



Rizzetta & Company

Magnolia Creek Community Development District

**Board of Supervisors
Regular Meeting
November 3, 2022**

**District Office:
120 Richard Jackson Blvd, Suite 220
Panama City Beach, Florida 32407
850-334-9055**

www.magnoliacreekcdd.org

MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT AGENDA

Dunlap & Shipman P.A. Conference Room, 2063 S County Hwy 395, Santa Rosa
Beach, FL 32459 **November 3, 2022 at 10:00 a.m.**

District Board of Supervisors	Jason Naumann George Roberts William McConnell Tom Hidell Gus Andrews	Chairman Vice Chairman Assistant Secretary Assistant Secretary Assistant Secretary
District Manager	Kimberly O'Mera	Rizzetta & Company, Inc.
District Attorney	Joseph Brown	Kutak Rock LLP
District Engineer	Roger Wynn, P.E.	Moore-Bass Consulting, Inc.
Bond Counsel	Cynthia E. Wilhelm	Nabors, Giblin & Nickerson, P.A.

**All Cellular phones and pagers must be turned off while in the meeting room.
The District Agenda is comprised of five different sections:**

The **special** meeting will begin promptly at **10:00 a.m.** with the first section which is called Audience Comments on Agenda Items. The Audience Comment portion of the agenda is where individuals may comment on matters that concern the District. Each individual is limited to three (3) minutes for such comment. The Board of Supervisors or Staff is not obligated to provide a response until sufficient time for research or action is warranted. IF THE COMMENT CONCERNS A MAINTENANCE RELATED ITEM, THE ITEM WILL NEED TO BE ADDRESSED BY THE DISTRICT MANAGER OUTSIDE THE CONTEXT OF THIS MEETING. The second section is called **Business Administration**. The Business Administration section contains items that require the review and approval of the District Board of Supervisors as a normal course of business. The third section is called **Business Items**. The business items section contains items for approval by the District Board of Supervisors that may require discussion, motion and votes on an item-by-item basis. If any member of the audience would like to speak on one of the business items, they will need to register with the District Manager prior to the presentation of that agenda item. Occasionally, certain items for decision within this section are required by Florida Statute to be held as a Public Hearing. During the Public Hearing portion of the agenda item, each member of the public will be permitted to provide one comment on the issue, prior to the Board of Supervisors' discussion, motion and vote. Agendas can be reviewed by contacting the Manager's office at (850) 334-9055 at least seven days in advance of the scheduled meeting. Requests to place items on the agenda must be submitted in writing with an explanation to the District Manager at least fourteen (14) days prior to the date of the meeting. The fourth section is called **Staff Reports**. This section allows the District Manager, Engineer, and Attorney to update the Board of Supervisors on any pending issues that are being researched for Board action. The final section is called **Supervisor Requests and Audience Comments**. This is the section in which the Supervisors may request Staff to prepare certain items in an effort to meet residential needs and provides members of the audience the opportunity to comment on matters of concern to them that were not addressed during the meeting.

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

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District Office at (850) 334-9055, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 7-1-1, who can aid you in contacting the District Office.

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

MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT
District Office · Panama City Beach, Florida · (850) 334-9055
Mailing Address · 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614

magnoliacreekcdd.org

October 27, 2022

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

AGENDA

Dear Board Members:

The special meeting of the Board of Supervisors of the Magnolia Creek Community Development District will be held on **Thursday, November 3, 2022, at 10:00 a.m. (Central Time)** at the Walton Area Chamber of Commerce, 63 South Centre Trail, Santa Rosa Beach, FL 32459. The following is the agenda for the meeting:

- 1. CALL TO ORDER/ROLL CALL**
- 2. AUDIENCE COMMENTS ON AGENDA ITEMS**
- 3. BUSINESS ADMINISTRATION**
 - A. Administration of Oath of Office Tab 1
 - B. Consideration of Resolution 2023-01, Canvassing and
Certifying Results of the November 3, 2022, Landowner
Election Tab 2
 - C. Consideration of Resolution 2023-02, Appointing and
Removing Officers of the District Tab 3
 - D. Consideration of Minutes of the Board of Supervisors Meeting Held
August 11, 2022, Tab 4
 - E. Ratification of Operation and Maintenance Expenditures for
July 2022 Tab 5
- 3. BUSINESS ITEMS**
 - A. Ratification of Acceptance of Insurance Policy Tab 6
 - B. Consideration of Resolution 2023-03, Fiscal Year 2021-2022
Budget Amendment..... Tab 7
 - C. Ratification of Landscape Maintenance Expense Tab 8
- 5. STAFF REPORTS**
 - A. District Counsel
 - B. District Engineer
 - C. District Manager
 1. Review of the District Manager Report (Under Separate Cover)
- 6. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS**
- 7. ADJOURNMENT**

I look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call me at 850-334-9055.

Sincerely,

Kimberly O'Mera

Kimberly O'Mera
District Manager

TAB 1

**MAGNOLIA CREEK
COMMUNITY DEVELOPMENT 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 MAGNOLIA CREEK COMMUNITY DEVELOPMENT 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 _____

The foregoing oath was administered before me by means of ☐ physical presence or ☐ online notarization this _____ day of _____, 2022, 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 the Magnolia Creek Community Development 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: _____

Commission No.: _____ Expires: _____

TAB 2

RESOLUTION 2023-01

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

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

WHEREAS, pursuant to Section 190.006(2), Florida Statutes, a landowners meeting is required to be held within 90 days of the District’s creation and every two 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, 2022, 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 MAGNOLIA CREEK COMMUNITY
DEVELOPMENT DISTRICT:**

Section 1. The following person is 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:

_____	Seat 1	Votes _____
_____	Seat 2	Votes _____
_____	Seat 3	Votes _____

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:

_____	4 Year Term
_____	4 Year Term
_____	2 Year Term

[CONTINUED ON FOLLOWING PAGE]

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

PASSED AND ADOPTED THIS 3rd DAY OF NOVEMBER, 2022.

**MAGNOLIA CREEK COMMUNITY
DEVELOPMENT DISTRICT**

Attest:

Secretary/Assistant Secretary

Chair/Vice Chair

TAB 3

RESOLUTION 2023-02

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT
APPOINTING AND REMOVING OFFICERS OF THE DISTRICT AND
PROVIDING FOR AN EFFECTIVE DATE.**

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

WHEREAS, the District’s Board of Supervisors desires to appoint and remove Officers of the District.

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

SECTION 1. The following are appointed as Officers of the District:

_____ is appointed Chair.

_____ is appointed Vice Chair.

_____ is appointed Secretary and Treasurer.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Treasurer.

_____ is appointed Assistant Treasurer.

SECTION 2. This Resolution shall take effect upon its passage and shall remain in effect unless rescinded or repealed.

[CONTINUED ON FOLLOWING PAGE]

PASSED AND ADOPTED THIS 3RD DAY OF NOVEMBER, 2022.

ATTEST:

**MAGNOLIA CREEK COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson / Vice Chairperson
Board of Supervisors

TAB 4

MINUTES OF MEETING

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

**MAGNOLIA CREEK
COMMUNITY DEVELOPMENT DISTRICT**

The special meeting of the Board of Supervisors of the Magnolia Creek Community Development District was held on **Thursday, August 11, 2022, at 9:00 a.m. (CDT)** at The Walton Area Chamber of Commerce, located at 63 South Centre Trail, Santa Rosa Beach, FL 32459.

Present and constituting a quorum:

Jason Naumann	Board Supervisor, Chairman
Angus Andrews	Board Supervisor, Assistant Secretary (Via speakerphone)
Tom Hidell	Board Supervisor, Assistant Secretary
William McConnell	Board Supervisor, Assistant Secretary

Also present were:

Kim O'Mera	District Manager, Rizzetta & Company, Inc.
Joseph Brown	District Counsel, Kutak Rock, LLP
Roger Wynn	District Engineer, DE, Moore-Bass Consulting, Inc. (Via speakerphone)

Audience	None
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FIRST ORDER OF BUSINESS

Call to Order

Ms. O'Mera called the meeting to order at 9:03 a.m. and read roll call, confirming a quorum for the meeting.

SECOND ORDER OF BUSINESS

**Audience Comments on Agenda
Items**

There was no audience present.

THIRD ORDER OF BUSINESS

**Consideration of Minutes of the
Board of Supervisors Meeting Held
June 8, 2022**

Ms. O'Mera presented and reviewed the minutes of the Board of Supervisors Meeting held on June 8, 2022. There were no questions or changes.

On a Motion by Mr. Hidell, seconded by Mr. Naumann, with all in favor, the Board approved the Minutes of the Board of Supervisors Meeting held on June 8, 2022, for Magnolia Creek Community Development District.

FOURTH ORDER OF BUSINESS

**Ratification of Operation and
Maintenance Expenditures for May
2022 - June 2022**

Ms. O'Mera presented and reviewed the Operations and Maintenance Expenditures for May 2022 and June 2022 with the Board. She asked if there were questions regarding any item of expenditures. There were none.

On a Motion by Mr. Andrews, seconded by Mr. Roberts, with all in favor, the Board ratified Operations and Maintenance Expenditures for May 2022 in the amount of \$16,955.08 and June 2022 in the amount of \$31,477.08, for Magnolia Creek Community Development District.

FIFTH ORDER OF BUSINESS

**Business Items
Public Hearing Adopting Revised
Rules and Procedures for the
District**

On a Motion by Mr. McConnell, seconded by Mr. Hidell, with all in favor, the Board of Supervisors opened the Public Hearing, for Magnolia Creek Community Development District.

Mr. Brown addresses internal operation of the District. He suggested to consolidate everything into one place all requests that appear in various items of F.S. so that you do not have to consult with attorney every time.

On a Motion by Mr. McConnell, seconded by Mr. Andrews, with all in favor, the Board of Supervisors closed the Public Hearing, for Magnolia Creek Community Development District.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2022-10, Adopting Revised Rules of Procedure

Ms. O'Mera presented resolution 2022-10 to the Board.

On a Motion by Mr. McConnell, seconded by Mr. Andrews, with all in favor, the Board of Supervisors adopted resolution 2022-10, Adopting Revised Rules of Procedure, for Magnolia Creek Community Development District.

SEVENTH ORDER OF BUSINESS

Public Hearing to Consider Adoption of the Fiscal Year 2022/2023 Budget

On a Motion by Mr. McConnell, seconded by Mr. Hidell, with all in favor, the Board of Supervisors opened the Public Hearing, for Magnolia Creek Community Development District.

There we no public comments.

On a Motion by Mr. McConnell, seconded by Mr. Naumann, with all in favor, the Board of Supervisors closed the Public Hearing, for Magnolia Creek Community Development District.

EIGHTH ORDER OF BUSINESS

Presentation of the Proposed Final Budget for Fiscal Year 2022/2023

Ms. O'Mera presented the Proposed Final Budget to the Board to review.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2022-11,
Annual Appropriations and Adopting
the Budgets for Fiscal Year 2022/2023**

Ms. O'Mera presented Resolution 2022-11, Annual Appropriations and Adopting the Budgets for Fiscal Year 2022/2023 to the Board to review.

On a Motion by Mr. Hidell, seconded by Mr. Naumann, with all in favor, the Board of Supervisors adopted Resolution 2022-11, Annual Appropriations and Adopting the Budgets for Fiscal Year 2022/2023, for Magnolia Creek Community Development District.

TENTH ORDER OF BUSINESS

**Consideration of Resolution 2022-12,
Imposing Special Assessments and
Certifying an Assessment Roll**

Ms. O'Mera presented Resolution 2022-12 to the Board. General discussion ensued regarding tax parcel ID accuracy with Direct Bill and approving subject to review.

On a Motion by Mr. McConnell, seconded by Mr. Naumann, with all in favor, the Board of Supervisors adopted Resolution 2022-12, Imposing Special Assessments and Certifying an Assessment Roll, for Magnolia Creek Community Development District.

ELEVENTH ORDER OF BUSINESS

**Acceptance of Addendum to District
Management Agreement**

Ms. O'Mera presented the Addendum to District Management Agreement to the Board to review.

On a Motion by Mr. Hidell, seconded by Mr. McConnell, with all in favor, the Board of Supervisors accepted Addendum to District Management Agreement, for Magnolia Creek Community Development District.

TWELFTH ORDER OF BUSINESS

**Consideration of Resolution 2022-13,
Annual Meeting Schedule for Fiscal
Year 2022/2023**

Ms. O'Mera presented resolution 2022-13, Annual Meeting Schedule for Fiscal Year 2022/2023 to the Board which designates date, time and location.

On a Motion by Mr. Hidell, seconded by Mr. McConnell, with all in favor, the Board of Supervisors adopted Resolution 2022-13, Annual Meeting Schedule for Fiscal Year 2022/2023, for Magnolia Creek Community Development District.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

1. District Counsel
No report
2. District Engineer
 1. Ratification of Stormwater Needs Analysis

The Board reviewed the Stormwater Needs Analysis.

On a Motion by Mr. Hidell, seconded by Mr. McConnell, with all in favor, the Board of Supervisors ratified Stormwater Needs Analysis, for Magnolia Creek Community Development District.

3. District Manager
Ms. O'Mera reminded the Board that their upcoming Regular Board of Supervisor meeting is October 6, 2022 at 10:00 am and will be held at the Walton Area Chamber of Commerce located at 63 South Centre Trail, Santa Rosa Beach, Florida 32459.

FOURTEENTH ORDER OF BUSINESS

**Supervisor Requests and Audience
Comments**

There were no Supervisor requests or audience comments.

FIFTEENTH ORDER OF BUSINESS

Adjournment

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On a Motion by Mr. Hidell, seconded by Mr. McConnell, with all in favor, the Board of Supervisors adjourned the meeting at 9:30 a.m. for Magnolia Creek Community Development District.

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Secretary/Assistant Secretary

Chairman/Vice Chairman

DRAFT

TAB 5

Magnolia Creek Community Development District

District Office · Panama City Beach, Florida, 32407

Mailing Address – 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614

www.magnoliacreekcdd.org

Operations and Maintenance Expenditures

July 2022

For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from July 1, 2022 through July 31, 2022. This does not include expenditures previously approved by the Board.

The total items being presented: **\$24,254.58**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Magnolia Creek Community Development District

Paid Operation & Maintenance Expenditures

July 1, 2022 Through July 31, 2022

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Kutak Rock LLP	000497	3080103	Legal Services 06/22	\$ 1,232.50
LLS Tax Solutions Inc.	000496	002728	Arbitrage Rebate Calculation Series 2007A&B 06/30/22	\$ 500.00
Moore Bass Consulting, Inc.	000495	0078334	Engineering Services 06/22	\$ 18,388.75
Rizzetta & Company, Inc.	000494	INV0000069351	District Management Fees 07/22	<u>\$ 4,133.33</u>
Report Total				<u>\$ 24,254.58</u>

KUTAK ROCK LLP**TALLAHASSEE, FLORIDA**

Telephone 404-222-4600

Facsimile 404-222-4654

Federal ID 47-0597598

July 18, 2022

Check Remit To:

Kutak Rock LLP

PO Box 30057

Omaha, NE 68103-1157

Ms. Kim O'Meara
Magnolia Creek CDD
c/o Rizzetta & Company
Suite 200
3434 Colwell Avenue
Tampa, FL 33614

Invoice No. 3080103
13123-1

Re: Magnolia Creek CDD - General Counsel

For Professional Legal Services Rendered

06/01/22	J. Brown	1.30	403.00	Review draft audit; review and follow-up regarding reimbursements; review draft agenda; prepare for next Board meeting; confer with O'Mera
06/02/22	J. Brown	0.90	279.00	Review, draft, and forward material for Board meeting
06/06/22	J. Brown	0.20	62.00	Confer with Wynn regarding invoices for reimbursement; follow-up regarding same
06/08/22	K. Buchanan	0.90	288.00	Prepare for and attend board meeting
06/16/22	J. Brown	0.10	31.00	Review needs analysis
06/16/22	J. Gillis	0.10	14.50	Confer with staff and Grau regarding auditor letter response
06/29/22	J. Brown	0.50	155.00	Review notices and follow-up
TOTAL HOURS		4.00		

KUTAK ROCK LLP

Magnolia Creek CDD

July 18, 2022

Client Matter No. 13123-1

Invoice No. 3080103

Page 2

TOTAL FOR SERVICES RENDERED

\$1,232.50

TOTAL CURRENT AMOUNT DUE

\$1,232.50

Date Rec'd Rizzetta & Co., Inc. 07/18/2022

D/M approval *Kelly O'Neil* Date 7/25/22

Date entered 07/22/2022

Fund 001 GL 51400 OC 3107

Check #

LLS Tax Solutions Inc.
2172 W Nine Mile Rd., #352
Pensacola, FL 32534
850-754-0311
liscott@llstax.com



INVOICE

BILL TO

Magnolia Creek
Community Development
District
c/o Rizzetta & Company,
Inc.
3434 Colwell Avenue,
Suite 200
Tampa, FL 33614

INVOICE # 002728

DATE 07/14/2022

DUE DATE 08/13/2022

TERMS Net 30

DESCRIPTION	AMOUNT
Total Billing for Arbitrage Services in connection with the \$21,640,000 Magnolia Creek Community Development District Capital Improvement Revenue Bonds, Series 2007A and Series 2007B – Rebate Requirement Calculation for the period ended June 30, 2022.	500.00

BALANCE DUE

\$500.00

Date Rec'd Rizzetta & Co., Inc. 07/15/2022

D/M approval *Kelly O'Neil* Date 7/19/22

Date entered 07/15/22

Fund 001 GL 51300 OC 3203

Check #

Thank You For Your Business



- LAND USE PLANNING
- CIVIL ENGINEERING
- LAND SURVEYING
- LANDSCAPE ARCHITECTURE
- CONSTRUCTION ADMINISTRATION
- DRONE LIDAR SURVEYING & MAPPING

ATLANTA | 770.914.9394
TALLAHASSEE | 850.222.5678
moorebass.com

INVOICE: 0078334

CLIENT: Magnolia Creek CDD
c/o Rizzetta & Company
3434 Colwell Ave., Suite 200
Tampa, FL 33614

Project Name: Magnolia Creek CDD - Owl's Head

Project No: T3827.0001.00

Invoice Date: July 01, 2022

Services from: May 27, 2022 to June 27, 2022

TASK #	BASIC SERVICES TASK	CONTRACT FEE	PERCENT COMPLETE	AMOUNT COMPLETE	PREVIOUSLY BILLED	BILLING REMAINDER	CURRENT INVOICE
E9000	Misc. Consulting Services	0.00		30,751.50	22,771.25	N/A	7,980.25
E9001	20-year Needs Analysis	15,000.00	100.00%	15,000.00	4,591.50	0.00	10,408.50
Subtotal		15,000.00		45,751.50	27,362.75		18,388.75

TASK #	REIMBURSABLES	CONTRACT FEE		AMOUNT COMPLETE	PREVIOUSLY BILLED	BILLING REMAINDER	CURRENT INVOICE
E9000	Misc. Consulting Services		N/A	274.00	274.00	N/A	
Subtotal				274.00	274.00		

Remit to: Moore Bass Consulting, Inc.
805 North Gadsden Street
Tallahassee, Florida 32303

Please indicate invoice numbers on check(s)
If you have questions, please call (850) 222-3367 Accounting Dept.

CURRENT INVOICE TOTAL 18,388.75

PAST AMOUNT DUE 0.00

TOTAL AMOUNT DUE NOW: 18,388.75

Date Rec'd Rizzetta & Co., Inc. 07/07/2022

D/M approval *Kelly Oliver* Date 7/11/22

Date entered 07.08.22

Fund 001 GL 51300 OC 3103

Check #

Net Due 10 Days: Client agrees to promptly review Consultant's invoices upon receipt and notify Consultant in writing of any disputed amounts within 15 days of date of receipt. If notice of dispute is not received within 15 day period, the invoice shall be deemed undisputed, due and payable.

Billing Backup

Moore Bass Consulting, Inc.

Invoice 0078334 Dated 7/1/2022

Thursday, July 07, 2022

11:34:40 AM

Project	T3827.0001.00	Magnolia Creek CDD - Owl's Head
Phase	E9000	Misc. Consulting Services

Professional Personnel

			Hours	Rate	Amount
Senior Partner					
T045	Wynn, Roger	5/27/2022	.50	250.00	125.00
	Pump Station and sewer calcs for city engineer				
T045	Wynn, Roger	6/2/2022	.75	250.00	187.50
	coord with Brian Justice and Jason on ordering new pumps				
T045	Wynn, Roger	6/3/2022	3.50	250.00	875.00
	site inspection, check water repairs, lake edge, exfil structures, storm repairs, coord with Brian Justice on new pumps				
T045	Wynn, Roger	6/6/2022	.75	250.00	187.50
	review invoices from Inner Light Engineering, phone with Joe Brown re: same, review info from pump supplier				
T045	Wynn, Roger	6/7/2022	.75	250.00	187.50
	review agenda for CDD board mtg				
T045	Wynn, Roger	6/8/2022	1.00	250.00	250.00
	CDD mtg, coord with Jim Martelli on invoices for CDD				
T045	Wynn, Roger	6/10/2022	.75	250.00	187.50
	draft email re: payment for invoices from Inner Light Engineering, begin reviewing pay request from DAvid Wilson				
T045	Wynn, Roger	6/13/2022	1.75	250.00	437.50
	coord with David Wilson and Brian Justice on pumps, coord with Lindsey on sanitary sewer calcs				
T045	Wynn, Roger	6/21/2022	1.50	250.00	375.00
	conf call with Naumann, contractor, etc. re: status of repair work and schedule, coord with Lindsey on sanitary flow calcs, coord with surveying on asbuilts for forcemain				
T045	Wynn, Roger	6/22/2022	.50	250.00	125.00
	review sanitary sewer and pump station calcs with Lindsey				
T045	Wynn, Roger	6/23/2022	.25	250.00	62.50
	review info from Latilda on infrastructure acceptance, coord with Lindsey on pump station info from Brian Justice				
T045	Wynn, Roger	6/24/2022	8.75	250.00	2,187.50
	site visit to meet with contractor and Jason, review construction progress, pay request 5, and storm conflict with water at inlet 22-24				
T045	Wynn, Roger	6/27/2022	1.25	250.00	312.50
	review and submit sanitary sewer package to City engineer, coord with contractor on inspections				
Project Manager I					
T052	Hartsfield, Lindsey	6/3/2022	.75	195.00	146.25
	work with Tyson on Owl's Head maps for stormwater and sewer				
T052	Hartsfield, Lindsey	6/7/2022	1.25	195.00	243.75
	work with Tyson on Owl's Head maps for stormwater and sewer, look at flows for sewer pump station				
T052	Hartsfield, Lindsey	6/8/2022	.75	195.00	146.25
	review maps with Tyson, needs for pump station calcs				
T052	Hartsfield, Lindsey	6/16/2022	1.50	195.00	292.50
	Pump calculations				
T052	Hartsfield, Lindsey	6/22/2022	.50	195.00	97.50
	Pump calculations				
T052	Hartsfield, Lindsey	6/23/2022	1.00	195.00	195.00
	pump information to be submitted for approval				

Net Due 10 Days: Client agrees to promptly review Consultant's invoices upon receipt and notify Consultant in writing of any disputed amounts within 15 days of date of receipt. If notice of dispute is not received within 15 day period, the invoice shall be deemed undisputed, due and payable.

Engineer Intern II					
T194	Hunter, Trace	6/24/2022	5.00	92.00	460.00
Profile views of Bluebeech rd and Clearview Dr. Review of storm pipe videos while roger is at site. Storm drain and pipe information for Roger.					
CAD Draftsman II					
T196	Sanders, Tyson	6/3/2022	4.00	58.00	232.00
drawing basin lines for stormwater and sewer counted number of lots					
T196	Sanders, Tyson	6/6/2022	3.25	58.00	188.50
drew basin lines and edited drawing					
T196	Sanders, Tyson	6/7/2022	8.00	58.00	464.00
edited the basin drawing					
looked for codes for sewer and stormwater management					
T196	Sanders, Tyson	6/8/2022	.25	58.00	14.50
got information for calculations from drawing					
Totals			48.25		7,980.25
Total Labor					7,980.25
				Total this Phase	\$7,980.25
				Total this Project	\$7,980.25
				Total this Report	\$7,980.25

Rizzetta & Company, Inc.
3434 Colwell Avenue
Suite 200
Tampa FL 33614

Invoice

Date	Invoice #
7/1/2022	INV0000069351

Bill To:

MAGNOLIA CREEK CDD
3434 Colwell Avenue, Suite 200
Tampa FL 33614

Services for the month of	Terms	Client Number
July	Upon Receipt	00550

Description	Qty	Rate	Amount
Accounting Services	1.00	\$1,158.33	\$1,158.33
Administrative Services	1.00	\$375.00	\$375.00
Financial & Revenue Collections	1.00	\$416.67	\$416.67
Management Services	1.00	\$2,083.33	\$2,083.33
Website Compliance & Management	1.00	\$100.00	\$100.00
<p>Date Rec'd Rizzetta & Co., Inc. <u>06/23/2022</u></p> <p>D/M approval _____ Date _____</p> <p>Date entered <u>07.01.22</u></p> <p>Fund <u>001</u> GL <u>51300</u> OC <u>3201</u> 1158.33</p> <p><u>001</u> <u>51300</u> <u>3100</u> 375</p> <p>Check # <u>001</u> <u>51300</u> <u>3111</u> 416.67</p> <p><u>001</u> <u>51300</u> <u>3101</u> 2083.33</p> <p><u>001</u> <u>51300</u> <u>5103</u> 100</p>			
Subtotal			\$4,133.33
Total			\$4,133.33

TAB 6



Egis Insurance & Risk Advisors

Is pleased to provide a

Proposal of Insurance Coverage for:

Magnolia Creek Community Development District

Please review the proposed insurance coverage terms and conditions carefully.

Written request to bind must be received prior to the effective date of coverage.

The brief description of coverage contained in this document is being provided as an accommodation only and is not intended to cover or describe all Coverage Agreement terms. For more complete and detailed information relating to the scope and limits of coverage, please refer directly to the Coverage Agreement documents. Specimen forms are available upon request.

About FIA

Florida Insurance Alliance (“FIA”), authorized and regulated by the Florida Office of Insurance Regulation, is a non-assessable, governmental insurance Trust. FIA was created in September 2011 at a time when a large number of Special Taxing Districts were having difficulty obtaining insurance.

Primarily, this was due to financial stability concerns and a perception that these small to mid-sized Districts had a disproportionate exposure to claims. Even districts that were claims free for years could not obtain coverage. FIA was created to fill this void with the goal of providing affordable insurance coverage to Special Taxing Districts. Today, FIA proudly serves and protects nearly 1,000 public entity members.

Competitive Advantage

FIA allows qualifying Public Entities to achieve broad, tailored coverages with a cost-effective insurance program. Additional program benefits include:

- Insure-to-value property limits with no coinsurance penalties
- First dollar coverage for “alleged” public official ethics violations
- Proactive in-house claims management and loss control department
- Complimentary risk management services including on-site loss control, property schedule verification and contract reviews
- Online Risk Management Education & Training portal
- Online HR & Benefits Support portal
- HR Hotline
- Safety Partners Matching Grant Program

How are FIA Members Protected?

FIA employs a conservative approach to risk management. Liability risk retained by FIA is fully funded prior to the policy term through member premiums. The remainder of the risk is transferred to reinsurers. FIA’s primary reinsurers, Lloyds of London and Hudson Insurance Company, both have AM Best A XV (Excellent) ratings and surplus of \$2Billion or greater.

In the event of catastrophic property losses due to a Named Storm (i.e., hurricane), the program bears no risk as all losses are passed on to the reinsurers. FIA purchases property reinsurance to withstand the 1,000-year storm event (probability of exceedance .1%). This level of protection is statistically 2 to 3 times safer than competitors and industry norms.

What Are Members Responsible For?

As a non-assessable Trust, our members are only responsible for two items:

- Annual Premiums
- Individual Member Deductibles

FIA Bylaws prohibit any assessments or other fees.

Additional information regarding FIA and our member services can be found at www.fia360.org.

Quotation being provided for:

Magnolia Creek Community Development District
c/o Rizzetta & Company
3434 Colwell Ave, Suite 200
Tampa, FL 33614

Term: October 1, 2022 to October 1, 2023

Quote Number: 100122233

PROPERTY COVERAGE

SCHEDULE OF COVERAGES AND LIMITS OF COVERAGE

COVERED PROPERTY	
Total Insured Values – Blanket Building and Contents – Per Schedule on file totalling	Not Included
Loss of Business Income	Not Included
Additional Expense	Not Included
Inland Marine	
Scheduled Inland Marine	Not Included

It is agreed to include automatically under this Insurance the interest of mortgagees and loss payees where applicable without advice.

	Valuation	Coinsurance
Property	Replacement Cost	None
Inland Marine	Actual Cash Value	None

DEDUCTIBLES:	Not Applicable	Per Occurrence, All other Perils, Building & Contents and Extensions of Coverage.
	Not Applicable	Total Insured Values per building, including vehicle values, for "Named Storm" at each affected location throughout Florida subject to a minimum of Not Applicable per occurrence, per Named Insured.
	Per Attached Schedule	Inland Marine

Special Property Coverages		
Coverage	Deductibles	Limit
Earth Movement	Not Applicable	Not Included
Flood	Not Applicable	Not Included
Boiler & Machinery		Not Included
TRIA		Not Included

*Except for Zones A & V see page 8 (Terms and Conditions) excess of NFIP, whether purchased or not

TOTAL PROPERTY PREMIUM

Not Included

Extensions of Coverage

If marked with an "X" we will cover the following EXTENSIONS OF COVERAGE under this Agreement, These limits of liability do not increase any other applicable limit of liability.

(X)	Code	Extension of Coverage	Limit of Liability
	A	Accounts Receivable	\$500,000 in any one occurrence
	B	Animals	\$1,000 any one Animal \$5,000 Annual Aggregate in any one agreement period
	C	Buildings Under Construction	As declared on Property Schedule, except new buildings being erected at sites other than a covered location which is limited to \$250,000 estimated final contract value any one construction project.
	D	Debris Removal Expense	\$250,000 per insured or 25% of loss, whichever is greater
	E	Demolition Cost, Operation of Building Laws and Increased Cost of Construction	\$500,000 in any one occurrence
	F	Duty to Defend	\$100,000 any one occurrence
	G	Errors and Omissions	\$250,000 in any one occurrence
	H	Expediting Expenses	\$250,000 in any one occurrence
	I	Fire Department Charges	\$50,000 in any one occurrence
	J	Fungus Cleanup Expense	\$50,000 in the annual aggregate in any one occurrence
	K	Lawns, Plants, Trees and Shrubs	\$50,000 in any one occurrence
	L	Leasehold Interest	Included
	M	Air Conditioning Systems	Included
	N	New locations of current Insureds	\$1,000,000 in any one occurrence for up to 90 days, except 60 days for Dade, Broward, Palm Beach from the date such new location(s) is first purchased, rented or occupied whichever is earlier. Monroe County on prior submit basis only
	O	Personal property of Employees	\$500,000 in any one occurrence
	P	Pollution Cleanup Expense	\$50,000 in any one occurrence
	Q	Professional Fees	\$50,000 in any one occurrence
	R	Recertification of Equipment	Included
	S	Service Interruption Coverage	\$500,000 in any one occurrence
	T	Transit	\$1,000,000 in any one occurrence
	U	Vehicles as Scheduled Property	Included
	V	Preservation of Property	\$250,000 in any one occurrence
	W	Property at Miscellaneous Unnamed Locations	\$250,000 in any one occurrence
	X	Piers, docs and wharves as Scheduled Property	Included on a prior submit basis only

	Y	Glass and Sanitary Fittings Extension	\$25,000 any one occurrence
	Z	Ingress / Egress	45 Consecutive Days
	AA	Lock and Key Replacement	\$2,500 any one occurrence
	BB	Awnings, Gutters and Downspouts	Included
	CC	Civil or Military Authority	45 Consecutive days and one mile

CRIME COVERAGE

<u>Description</u>	<u>Limit</u>	<u>Deductible</u>
Forgery and Alteration	Not Included	Not Included
Theft, Disappearance or Destruction	Not Included	Not Included
Computer Fraud including Funds Transfer Fraud	Not Included	Not Included
Employee Dishonesty, including faithful performance, per loss	Not Included	Not Included

AUTOMOBILE COVERAGE

Coverages	Covered Autos	Limit	Premium
Covered Autos Liability	8,9	\$1,000,000	Included
Personal Injury Protection	N/A		Not Included
Auto Medical Payments	N/A		Not Included
Uninsured Motorists including Underinsured Motorists	N/A		Not Included
Physical Damage Comprehensive Coverage	N/A	Actual Cash Value Or Cost Of Repair, Whichever Is Less, Minus Applicable Deductible (See Attached Schedule) For Each Covered Auto, But No Deductible Applies To Loss Caused By Fire or Lightning. See item Four for Hired or Borrowed Autos.	Not Included
Physical Damage Specified Causes of Loss Coverage	N/A	Actual Cash Value Or Cost Of Repair, Whichever Is Less, Minus Applicable Deductible (See Attached Schedule) For Each Covered Auto For Loss Caused By Mischief Or Vandalism See item Four for Hired or Borrowed Autos.	Not Included
Physical Damage Collision Coverage	N/A	Actual Cash Value Or Cost Of Repair, Whichever Is Less, Minus Applicable Deductible (See Attached Schedule) For Each Covered Auto See item Four for Hired or Borrowed Autos.	Not Included
Physical Damage Towing And Labor	N/A	\$0 For Each Disablement Of A Private Passenger Auto	Not Included

GENERAL LIABILITY COVERAGE (Occurrence Basis)

Bodily Injury and Property Damage Limit	\$1,000,000
Personal Injury and Advertising Injury	Included
Products & Completed Operations Aggregate Limit	Included
Employee Benefits Liability Limit, per person	\$1,000,000
Herbicide & Pesticide Aggregate Limit	\$1,000,000
Medical Payments Limit	\$5,000
Fire Damage Limit	Included
No fault Sewer Backup Limit	\$25,000/\$250,000
General Liability Deductible	\$0

PUBLIC OFFICIALS AND EMPLOYMENT PRACTICES LIABILITY (Claims Made)

Public Officials and Employment Practices Liability Limit	Per Claim	\$1,000,000
	Aggregate	\$2,000,000
Public Officials and Employment Practices Liability Deductible		\$0

Supplemental Payments: Pre-termination \$2,500 per employee - \$5,000 annual aggregate.
Non-Monetary \$100,000 aggregate.

Cyber Liability sublimit included under POL/EPLI

Media Content Services Liability
Network Security Liability
Privacy Liability
First Party Extortion Threat
First Party Crisis Management
First Party Business Interruption
Limit: \$100,000 each claim/annual aggregate



PREMIUM SUMMARY

**Magnolia Creek Community Development District
c/o Rizzetta & Company
3434 Colwell Ave, Suite 200
Tampa, FL 33614**

Term: October 1, 2022 to October 1, 2023

Quote Number: 100122233

PREMIUM BREAKDOWN

Property (Including Scheduled Inland Marine)	Not Included
Crime	Not Included
Automobile Liability	Not Included
Hired Non-Owned Auto	Included
Auto Physical Damage	Not Included
General Liability	\$3,309
Public Officials and Employment Practices Liability	\$3,007
Deadly Weapon Protection Coverage	Not Included
TOTAL PREMIUM DUE	\$6,316

IMPORTANT NOTE

Defense Cost - Outside of Limit, Does Not Erode the Limit for General Liability, Public Officials Liability, and Employment related Practices Liability.

Deductible does not apply to defense cost. Self-Insured Retention does apply to defense cost.

Additional Notes:

(None)




PARTICIPATION AGREEMENT
Application for Membership in the Florida Insurance Alliance

The undersigned local governmental entity, certifying itself to be a public agency of the State of Florida as defined in Section 163.01, Florida Statutes, hereby formally makes application with the Florida Insurance Alliance ("FIA") for continuing liability and/or casualty coverage through membership in FIA, to become effective 12:01 a.m., 10/01/2022, and if accepted by the FIA's duly authorized representative, does hereby agree as follows:

- (a) That, by this reference, the terms and provisions of the Interlocal Agreement creating the Florida Insurance Alliance are hereby adopted, approved and ratified by the undersigned local governmental entity. The undersigned local governmental entity certifies that it has received a copy of the aforementioned Interlocal Agreement and further agrees to be bound by the provisions and obligations of the Interlocal Agreement as provided therein;
- (b) To pay all premiums on or before the date the same shall become due and, in the event Applicant fails to do so, to pay any reasonable late penalties and charges arising therefrom, and all costs of collection thereof, including reasonable attorneys' fees;
- (c) To abide by the rules and regulations adopted by the Board of Directors;
- (d) That should either the Applicant or the Fund desire to cancel coverage; it will give not less than thirty (30) days prior written notice of cancellation;
- (e) That all information contained in the underwriting application provided to FIA as a condition precedent to participation in FIA is true, correct and accurate in all respects.

Magnolia Creek Community Development District

 (Name of Local Governmental Entity)

By: 
 2FBE692E10DC458...

Signature

Jason Naumann

Print Name

Witness By: _____

Signature

Print Name

IS HEREBY APPROVED FOR MEMBERSHIP IN THIS FUND, AND COVERAGE IS EFFECTIVE October 1, 2022

By: _____

Administrator

Tab 7

RESOLUTION 2023- 03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MAGNOLIA CREEK COMMUNITY DEVELOPMENT DISTRICT ADOPTING AN AMENDED GENERAL FUND BUDGET FOR FISCAL YEAR 2021/2022, PROVIDING FOR APPROPRIATIONS; ADDRESSING CONFLICTS AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 5, 2021, the Board of Supervisors ("**Board**") of Magnolia Creek Community Development District ("**District**"), adopted Resolution 2021-04 providing for the adoption of the District's Fiscal Year 2021/2022 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 and anticipated appropriations of the Budget; and

WHEREAS, Chapters 189 and 190, *Florida Statutes*, and Section 3 of Resolution 2021-04 authorize the Board to amend the Budget at any time within Fiscal Year 2021/2022 or within sixty (60) days following the end of the Fiscal Year 2021/2022; 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 MAGNOLIA CREEK COMMUNITY DEVELOPMENT 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 2021/2022.
- 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 Magnolia Creek Community Development District for the fiscal year ending

September 30, 2022, as amended and adopted by the Board of Supervisors effective October 20, 2022.”

2. APPROPRIATIONS. There is hereby appropriated out of the revenues of the District, the fiscal year beginning October 1, 2021, and ending September 30, 2022, 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	\$ _____
DEBT SERVICE FUND(S)	\$ _____
TOTAL ALL FUNDS	\$ _____

3. CONFLICTS. This Resolution is intended to amend, in part, Resolution 2021-04, which remains in full force and effect except as otherwise provided herein. All terms of Resolution 2021-04 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 immediately upon adoption.

PASSED AND ADOPTED this 3rd day of November, 2022.

ATTEST:

**MAGNOLIA CREEK COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A

Amended Fiscal Year 2021/2022 Budget

Tab 8

Rizzetta & Company, Incorporated
3434 Colwell Ave, Suite 200
Tampa, FL 33614

Purchasing

Quote # : P9465
Quote Date : 10/11/2022
Expiration Date : 10/11/2022

Pay to :
BlueGreen Landscape Developement
755 Grand Blvd Suite B105-295
Destin, FL 32550
United States

Item	Description	Unit	Quantity	Unit Price	Amount
57200	Parks & Recreation Landscape Maintenance 10/22	Each	1	\$12500	\$12,500.00
				SUBTOTAL	\$12,500.00
				TOTAL	\$12,500.00

Landscape Maintenance 10/22