

Boggy Creek Improvement District

12051 Corporate Boulevard Orlando, FL 32817; Phone: 407-723-5900

www.boggycreekid.org

The following is the proposed agenda for the upcoming Meeting of the Board of Supervisors for the Boggy Creek Improvement District ("District"), scheduled to be held at **3:30 p.m. on Tuesday, November 10, 2020 at Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd., Orlando, FL 32827**. A quorum will be confirmed prior to the start of the meeting.

Please use the following information to join via computer or the conference line:

Phone: 1-844-621-3956

Computer: pfmgroup.webex.com

Participant Code: 796 580 192#

BOARD OF SUPERVISORS' MEETING AGENDA

Organizational Matters

- Roll Call to Confirm a Quorum
- Public Comment Period
- 1. **Swearing in Newly Elected Board Members**
- 2. **Consideration of the Minutes of the October 20, 2020 Board of Supervisors' Meeting**
- 3. **Consideration of the Minutes of the November 3, 2020 Landowners' Election Meeting**
- 4. **Consideration of Resolution 2021-01, Canvassing and Certifying the Results of the Landowners' Election**
- 5. **Consideration of Resolution 2021-02, Election of Officers**

Business Matters

- 6. **Consideration of Resolution 2021-03, Adopting an Amended Budget for FY 2020 (*exhibit a provided under separate cover*)**
- 7. **Consideration of FY 2020 Audit Engagement Letter**
- 8. **Ratification of Requisition Nos. 2018-174 & 2018-175 in October 2020 in an amount totaling \$843.01 (*provided under separate cover*)**
- 9. **Ratification of Operation and Maintenance Expenditures Paid in October 2020 in an amount totaling \$65,137.62 (*provided under separate cover*)**
- 10. **Recommendation of Work Authorizations/Proposed Services (*if applicable*)**
- 11. **Review of District's Financial Position and Budget to Actual YTD (*provided under separate cover*)**

Other Business

- A. Staff Reports
 - 1. District Counsel
 - 2. District Manager
 - 3. District Engineer
 - 4. Construction Supervisor
- B. Supervisor Requests

Adjournment



BOGGY CREEK IMPROVEMENT DISTRICT

Oath of Office

**BOGGY CREEK IMPROVEMENT DISTRICT
BOARD OF SUPERVISORS**

OATH OF OFFICE

I, _____, A CITIZEN OF THE STATE OF FLORIDA AND OF THE UNITED STATES OF AMERICA, AND BEING EMPLOYED BY OR AN OFFICER OF BOGGY CREEK IMPROVEMENT DISTRICT AND A RECIPIENT OF PUBLIC FUNDS AS SUCH EMPLOYEE OR OFFICER, DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND OF THE STATE OF FLORIDA.

Board Supervisor

ACKNOWLEDGMENT OF OATH BEING TAKEN

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing oath was administered before me this ____ day of _____, 2020, by _____, who personally appeared before me, and is personally known to me or has produced _____ as identification, and is the person described in and who took the aforementioned oath as a Member of the Board of Supervisors of Boggy Creek Improvement District and acknowledged to and before me that he/she took said oath for the purposes therein expressed.

(NOTARY SEAL)

Notary Public, State of Florida

Print Name: _____

BOGGY CREEK IMPROVEMENT DISTRICT

**Minutes of the October 20, 2020
Board of Supervisors' Meeting**

BOGGY CREEK IMPROVEMENT DISTRICT BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

The Board of Supervisors' Meeting for the Boggy Creek Improvement District was called to order on Tuesday, October 20, 2020, at 3:59p.m. via telephonic conferencing due to the COVID-19 Executive Order 20-246.

Present via phone:

Richard Levey	Chairperson
Damon Ventura	Vice Chairman
Thad Czapka	Assistant Secretary
Jamie Bennett	Assistant Secretary

Also attending via phone:

Lynne Mullins	PFM
Jennifer Walden	PFM
Kevin Plenzler	PFM
Ralph Ireland	Tavistock
Dan Byrnes	Tavistock
Tucker Mackie	Hopping Green & Sams
Deb Sier	Hopping Green & Sams
Jeff Newton	Donald W. McIntosh Associates
Larry Kaufmann	Construction Supervisor & Construction Committee Member

SECOND ORDER OF BUSINESS

Public Comment Period

Dr. Levey asked for any public comments. There were no comments at this time.

THIRD ORDER OF BUSINESS

Discussion Regarding Executive Order 20-246

Ms. Walden stated the Executive Order is included in the packet which states the District is able to hold their meetings via telephonic conferencing due to the COVID-19 situation. Also included is a proof of the ad that notes the Executive Order as well as the telephonic conferencing information so the public can join.

Ms. Mackie noted this is likely to be the last extension and staff will work to give advance notice to all of the board Members as to the location of the next meeting for November which will likely be held at the Courtyard Marriott next to Tavistock's Offices.

FOURTH ORDER OF BUSINESS

Consideration of the Minutes of the September 21, 2020, Board of Supervisors' Meeting

Board Members reviewed the minutes from the September 21, 2020, Board of Supervisors' Meeting.

On Motion by Ms. Bennett, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Minutes of the September 21, 2020, Board of Supervisors' Meeting.

FIFTH ORDER OF BUSINESS

Matters Pertaining to Local Alternative Mobility Network ("LAMN")

- a) Presentation Regarding LAMN**
- b) Presentation of Preliminary Operation and Maintenance Assessment Methodology Report**
- c) Interlocal Agreement Among the Boggy Creek Improvement District, the Myrtle Creek Improvement District, the Greenway Improvement District and the Poitras East Community Development District Regarding Maintenance of the Greenlink Improvements within the Local Alternative Mobility Network**
- d) Consideration of Revised Second Amended and Restated Engineer's Report for Capital Improvements for Infrastructure**

Mr. Ireland presented information regarding the LAMN (Minutes Exhibit A). Lake Nona and the four Districts are benefited by a \$20,000,0000.00 Federal Grant that was awarded to Orange County and will help support development of a Local Alternative Mobility Network to benefit all of Lake Nona. Mr. Plenzler then presented the Preliminary Operation and Maintenance Assessment Methodology Report. Mr. Ventura asked about the basis for the Amenity ERUs and Mr. Plenzler responded they used the ERU as a metric to

estimate and allocate the Amenity value for the liner park piece and felt it was a reasonable way to approach the allocation for that component. Mr. Ventura asked if it is a brand new ERU methodology and Mr. Plenzler stated the ERU factors that are being used are the same ERU factors based on the Master Methodologies for each of the District's. A lengthy discussion took place about the ERU allocations.

Mr. Czapka asked about the effect on individual homeowners regarding O&M Assessments. Mr. Plenzler stated there are some multi-family units planned but there is nothing in place to date and their estimates would increase by roughly \$55.00 per unit annually as compared with the District's current O&M Budget. Dr. Levey requested a motion to approve the Preliminary Operation and Maintenance Assessment Methodology Report.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Preliminary Operation and Maintenance Assessment Methodology Report.

Ms. Mackie presented the Interlocal Agreement (Minutes Exhibit B), which identifies Boggy Creek ID as the operating entity for purposes of the maintenance of the Greenlink Improvements. Section 2.3 has blank percentages but will be filled in with the percentage allocations outlined in Table 9 of the Methodology Report prior to execution. Mr. Ventura asked if the other District's approved this or have any questions. Dr. Levey stated Greenway had a lot of questions, but they are on board. Dr. Levey requested a motion to approve Resolution 2021-01, Interlocal Agreement Among the Boggy Creek Improvement District, the Myrtle Creek Improvement District, the Greenway Improvement District and the Poitras East Community Development District Regarding Maintenance of the Greenlink Improvements within the Local Alternative Mobility Network.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Interlocal Agreement Among the Boggy Creek Improvement District, the Myrtle Creek Improvement District, the Greenway Improvement District and the Poitras East Community Development District Regarding Maintenance of the Greenlink Improvements within the Local Alternative Mobility Network.

Mr. Newton presented the Revised Second Amended and Restated Engineer's Report for Capital Improvements for Infrastructure (Minutes Exhibit C). The exhibits at the end of the report are the only changes. There used to be three exhibits, but it has been narrowed to only two exhibits. One shows the improvements completed by the District to date and the second exhibit shows the planned improvements by the District. The most significant addition was showing the multimodal bridge crossing Lake Nona Boulevard. Also added to the exhibit is the potential 4-laning of Medical City Drive. Mr. Ventura asked questions regarding the funding. Mr. Byrnes stated most of the funding is coming from the Federal Grant and the Developer. The District financing for the Capital Improvement Plan is not proposed to increase so the estimated costs in Table 1 were not changed. Dr. Levey requested a motion to approve the Revised Second Amended and Restated Engineer's Report for Capital Improvements for Infrastructure.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District approved the Revised Second Amended and Restated Engineer's Report for Capital Improvements for Infrastructure.

SIXTH ORDER OF BUSINESS

**Consideration of FY 2020
Audit Engagement Letter -
Tabled**

Mrs. Walden requested this item be tabled.

SEVENTH ORDER OF BUSINESS

**Ratification of Requisition
Nos. 2018-170 – 2018-173 paid
in September 2020 in the
amount totaling \$7,356.74**

Board Members reviewed Requisition Nos. 2018-170 – 2018-173 paid in September 2020 in the amount totaling \$7,151.53

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified Requisition Nos. 2018-170 – 2018-173 paid in September 2020 in the amount totaling \$7,151.53

EIGHTH ORDER OF BUSINESS

**Ratification of Operation and
Maintenance Expenditures
paid in September 2020 in an
amount totaling \$130,374.34**

Board Members reviewed the Operation & Maintenance expenditures paid in September 2020 in an amount totaling \$130,374.34

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the Board of Supervisors for the Boggy Creek Improvement District ratified the Operation & Maintenance Expenditures paid in September 2020 in an amount totaling \$130,374.34.

NINTH ORDER OF BUSINESS

**Recommendation of Work
Authorizations/Proposed
Services**

Mr. Kaufmann stated that there were no Work Authorizations for this Board.

TENTH ORDER OF BUSINESS

Review of District's Financial Position and Budget to Actual YTD

Board Members reviewed the Statement of Financial Position and Budget to Actual YTD. Ms. Walden stated that the budget to actual and financials are through the end of September. The District has had \$745,500 in expenses vs. an overall budget of \$920,500. The District has up to 60 days past the end of the Fiscal Year to incur expenses so the District will have more updated numbers next month. The District will also need to adopt a revised budget for Fiscal Year 2020. There was no action required by the Board.

ELEVENTH ORDER OF BUSINESS

Staff Reports

District Counsel – No Report

District Manager – Ms. Walden noted the next meeting is scheduled for Tuesday, November 10, 2020, which is the 2nd Tuesday of the month and will be held in person at the Courtyard Orlando Lake Nona.

District Engineer – Mr. Newton provided the Construction Status Memo (Exhibit D) and stated there is no action required by the Board.

Construction Supervisor – No Report

District Landscape Supervisor – No Report

TWELFTH ORDER OF BUSINESS

Supervisor and Audience Comments & Adjournment

There were no Supervisor requests or audience comments. Dr. Levey requested a motion to adjourn.

On Motion by Mr. Ventura, second by Mr. Czapka, with all in favor, the October 20, 2020, meeting of the Board of Supervisors for the Boggy Creek Improvement District was adjourned.

Secretary/Assistant Secretary

Chair/Vice Chair

EXHIBIT A

LOCAL ALTERNATIVE MOBILITY NETWORK



Reimagining Mobility Project

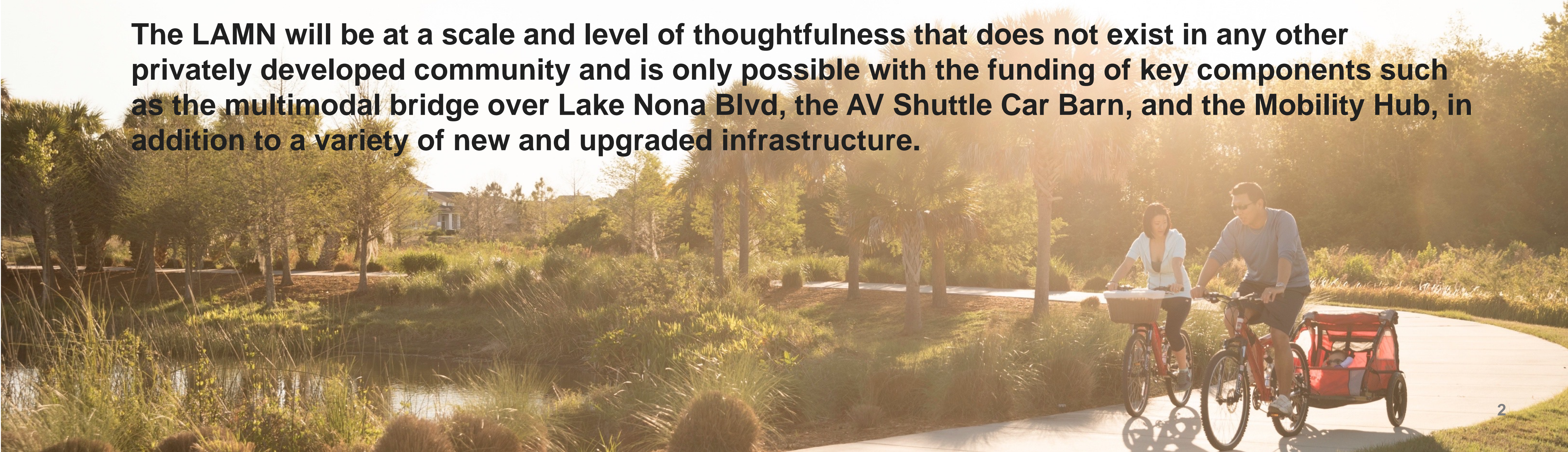
Local Alternative Mobility Network
Orange County, Florida



LAMN Overview

Lake Nona will be home to a first of its kind, robust Local Alternative Mobility Network (LAMN). The LAMN will tie into existing and future infrastructure and integrate multi-modal systems into a rapidly developing urban fabric. Accommodating pedestrians, cyclists (both casual and commuter), electric assist personal vehicles, and a fleet of autonomous vehicles (AV), the project will both modify existing and create new infrastructure consisting of multi-use corridors, dedicated commuter ways, mobility hubs, and AV support infrastructure. The LAMN will reduce automobile dependency and better connect residents, visitors, and students to employment, medical facilities, essential services, retail, education, and entertainment.

The LAMN will be at a scale and level of thoughtfulness that does not exist in any other privately developed community and is only possible with the funding of key components such as the multimodal bridge over Lake Nona Blvd, the AV Shuttle Car Barn, and the Mobility Hub, in addition to a variety of new and upgraded infrastructure.



PRIMARY COMPONENTS



MOBILITY
NETWORK



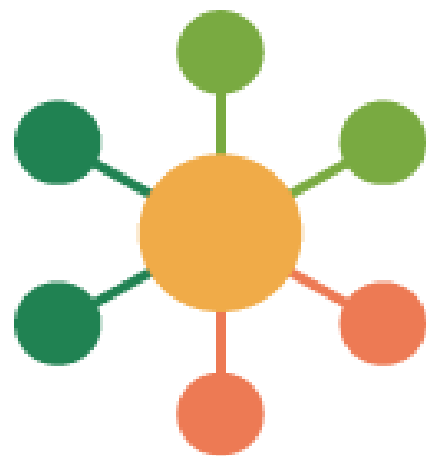
GREENLINK



GREENLINK
BRIDGE



CAR BARN



MOBILITY HUB

- Infrastructure and amenities required for AV fleet, bicycles and other micro-mobility personal vehicles, and pedestrians
- Currently in schematic design

- A linear mobility park that replaces a traditional vehicular roadway with a water conveyance system
- Connects the mixed-use district with Town Center and Village Center
- Currently in pre-construction

- Dedicated AV, bicycle, & pedestrian bridge crossing Lake Nona Blvd
- Connects Town Center with the Greenlink
- Currently in concept design

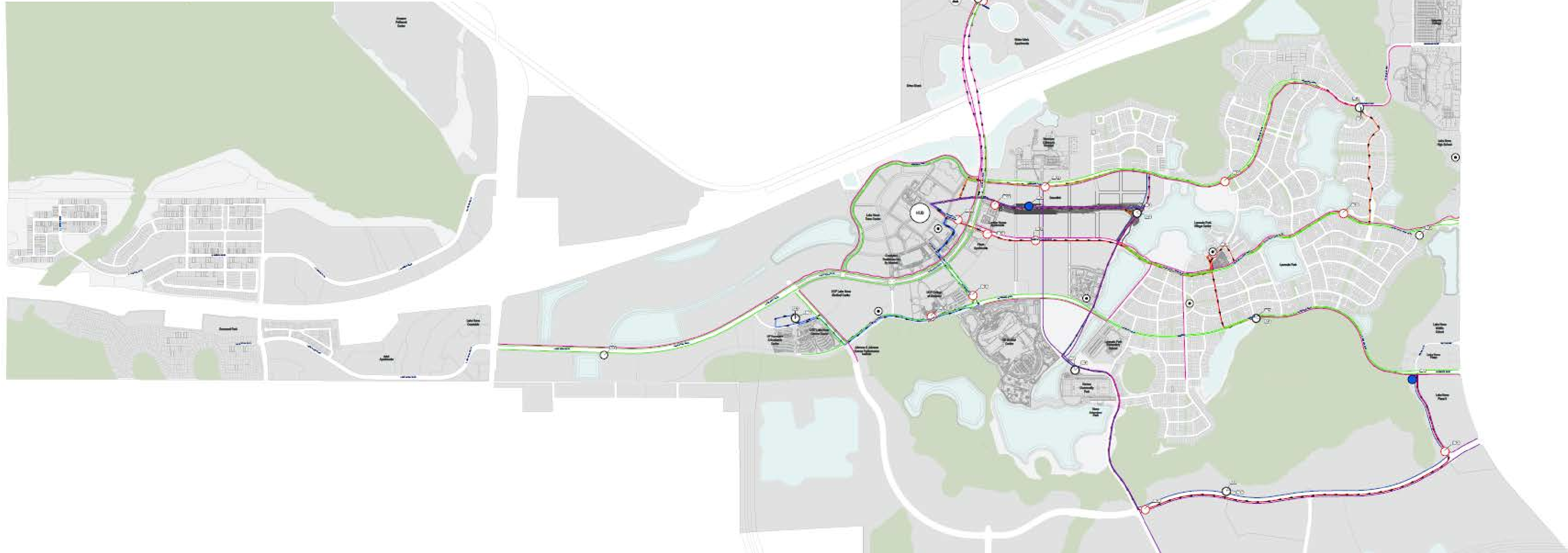
- Storage, training course, and maintenance for the AV fleet
- Schematic design complete

- Facility for recreational and commuters for all modes of personal micro-mobility transportation
- Located in Town Center
- Currently in concept design

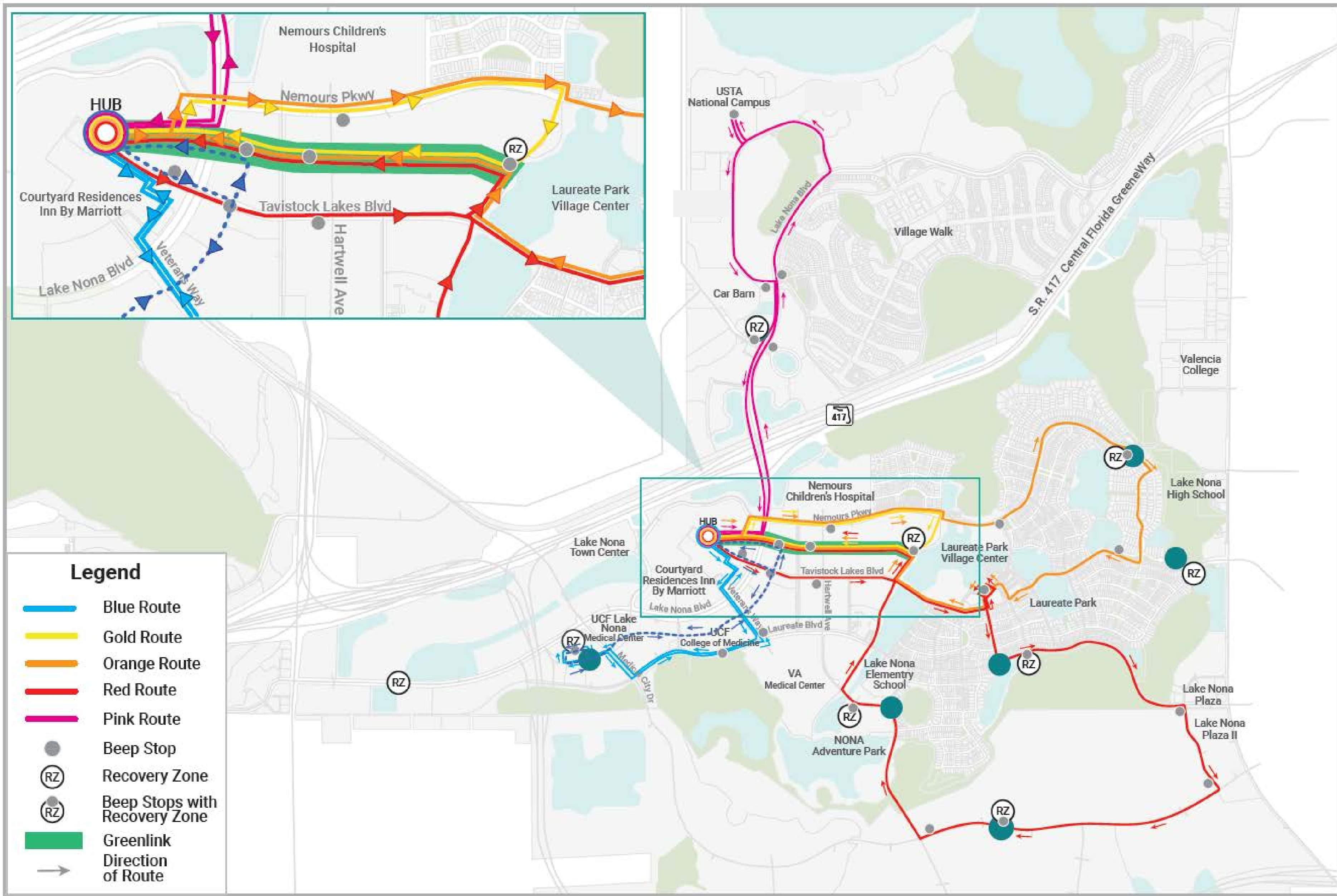
MICROMOBILITY NETWORK

MICROMOBILITY NETWORK

- Nearly 5 miles of dedicated micromobility commuter lanes
- Enhancement of 25 miles of on-street dedicated bicycle lanes
- 6 additional miles of multi-use trails



PROPOSED AV SHUTTLE NETWORK



AV NETWORK

- 15.5 miles of shared right-of-way routes
- Nearly 2 miles of dedicated AV shuttle lanes
- Flexibility for future route changes and expansion

AV & MICROMOBILITY NETWORK AMENITIES

AV SHUTTLE STOPS W/ SHELTER

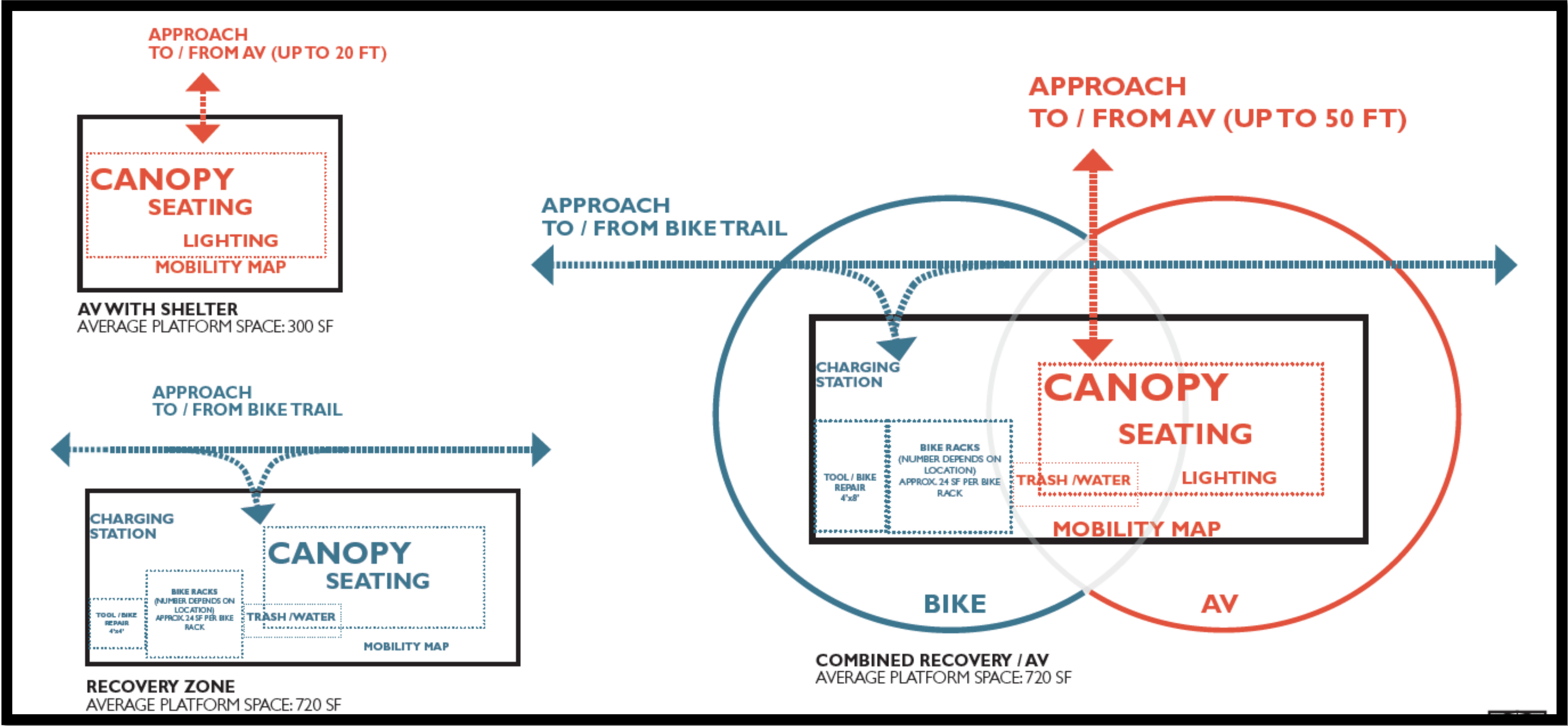
Of the 25 AV stops, 2 will be dedicated w/ shelter

RECOVERY ZONES

9 total planned Recovery Zones

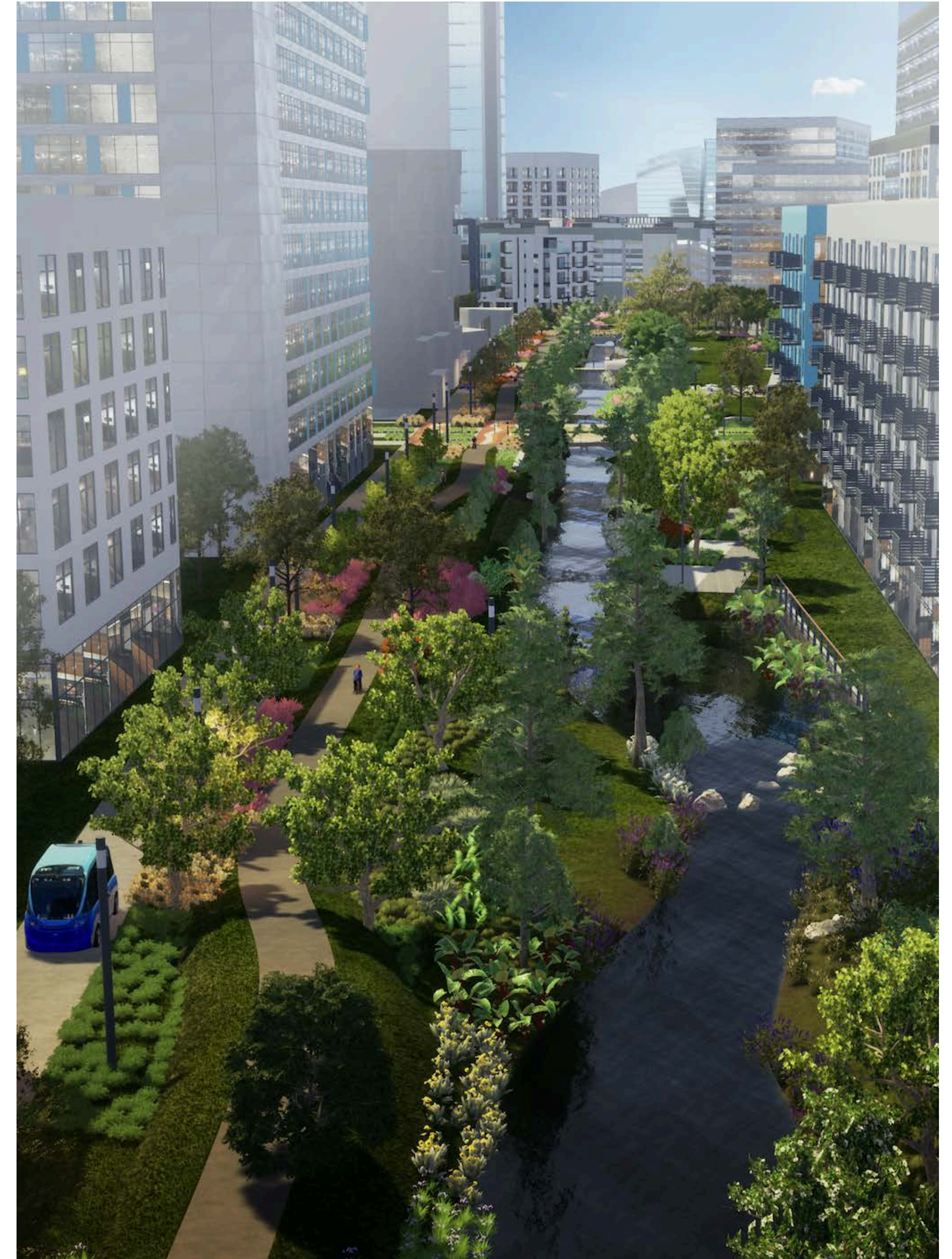
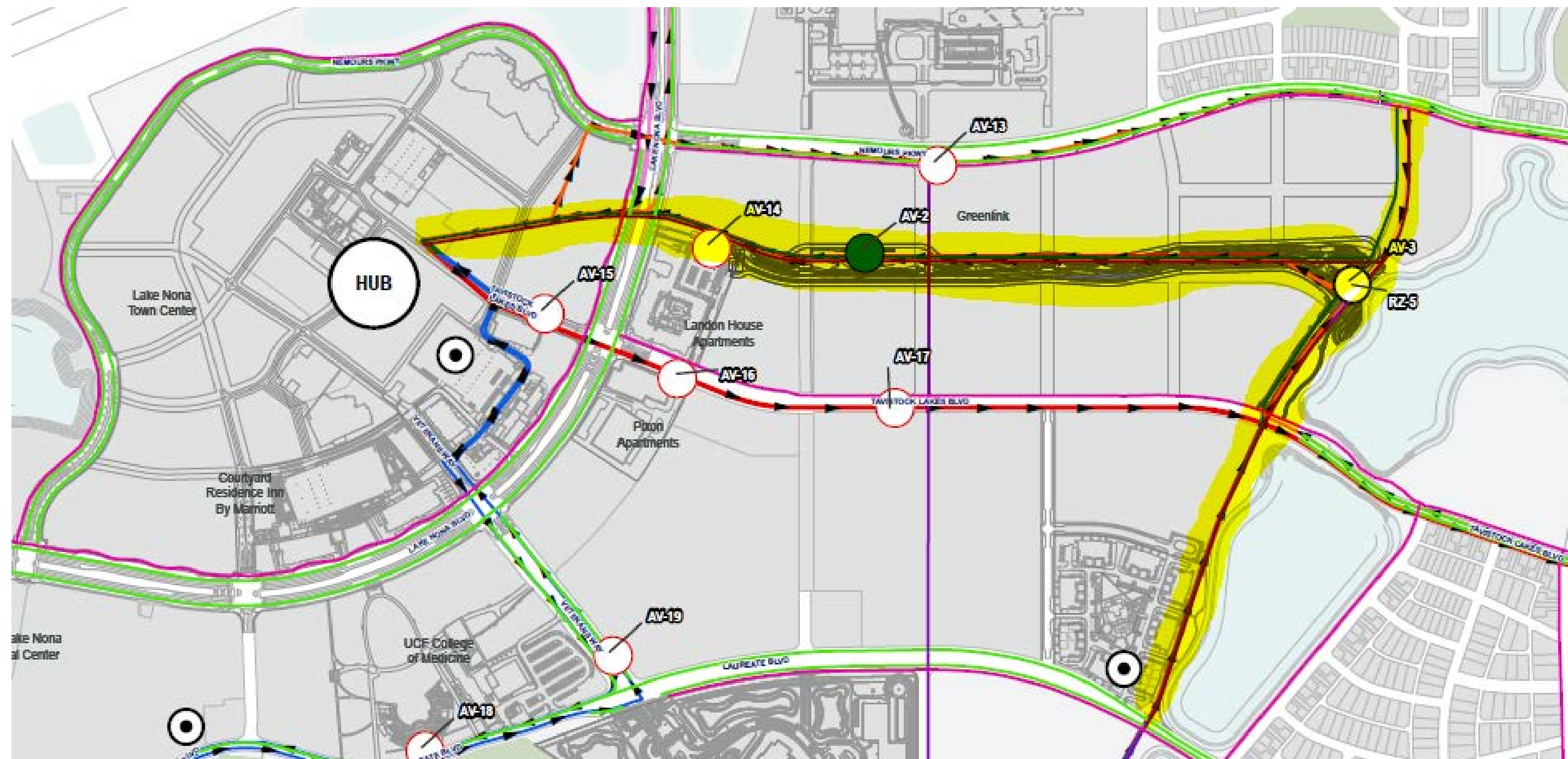
COMBINED RECOVERY ZONES W/ AV STOPS

Of the 9 Recovery Zones, 2 will be combined with AV stops



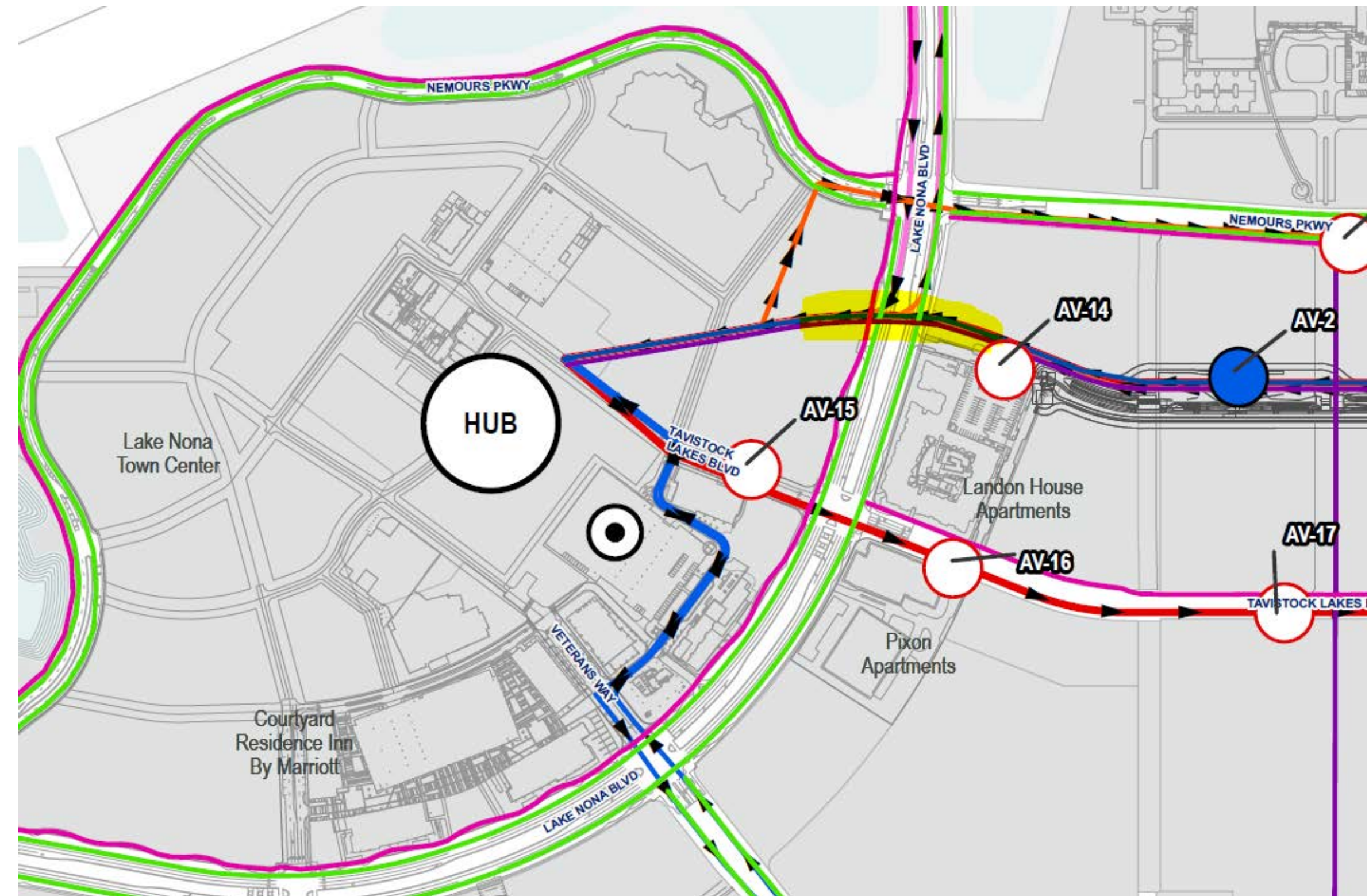
GREENLINK

- Over 9000 LF linear park and mobility network
- Includes dedicated micromobility commuter way and pedestrian paths
- Introduces 9,000 LF of dedicated AV lanes:
 - 4,500 LF E-W along the Greenlink to the Mobility Hub
 - 4,500 LF N-S Lakeside Extension



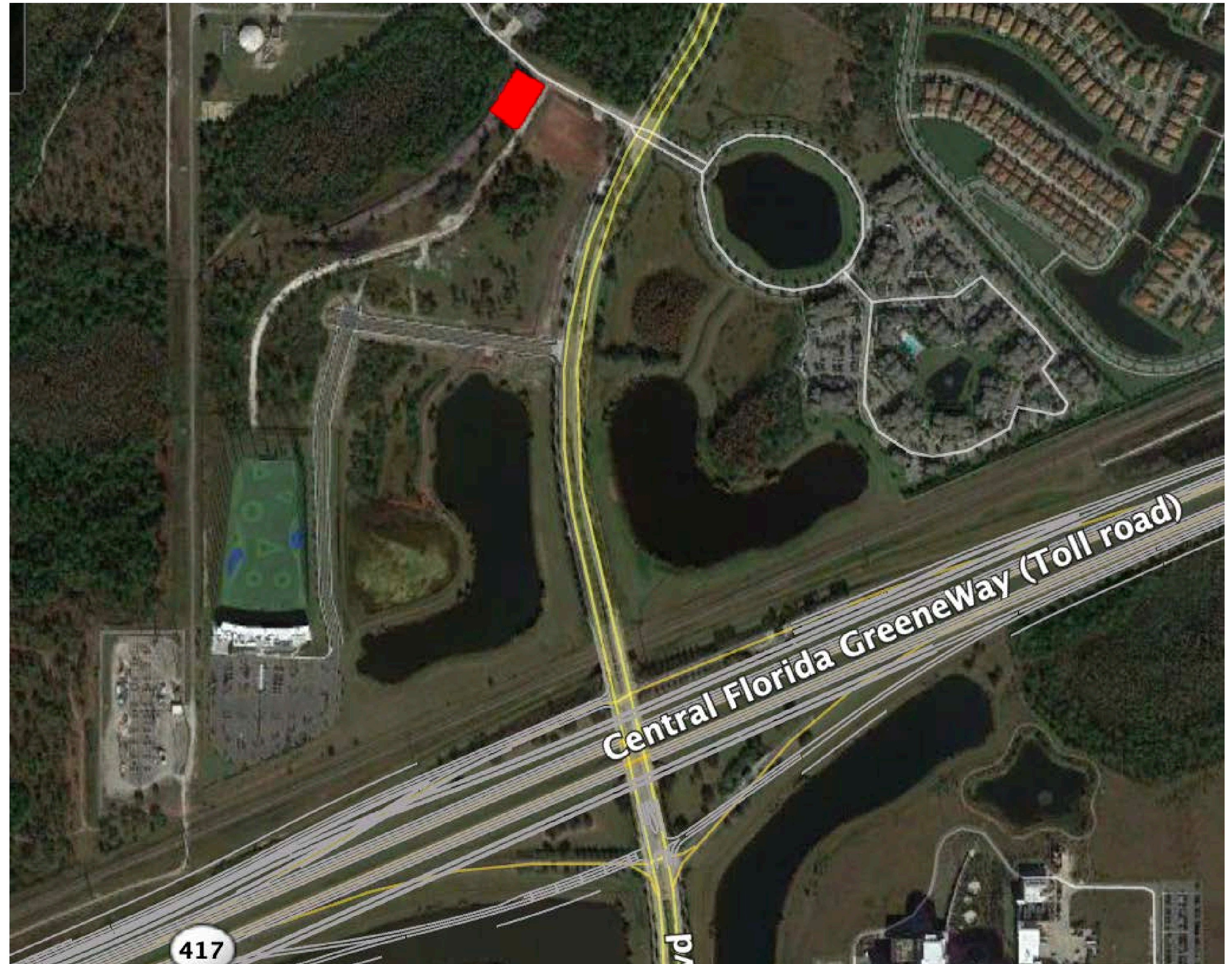
GREENLINK BRIDGE

- Extends Greenlink approximately 700 LF, including a 200-foot span over LN Blvd into the Town Center
- Provides a safe option for AV, pedestrian, and micro-mobility users to cross Lake Nona Blvd
- Improves AV Shuttle route times
- Substantially reduces at-grade conflicts on Lake Nona Boulevard



CAR BARN (non-CDD)

- 9,600 SF conditioned space
- 10 interior & 10 outdoor AV charging stations
- 4 interior maintenance bays
- Programming and calibration course



MOBILITY HUB (non-CDD)

- Approx. 4,000 SF micro-mobility user services center
- Connects different modes of transportation and serves as a town center AV stop
- Serves micro-mobility users such as office commuters as well as visitors to Lake Nona
- Includes limited access restrooms, showers, short and long term bicycle and micro-mobility storage, system wayfinding information, repair services, charging stations, and a small mobility retail opportunity

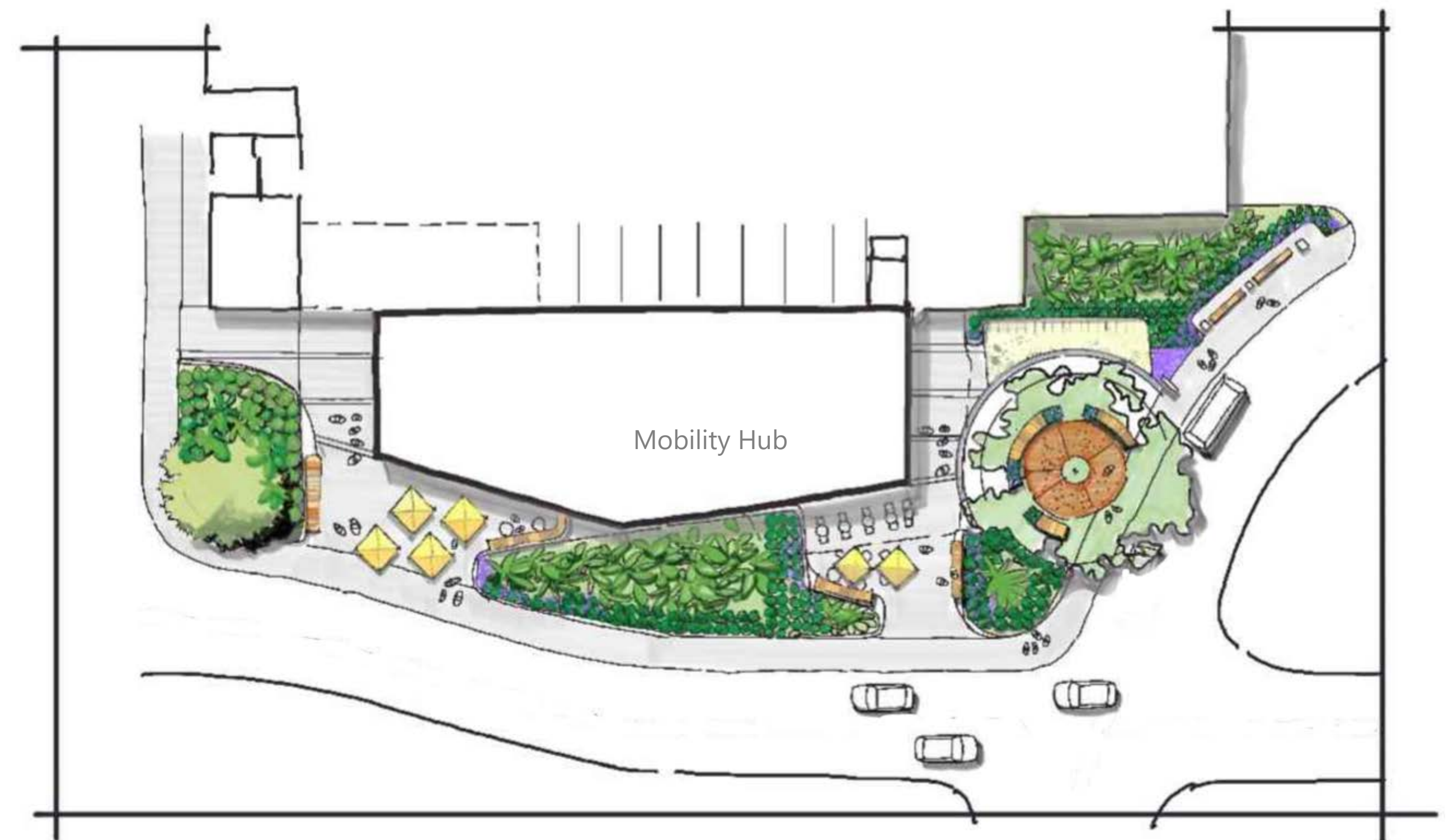


EXHIBIT B



**DONALD W. MCINTOSH
ASSOCIATES, INC.**

MEMORANDUM

DATE: October 20, 2020
TO: Boggy Creek Improvement District
Board of Supervisors
FROM: Donald W. McIntosh Associates, Inc.
District Engineer
RE: Construction Contract Status

Dear Board Members,

Please accept this correspondence as a current summary of our construction contract status. Listed below by project is a brief summary of recent contract activity. A copy of the latest Change Order log is attached.

CIVIL ENGINEERS

Nemours Parkway Phase 7 – Jr. Davis Construction Company, Inc.

LAND PLANNERS

Construction Status: Monuments have been completed and the contractor's final pay application is under review.

SURVEYORS

Change Order (C.O.) Status: None

Recommended Motion: None

Should there be any questions, please do not hesitate to call.

Thank you.

End of memorandum.

c: Larry Kaufmann
Matt McDermott
Chris Wilson
Dan Young
Tarek Fahmy

2200 Park Ave. North

Winter Park, FL

32789-2355

Fax 407-644-8318

407-644-4068

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<http://www.dwma.com>

**LAKE NONA SOUTH
Greenway Improvement District
Nemours Parkway Phase 7
Change Order Log
Jr. Davis**

C.O. #	Date	Description of Revision	Additional Days	Amount	Status	New Contract Amount Original Contract Date	To Board	Approval Date	Notes
						\$6,312,276.78			
1	2/8/2019	Contract adjustment for revision to include scope of work for addendums/plans issued after bid date.		\$ 161,445.97	Approved	\$ 6,473,722.75	2/19/2019	2/19/2019	
2	5/20/2019	Add sanitary and reclaim service laterals intended to serve the Nemours Children's Hospital.		\$ 12,879.00	Approved	\$ 6,486,601.75	5/21/2019	5/21/2019	
3	9/12/2019	Contract Calendar Extension - Add 60 Days	60	\$ -	Approved	\$ 6,486,601.75	9/17/2019	9/17/2019	
4	9/19/2019	Landscaping and Irrigation Revisions		\$ 49,204.52	Approved	\$ 6,535,806.27	10/15/2019	10/15/2019	
5	1/15/2020	Modify Ramps at Nemours Hospital		\$ 17,168.75	Approved	\$ 6,552,975.02	1/21/2020	1/21/2020	
6	4/21/2020	Direct Owner Purchase Reconciliation		\$ (1,262,145.00)	Approved	\$ 5,290,830.02	4/21/2020	4/21/2020	
7	6/19/2020	Barish Avenue Modifications, Added Signage per Plan Revision, Monument Signs Landscape & Irrigation Restoration		\$ 3,877.19	Approved	\$ 5,294,707.21	7/21/2020	7/21/2020	

BOGGY CREEK IMPROVEMENT DISTRICT

**Minutes of the November 3, 2020
Landowners' Election Meeting**

**BOGGY CREEK IMPROVEMENT DISTRICT
LANDOWNER'S MEETING MINUTES**

The Landowners Election of the Boggy Creek Improvement District was held on Tuesday, **November 3, 2020 at 11:00 a.m.** at Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd., Orlando, FL 32827.

Lynne Mullins
Deb Sier
Tucker Mackie

Proxy Holder
Hopping Green & Sams, P.A. (via phone)
Hopping Green & Sams, P.A. (via phone)

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The meeting was called to order at 11:04 a.m.

SECOND ORDER OF BUSINESS

**Appointment of Meeting
Chairman**

Ms. Mullins, an employee of the District Management's office, served as Chairman of the meeting.

THIRD ORDER OF BUSINESS

**Identification of
Landowners and/or
Landowner's Proxy
Holder(s)**

Ms. Mullins stated she is the proxy holder for Lake Nona Land Company Co., which owns 610.18 acres total which allows for 611 votes.

FOURTH ORDER OF BUSINESS

**Call for Nominations,
Election of Supervisors**

Ms. Mullins cast her votes as per the Official Ballot:

- Seat 1 – Jamie Bennett– 610 votes
- Seat 2 – Dr. Richard Levey – 611 votes
- Seat 5 – Thad Czapka – 609 votes

Ms. Mullins stated Ms. Bennett and Dr. Levey, will each serve a four-year term and Mr. Czapka, will serve a two-year term.

FIFTH ORDER OF BUSINESS

Adjournment

The Landowner's Election was adjourned.

Secretary/Assistant Secretary

Chair/Vice Chair

BOGGY CREEK IMPROVEMENT DISTRICT

**Resolution 2021-01,
Canvassing and Certifying the Results
Of the Landowners' Election**

RESOLUTION 2021-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BOGGY CREEK IMPROVEMENT 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 Boggy Creek Improvement 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 the City of Orlando, Orange County, Florida; and

WHEREAS, pursuant to Section 190.006(2), *Florida Statutes*, a landowners meeting is required to be held within ninety (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 on November 3, 2020, the Minutes of which are attached hereto as **Exhibit A**, and at which the below recited persons were duly elected by virtue of the votes cast in his/her favor; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BOGGY CREEK IMPROVEMENT DISTRICT:

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

Jamie Bennett	Seat 1	Votes 610
Dr. Richard Levey	Seat 2	Votes 611
Thad Czapka	Seat 5	Votes 609

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

Jamie Bennett	(4) Year Term
Dr. Richard Levey	(4) Year Term
Thad Czapka	(2) Year Term

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

PASSED AND ADOPTED THIS 10th DAY OF NOVEMBER 2020.

**BOGGY CREEK IMPROVEMENT
DISTRICT**

Attest:

Secretary/Assistant Secretary

Chairman/Vice Chairman

EXHIBIT A

**BOGGY CREEK IMPROVEMENT DISTRICT
LANDOWNER'S MEETING MINUTES**

The Landowners Election of the Boggy Creek Improvement District was held on Tuesday, **November 3, 2020 at 11:00 a.m.** at Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd., Orlando, FL 32827.

Lynne Mullins
Deb Sier
Tucker Mackie

Proxy Holder
Hopping Green & Sams, P.A. (via phone)
Hopping Green & Sams, P.A. (via phone)

FIRST ORDER OF BUSINESS

Call to Order and Roll Call

The meeting was called to order at 11:04 a.m.

SECOND ORDER OF BUSINESS

**Appointment of Meeting
Chairman**

Ms. Mullins, an employee of the District Management's office, served as Chairman of the meeting.

THIRD ORDER OF BUSINESS

**Identification of
Landowners and/or
Landowner's Proxy
Holder(s)**

Ms. Mullins stated she is the proxy holder for Lake Nona Land Company Co., which owns 610.18 acres total which allows for 611 votes.

FOURTH ORDER OF BUSINESS

**Call for Nominations,
Election of Supervisors**

Ms. Mullins cast her votes as per the Official Ballot:

- Seat 1 – Jamie Bennett– 610 votes
- Seat 2 – Dr. Richard Levey – 611 votes
- Seat 5 – Thad Czapka – 609 votes

Ms. Mullins stated Ms. Bennett and Dr. Levey, will each serve a four-year term and Mr. Czapka, will serve a two-year term.

FIFTH ORDER OF BUSINESS

Adjournment

The Landowner's Election was adjourned.

Secretary/Assistant Secretary

Chair/Vice Chair

BOGGY CREEK IMPROVEMENT DISTRICT

**Resolution 2021-02,
Election of Officers**

RESOLUTION 2021-02

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
BOGGY CREEK IMPROVEMENT DISTRICT ELECTING THE
OFFICERS OF THE DISTRICT AND PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the **BOGGY CREEK IMPROVEMENT DISTRICT** (hereinafter the "District") is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
SUPERVISORS OF THE BOGGY CREEK IMPROVEMENT DISTRICT:**

Section 1. _____ is elected Chair.

Section 2. _____ is elected Vice Chair.

Section 3. _____ is elected Secretary.

_____ is elected Assistant Secretary.

_____ is elected Assistant Secretary.

_____ is elected Assistant Secretary.

_____ is elected Assistant Secretary.

Section 4. _____ is elected Treasurer.

Section 5. _____ is elected Assistant Treasurer.

Section 6. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 10th DAY of November, 2020.

ATTEST:

**BOGGY CREEK
IMPROVEMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice-Chair

BOGGY CREEK IMPROVEMENT DISTRICT

**Resolution 2021-03,
Adopting an Amended Budget for FY 2020
*(exhibit a provided under separate cover)***

RESOLUTION 2021-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BOGGY CREEK IMPROVEMENT DISTRICT ADOPTING AN AMENDED GENERAL FUND BUDGET FOR FISCAL YEAR 2019/2020, PROVIDING FOR APPROPRIATIONS; ADDRESSING CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 20, 2019, the Board of Supervisors of the Boggy Creek Improvement District ("**Board**"), adopted Resolution 2019-07 providing for the adoption of the District's Fiscal Year 2019/2020 annual budget ("**Budget**"); and

WHEREAS, the District Manager, at the direction of the Board, has prepared an amended Budget, to reflect changes in the actual appropriations of the Budget; and

WHEREAS, Chapters 189 and 190, *Florida Statutes*, and Section 3 of Resolution 2019-07 authorize the Board to amend the Budget within sixty (60) days following the end of the Fiscal Year 2019/2020; and

WHEREAS, the Board finds that it is in the best interest of the District and its landowners to amend the Budget to reflect the actual appropriations; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BOGGY CREEK IMPROVEMENT DISTRICT:

1. BUDGET AMENDMENT.

a. The Board has reviewed the District Manager's proposed amended Budget, copies of which are on file with the office of the District Manager and at the District's Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

b. The amended Budget attached hereto as **Exhibit A** and incorporated herein by reference as further amended by the Board is hereby adopted in accordance with the provisions of sections 190.008(2)(a) and 189.016(6), *Florida Statutes*; provided, however, that the comparative figures contained in the amended Budget as adopted by the Board (together, "**Adopted Annual Budget**") may be further revised as deemed necessary by the District Manager to further reflect actual revenues and expenditures for Fiscal Year 2019/2020.

- c. The Adopted Annual Budget shall be maintained in the office of the District Manager and the District Records Office and identified as "The Adopted Budget for the Boggy Creek Improvement District for the fiscal year ending September 30, 2020, as amended and adopted by the Board of Supervisors effective November 10, 2020."

2. APPROPRIATIONS. There is hereby appropriated out of the revenues of the Boggy Creek Improvement District, the fiscal year beginning October 1, 2019, and ending September 30, 2020, the sums set forth below, to be raised by special assessments, which sums are deemed by the Board of Supervisors to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	\$920,455.44
DEBT SERVICE FUND	\$5,220,846.89
TOTAL ALL FUNDS	\$6,141,302.33

3. CONFLICTS. This Resolution is intended to amend, in part, Resolution 2019-07, which remains in full force and effect except as otherwise provided herein. All terms of Resolution 2019-07 that are not amended by this Resolution apply to the Adopted Annual Budget as if those terms were fully set forth herein. All District resolutions or parts thereof in actual conflict with this Resolution are, to the extent of such conflict, superseded and repealed.

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

5. EFFECTIVE DATE. This Resolution shall take effect as of November 10, 2020.

Introduced, considered favorably, and adopted this 10th day of November, 2020.

ATTEST:

**BOGGY CREEK IMPROVEMENT
DISTRICT**

Secretary/Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A
Amended Fiscal Year 2019/2020 Budget

BOGGY CREEK IMPROVEMENT DISTRICT

FY 2020 Audit Engagement Letter



Berger, Toombs, Elam, Gaines & Frank

Certified Public Accountants PL

600 Citrus Avenue
Suite 200
Fort Pierce, Florida 34950

772/461-6120 // 461-1155
FAX: 772/468-9278

July 16, 2020

Boggy Creek Improvement District
PFM Group Consulting, LLC
12051 Corporate Boulevard
Orlando, FL 32817

The Objective and Scope of the Audit of the Financial Statements

You have requested that we audit the financial statements of Boggy Creek Improvement District, which comprise governmental activities and each major fund for the General Fund as of and for the years ended September 30, 2020, 2021, 2022, 2023, and 2024 which collectively comprise the basic financial statements. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter for the years ending September 30, 2020, 2021, 2022, 2023, and 2024.

Our audit will be conducted with the objective of our expressing an opinion on the financial statements.

The Responsibilities of the Auditor

We will conduct the audit in accordance with auditing standards generally accepted in the United States of America and "Government Auditing Standards" issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements may not be detected exists, even though the audit is properly planned and performed in accordance with generally accepted auditing standards. Also, an audit is not designed to detect errors or fraud that are immaterial to the financial statements.

Fort Pierce / Stuart

Member AICPA

Member AICPA Division for CPA Firms
Private Companies practice Section

Member FICPA



Boggy Creek Improvement District
July 16, 2020
Page 2

In making our risk assessments, we consider internal control relevant to Boggy Creek Improvement District's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit.

We will also communicate to the Board any fraud involving senior management and fraud that causes a material misstatement of the financial statements that becomes known to us during the audit, and any instances of noncompliance with laws and regulations that we become aware of during the audit.

The funds that you have told us are maintained by Boggy Creek Improvement District and that are to be included as part of our audit are listed below:

1. General Fund
2. Debt Service Fund



Boggy Creek Improvement District
July 16, 2020
Page 3

The Responsibilities of Management and Identification of the Applicable Financial Reporting Framework

Our audit will be conducted on the basis that management acknowledges and understands that it has responsibility:

1. For the preparation and fair presentations of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. To evaluate subsequent events through the date the financial statements are issued or available to be issued, and to disclose the date through which subsequent events were evaluated in the financial statements. Management also agrees that it will not evaluate subsequent events earlier than the date of the management representation letter referred to below;
3. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error; and
4. To provide us with:
 - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements such as records, documentation and other matters;
 - b. Additional information that we may request from management for the purpose of the audit; and
 - c. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.

As part of our audit process, we will request from management written confirmation concerning representations made to us in connection with the audit, including among other items:

1. That management has fulfilled its responsibilities as set out in the terms of this letter; and
2. That it believes the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.



Boggy Creek Improvement District
July 16, 2020
Page 4

Management is responsible for identifying and ensuring that Boggy Creek Improvement District complies with the laws and regulations applicable to its activities, and for informing us about all known material violations of such laws or regulations. In addition, management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the entity involving management, employees who have significant roles in internal control, and others where the fraud could have a material effect on the financial statements. Management is also responsible for informing us of its knowledge of any allegations of fraud or suspected fraud affecting the entity received in communications from employees, former employees, analysts, regulators, or others. Management is also responsible for providing planned corrective actions on auditors' recommendations included in the audit report, if any.

The Board is responsible for informing us of its views about the risks of fraud within the entity, and its knowledge of any fraud or suspected fraud affecting the entity.

Records and Assistance

If circumstances arise relating to the condition of the Boggy Creek Improvement District's records, the availability of appropriate audit evidence, or indications of a significant risk of material misstatement of the financial statements because of error, fraudulent financial reporting, or misappropriation of assets, which in our professional judgment, prevent us from completing the audit or forming an opinion, we retain the unilateral right to take any course of action permitted by professional standards, including declining to express an opinion, issuing a report, or withdrawing from the engagement.

During the course of our engagement, we may accumulate records containing data that should be reflected in the Boggy Creek Improvement District books and records. The District will determine that all such data, if necessary, will be so reflected. Accordingly, the District will not expect us to maintain copies of such records in our possession.

The assistance to be supplied, including the preparation of schedules and analyses of accounts, has been discussed and coordinated with Amanda Lane. The timely and accurate completion of this work is an essential condition to our completion of the audit and issuance of our audit report. The audit should be completed and filed with the Auditor General within nine (9) months after the end of the fiscal year. If the information is timely provided, the District shall receive a draft by May 15, 2021, and if the draft is timely reviewed by management, the District shall receive the final audit by June 15, 2021.

Other Relevant Information

In accordance with Government Auditing Standards, a copy of our most recent peer review report has been provided to you, for your information.



Boggy Creek Improvement District
July 16, 2020
Page 5

Either party may unilaterally terminate this agreement, with or without cause, upon thirty (30) days written notice subject to the condition that the District will pay all invoices for services rendered prior to the date of termination.

Fees, Costs and Access to Workpapers

Our fees for the audit and accounting services described above are based upon the value of the services performed and the time required by the individuals assigned to the engagement, plus direct expenses. Invoices for fees will be submitted in sufficient detail to demonstrate compliance with the terms of this engagement. Billings are due upon submission. Our fee for the services described in this letter for the years ending September 30, 2020, 2021, and 2022, will not exceed \$3,775, and the fee for the years ending September 30, 2023 and 2024 will not exceed \$4,000, unless the scope of the engagement is changed, the assistance which Boggy Creek Improvement District has agreed to furnish is not provided, or unexpected conditions are encountered, in which case we will discuss the situation with you before proceeding. All other provisions of this letter will survive any fee adjustment.

In the event we are requested or authorized by Boggy Creek Improvement District or are required by government regulation, subpoena, or other legal process to produce our documents or our personnel as witnesses with respect to our engagement for Boggy Creek Improvement District, Boggy Creek Improvement District will, so long as we are not a party to the proceeding in which the information is sought, reimburse us for our professional time and expenses, as well as the fees and expenses of our counsel, incurred in responding to such requests.

The audit documentation for this engagement is the property of Berger, Toombs, Elam, Gaines, & Frank and constitutes confidential information, except as provided in the public records addendum attached hereto. However, you acknowledge and grant your assent that representatives of the cognizant or oversight agency or their designee, other government audit staffs, and the U.S. Government Accountability Office shall have access to the audit documentation upon their request and that we shall maintain the audit documentation for a period of at least three years after the date of the report, or for a longer period if we are requested to do so by the cognizant or oversight agency. Additionally, see attached addendum regarding public records.

Access to requested documentation will be provided under the supervision of Berger, Toombs, Elam, Gaines, & Frank audit personnel and at a location designated by our Firm.



Boggy Creek Improvement District
July 16, 2020
Page 6

Information Security – Miscellaneous Terms

Berger, Toombs, Elam, Gaines & Frank is committed to the safe and confidential treatment of Boggy Creek Improvement District's proprietary information. Berger, Toombs, Elam, Gaines & Frank is required to maintain the confidential treatment of client information in accordance with relevant industry professional standards which govern the provision of services described herein. Boggy Creek Improvement District agrees that it will not provide Berger, Toombs, Elam, Gaines & Frank with any unencrypted electronic confidential or proprietary information, and the parties agree to utilize commercially reasonable measures to maintain the confidentiality of Boggy Creek Improvement District's information, including the use of collaborate sites to ensure the safe transfer of data between the parties.

If any term or provision of this arrangement letter is determined to be invalid or unenforceable, such term or provision will be deemed stricken and all other terms and provisions will remain in full force and effect.

Reporting

We will issue a written report upon completion of our audit of Boggy Creek Improvement District's financial statements. Our report will be addressed to the Board of Boggy Creek Improvement District. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In addition to our report on Boggy Creek Improvement District's financial statements, we will also issue the following types of reports:

- Reports on internal control and compliance with laws, regulations, and the provisions of contracts or grant agreements. We will report on any internal control findings and/or noncompliance which could have a material effect on the financial statements;
- Management letter required by the Auditor General, State of Florida; and
- Attestation reports required by the Auditor General, State of Florida.

This letter and any addendums hereto constitutes the complete and exclusive statement of agreement between Berger, Toombs, Elam, Gaines, & Frank and Boggy Creek Improvement District, superseding all proposals, oral or written, and all other communications, with respect to the terms of the engagement between the parties.



Berger, Toombs, Elam,
Gaines & Frank
Certified Public Accountants PL

Boggy Creek Improvement District
July 16, 2020
Page 7

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the financial statements including our respective responsibilities.

Sincerely,

*Berger Toombs Elam
Gaines & Frank*

BERGER, TOOMBS, ELAM, GAINES & FRANK
J. W. Gaines, CPA

Confirmed on behalf of the addressee:



Judson B. Baggett
MBA, CPA, CVA, Partner
Marci Reutimann
CPA, Partner

6815 Dairy Road
Zephyrhills, FL 33542
(813) 788-2155
(813) 782-8606

Report on the Firm's System of Quality Control

To the Partners

October 30, 2019

Berger, Toombs, Elam, Gaines & Frank, CPAs, PL
and the Peer Review Committee of the Florida Institute of Certified Public Accountants

We have reviewed the system of quality control for the accounting and auditing practice of Berger, Toombs, Elam, Gaines & Frank, CPAs, PL, (the firm), in effect for the year ended May 31, 2019. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control, and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Berger, Toombs, Elam, Gaines & Frank, CPAs, PL, in effect for the year ended May 31, 2019, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Berger, Toombs, Elam, Gaines & Frank, CPAs, PL has received a peer review rating of *pass*.

Baggett, Reutimann & Associates, CPAs, PA
BAGGETT, REUTIMANN & ASSOCIATES, CPAs, PA
Signed Electronically by Baggett, Reutimann & Associates, CPAs, PA. E-mail: jbaggett@brap.com

**ADDENDUM TO ENGAGEMENT LETTER
BOGGY CREEK IMPROVEMENT DISTRICT
DATED JULY 16, 2020**

Public Records. Auditor shall, pursuant to and in accordance with Section 119.0701, Florida Statutes, comply with the public records laws of the State of Florida, and specifically shall:

- a. Keep and maintain public records required by the District to perform the services or work set forth in this Agreement; and
- b. Upon the request of the District's custodian of public records, provide the District with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, Florida Statutes, or as otherwise provided by law; and
- c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the Agreement if the Auditor does not transfer the records to the District; and
- d. Upon completion of the Agreement, transfer, at no cost to the District, all public records in possession of the Auditor or keep and maintain public records required by the District to perform the service or work provided for in this Agreement. If the Auditor transfers all public records to the District upon completion of the Agreement, the Auditor shall destroy any duplicate public records that are exempt or confidential and exempt from public disclosure requirements. If the Auditor keeps and maintains public records upon completion of the Agreement, the Auditor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the District, upon request from the District's custodian of public records, in a format that is compatible with the information technology systems of the District.

Auditor acknowledges that any requests to inspect or copy public records relating to this Agreement must be made directly to the District pursuant to Section 119.0701(3), Florida Statutes. If notified by the District of a public records request for records not in the possession of the District but in possession of the Auditor, the Auditor shall provide such records to the District or allow the records to be inspected or copied within a reasonable time. Auditor acknowledges that should Auditor fail to provide the public records to the District within a reasonable time, Auditor may be subject to penalties pursuant to Section 119.10, Florida Statutes.

IF THE AUDITOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE AUDITOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT/CONTRACT, THE AUDITOR MAY CONTACT THE CUSTODIAN OF PUBLIC RECORDS FOR THE DISTRICT AT:

**PFM GROUP CONSULTING, LLC
12051 CORPORATE BLVD
ORLANDO, FL 32817
TELEPHONE: 407-723-5900
EMAIL: _____**

Auditor: _  **_**

**District: Boggy Creek
Improvement District**

Title: Director

Title: _____

Date: July 16, 2020

Date: _____

BOGGY CREEK IMPROVEMENT DISTRICT

**Requisition Nos. 2018-174 & 2018-175 in
October 2020 in an amount totaling \$843.01
*(provided under separate cover)***

BOGGY CREEK IMPROVEMENT DISTRICT

**Operation and Maintenance Expenditures Paid in
October 2020 in an amount totaling \$65,137.62
*(provided under separate cover)***

BOGGY CREEK IMPROVEMENT DISTRICT

Work Authorizations/Proposed Services
(if applicable)

BOGGY CREEK IMPROVEMENT DISTRICT

**District's Financial Position and
Budget to Actual YTD**
(provided under separate cover)