

Donaldson Knoll Community Development District

12051 Corporate Boulevard Orlando, FL 32817

Phone 407-723-5900; Fax 407-723-5901

<http://donaldsonknollcdd.net/>

The following is the proposed agenda for The Board of Supervisors meeting of the Donaldson Knoll Community Development District ("District") scheduled to be held at **755 Prairie Industrial Parkway, Mulberry, FL 33860, on Tuesday, August 4, 2020 at 1:00 p.m.** A quorum will be confirmed prior to the start of the meeting.

For those unable to attend in person, you may participate by telephone:

Phone: 1-844-621-3956

Participant Code: 796 580 192#

Organizational Matters

- Call to Order
 - Roll Call to Confirm a Quorum
 - Public Comment Period
1. **Consideration of the Minutes of the May 5, 2020 Board of Supervisors' Meeting**
 2. **Consideration of Resolution 2020-04, Adopting an Annual Meeting Schedule for Fiscal Year 2020-2021**

Business Matters

3. **Public Hearing on the Adoption of the District's Annual Budget**
 - a. **Public Comments and Testimony**
 - b. **Board Comments**
 - c. **Consideration of Resolution 2020-05, Adopting the Fiscal Year 2021 Budget and Appropriating Funds**
4. **Consideration of Funding Agreement for Fiscal Year 2021**
5. **Review of Legislative Memo from District Counsel**
6. **Consideration of Funding Request Nos. 84 – 86**
7. **Review of District's Financial Position and Budget to Actual Year to Date**

Other Business

- A. **Staff Reports**
 1. **District Counsel**
 2. **District Manager**
 3. **District Engineer**
- B. **Audience Comments**
- C. **Supervisors Requests**

Adjournment



**DONALDSON KNOLL
COMMUNITY DEVELOPMENT DISTRICT**

**Minutes of the May 5, 2020
Board of Supervisors' Meeting**

**DONALDSON KNOLL COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS' MEETING MINUTES**

FIRST ORDER OF BUSINESS

Call to Order

The Board of Supervisors' Meeting for the Donaldson Knoll Community Development District was called to order on Tuesday, May 5, 2020 at 1:00 p.m. via telephonic conferencing due to the COVID-19 Executive Orders 20-52 & 20-69. Board Members listed below constituted a quorum:

Glenn Clover	Chair	(via phone)
Annadele d'Ecclesiis	Vice-Chair	(via phone)
Beth Clark	Assistant Secretary	(via phone)
Alan Rayl	Assistant Secretary	(via phone)
Danny Lopez	Assistant Secretary	(via phone)

Also present were:

Jennifer Walden	PFM	(via phone)
Lynne Mullins	PFM	(via phone)
Michael Pawelczyk	District Counsel	(via phone)

SECOND ORDER OF BUSINESS

Public Comment Period

No members of the public were present.

THIRD ORDER OF BUSINESS

**Discussion Regarding Executive
Orders 20-52 & 20-69**

Ms. Walden stated the Executive Orders are included in the packet which state that the District is able to hold their meetings via telephonic conferencing due to the COVID-19 situation. Those orders were extended so the District is covered until the Governor decides to issue a new executive order ending the extension. Also included was an ad that placed for today's meeting which notes those Executive Orders as well as the telephonic conferencing information so the public can safely join the meeting.

FOURTH ORDER OF BUSINESS

Oath of Office

Ms. Walden noted that included in the agenda packet are the oaths of office from Mr. Clover, Mr. Rayl, and Ms. d'Ecclesiis which were executed prior to today's meeting to have a quorum. No action is required by the Board.

FIFTH ORDER OF BUSINESS

**Consideration of Minutes of the
August 6, 2019 Board of Supervisors'
Meeting**

The Board reviewed the minutes from the August 6, 2019 Board of Supervisors' Meeting.

ON MOTION by Mr. Lopez, second by Mr. Clover, with all in favor, the Board of Supervisors for the Donaldson Knoll Community Development District approved the Minutes of the August 6, 2019 Board of Supervisors' Meeting.

SIXTH ORDER OF BUSINESS

Consideration of Minutes of the November 5, 2019 Landowners' Election

The Board reviewed the minutes from the November 5, 2019 Landowners' Election.

ON MOTION by Ms. d'Ecclesiis, second by Mr. Clover, with all in favor, the Board of Supervisors for the Donaldson Knoll Community Development District approved the Minutes of the November 5, 2019 Landowners' Election.

SEVENTH ORDER OF BUSINESS

Letter from Supervisor of Elections – Polk County

Ms. Walden noted the District is required to state on the record the number of registered voters in the District and as of April 15, 2020 there were no registered voters living in the District. No action is required by the Board.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2020-01, Canvassing and Certifying the Results of the Landowners' Election

Ms. Walden noted this resolution states that Mr. Rayl and Mr. Clover were elected by 72 votes and Ms. d'Ecclesiis was elected by 70 votes. So, Mr. Rayl and Mr. Clover will each serve a four-year term and Ms. d'Ecclesiis will serve a two-year term.

ON MOTION by Mr. Clover, second by Mr. Rayl, with all in favor, the Board of Supervisors for the Donaldson Knoll Community Development District approved Resolution 2020-01, Canvassing and Certifying the Results of the Landowners' Election.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2020-02, Election of Officers

Ms. Walden explained the current slate of officers as Mr. Glenn Clover as Chair, Ms. Annadele d'Ecclesiis as Vice-Chair, Ms. Jennifer Walden as Secretary, Ms. Lynne Mullins, Ms. Beth Clark, Mr. Danny Lopez, and Mr. Alan Rayl as Assistant Secretaries, Ms. Jennifer Glasgow as Treasurer, and Ms. Amanda Lane as Assistant Treasurer.

ON MOTION by Ms. Clark, second by Mr. Clover, with all in favor, the Board of Supervisors for the Donaldson Knoll Community Development District approved Resolution 2020-02, Election of Officers, as presented.

TENTH ORDER OF BUSINESS

Consideration of First Amendment to Agreement for District Management Services

Ms. Walden explained pursuant to section 218.33, Florida Statutes, it was recently amended to include additional accounting internal controls for local governments including CDDs and as part of the services provided by the District Manager this agreement addresses the practices, procedures and internal controls. She noted District Counsel was involved in drafting this amendment. There are no changes in pricing to the District Management fee but District staff needed to get it executed and brought before the Board today.

ON MOTION by Mr. Clover, second by Mr. Rayl, with all in favor, the Board of Supervisors for the Donaldson Knoll Community Development District approved the First Amendment to Agreement for District Management Services.

ELEVENTH ORDER OF BUSINESS

Consideration of First Amendment to Agreement for Website Auditing, Remediation, and Maintenance Services

Ms. Walden stated the District has its Website Agreement with the District Manager and PFM uses a third-party vendor to maintain the website. This is the same vendor that is doing the quarterly ADA Auditing for the District and the District has an agreement with them for that service. PFM asked the vendor for a proposal which is attached to the agreement. They agreed to keep the pricing the same and PFM will still work with this vendor to make sure everything gets updated on the website accordingly. The only difference is to switch over the billing from PFM to VGlocalTech.

ON MOTION by Mr. Clover, second by Mr. Lopez, with all in favor, the Board of Supervisors for the Donaldson Knoll Community Development District approved the First Amendment to Agreement for Website Auditing, Remediation, and Maintenance Services.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2020-03, Approving a Preliminary Budget for Fiscal Year 2021 and Setting a Public Hearing Date

Ms. Walden noted the overall budget is \$14,125.00 and it is the same overall budget amount that the Board adopted in Fiscal Year 2020. This District is Developer funded which means the District will only pay expenses as they are incurred. The Board also needs to set a public hearing date and Ms. Walden suggested August 4, 2020 at 1:00 p.m. at 755 Prairie Industrial Parkway, Mulberry Florida for the public hearing.

ON MOTION by Mr. Rayl, second by Ms. Clark, with all in favor, the Board of Supervisors for the Donaldson Knoll Community Development District approved Resolution 2020-03, Approving a Preliminary Budget for Fiscal Year 2021 and Setting a Public Hearing for August 4, 2020 at 1:00 p.m. at 755 Prairie Industrial Parkway, Mulberry Florida.

THIRTEENTH ORDER OF BUSINESS

Ratification of Funding Request Nos. 76 – 83

The Board reviewed Funding Request Nos. 76 – 83. Ms. Walden stated the Funding Requests have been approved and paid and just need to be ratified by the Board.

ON MOTION by Mr. Clover, second by Mr. Lopez, with all in favor, the Board of Supervisors for the Donaldson Knoll Community Development District ratified Funding Request Nos. 76 – 83.

FOURTEENTH ORDER OF BUSINESS

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

The Board reviewed the District's financial statements. Ms. Walden noted that the District is currently at total expenses of just under \$8,000.00 for the first six months of the Fiscal Year vs. a budget of just over \$14,000.00. So, the District is on track with the Budget. No action is required by the Board.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

Attorney – Michael Pawelczyk will continue to monitor the Executive Orders in terms of meeting virtually. He reminded the Board to file their Form 1 Statement of Financial Interest and they are due by July first. Most counties have an email address to submit the forms digitally.

Manager – Ms. Walden noted for the record that the next scheduled meeting is August 4, 2020 and that is when the Board will formally adopt the budget.

SIXTEENTH ORDER OF BUSINESS

Supervisor and Audience Comments & Adjournment

Ms. Walden asked if there were any Supervisors' requests or audience comments. Hearing none, a motion to adjourn was suggested.

ON MOTION by Ms. Clover, second by Mr. Lopez, with all in favor, the May 5, 2020 meeting of the Donaldson Knoll Community Development District Board of Supervisors was adjourned.

Secretary/Assistant Secretary

Chair/Vice-Chair

**DONALDSON KNOLL
COMMUNITY DEVELOPMENT DISTRICT**

**Resolution 2020-04,
Adopting an Annual Meeting Schedule for
Fiscal Year 2020-2021**

RESOLUTION 2020-04

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF
DONALDSON KNOLL COMMUNITY DEVELOPMENT
DISTRICT ADOPTING THE ANNUAL MEETING
SCHEDULE FOR FISCAL YEAR 2020/2021**

WHEREAS, the Donaldson Knoll Community Development District (the "District") is a local unit of special-purpose government organized and existing in accordance with Chapter 190 Florida Statutes; and

WHEREAS, the District is required by Florida law to prepare an annual schedule of its regular public meetings which designates the date, time and location of the District's meetings; and

WHEREAS, the Board has proposed the Fiscal Year 2020/2021 annual meeting schedule as attached in **Exhibit A**;

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD
OF THE DONALDSON KNOLL COMMUNITY
DEVELOPMENT DISTRICT**

1. The Fiscal Year 2020/2021 annual public meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and will be published in accordance with the requirements of Florida law.
2. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED THIS 4th DAY OF AUGUST, 2020.

ATTEST:

**DONALDSON KNOLL
COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chairperson/Vice Chairperson

Exhibit A

DONALDSON KNOLL BOARD OF SUPERVISORS MEETING DATES

November 3, 2020

February 1, 2021

May 4, 2021

August 3, 2021

All meetings will convene at 1:00 p.m. on the specified dates at
755 Prairie Industrial Parkway, Mulberry, FL 33860.

**DONALDSON KNOLL
COMMUNITY DEVELOPMENT DISTRICT**

**Resolution 2020-05,
Adopting Fiscal Year 2021 Budget and
Appropriating Funds**

RESOLUTION 2020-05

THE ANNUAL APPROPRIATION RESOLUTION OF THE DONALDSON KNOLL COMMUNITY DEVELOPMENT DISTRICT (THE “DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2020, submitted to the District’s Board of Supervisors (the “Board”) a proposed budget for the next ensuing budget year along with an explanatory and complete financial plan for each fund of the Donaldson Knoll Community Development District, pursuant to the provisions of Section 190.008(2)(a), Florida Statutes; and

WHEREAS, at least sixty (60) days prior to the adoption of the proposed annual budget (the “Proposed Budget”), the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), Florida Statutes; and

WHEREAS, the Board set August 4, 2020, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), Florida Statutes; and

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

WHEREAS, Section 190.008(2)(a), Florida Statutes, requires that, prior to October 1, of each year, the District Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DONALDSON KNOLL COMMUNITY DEVELOPMENT DISTRICT;

Section 1. Budget

- a. The Board of Supervisors has reviewed the District Manager's Proposed Budget, a copy of which is on file with the office of the District Manager and at the District's Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. The District Manager's Proposed Budget, as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for Fiscal Year 2020 and/or revised projections for Fiscal Year 2021.
- c. The adopted budget shall be maintained in the office of the District Manager and at the District's Records Office and identified as "The Budget for the Donaldson Knoll Community Development District for the Fiscal Year Ending September 30, 2021", as adopted by the Board of Supervisors on August 4, 2020.

Section 2. Appropriations

There is hereby appropriated out of the revenues of the Donaldson Knoll Community Development District, for the fiscal year beginning October 1, 2020, and ending September 30, 20221 the sum of _____ to be funded per the Developer Funding Agreement for Fiscal Year 2021, executed on August 4, 2020.

Section 3. Supplemental Appropriations

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

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

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

Introduced, considered favorably, and adopted this 4th day of August, 2020.

ATTEST:

**BOARD OF SUPERVISORS OF THE
DONALDSON KNOLL COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

By: _____

Its: _____

Donaldson Knoll Community Development District

FY 2021 Proposed Preliminary O&M Budget

Exhibit A

	Actuals through 3/31/2020	Year To Date Anticipated 4/2020-9/2020	Anticipated FY 2020 Totals	FY 2020 Adopted Budget	FY 2021 Proposed Budget
<u>Revenues</u>					
Developer Contribution	\$ 7,163.99	6,961.01	\$ 14,125.00	14,125.00	14,125.00
Net Revenues	\$ 7,163.99	\$ 6,961.01	\$ 14,125.00	\$ 14,125.00	\$ 14,125.00
<u>General & Administrative Expenses</u>					
Insurance (D&O)	\$ 2,250.00	-	2,250.00	-	2,475.00
Management	250.00	\$750.00	1,000.00	\$ 1,000.00	\$ 1,000.00
District Counsel	1,250.00	1,750.00	3,000.00	3,000.00	3,000.00
Telephone	-	50.00	50.00	50.00	25.00
Postage & Shipping	32.59	17.41	50.00	50.00	75.00
Copies	-	100.00	100.00	100.00	100.00
Legal Advertising	659.90	990.10	1,650.00	1,650.00	1,650.00
Web Site Maintenance	300.00	2,300.00	2,600.00	2,600.00	2,600.00
Dues, Licenses, and Fees	175.00	0.00	175.00	175.00	175.00
General Insurance	2,750.00	0.00	2,750.00	5,500.00	3,025.00
Total General & Administrative Expenses	\$ 7,667.49	\$ 5,957.51	\$ 13,625.00	\$ 14,125.00	\$ 14,125.00
Total Expenses	\$ 7,667.49	\$ 5,957.51	\$ 13,625.00	\$ 14,125.00	\$ 14,125.00
Net Income (Loss)	\$ (503.50)	\$ 1,003.50	\$ 500.00	\$ -	\$ -

**DONALDSON KNOLL
COMMUNITY DEVELOPMENT DISTRICT**

Funding Agreement for Fiscal Year 2021

DONALDSON KNOLL COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2020/2021 FUNDING AGREEMENT

This agreement (“**Agreement**”) is made and entered into this 4th day of August, 2020, by and between:

DONALDSON KNOLL COMMUNITY DEVELOPMENT DISTRICT, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and located in the City of Mulberry, Florida (hereinafter "**District**"), and

LDC DONALDSON KNOLL INVESTMENTS, LLC a Delaware limited liability limited partnership and a landowner in the District (hereinafter "**Developer**").

RECITALS

WHEREAS, the District was established by an ordinance adopted by the City Council of the City of Mulberry, Florida, for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure; and

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

WHEREAS, Developer presently owns and/or is developing the majority of all real property described in **Exhibit A**, attached hereto and incorporated herein (“**Property**”), within the District, which Property will benefit from the timely construction and acquisition of the District's facilities, activities and services and from the continued operations of the District; and

WHEREAS, the District is adopting its general fund budget for the Fiscal Year 2020/2021, which year commences on October 1, 2020, and concludes on September 30, 2021; and

WHEREAS, this general fund budget, which both parties recognize may be amended from time to time in the sole discretion of the District, is attached hereto and incorporated herein by reference as **Exhibit B**; and

WHEREAS, the District has the option of levying non-ad valorem assessments on all land, including the Property, that will benefit from the activities, operations and services set forth in the 2020/2021 Fiscal Year budget, or utilizing such other revenue sources as may be available to it; and

WHEREAS, in lieu of levying assessments on the Property, the Developer is willing to provide such funds as are necessary to allow the District to proceed with its operations as described in **Exhibit B**; and

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

WHEREAS, the Developer has agreed to enter into this Agreement in lieu of having the District levy and collect any non-ad valorem assessments as authorized by law against the Property located within the District for the activities, operations and services set forth in **Exhibit B**; and

WHEREAS, Developer and District desire to secure such budget funding through the imposition of a continuing lien against the Property described in **Exhibit A** and otherwise as provided herein.

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

1. **FUNDING.** The Developer agrees to make available to the District the monies necessary for the operation of the District as called for in the budget attached hereto as **Exhibit B**, as may be amended from time to time in the District's sole discretion, within fifteen (15) days of written request by the District. Amendments to the District's 2020/2021 Fiscal Year budget as shown on **Exhibit B** adopted by the District at a duly noticed meeting shall have the effect of amending this Agreement without further action of the parties. Funds provided hereunder shall be placed in the District's general checking account. These payments are made by the Developer in lieu of taxes, fees, or assessments which might otherwise be levied or imposed by the District.

2. **CONTINUING LIEN.** District shall have the right to file a continuing lien upon the Property described in **Exhibit A** for all payments due and owing under the terms of this Agreement and for interest thereon, and for reasonable attorneys' fees, paralegals' fees, expenses and court costs incurred by the District incident to the collection of funds under this Agreement or for enforcement this lien, and all sums advanced and paid by the District for taxes and payment on account of superior interests, liens and encumbrances in order to preserve and protect the District's lien. The lien shall be effective as of the date and time of the recording of a "Notice of Lien for FY 2020/2021 Budget" in the public records of Polk County, Florida, stating among other things, the description of the real property and the amount due as of the recording of the Notice, and the existence of this Agreement. The District Manager, in its sole discretion, is hereby authorized by the District to file the Notice of Lien for FY 2020/2021 Budget on behalf of the District, without the need of further Board action authorizing or directing such filing. At the District Manager's direction, the District may also bring an action at law against the record title holder to the Property to pay the amount due under this Agreement, or may foreclose the lien against the Property in any manner authorized by law. The District may partially release any filed lien for portions of the Property subject to a plat if and when the Developer has demonstrated, in the District's sole discretion, such release will not materially impair the ability of the District to enforce the collection of funds hereunder. In the event the Developer sells any of the Property described in **Exhibit A** after the execution of this Agreement, the Developer's rights and obligations under this Agreement shall remain the same, provided however that the District shall only have the right to file a lien upon the remaining Property owned by the Developer.

3. **ALTERNATIVE COLLECTION METHODS.**

a. In the alternative or in addition to the collection method set forth in Paragraph 2 above, the District may enforce the collection of funds due under this Agreement by action against the Developer in the appropriate judicial forum in and for Polk County, Florida. The enforcement of the collection of funds in this manner shall be in the sole discretion of the District Manager on behalf of the District. In the event that either party is required to enforce this Agreement by court proceedings or otherwise, then the parties agree that the prevailing party shall be entitled to recover from the other all costs incurred, including reasonable attorneys' fees and costs for trial, alternative dispute resolution, or appellate proceedings.

b. The District hereby finds that the activities, operations and services set forth in **Exhibit B** provide a special and peculiar benefit to the Property, which benefit is initially allocated on an equal developable acreage basis. The Developer agrees that the activities, operations and services set forth in **Exhibit B** provide a special and peculiar benefit to the Property equal to or in excess of the costs set forth in **Exhibit B**, on an equal developable acreage basis. Therefore, in the alternative or in addition to the other methods of collection set forth in this Agreement, the District, in its sole discretion, may choose to certify amounts due hereunder as a non-ad valorem assessment on all or any part of the Property for collection, either through the Uniform Method of Collection set forth in Chapter 197 or under any method of direct bill and collection authorized by Florida law. Such assessment, if imposed, may be certified on the next available tax roll of the Polk County property appraiser.

4. **AGREEMENT; AMENDMENTS.** This instrument shall constitute the final and complete expression of the agreement between the parties relating to the subject matter of this Agreement. Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.

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

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

7. **DEFAULT.** A default by either party under this Agreement shall entitle the other to all remedies available at law or in equity, which shall include, but not be limited to, the right of damages, injunctive relief and specific performance and specifically including the ability of the District to enforce any and all payment obligations under this Agreement in the manner described herein in Paragraphs 2 and 3 above.

8. **THIRD PARTY RIGHTS; TRANSFER OF PROPERTY.** This Agreement is solely for the benefit of the formal parties herein and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in

this Agreement expressed or implied is intended or shall be construed to confer upon any person or corporation other than the parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns. In the event the Developer sells or otherwise disposes of its business or of all or substantially all of its assets relating to improvements, work product, or lands within the District, the Developer shall continue to be bound by the terms of this Agreement and additionally shall expressly require that the purchaser agree to be bound by the terms of this Agreement. The Developer shall give 90 days prior written notice to the District under this Agreement of any such sale or disposition.

9. **FLORIDA LAW GOVERNS.** This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida.

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

11. **EFFECTIVE DATE.** The Agreement shall be effective after execution by both parties hereto. The enforcement provisions of this Agreement shall survive its termination, until all payments due under this Agreement are paid in full.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties execute this agreement the day and year first written above.

Attest:

**DONALDSON KNOLL COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

By: _____
Its: _____

**LDC DONALDSON KNOLL
INVESTMENTS LLC** a Delaware limited
liability limited partnership

By: _____
Its: _____

EXHIBIT A: Property Description
EXHIBIT B: Fiscal Year 2020/2021 General Fund Budget

DONALDSON KNOLL

Legal Description

PARCEL 4

That part of Sections 9 and 10, Township 30 South, Range 23 East, Polk County, Florida, described as follows:

Commence at the Northwest corner of Section 10, Township 30 South, Range 23 East, and run North89°35'47"East, along the North boundary of Section 10 a distance of 1333.90 feet to the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 10, thence South00°24'47"West, along the East boundary of the West 1/4 of said Section 10 a distance of 201.47 feet to the Point of Beginning, thence South00°24'31"West, along the East Boundary of the West 1/4 of said Section 10 a distance of 2214.14 feet to a point, said point being the approximate 25 year flood line of the Alafia River; thence Northwesterly along said 25 year flood line the following four (4) courses: (1) North76°33'47"West, 300.22 feet; (2) South66°16'06"West, 280.00 feet; (3) North80°33'52"West, 300.00 feet; (4) North51°38'00"West, 612.47 feet to a point on the West Boundary of Section 10; thence North00°13'51"East, along said West Boundary of Section 10 a distance of 613.01 feet to the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of Section 9; thence South89°40'10"West, along the South Boundary of the Northeast 1/4 of the Northeast 1/4, 1285.77 feet; thence South43°09'26"West, 158.50 feet to a point on the North Boundary of a Conservation Easement, as recorded in Official Records Book 2731, Page 840, of the Public Records of Polk County, Florida; thence Northwesterly along said North Boundary of Conservation Easement North65°40'03"West, 160.70 feet to the South Right-of-Way line of the CSX Transportation Railroad as per Deed Book 922, Page 181, of the Public Records of Polk County, Florida, thence N64°06'22"E along said railroad Right-of-Way line 1718.20 feet to the Point of Curvature of a curve to the right having a Radius of 5613.24 feet and a Central Angle of 14°23'55", thence along said curve and said South Right-of Way line 1410.62 feet to the Point of Beginning.

Donaldson Knoll Community Development District

FY 2021 Proposed Preliminary O&M Budget

Exhibit B

	Actuals through 3/31/2020	Year To Date Anticipated 4/2020-9/2020	Anticipated FY 2020 Totals	FY 2020 Adopted Budget	FY 2021 Proposed Budget
<u>Revenues</u>					
Developer Contribution	\$ 7,163.99	6,961.01	\$ 14,125.00	14,125.00	14,125.00
Net Revenues	\$ 7,163.99	\$ 6,961.01	\$ 14,125.00	\$ 14,125.00	\$ 14,125.00
<u>General & Administrative Expenses</u>					
Insurance (D&O)	\$ 2,250.00	-	2,250.00	-	2,475.00
Management	250.00	\$750.00	1,000.00	\$ 1,000.00	\$ 1,000.00
District Counsel	1,250.00	1,750.00	3,000.00	3,000.00	3,000.00
Telephone	-	50.00	50.00	50.00	25.00
Postage & Shipping	32.59	17.41	50.00	50.00	75.00
Copies	-	100.00	100.00	100.00	100.00
Legal Advertising	659.90	990.10	1,650.00	1,650.00	1,650.00
Web Site Maintenance	300.00	2,300.00	2,600.00	2,600.00	2,600.00
Dues, Licenses, and Fees	175.00	0.00	175.00	175.00	175.00
General Insurance	2,750.00	0.00	2,750.00	5,500.00	3,025.00
Total General & Administrative Expenses	\$ 7,667.49	\$ 5,957.51	\$ 13,625.00	\$ 14,125.00	\$ 14,125.00
Total Expenses	\$ 7,667.49	\$ 5,957.51	\$ 13,625.00	\$ 14,125.00	\$ 14,125.00
Net Income (Loss)	\$ (503.50)	\$ 1,003.50	\$ 500.00	\$ -	\$ -

**DONALDSON KNOLL
COMMUNITY DEVELOPMENT DISTRICT**

Legislative Memo from District Counsel

MEMORANDUM

TO: District Manager

FROM: Billing, Cochran, Lyles, Mauro & Ramsey, P.A.
District Counsel

DATE: July 22, 2020

RE: 2020 Legislative Update – Updated and Revised

As District Counsel, throughout the year we continuously monitor pending legislation that may be applicable to the governance and operation of our Community Development District and other Special District clients. It is at this time of year that we summarize those legislative acts that have become law during the most recent legislative session, as follows:

1. Chapter 2020-077, Laws of Florida (SB 1466). This legislation pertains to government accountability and amends Sections 189.031 and 190.007, F.S. to specify (i) those conditions under which board members and public employees of special districts and community development districts, respectively, do not abuse their public positions under Article II, section 8(h)(2) of the Florida Constitution when the board member or public employee commits an act or omission that is authorized under Sections 112.313 (7), (12), (15), or (16), or Section 112.3143(3)(b), and (ii) that an abuse of a board member's position does not include any act or omission in connection with a vote when the board member has followed the procedures required by Section 112.3143. The act also amends Section 189.069, which requires special districts to maintain a website, to allow the district to provide a link to the district's audit report on the Auditor General's website rather than posting the audit report for the most recent completed fiscal year in its entirety, and removes the requirement that the public facilities report be posted on the website. The act clarifies that the agenda for each meeting or workshop shall be posted on the website for at least seven days prior to such meeting or workshop and removes the requirement that any meeting materials available in electronic format also be posted. This act takes effect on July 1, 2020.

2. Chapter 2020-154, Laws of Florida (HB 279). Special districts, counties, municipalities, and other political subdivisions are required to competitively bid projects to construct or improve a public building or structure if the projected cost of the project exceeds \$300,000 and for electrical work estimated to cost more than \$75,000. This act provides direction with respect to calculating the estimated cost of a project for purposes of Section 255.20, Florida Statutes, by clarifying that the estimated project cost shall include all costs associated with performing and completing the work, including employee compensation and benefits, the cost of equipment and maintenance, insurance costs, and the cost of direct materials to be used in the construction of the project including those materials to be directly purchased by the local government, and other direct costs, plus a factor of 20% for management, overhead and other indirect costs. The act also amends Section 218.80, F.S., to require that local government issuing bid documents or other requests for proposals disclose in such documents a list of other governmental entities that may have additional permits or fees generated by the project. If such

entities, permits or fees are not disclosed in the bidding documents or other requests for proposal or a contract between the local government and the contractor, such fee shall not be assessed or collected after the contract is let. The effective date of this legislation is July 1, 2020

3. Chapter 2020-127, Laws of Florida (HB 441/SB 506). This act pertains specifically to “continuing contracts” as that term is utilized in the Consultants’ Competitive Negotiation Act, Section 287.055, F.S. The act amends Section 287.055, F.S., to amend the definition of “continuing contract” with respect to contracts for professional services to authorize such contracts where the estimated construction cost of each individual project under the continuing contract does not exceed \$4 million (formerly \$2 million) and where the fee for professional services for each individual study activity under the continuing contract does not exceed \$500,000 (increased from \$200,000 dollars). The act also amends Section 255.103 (4), F.S. to increase the threshold amount from \$2 million to \$4 million dollars for each project in which a governmental entity is authorized to enter into a continuing contract for construction management or program management. The effective date of this act is July 1, 2020.

4. Chapter 2020- __, Laws of Florida (HB 101). This act amends Sections 218.735, 255.05 and 255.078, F.S., to change the amount of retainage that may be withheld from progress payments for any state and local government construction services contracts, including those in which a special district is a party. The law previously limited retainage that could be withheld to 10% per progress payment where the contract is more than \$200,000. The law changes the maximum amount of retainage per progress payment to 5%. This act shall take effect on October 1, 2020.

5. Chapter 2020- __, Laws of Florida (HB 7009). Florida voters approved Amendment 12 during the 2018 General Election, amending Article II, Section 8 of the Florida Constitution to provide a constitutional prohibition on public officers and public employees abusing their positions in order to obtain a “disproportionate benefit” for themselves or others. This legislation has the effect of reenacting provisions of the Florida Code of Ethics that provide penalties for violations of the Code of Ethics and further provides for statutory penalties applicable to Article II, Section 8 (h)(2) of the Florida Constitution. As a result, the Florida Commission on Ethics recently enacted rules implementing this provision and further defining “disproportionate benefit” as a benefit, privilege, exemption or result arising from an act or omission by public office or public employee inconsistent with the proper performance of his or her duties. The rule enacted by the Florida Commission on Ethics also describes the requisite intent for finding a violation of this provision if the public officer or public employee acted, or refrained from acting, with wrongful intent for the purpose of obtaining any benefit, privilege, exemption or result from the act or omission which is inconsistent with the proper performance of his or her public duties. The effective date of this legislation is December 31, 2020.

6. Chapter 2020-149, Laws of Florida (SB 664). This act pertains to employment eligibility and creates Section 448.095, F.S. to require public employers, contractors, and subcontractors to register with and use the E-Verify system to prohibit such entities from entering into a contract with a government entity unless each party to the contract registers with and uses the E-Verify system, and requires private employers to also verify the employment eligibility of newly hired employees beginning on a specified date. The requirements contained herein are

scheduled to take effect on July 1, 2020. Our special district clients will need to include this E-Verify requirement when entering into construction and service contracts and otherwise pursuant to this Section 448.095, F.S.

7. Chapter 2020- 058, Laws of Florida, (HB 637/SB 1066). Impact fees are imposed by counties, municipalities and special districts to fund local public infrastructure that is needed to meet the demands accompanying population growth caused by development. Impact fees are imposed by ordinance and the impact fee amount is required to have a rational nexus to the need for additional capital facilities and to the expenditures of funds collected and the benefits accruing to the new construction. This act relates to impact fees and amends Section 163.318(01), F.S. to prohibit new or increased impact fees from applying to current or pending permit applications submitted prior to the effective date of an ordinance or resolution imposing a new or increased impact fee. Accordingly, this act limits the ability of a local government to increase impact fees when permit applications are submitted prior to the effective date of an ordinance or resolution imposing a new impact fee. The act further clarifies that impact fee credits are assignable and transferrable any time after the establishment from one development or parcel to any other that is within the same impact fee zone or impact fee district or that is within an adjoining impact fee zone or impact fee district within the same local government jurisdiction and receives benefits from the improvement or contribution that generated the credits. The effective date of this act is July 1, 2020.

8. Chapter 2020-119, Laws of Florida, (HB 579/SB 178). This act creates Section 161.551, F.S. and relates to the public financing of construction projects within the coastal building zone. The act requires sea level impact projection studies prior to the beginning of construction, requires the Department of Environmental Protection to develop study standards, publish studies on its website, enforce the requirements and adopt rules related thereto. This act appears to apply only to public entities that commission or manage construction projects utilizing funds appropriated from the State of Florida. This act is scheduled to take effect on July 1, 2020.

9. Chapter 2020-150, Laws of Florida (HB 1343/SB 712). This act makes numerous changes to current laws relating to water quality improvements, septic systems, basin management action plans, stormwater management, sanitary sewer overflows, and wastewater project plans. The act could result in an increase in the number of required site monitoring visits, water quality improvements costs, water quality monitoring, and monitoring of total maximum daily loads, and will likely primarily impact the development approval process. This act takes effect on July 1, 2020, and pertains primarily to the effort to reduce sewage and sewage related waste from being disposed of into the stormwater systems.

10. Chapter 2020-__, Laws of Florida (SB 7004). This act relates to public records and amends Section 197.3225, F.S. to maintain the public record exemption for taxpayer email addresses, where such email addresses are held by tax collectors for certain tax notice purposes. This public records exemption was scheduled to expire on October 2, 2020, but that schedule for the repeal of this exemption has been removed. This act will take effect on October 1, 2020.

11. Chapter 2020-114, Laws of Florida (HB 5003). This act implements the 2020/21 General Appropriations Act, and contains provisions establishing the local government efficiency

task force within the legislature to review the governance structure and function of local governments and make recommendations on any changes that may be necessary to make such local governments more efficient. The legislation specifies the task force membership, authorizes the task force to conduct meetings, and requires the task force to submit a report to the Governor and the Florida Legislature by June 1, 2021. This act is effective July 1, 2020. It is unclear how this will affect special districts, but we will continue to monitor over the next year and will advise our special district clients accordingly.

12. Chapter 2020-021, Laws of Florida (SB 7018). This act pertains to essential state infrastructure and expands special treatment for the utility industry. Pursuant to Section 337.401, F.S., the Department of Transportation (DOT) and each local government having control of public roads or publicly owned rail corridors is authorized to prescribe and enforce reasonable rules and regulations pertaining to the placement and maintenance of utility facilities within the rights-of-way under its jurisdiction. This act expands the expedited permitting process to include right-of-way permits for electric, natural gas, water and sewer facilities, and other utilities. The Act also creates Section 338.236, F.S to allow for staging areas to be activated during a declared state of emergency at key geographic locations on Florida's Turnpike system. The bill further promotes electric vehicle (EV) charging station infrastructure by providing for the establishment of a recommended plan for EV charging station infrastructure, requires the DOT to coordinate, develop, and recommend a master plan for the implementation of EV charging station infrastructure along the State Highway System. Finally, the bill addresses conservation easements to indicate that owners of land are not restricted from negotiating the use of lands traditionally used for agriculture that are the subject of a conservation easement for any private or public linear facility, right of access, and related appurtenances. The effective date of this legislation is July 1, 2020.

13. Chapter 2020- __, Laws of Florida (HB 133). This act requires counties and permits municipalities to establish maximum rates for the towing and immobilization of vessels, as well as vehicles. The act further requires that tow-away zone notices be placed within ten (10) feet of the road, as defined in Section 334.03 (22), F.S. instead of within five (5) feet of the public right-of-way line, as was formerly permitted. This act becomes effective on October 1, 2020.

For convenience, we have included copies of the legislation referenced in this memorandum. We request that you include this memorandum as part of the agenda packages for upcoming meetings of the governing boards of those special districts in which you serve as the District Manager and this firm serves as District Counsel. For purposes of the agenda package, it is not necessary to include the attached legislation, as we can provide copies to anyone requesting the same. Copies of the above are also accessible by visiting this link: <http://laws.flrules.org/>.

**DONALDSON KNOLL
COMMUNITY DEVELOPMENT DISTRICT**

**Funding Request
Nos. 84 - 86**

**Donaldson Knoll
Community Development District**

Virginia Cepero
Landstar Development Corporation
550 Biltmore Way, Suite 1110
Coral Gables, FL 33134
(305) 461-2440
(305) 461-3190
vc@landstardevelopment.com

Funding Request No. 84
3/24/2020

Item No.	Vendor	Invoice Number	FY20 General Fund	FY21 General Fund
1	Billing, Cochran, Lyles, Mauro & Ramsey, P.A.			
	Dist. Counsel Svcs Jan 2020	160678	\$ 250.00	
	Dist. Counsel Svcs Feb 2020	161097	\$ 250.00	
2	PFM Group Consulting LLC			
	Postage Jan 2020	OE-EXP-00668	\$ 3.50	
			\$ 503.50	\$ -
TOTAL			\$503.50	

Secretary / Asst. Secretary

Chairman / Vice Chairman

**Donaldson Knoll
Community Development District**

Virginia Cepero
Landstar Development Corporation
550 Biltmore Way, Suite 1110
Coral Gables, FL 33134
(305) 461-2440
(305) 461-3190
vc@landstardevelopment.com

Funding Request No. 85
4/24/2020

Item No.	Vendor	Invoice Number	FY20 General Fund	FY21 General Fund
1	Billing, Cochran, Lyles, Mauro & Ramsey, P.A. Legal Svcs Mar 2020	161818	\$ 250.00	
2	PFM Group Consulting LLC Dist. Mgmt. Fee Q2 2020 (Jan - Mar) Website Fee Q2 2020 (Jan - Mar) Dist. Mgmt. Fee Q3 2020 (Apr - Jun) Website Fee Q3 2020 (Apr- June)	DM-01-2020-0003 DM-01-2020-0004 DM-04-2020-00096 DM-04-2020-00097	\$ 250.00 \$ 300.00 \$ 250.00 \$ 300.00	
			\$ 1,350.00	\$ -
TOTAL			\$1,350.00	

Secretary / Asst. Secretary

Chairman / Vice Chairman

**Donaldson Knoll
Community Development District**

Virginia Cepero
Landstar Development Corporation
550 Biltmore Way, Suite 1110
Coral Gables, FL 33134
(305) 461-2440
(305) 461-3190
vc@landstardevelopment.com

Funding Request No. 86
6/1/2020

Item No.	Vendor	Invoice Number	FY20 General Fund	FY21 General Fund
1	PFM Group Consulting LLC Postage Apr 2020	OE-EXP-00833	\$ 1.50	
2	Polk County Press Legal Ad Apr 22 2020	--	\$ 379.95	
3	VGlobalTech Quarterly ADA Audit	1624	\$ 300.00	
			\$ 681.45	\$ -
TOTAL			\$681.45	

Secretary / Asst. Secretary

Chairman / Vice Chairman

**DONALDSON KNOLL
COMMUNITY DEVELOPMENT DISTRICT**

**District's Financial Position and
Budget to Actual Year to Date**

Donaldson Knoll CDD
Statement of Financial Position
As of 5/31/2020

General Fund

Assets

Current Assets

General Checking Account	\$516.47
Total Current Assets	<u>\$516.47</u>

Total Assets	<u><u>\$516.47</u></u>
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Net Assets

Net Assets - General Government	\$516.47
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Total Net Assets	<u>\$516.47</u>
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Total Liabilities and Net Assets	<u><u>\$516.47</u></u>
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Donaldson Knoll CDD
Statement of Activities
As of 5/31/2020

General Fund

Revenues

Developer Contributions	\$9,017.49
Total Revenues	\$9,017.49

Expenses

Insurance	\$2,250.00
Management	750.00
District Counsel	1,500.00
Postage & Shipping	32.59
Legal Advertising	659.90
Web Site Maintenance	900.00
Dues, Licenses, and Fees	175.00
General Insurance	2,750.00
Total Expenses	\$9,017.49

Other Revenues (Expenses) & Gains (Losses)

Total Other Revenues (Expenses) & Gains (Losses)	\$0.00
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Change In Net Assets	\$0.00
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Net Assets At Beginning Of Year	\$516.47
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Net Assets At End Of Year	\$516.47
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Donaldson Knoll CDD
 Budget to Actual
 For the Month Ending 05/31/20

	Actual	Year To Date Budget	Variance	FY 20 Budget
<u>Revenues</u>				
Developer Contributions	\$9,017.49	\$9,416.64	(\$399.15)	\$14,125.00
Net Revenues	<u>\$9,017.49</u>	<u>\$9,416.64</u>	<u>(\$399.15)</u>	<u>\$14,125.00</u>
<u>General & Administrative Expenses</u>				
Insurance	\$2,250.00	\$0.00	\$2,250.00	\$0.00
Management	750.00	666.64	83.36	1,000.00
District Counsel	1,500.00	2,000.00	(500.00)	3,000.00
Telephone	0.00	33.36	(33.36)	50.00
Postage & Shipping	32.59	33.36	(0.77)	50.00
Copies	0.00	66.64	(66.64)	100.00
Legal Advertising	659.90	1,100.00	(440.10)	1,650.00
Web Site Maintenance	900.00	1,733.36	(833.36)	2,600.00
Dues, Licenses, and Fees	175.00	116.64	58.36	175.00
General Insurance	2,750.00	3,666.64	(916.64)	5,500.00
Total General & Administrative Expenses	<u>\$9,017.49</u>	<u>\$9,416.64</u>	<u>(\$399.15)</u>	<u>\$14,125.00</u>
Total Expenses	<u>\$9,017.49</u>	<u>\$9,416.64</u>	<u>(\$399.15)</u>	<u>\$14,125.00</u>
Net Income (Loss)	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>