Traffic Control Plans for this rehabilitation project. Also provided necessary documentation for the procurement and installation of the signalization and ITS system devices.		
b.	<b>City of Clearwater, FL – Bayshore Blvd – Urban Multi Use Trail</b>	<b>2015</b>	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>QC Manager</b> for the design of a new 10 foot wide multi-use path on the east side of the Bayshore Boulevard. Extensive permits were required with a full SWFWMD ERP and US Army Core of Engineering Nationwide #14 permits.		
c.	<b>Tampa Hillsborough Expressway Authority, Selmon Greenway – Tampa, FL</b>	<b>2013</b>	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>QC Manager</b> for design, permitting, construction and performing all other services necessary for a 15' on average (12' to 24' in some locations) multi-use trail to connect the City of Tampa's River Walk in the vicinity of Ashley Drive to the vicinity of 10 <sup>th</sup> Street.		
d.	<b>US 41/ SR45/S. 50<sup>th</sup> St from Denver St. to N. of 27<sup>th</sup> Ave. S., Pinellas County, FL</b>	<b>2021</b>	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>QC Manager</b> for the 3R project that includes milling and resurfacing, upgrading curb ramps to meet ADA standards, utility coordination, signing and pavement markings, signalization, traffic studies and lighting.		
e.	<b>City of Tampa General Engineering Services – Howard and Dekle Ave. Tampa, FL</b>	<b>2020</b>	
	(3) BRIEF DESCRIPTION (Brief scope, size, cost, etc.) AND SPECIFIC ROLE <b>QC Manager</b> for the redesign of an existing intersection that will accommodate the realignment of the intersection at Howard Ave and DeSoto/Dekle. The design included public involvement, utility relocation, roadway design, and signing and pavement markings.		

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 1 THEA Project P-02113
21. TITLE AND LOCATION <i>(City and State)</i> Tampa Hillsborough Expressway Authority, Selmon Greenway Tampa, Florida		22. YEAR COMPLETED PROFESSIONAL SERVICES 2015 CONSTRUCTION <i>(If applicable)</i>
<b>23. PROJECT OWNER'S INFORMATION</b>		
a. PROJECT OWNER Tampa Hillsborough Expressway Authority THEA	b. POINT OF CONTACT NAME Bob Frey	c. POINT OF CONTACT TELEPHONE NUMBER 813-276-2466
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i>		

The project scope for the Tampa-Hillsborough County Expressway Authority (THEA) was the design/build project entitled "Design/Build - Selmon Greenway Project Phase I" for the design, permitting, construction and performing all other services necessary for a 15' wide (12' to 24' in some locations) multi-use trail to connect the City of Tampa's River Walk in the vicinity of Ashley Drive to the vicinity of 19th Street. Project site is in Tampa, Hillsborough County, Florida.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT			
a.	(1) FIRM NAME Lighthouse Engineering, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Safety Harbor, FL	(3) ROLE Consultant
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 2
21. TITLE AND LOCATION <i>(City and State)</i> BayShore Boulevard – Urban Multi-Use Trail City of Clearwater, FL		22. YEAR COMPLETED PROFESSIONAL SERVICES 2015 CONSTRUCTION <i>(if applicable)</i>

### 23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER City of Clearwater	b. POINT OF CONTACT NAME Leroy chin	c. POINT OF CONTACT TELEPHONE NUMBER 727-562-4856
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### 24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

The project scope was for the design of a new multi-use path along the east side of Bayshore Boulevard with boardwalk and asphalt path from the Ream Wilson Trail to SR 60. The project included the removal and replacement of the existing sidewalk within the project limits and provided a new 10 foot wide multi-use path. It also required drainage design necessary to reroute drainage flow into an existing inlet which was located in the area that is not desirable, to a modified or new inlet that did not impede the physical travel lane. It also required addressing the sidewalk profile to raise the existing profile of the sidewalk and ensure positive stormwater conveyance into the existing open drainage system.

LHE provided contract administration, design, drainage improvements, erosion control, drainage studies, permitting mitigation impacts, management services, utility coordination, construction engineering inspection services, and quality acceptance reviews of all work associated with the development and preparation of the contract plans and construction of the improvements. Project cost was 1 million dollars.



Before



After

### 25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Lighthouse Engineering, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Safety Harbor, FL	(3) ROLE Consultant
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 3 Contract # E7R25
21. TITLE AND LOCATION <i>(City and State)</i> FDOT District 7 – Withlacoochee Trail from Hernando County Line to Marion County Line Citrus County - Florida		22. YEAR COMPLETED PROFESSIONAL SERVICES 2020
CONSTRUCTION <i>(If applicable)</i>		
<b>23. PROJECT OWNER'S INFORMATION</b>		
a. PROJECT OWNER FDOT District 7	b. POINT OF CONTACT NAME Kevin Lee, P.E.	c. POINT OF CONTACT TELEPHONE NUMBER 813-975-6272
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i>		

The Withlacoochee State Trail is a shared use path that connects Pasco, Hernando and Citrus Counties. This trail is 46 miles long. The improvements proposed consisted of rehabilitating segment of the Trail that were experiencing pavement failure. Parts of the existing trail were raised approximately 1.5 to 3 inches to above existing grade to minimize standing water. Signing and pavement markings along with the installation of Rectangular Rapid Flashing Beacon (RRFB) was installed for pedestrian safety at the trail crossing at CR 48 East Orange Avenue.

Responsible for the coordination of survey, geotechnical investigation, design, preparation of all documentation related to the acquisition of all permits not acquired by the Department, maintenance of traffic, demolition, and construction on or before the Project completion date, and utility relocations.

Also responsible for the compliance with Design and Construction Criteria regarding survey, design, construction, and maintenance of traffic during construction, project management, scheduling, and coordination with other agencies and entities such as state and local government, utilities and public.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT			
a.	(1) FIRM NAME Lighthouse Engineering, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Safety Harbor, FL	(3) ROLE Consultant
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 4 21717
21. TITLE AND LOCATION <i>(City and State)</i> US 41 / SR 45/ S. 50 <sup>th</sup> St. from Denver St to N. of 27 <sup>th</sup> Ave. S. Hillsborough, Florida		22. YEAR COMPLETED PROFESSIONAL SERVICES 2021 CONSTRUCTION <i>(if applicable)</i>
<b>23. PROJECT OWNER'S INFORMATION</b>		
a. PROJECT OWNER FDOT District 7	b. POINT OF CONTACT NAME Pia Cormier	c. POINT OF CONTACT TELEPHONE NUMBER 813-975-6176
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i>		

US 41/SR 45/S. 50th St., from Denver St. to north of 27th Ave. S., is classified as an urban principal arterial on the State Highway System with a context classification designated as C3C -Suburban Commercial roadway. Cracking was identified throughout the existing roadway. To extend the life of the existing pavement, the proposal called for the milling and resurfacing of US 41 from Denver St. to north of 27<sup>th</sup> Ave. S. for a total project length of 1.100 miles. The project also included upgrading curb ramps to meet current ADA standards and perform general safety modification works. There was an existing railroad crossing at US 41 that required coordination through the District Rail Office.

Due to heavy truck traffic and narrow outside thru lane width of the roadway, the existing curb and gutter inlet tops were damaged. Structurally deficient drainage structures were evaluated for repair and/or replacement throughout the project limits.

LHE prepared contract documents including plans, specification, supporting engineering analysis, calculation and other technical documents.

FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Lighthouse Engineering, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Safety Harbor, FL	(3) ROLE Prime Consultant
b.	(1) FIRM NAME Bala Consulting Services, LLC	(2) FIRM LOCATION <i>(City and State)</i> Tampa, FL	(3) ROLE Signing and pavement markings
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 5
21. TITLE AND LOCATION <i>(City and State)</i> I-275 / SR 93 Bus on Shoulder from ALT US 19 / SR 595 / 5 <sup>th</sup> Ave N. to SR 694 / Gandy Blvd. Pinellas County, Florida		22. YEAR COMPLETED PROFESSIONAL SERVICES 2020
23. PROJECT OWNER'S INFORMATION		
a. PROJECT OWNER FDOT District 7	b. POINT OF CONTACT NAME Craig Fox, P.E.	c. POINT OF CONTACT TELEPHONE NUMBER 813-975-6082
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i>		

I-275/SR93 (from Alt. US19/SR595/5th Ave. N. to SR694/Gandy Blvd.) is an Urban Principal Arterial Interstate. Located in Pinellas County, the project corridor is a northbound and southbound interstate with existing three (3) 12-foot travel lanes in each direction, 12 foot outside shoulder, and 8 foot (median) inside shoulder. The total project length was 5.203 miles.

Due to increasing public demand for transit ridership, the Department partnered with Pinellas Suncoast Transit Authority (PSTA) to implement the I-275 Bus on Shoulder Pilot Project which consisted of widening and resurfacing the northbound and southbound outside paved shoulder of I-275 (from Alt. US19/SR595/5th Ave. N. to SR694/Gandy Blvd.) from 10 feet to 12 feet. The shoulder widening will allow for transit vehicles to travel along the shoulder when traffic congestions slowed down the travel lanes to 35 mph. The existing three (3) 12-foot travel lanes were maintained along the northbound and southbound of I-275.

Project improvements consisted of shoulder milling/resurfacing, and shoulder widening. Existing drainage structures, pavement markings, signs, guardrail, lighting, and other features impacted by the project were replaced or relocated. Furthermore, side slopes affected by the shoulder widening were regraded and stabilized.

This was a roadway milling and resurfacing project which included pavement evaluation, mainline cross slope correction, and utility coordination. Signing and pavement marking design, specifications and cost estimating were also included. Project cost was 5 million dollars.



#### FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Lighthouse Engineering, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Safety Harbor, FL	(3) ROLE Consultant
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 6
21. TITLE AND LOCATION <i>(City and State)</i> FDOT District 7 – SR 39 from County Line to Bay Ave. Pasco County - Florida		22. YEAR COMPLETED PROFESSIONAL SERVICES 2020
CONSTRUCTION <i>(If applicable)</i>		
23. PROJECT OWNER'S INFORMATION		
a. PROJECT OWNER FDOT District 7	b. POINT OF CONTACT NAME Pia Cormier	c. POINT OF CONTACT TELEPHONE NUMBER 813-975-6176
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i>		

The purpose of this RRR project was to preserve and extend the life of the existing pavement and perform general safety modification work. It included design of keyhole widening, cross slope correction, milling and resurfacing, signing and pavement markings, utility coordination, and permitting from SR 39 (Paul S. Buchman Hwy.) from Hillsborough County Line to South of Bay Ave. The segment of SR39 is classified as an urban principal arterial roadway with two typical sections. The first section consists of two lane undivided with 12' wide travel lanes, 8" wide shoulder (5' paved with bike lanes), and ditches on both sides. The second section is a two-lane divided with 12' wide travel lanes, 12' paved median, 8' shoulder (5' paved with bike lanes) and ditches on both sides. The project limit is from milepost 0.000 to milepost 0.679.

LHE provided drainage plans to accomplish the following goals:

- \*Identify existing drainage issues and provide the most cost-effective solutions.
- \*Enhance the safety level of the drainage structures
- \* Replace or repair structurally deficient drainage structures
- \*Ensure existing drainage features were not adversely impacted by the project
- \*Desilt all storm drain/side drain/cross drainpipes within the project limits.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT			
a.	(1) FIRM NAME Lighthouse Engineering, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Safety Harbor, FL	(3) ROLE Consultant
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE



<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 7
21. TITLE AND LOCATION <i>(City and State)</i> City of Tampa – Himes and Azeele Signal Improvements Tampa, Florida		22. YEAR COMPLETED PROFESSIONAL SERVICES 2015
23. PROJECT OWNER'S INFORMATION		
a. PROJECT OWNER City of Tampa	b. POINT OF CONTACT NAME Vik Bhide	c. POINT OF CONTACT TELEPHONE NUMBER 813-274-3101
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i>		

The project scope was for the design of signal and ADA upgrades of the subject intersection. The project included new pedestrian countdown signals, sidewalk, roadway improvements, and mast arms. Additional elements included public involvement, utility relocation, signing and pavement marking, and all project management to complete the design.

Our scope of services included the following tasks:

- \* The design accommodated 4 legs of the intersection. Survey was required.
- \* Survey included all utilities above and below ground as well as all other above ground entities.
- \* Underground utilities were located via Subsurface Utility Engineering (SUE) in the vicinity of proposed pole foundation.
- \* Geotechnical services were required for mast arm pole.
- \* The limits of the project were milled and resurfaced to remove conflicting pavement markings.
- \* Himes was crowned to remove the "bump" both north and south of Azeele and to drain to the inlets in all four corners of the intersection.
- \* Data collection including traffic data and count information, sewer, water, storm sewer data, other planned projects in the vicinity, and all utilities
- \* Field Review and Analysis of project site conditions.
- \* Design Survey/SUE/Utility Coordination
- \* Design and Construction Plan Preparation
- \* Quality Assurance / Quality Review

Project cost was \$200,000.



Before



After

#### FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

a.	(1) FIRM NAME Lighthouse Engineering, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Safety Harbor, FL	(3) ROLE Consultant
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE



<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 8 Contract #14-D-560
21. TITLE AND LOCATION <i>(City and State)</i> City of Tampa General Engineering Services – Palm Ave Tampa, Florida		22. YEAR COMPLETED PROFESSIONAL SERVICES CONSTRUCTION <i>(if applicable)</i>
23. PROJECT OWNER'S INFORMATION		
a. PROJECT OWNER City of Tampa	b. POINT OF CONTACT NAME Milton Martinez, P.E.	c. POINT OF CONTACT TELEPHONE NUMBER 813-274-8998
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i>		

The project scope included upgrades to the ADA facilities along Palm Ave (between Nuccio and 19th Ave), add detectable warnings surfaces, and/or reconstruct ADA ramps with modifications to the median to allow pedestrians to cross at mid-block locations. Design also included RRFB's for pedestrian mid-block crossings along Palm Ave. at 17th and North 19. We also provided utility coordination and project management services necessary to complete the design.

Project Cost was \$100,000.



**FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT**

a.	(1) FIRM NAME Lighthouse Engineering, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Safety Harbor, FL	(3) ROLE Consultant
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
e.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
f.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		20. EXAMPLE PROJECT KEY NUMBER 9
21. TITLE AND LOCATION <i>(City and State)</i> City of Tampa General Engineering Services – Howard Ave at Dekle / DeSoto Ave. Tampa, Florida		22. YEAR COMPLETED PROFESSIONAL SERVICES 2020 CONSTRUCTION <i>(If applicable)</i>
23. PROJECT OWNER'S INFORMATION		
a. PROJECT OWNER City of Tampa	b. POINT OF CONTACT NAME Milton Martinez, P.E.	c. POINT OF CONTACT TELEPHONE NUMBER 813-274-8998
24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT <i>(Include scope, size, and cost)</i>		

The project scope was for the redesign of the existing intersection that will accommodate the realignment of the intersection at Howard Ave. and DeSoto/Dekle Ave. The design included public involvement, utility relocation, roadway design, signing and pavement marking, and all project management to complete the design. Tasks to complete this project included the following:

- \*Update the design and concept plan to accommodate the additional parking spaces south on Dekle Ave. Additional meetings were required to gain the approval of the concept plan by the City and other design firms involved in the corridor study of the project area.
- \* Landscape and Irrigation plan for the green space between Dekle and De Soto.
- \* Obtained additional survey south on Dekle for the additional parking spaces.
- \* Provided utility coordination for the relocation of existing utilities within the project area as required as part of the new intersection configuration
- \* Provided a set of construction documents based on the concept plans.
- \* Provided construction phasing as part of the MOT

LHE provided utility coordination, design and construction plan preparation, pedestrian ramp/crosswalk design, design review, construction plans, quality assurance / quality review; as well as attended all field and coordination meetings. Project Cost was \$500,000.



Before



After

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT			
a.	(1) FIRM NAME Lighthouse Engineering, Inc.	(2) FIRM LOCATION <i>(City and State)</i> Safety Harbor, FL	(3) ROLE Consultant
b.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
c.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
d.	(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE

<b>F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT</b> <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>		<b>20. EXAMPLE PROJECT KEY NUMBER</b> 10
<b>21. TITLE AND LOCATION (City and State)</b> Meadow Pointe II Community Development District (CDD) General Engineering Consultant (GEC) – Wesley Chapel, Florida		<b>22. YEAR COMPLETED</b> PROFESSIONAL SERVICES 2021      CONSTRUCTION (If applicable)

**23. PROJECT OWNER'S INFORMATION**

<b>a. PROJECT OWNER</b> Meadow Pointe II CDD	<b>b. POINT OF CONTACT NAME</b> Bob Nanni	<b>c. POINT OF CONTACT TELEPHONE NUMBER</b> 813-991-1116 X105
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**24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT** *(Include scope, size, and cost)*

LHE was the general engineering consultant for this CDD community which contains 108 ponds, is home to almost 3500 residents and has almost 75 miles of roads. Over a 12-year period, LHE was tasked to produce pavement evaluations, pond evaluations and evaluations of all of the existing facilities that included the 2500 SF club house, pool, multipurpose courts and all of their existing wholly owned and operated infrastructure. LHE was also tasked with the tree removal and replanting within the communities. As the GEC for the CDD we routinely interacted with the board and provided reports, evaluation, and financial guidance for current and future needs of the community. We were engaged in the reissuance of bonds for the CDD that totaled more than ten million dollars and were intended to upgrade the existing infrastructure and produce monies for future expansion of the community facilities. As the GEC for the CDD we were responsible to the CDD for all its engineering needs.

The project consisted of the milling and resurfacing of the existing roadway within eleven sub-divisions of Meadow Point II CDD including the clubhouse. The communities included are listed below:

- |                 |                |
|-----------------|----------------|
| 1. Charlesworth | 7. Long leaf   |
| 2. Colehaven    | 8. Manor Isle  |
| 3. Covina Key   | 9. Sedgwick    |
| 4. Glenham      | 10. Vermillion |
| 5. Iverson      | 11. Wrencrest  |
| 6. Lettingwell  |                |

The scope included the following requirements:

1. Mobilization
2. Maintenance of traffic
3. Prevent asphalt and/or debris from entering existing inlets during construction
4. Mill existing asphalt pavement
5. Resurface the milled roadway with asphalt
6. Pavement restriping
7. Clean up site

**FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT**

<b>a.</b>	(1) FIRM NAME Lighthouse Engineering, Inc.	(2) FIRM LOCATION (City and State) Safety Harbor, FL	(3) ROLE Consultant
<b>b.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>c.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>d.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>e.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE
<b>f.</b>	(1) FIRM NAME	(2) FIRM LOCATION (City and State)	(3) ROLE

## G. KEY PERSONNEL PARTICIPATION IN EXAMPLE PROJECTS

[illegible]

## 29. EXAMPLE PROJECTS KEY

NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)	NO.	TITLE OF EXAMPLE PROJECT (FROM SECTION F)
1	THEA - Selmon Greenway	6	FDOT District 7 – SR 39
2	City of Clearwater Bayshore Trail	7	City of Tampa – Himes and Azelee Signal Improvements
3	FDOT District 7 – Withlacoochee Trail	8	City of Tampa – Palm Ave Improvements
4	Pinellas County – US 41	9	City of Tampa – Howard Ave-Dekle Ave-De Soto Ave Improvements
5	Pinellas County – I-275 Bus on Shoulder	10	Meadow Pointe II Community Development District

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## H. ADDITIONAL INFORMATION

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

LHE's strong local presence in the Tampa Bay area is supported by local professionals with a spectrum of expertise, enabling us to provide our clients with the most effective project solutions on time and under budget.

### Introduction: The Lighthouse Engineering Team

Founded in 2006, LIGHTHOUSE ENGINEERING, INC. is a multi-disciplinary engineering firm located in Pinellas County and is a **Certified Statewide SBE and Small Local Business Enterprise (SLBE)**.

Over the past 16 years, Lighthouse Engineering (LHE) has advanced the concept of providing a total package of engineering services to public and private clients. We maintain a broad spectrum of expertise, including our primary service areas:

- Roadway Transportation Design, Planning
- Permitting
- Site/Civil Engineering and Planning
- Traffic Engineering
- Signing and Marking Design
- Signalization Design
- Lighting



This diversity enables our organization to offer a unified "in-house" team approach composed of highly skilled and experienced professionals in a variety of specialties. The result is high-quality consulting services provided in a professional and timely manner. **The advantage to selecting LHE is that our engineers are diverse and multi-discipline.** As a small business, this is a unique advantage as we can service a project with as few as three professionals and deliver the project to you. By keeping the project team small, compact, and efficient, LHE can service this contract and provide immense value to the Yarborough Lane Community Development District. Logically, the Yarborough Lane CDD should see that when three multi-discipline engineers work together, the project is much more manageable when compared to the engineering team that the larger corporations need to finish this project.

Even though we have a small staff, we have a combined experience of over 100 years in the design of roadway transportation design, water, sewer, drainage, intersection improvements, permitting and other similar types of designs normally required by CDDs. We are familiar with and are experienced in design, construction inspection, project administration, and general civil support for any project that the CDD may undertake. We have designed, permitted and performed construction phase services for hundreds of projects ranging from the most complex Interstate highways to projects as small as local traffic calming, park design or small parking lot additions.

### Local Knowledge

LHE has on staff a number of professionals who have a great deal of experience in roadway design. ***Previous staff experience was obtained on City projects such as the Intersection Improvement Project for Dale Mabry and Kennedy Blvd, Himes and Azele Signal upgrades, Palm Ave Improvements and Intersection Improvement Project for Fowler Avenue and 50th Street.*** In addition, our staff has extensive local experience in roadway, storm water and utility design projects for clients such as Hillsborough County, Pasco County and the Florida Department of Transportation (FDOT), District Seven; as well as many private clients including Meadow Pointe II Community Development District (CDD).

In the past 16 years, LHE has completed over 70 roadway projects, solidifying an expertise that reduces project risk for our clients.

### Accelerated Schedules Resulting from Permitting Expertise

Our project staff knows the pitfalls that delay permitting and how to avoid them from both a design and timing standpoint. **Because of our competence and speed in obtaining permitting from Southwest Florida Water Management District (SWFWMD) and the US Army Corps of Engineers (USACE), and proactive coordination with the various utility companies in the area, we are able to accelerate project plans and production schedules.**

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## Comprehensive Transportation Expertise Provided by Local Professionals

LHE has assembled a qualified team of professionals with extensive transportation engineering experience. Our combined team of multi-disciplined personnel specifically designated for this project is highly skilled in the areas of roadway and drainage design as well as utility conflict avoidance, coordination, and permitting. Including support staff, the LHE Tampa Bay area office currently has 5 full time employees. Our team has relationships and workflow processes that are established within the group to efficiently complete work and deliver quality products to the City of Tampa.

## Capability and Ability to Deliver Project

We have a seasoned design team that is more than capable of delivering all of the necessary components of a project and routinely handle larger scale projects with high dollar values. Our Project Manager completed an FDOT project in Pinellas County within the City of Tarpon Springs whereby the City will be reborn with a downtown revitalization of new sidewalk, utilities, lighting and upgraded pedestrian features. **This project was placed on an accelerated schedule and involved more than seven local utilities.** The utility work alone took almost a year to complete and the total cost of this exceeds more than 17 million dollars. We have the business tools, necessary design team, proper computer technology and a seasoned staff who are excited at the opportunity to serve the City and the place we call home.

## Exceptional Staff Competence from Continued Training and Education

LHE is committed to ensuring that every staff member affecting product quality is fully competent to perform their assigned tasks. All personnel assigned to production have recent experience in their respective areas of responsibility. Competency is established through education, training, experience, and demonstration of skills.

Continuing education of our technical and professional staff is strongly encouraged. Many of our employees are enrolled in continuing education seminars and conferences offered by FDOT and other professional associations. Examples of these courses include the FDOT Project Management Course, Quality Assurance/Quality Control Training, FDOT Project Engineer Training, Traffic Control Zone Certification, Cost Estimating, and Long-Range Estimates Systems. Many of our engineers attend national seminars, where a variety of engineering trends and innovations are presented. Keeping up to date with the latest in technology and management solutions allows us to provide more value to our clients.

## Proposed LHE Staff Members

The **accompanying resumes in Section E** present proposed staff members and their education, years of experience, role on this proposed contract, and specialized experience. The following paragraphs illustrate highlights of the qualifications and experience of our proposed project management team and key staff:

### Project Manager

**Brad Foran, P.E.**, has a long history of working with both State and Local agencies and has helped many Cities, CDDs and Counties achieve their capital work programs. He was the Project Manager for the State's rehabilitation project in Tarpon Springs where new sidewalk, roadway, water and sewer upgrades as well as streetscaping improvements were constructed. In addition, he served as the Project Manager for the City of Safety Harbor's SR 590 improvements. He also possesses a work experience that highlights his knowledge of highway design, permitting, and hydraulic analysis of existing and proposed facilities. He served as project manager and Engineer of Record for the Florida Department of Transportation on design contracts for Districts 1, 2, 3, 4, 6 and 7 and has worked on numerous major and minor roadway restoration projects. He designed the signalization improvement at Himes and Azele for the City of Tampa and the enhancement project at Howard and Dekle. He is experienced in the evaluation, design, and permitting of existing and proposed facilities through either 3R or New Construction standards. He recently completed the Selmon Greenway Design Build Contract with Tampa-Hillsborough Expressway Authority (THEA) and will be coordinating with the City's TIGER grant project.

His most recent projects have focused on Florida Department of Transportation's 3R criteria and work with local agencies throughout Tampa Bay. These projects have included the complete evaluation of the enhancement projects new design projects criteria including the hydraulic analysis, pavement design, and variance approval for urban and rural projects. He is experienced in taking the design plans to completion and subsequently toward the construction phase of the project. **Mr. Foran brings to this project a wealth of experience and has the resources to assign and address design issues, ensure compliance with schedules, and provide a successful contract for the City of Tampa. Mr. Foran was the former Florida Engineering Society's (FES) Pinellas Chapter President and was a member of its Board of Directors.**

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## Assistant Project Manager/ Roadway Design / Drainage Design

**Thomas Liu, P.E.** Mr. Liu has over 20 years of roadway design and drainage experience on City, Florida Department of Transportation, County, and Private Development projects in Florida. Mr. Liu has served as Project Engineer on several projects in the City of Tampa. Mr. Liu's drainage experience includes design of stormwater treatment systems including treatment and attenuation requirements for SWFWMD and SFWMD permits. Mr. Liu also has both design and project management experience in traffic operations (signalization, signing and marking, highway lighting). He has extensive experience in transportation engineering

*"We have a long-standing relationship with LHE and have collaborated on multiple jobs together. We can always depend on Brad and his team to be knowledgeable of all design aspects of the project, be innovative with their approach, dependable with deadlines and communication, and responsive to any challenges that may arise. When anyone asks for a recommendation for an engineer, I do not hesitate to put them in touch with Brad and Lighthouse."*

**Jeff Nelson, President  
Nelson Construction**

including design for rural and urban highways, limited access expressways, and rural and urban interchanges. Technical aspects of design include horizontal and vertical geometry, development of traffic control plans, drainage design, utility conflicts, and permitting. His expertise also includes basin delineation, pond siting reports, inlet locations, pavement drainage, hydraulic calculation for storm sewer networks, cross-drain analysis, stormwater routing, floodplain analysis, water quality, optional culvert material, dredge and fill impacts, coordination with water management agencies for permitting, and formulating technical stormwater reports.

## Principal-In-Charge, Quality Assurance/Quality Control

**Frank Foran, P.E.**, LHE's Vice President for Southeast Transportation with oversight responsibility of the Florida operations, is a Highway Design Engineer with more than 40 years of experience in the Tampa Bay Area. He will provide the direction for our **Quality Control** program out of our Tampa Bay area office located in Safety Harbor. Mr. Foran is certified with the Florida Department of Transportation (FDOT) in the preparation of traffic control plans and has also received training from the Department in cost estimating and long-range estimating systems. In addition to writing Quality Control Plans for various assignments at LHE,

Mr. Foran has performed quality assurance plan reviews for other consulting firms. Recent projects include the Largo Medical Office Complex, St. Catherine's Catholic Church in Largo, First Community Bank in St. Petersburg, Blake Medical Center Expansion in Bradenton, Water and Sewer line replacement work in Tarpon Springs, Water and Sewer Line Relocation in Safety Harbor and many other projects in Manatee County, Sarasota County and Lee County.

## Customer Centric Focus Yields Repeat Business

The LHE Team understands that adherence to schedule, quality, and budget standards are not the only measures of past performance. We also measure the quality of our services through customer satisfaction and the level of business-like concern for governmental client interests.

We pride ourselves on a reputation for reasonable and cooperative behavior from proposal and initial negotiations through contract modifications and final delivery. The LHE project team members take great pride in both their individual and team record of service for our clients. We recognize that the **quality of service provided to a client is directly related to the potential for repeat business.**

The number of letters of appreciation, repeat clients, and repeat contracts we have been awarded reflects our product quality and consistent history of preparing innovative and realistic design solutions that are consistently within four (4) percent of the competitive low bid and meet the client's most demanding schedules. **Repeat business now constitutes roughly ninety (90) percent of our business.**

LHE seeks to continually improve our job performance, quality of products and services, and responsiveness. We have formally interviewed both private and public sector clients to determine how our staff could better fill their needs. We have implemented many of their suggestions and will provide you with a top team of experienced professionals ready to respond to every need.

## Current and Projected Workload

The current workload of LHE will allow us to begin work immediately. We are currently working for Hillsborough County on a Design job at US 41/SR 45 from Denver St. to N. of 27<sup>th</sup> Ave. S. that is set to be completed in November 2022. Our available design staff can provide more than 200 staff hours per month from our office in Safety Harbor. LHE routinely handles a multitude of project involving various disciplines.

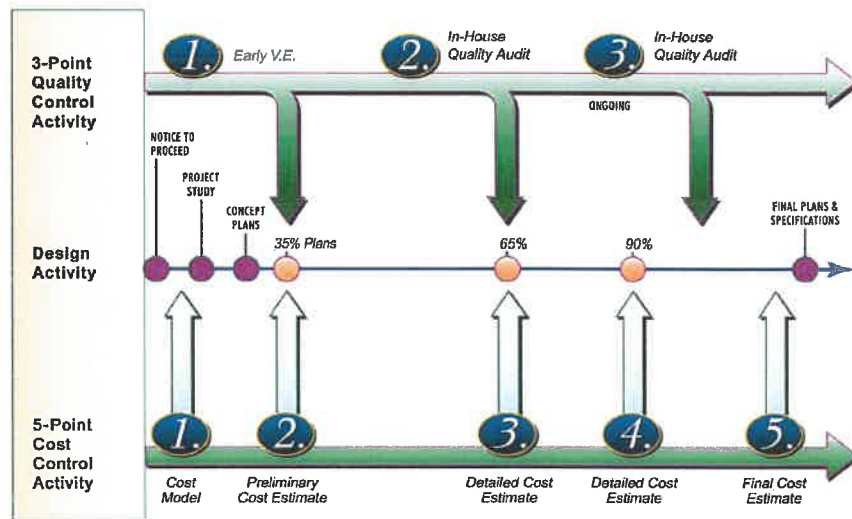
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We recently completed several significant projects including the AWARD WINNING I-275 bus on Shoulder project or Pinellas County, and Bayshore Blvd – Urban Multi-Use Trail for the City of Clearwater. Our projected workload falls within the capacity of our staff.

As with any firm, our workload is not always constant, but has peaks and valleys. The dedication of our staff enables LHE to meet our clients' goals by working overtime during peaks and improving our technical skills during slower periods. LHE assures the CDD that we have competent personnel available to deliver a quality project on schedule and our entire team will pull together to ensure that we meet the CDD's needs.

## Successful Projects Result from Our Quality Assurance Program

*Lighthouse Engineering believes that leadership in our industry can be achieved only through quality. Meeting quality goals at Lighthouse Engineering means commitment to the full satisfaction of every internal and external client. We continuously improve our management and technical processes in order to meet client requirements the first time, every time. Every team member of Lighthouse Engineering is dedicated to continuous improvement.*



LHE Construction Cost and Quality Control Process.

The head of the QA/QC Team for this contract will be Frank Foran. Mr. Foran, P.E. will serve as the Management Representative responsible for implementing and maintaining the quality system and for regularly reporting system, process, or product failures with a view to continually improving the quality system. LHE recognizes that a quality product is the key to the successful performance of a contract, having maintained QA/QC standards and procedures since the company was founded in 2006. LHE has embraced the philosophy of Six Sigma Quality Management, which focuses on constantly monitoring performance, anticipating and preventing future problems by changing processes rather than merely reacting to mistakes. Our Six Sigma Program is client-and-product focused and is an established part of our corporate culture. The QA Program provides the controls and continuity necessary to perform a project in a defined, systematic manner and includes adequate provisions for changes. Our subcontractors are briefed on this process and fully comply with all procedures.

### I. AUTHORIZED REPRESENTATIVE

The foregoing is a statement of facts.

31. SIGNATURE

*Bradley S. Foran*

32. DATE

6/3/2022

33. NAME AND TITLE

Bradley S. Foran, P.E., President



1. SOLICITATION NUMBER (If any)  
#15/007

*(If a firm has branch offices, complete for each specific branch office seeking work.)*

9. EMPLOYEES BY DISCIPLINE				10. PROFILE OF FIRM'S EXPERIENCE AND ANNUAL AVERAGE REVENUE FOR LAST 5 YEARS		
a. Function Code	b. Discipline	c. No. of Employees (1) FIRM    (2) BRANCH		a. Profile Code	b. Experience	c. Revenue Index Number <i>(see below)</i>
02	Administrative	2		T03	Traffic & Transportation Engineering	1
08	CADD Technician	1		D04	Design-Build - Preparation of Requests for Proposals	1
12	Civil Engineer	3		W03	Water Supply; Treatment and Distribution	1
				S04	Sewage Collection, Treatment and Disposal	1
	Total	6	6			

<b>11. ANNUAL AVERAGE PROFESSIONAL SERVICES REVENUES OF FIRM FOR LAST 3 YEARS</b> <i>(Insert revenue index number shown at right)</i>		<b>PROFESSIONAL SERVICES REVENUE INDEX NUMBER</b>	
a. Federal Work	1	1. Less than \$100,000	6. \$2 million to less than \$5 million
b. Non-Federal Work	3	2. \$100,000 to less than \$250,000	7. \$5 million to less than \$10 million
c. Total Work	3	3. \$250,000 to less than \$500,000	8. \$10 million to less than \$25 million
		4. \$500,000 to less than \$1 million	9. \$25 million to less than \$50 million
		5. \$1 million to less than \$2 million	10. \$50 million or greater

The foregoing is a statement of facts.

AUTHORIZED FOR LOCAL REPRODUCTION  
MANDATORY USE DATE OF FORM 5/1/2004



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/08/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Florida Coastal Insurance Agency 1234 Court Street Ste B  Clearwater, FL 33756		<b>CONTACT NAME:</b> Richard Ficca <b>PHONE (A/C, No, Ext):</b> (727) 569-6000 <b>E-MAIL ADDRESS:</b> rficca@gmail.com <b>FAX (A/C, No):</b> (727) 490-0356	
<b>INSURED</b>  Lighthouse Engineering, Inc 701 Enterprise Rd E #410  Safety Harbor FL 34695		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> First Community Insurance Company <b>INSURER B:</b> First Community Insurance Company <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			09 0004998745 8 07	04/09/2021	04/09/2022	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ Included in Gen A GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			09 0004998745 8 07	04/09/2021	04/09/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE					EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N					PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

Building (Coverage A) Special \$145,656 LIMIT OF INSURANCE

Business Personal Property (Coverage B) Special \$10,000 LIMIT OF INSURANCE

Business Income and Extra Expense Special \$36,414 LIMIT OF INSURANCE

**CERTIFICATE HOLDER****CANCELLATION**

For Informational Purposes Only  
For a company specific certificate please  
contact Florida Coastal Insurance Agency  
at 727-569-6000 or Fax 727-490-0356

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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AGENCY CUSTOMER ID: \_\_\_\_\_

LOC #: \_\_\_\_\_



## ADDITIONAL REMARKS SCHEDULE

Page \_\_\_\_ of \_\_\_\_

AGENCY Florida Coastal Insurance Agency		NAMED INSURED Lighthouse Engineering, Inc
POLICY NUMBER		
CARRIER	NAIC CODE	EFFECTIVE DATE:

### ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,  
 FORM NUMBER: 25 FORM TITLE: Certificate of Liability Insurance

Hired & Non Owned Auto included in Bankers BOP Policy



From: Pinellas County Economic Development, Small Business Enterprise Program  
April 27, 2022

Subject: Pinellas County Small Business Enterprise Program Renewal Application Approved

Dear Bradley Foran, P.E.:

Congratulations! Your [Renewal]application for designation as a Small Business Enterprise in the SBE Program is approved. The approval is contingent upon your firm successfully completing the eligibility listed below. We have designated Lighthouse Engineering, Inc. DBA LHE as eligible to [continue to] participate in the SBE program, and sheltered market program with an effective date of 4/8/2022. This certificate is specific to Pinellas County and covers only the company that is listed in this letter, not any other company with which you may be associated. Your firm will appear on the list of approved registered vendors.

As part of our SBE program, **we do require you to register your business** in our SBDC system as well. This registration will make it easier to sign up for classes and any time you need one-on-one free counseling for questions with procuring contracts with Government (County or Federal). Please visit our website, at <https://www.pced.org/page/Consulting>, to register and learn more or call 727-453-7200 for your consultation. During the registration process it will ask for nature of "counseling requested", select from any of the boxes you wish and then scroll down to the bottom and in the additional area please indicate "Pinellas County SBE" in the text box.

No additional eligibility. You are successfully registered. We encourage your firm to view our list of workshops to assist your business with getting the most out of working with Pinellas County. Please visit our website, at <https://pinellas.obsres.com/economic/Info.aspx?EventID=3005>, to register and learn more. These workshops are not mandatory, however, recommended.

Please visit our website, at <https://pinellas.obsres.com/economic/Info.aspx?EventID=3005>, to register and learn more or call 727-453-7200 for your consultation.

Form Name: Pinellas County Small Business Enterprise Program Renewal Application

Business: Lighthouse Engineering, Inc. DBA LHE

Contact: Bradley Foran, P.E.

Submission Date: 4/8/2022

Review Date: 4/12/2022

Expiration Date: 4/11/2025

Your approved Pinellas County Small Business Enterprise Program Renewal Application will expire 4/11/2025. If there are changes to your business, please contact staff to ensure the most accurate representation of your business. This includes changes to your company contacts, products, or services.

Thank you for your continued interest in participating with Pinellas County and the SBE Program. If you have any additional questions please email us at [Businesshelp@pinellascounty.org](mailto:Businesshelp@pinellascounty.org) or call 727-453-7200.

# PINELLAS COUNTY SMALL BUSINESS ENTERPRISE PROGRAM

THIS CERTIFICATE IS AWARDED TO

**Lighthouse Engineering, Inc. DBA  
LHE**

HAS SUCCESSFULLY COMPLETED THE  
SBE Certification Requirements for:  
Construction  
Professional, Scientific, and Technical Services  
Certification Expires:  
4/11/2025

Approved:

**4/12/2022**



SIGNED, Corey McCaster





## Certification Program

**Lighthouse Engineering, Inc. DBA LHE**

## Small Local Business Enterprise (SLBE)

## Construction-Related Services

Updates for recertification are required prior to the expiration date listed above. If at any time changes are made in the firm that are not in concert with our eligibility requirements, you agree to report those changes to us for evaluation. The City of Tampa reserves the right to terminate this certification at anytime it determines eligibility requirements are not being met.

**Gregory K. Hart, Manager  
Minority and Small Business Manager**



**Board of County Commissioners  
Economic Development Department  
Minority and Disadvantaged Business Development**

## **Small Business Registration**

**Lighthouse Engineering, Inc. DBA LHE**

**HC-1873/22**

**Valid from March 2, 2022 - March 2, 2024**

### **Approved Lines of Business:**

**Engineering - Civil, Construction-Related Services**

A handwritten signature in blue ink, appearing to read "Theresa Kempa".

**Theresa Kempa  
Minority and Disadvantaged Business Manager  
Economic Development Department**



**PORT TAMPA BAY™**

## **Small Business Enterprise Certification**

***Lighthouse Engineering Inc.***

**Federal ID #20-8032896**

**Services Provided: Architect-Engineer & Other Professional  
Design Services; Consulting Services**

**Valid from 04/25/2022 to 04/24/2023**

***Danna L. Casey***

**SBE & Contracts Manager**

Please note this certificate is valid only with Port Tampa Bay.  
It is not reciprocal with the City of Tampa or Hillsborough County and may not be reciprocal with any other local governmental agency.

**Member since 2023**





# The City of St. Petersburg Small Business Enterprise Certification

This certificate is awarded to  
Lighthouse Engineering, Inc. DBA LHE

**SBE Certification Number: 124586**

This certificate is applicable in

Engineering - Civil, Construction-Related Services, The City of St. Petersburg

Certified: April 4, 2022

Expires: March 2, 2024

Stephanie Swinson, Esq.  
Contracts Compliance Manager  
727-893-4109  
[Stephanie.Swinson@stpete.org](mailto:Stephanie.Swinson@stpete.org)

In accordance with the City of St. Petersburg's Small Business Enterprise Ordinance #789-G, your business is certified as a Small Business Enterprise by the City of St. Petersburg. You will need to show proof of your new Occupational License each year, as well as renew your certification with this agency every three years. If at anytime the composition of the SBE status of your firm changes, you need to complete another SBE affidavit. The City of St. Petersburg Government reserves the right to terminate or cancel this certification at anytime when it is found that the composition of the Organization has changed and no longer meets the definition established for SBE certification.