

**DEERING PARK
STEWARDSHIP
DISTRICT**

January 9, 2024

BOARD OF SUPERVISORS

**REGULAR
MEETING AGENDA**

**DEERING PARK
STEWARDSHIP DISTRICT**

**AGENDA
LETTER**

Deering Park Stewardship District
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013

December 29, 2023

Board of Supervisors
Deering Park Stewardship District

ATTENDEES:
Please identify yourself each
time you speak to facilitate
accurate transcription of
meeting minutes.

Dear Board Members:

The Board of Supervisors of the Deering Park Stewardship District will hold a Regular Meeting on January 9, 2024 at 2:00 p.m., at Storch Law Firm, located at 420 S. Nova Road, Daytona Beach, Florida 32114. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Consider Appointment to Fill Unexpired Term of Seat 5; *Term Expires November 2026*
 - Administration of Oath of Office to Appointed Supervisor
4. Consideration of Resolution 2024-01, Designating Certain Officers of the District, and Providing for an Effective Date
5. Consideration of Resolution 2024-03, Ratifying the Revision of Certain Documents Approved in Substantial Form at the Duly Advertised Meeting of the Board of Supervisors Held August 29, 2023; Addressing Severability; and Providing an Effective Date
6. Consideration of England-Thims & Miller, Inc., Work Authorization #3 for Capital Improvement Plan/Engineers Report
7. Discussion/Presentation: Grant for Edgewater Wetlands Park
Join Teams Meeting for Presentation: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting?rtc=1> Meeting ID: 244 227 506 617 Passcode: XCmCNw
8. Consideration of Resolution 2024-02, Designating a Date, Time, and Location for a Landowners' Meeting and Election; Providing for Publication; Establishing Forms for the Landowner Election; and Providing for Severability and an Effective Date
9. Acceptance of Unaudited Financial Statements as of November 30, 2023
10. Approval of August 29, 2023 Public Hearing and Regular Meeting Minutes

11. Staff Reports

- A. District Counsel: *Kutak Rock LLP*
- B. District Engineer: *England-Thims & Miller, Inc.*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - NEXT MEETING DATE: February 13, 2024 at 2:00 PM

○ QUORUM CHECK

SEAT 1	ROBBIE LEE	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 2	EARL UNDERHILL	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 3	GLENN STORCH	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 4	JAMES BOYD	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 5		☐ IN PERSON	☐ PHONE	☐ NO

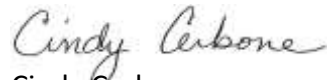
12. Board Members' Comments/Requests

13. Public Comments

14. Adjournment

Should have any questions or concerns, please do not hesitate to contact me directly at (561) 346-5294 or Andrew Kantarzhi at (415) 516-216

Sincerely,



Cindy Cerbone
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE

CALL-IN NUMBER: 1-888-354-0094

PARTICIPANT CODE: 867 327-4756

**DEERING PARK
STEWARDSHIP DISTRICT**

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RESOLUTION 2024-01

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE DEERING
PARK STEWARDSHIP DISTRICT DESIGNATING CERTAIN OFFICERS
OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Deering Park Stewardship District (hereinafter the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 2017-206, Laws of Florida, being situated within Brevard County, Volusia County and the City of Edgewater, Florida; and

WHEREAS, the Governing Board of the District desires to appoint the below-recited persons to the offices specified.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF DEERING
PARK STEWARDSHIP DISTRICT:**

SECTION 1. _____ is appointed Chair.

SECTION 2. _____ is appointed Vice Chair.

SECTION 3. _____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

Cindy Cerbone is appointed Assistant Secretary.

Andrew Kantarzhi is appointed Assistant Secretary.

SECTION 4. This Resolution supersedes any prior appointments made by the Board for Chair, Vice Chair and Assistant Secretaries; however, prior appointments by the Board for Secretary, Treasurer and Assistant Treasurer(s) remain unaffected by this Resolution.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

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PASSED AND ADOPTED this _____ day of _____, 2024.

ATTEST:

DEERING PARK STEWARDSHIP DISTRICT

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

**DEERING PARK
STEWARDSHIP DISTRICT**

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RESOLUTION 2024-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE DEERING PARK STEWARDSHIP DISTRICT RATIFYING THE REVISION OF CERTAIN DOCUMENTS APPROVED IN SUBSTANTIAL FORM AT THE DULY ADVERTISED MEETING OF THE BOARD OF SUPERVISORS HELD AUGUST 29, 2023; ADDRESSING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Deering Park Stewardship District (the “District”), in accordance with the provisions of Chapter 2020-197, Laws of Florida, held a duly advertised meeting of the Board of Supervisors (the “Board”) on August 29, 2024 (the “Prior Meeting”), to handle District matters properly coming before the Board; and

WHEREAS, at the Prior Meeting, the Board was presented with the District’s proposed Capital Improvement Plan, Master Validation Report, and Master Bond Resolution 2023-07 (together, the “Prior Meeting Documents”) and

WHEREAS, as evidenced by the Prior Meeting minutes, the Prior Meeting Documents were approved and adopted in substantial form so that they could be revised to reflect reduced costs in the Capital Improvement Plan; and

WHEREAS, District staff, in consultation with the District Chairman, revised the Prior Meeting Documents (the “Revised Documents”) and upon the reliance of the Revised Documents, commenced bond validation proceedings; and

WHEREAS, the Board desires to ratify and affirm the Revised Documents, copies of which are a part of the official District records, as well all actions related thereto by the District Chairman and District staff.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE DEERING PARK STEWARDSHIP DISTRICT:

SECTION 1. The Revised Documents, as well as all actions related thereto by the District Chairman and District staff, are hereby ratified and affirmed.

SECTION 2. If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect. To the extent the provisions of this Resolution conflict with the provisions of any other resolution of the District, the provisions of this Resolution shall prevail.

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

PASSED AND ADOPTED THIS 9th DAY OF JANUARY, 2024.

ATTEST:

DEERING PARK STEWARDSHIP DISTRICT

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

**DEERING PARK
STEWARDSHIP DISTRICT**

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WORK AUTHORIZATION # 3

January 5, 2024

Deering Park Stewardship District

City of Edgewater, Brevard County and Volusia County, Florida

Subject: Work Authorization Number 3

Capital Improvement Plan/Engineers Report

Dear Chairperson, Board of Supervisors:

England-Thims & Miller, Inc. ("Engineering Professional") is pleased to submit this work authorization to provide professional services for the Deering Park Stewardship District ("District"). We will provide these services pursuant to our current agreement dated June 1, 2023 ("Agreement") as follows:

I. Scope of Work

The District hereby engages the services of Engineering Professional to perform the work described in **Schedule A**, attached hereto.

II. Fees

The District will compensate Engineering Professional in accordance with the terms of the Agreement and **Schedule A**.

This proposal, together with the Agreement, represents the entire understanding between the District and Engineering Professional with regard to the referenced work authorization. If you wish to accept this work authorization, please sign both copies where indicated, and return one complete copy to our office. Upon receipt, we will promptly schedule our services.

Thank you for your consideration. We look forward to helping you create a quality project.

APPROVED AND ACCEPTED

By: _____
Authorized Representative of Deering Park
Stewardship District

Date: _____

Sincerely,



Andrew Holley, P.E.
Executive Vice President
England-Thims & Miller, Inc.

SCHEDULE A – SCOPE OF SERVICES

1. Capital Improvement Plan/Engineers Report

England, Thims & Miller, Inc. shall provide a capital improvement plan for District use in bond validation hearings. **Note:** Prior to bond issuance, a supplemental engineers report will be required. Upon definition of the initial bond issuance, ETM will provide a supplemental scope of work to prepare the supplemental engineers report that is specific to the initial bond issuance. This line item includes the following:

1. Attending Meetings with Consultants and District Staff
2. Preparation of Final Cost Estimates for the Improvement Plan
3. Development of written descriptions for the Improvement Plan
4. Preparation of Draft Improvement Plan
5. Preparation of Final Improvement Plan
6. Provide expert testimony, as required
7. Attendance at Public Hearings

Fee **Hourly**

(Budget Estimate: \$35,000.00)
(Not-to-Exceed Without Owner's Authorization)

EXPENSES

Costs such as printing, telephone, delivery service, mileage and travel shall be invoiced at direct cost plus 15%.

ENGLAND-THIMS & MILLER, INC. HOURLY FEE SCHEDULE – 2024

CEO/CSO.....	\$475.00	/Hr.
President.....	\$375.00	/Hr.
Executive Vice President.....	\$362.00	/Hr.
Principal - Vice President.....	\$290.00	/Hr.
Vice President.....	\$280.00	/Hr.
Senior Engineer / Senior Project Manager.....	\$244.00	/Hr.
Project Manager.....	\$216.00	/Hr.
Director.....	\$208.00	/Hr.
Engineer.....	\$186.00	/Hr.
Assistant Project Manager.....	\$163.00	/Hr.
Senior Planner / Planning Manager.....	\$223.00	/Hr.
Senior Environmental Scientist.....	\$230.00	/Hr.
Planner.....	\$173.00	/Hr.
CEI Senior Project Engineer.....	\$305.00	/Hr.
Construction Project Manager / Project Coordinator.....	\$219.00	/Hr.
Senior Construction Owner's Representative.....	\$202.00	/Hr.
Construction Owner's Representative.....	\$185.00	/Hr.
CEI Senior Inspector / Client Representative.....	\$173.00	/Hr.
CEI Inspector	\$140.00	/Hr.
Senior Landscape Architect.....	\$195.00	/Hr.
Landscape Architect.....	\$186.00	/Hr.
Senior Technician / Senior Specialist.....	\$169.00	/Hr.
GIS Program Manager.....	\$185.00	/Hr.
GIS Analyst	\$146.00	/Hr.
GIS Consultant.....	\$157.00	/Hr.
Senior Engineering Designer / Senior LA Designer.....	\$166.00	/Hr.
Engineering / Landscape Designer.....	\$152.00	/Hr.
Engineering Intern	\$148.00	/Hr.
CADD/GIS Technician.....	\$139.00	/Hr.
Project Coordinator / CSS.....	\$116.00	/Hr.
Administrative Support.....	\$99.00	/Hr.

*ETM's standard hourly billing rates are reevaluated annually prior to the beginning of the calendar year.

**DEERING PARK
STEWARDSHIP DISTRICT**

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DEERING PARK

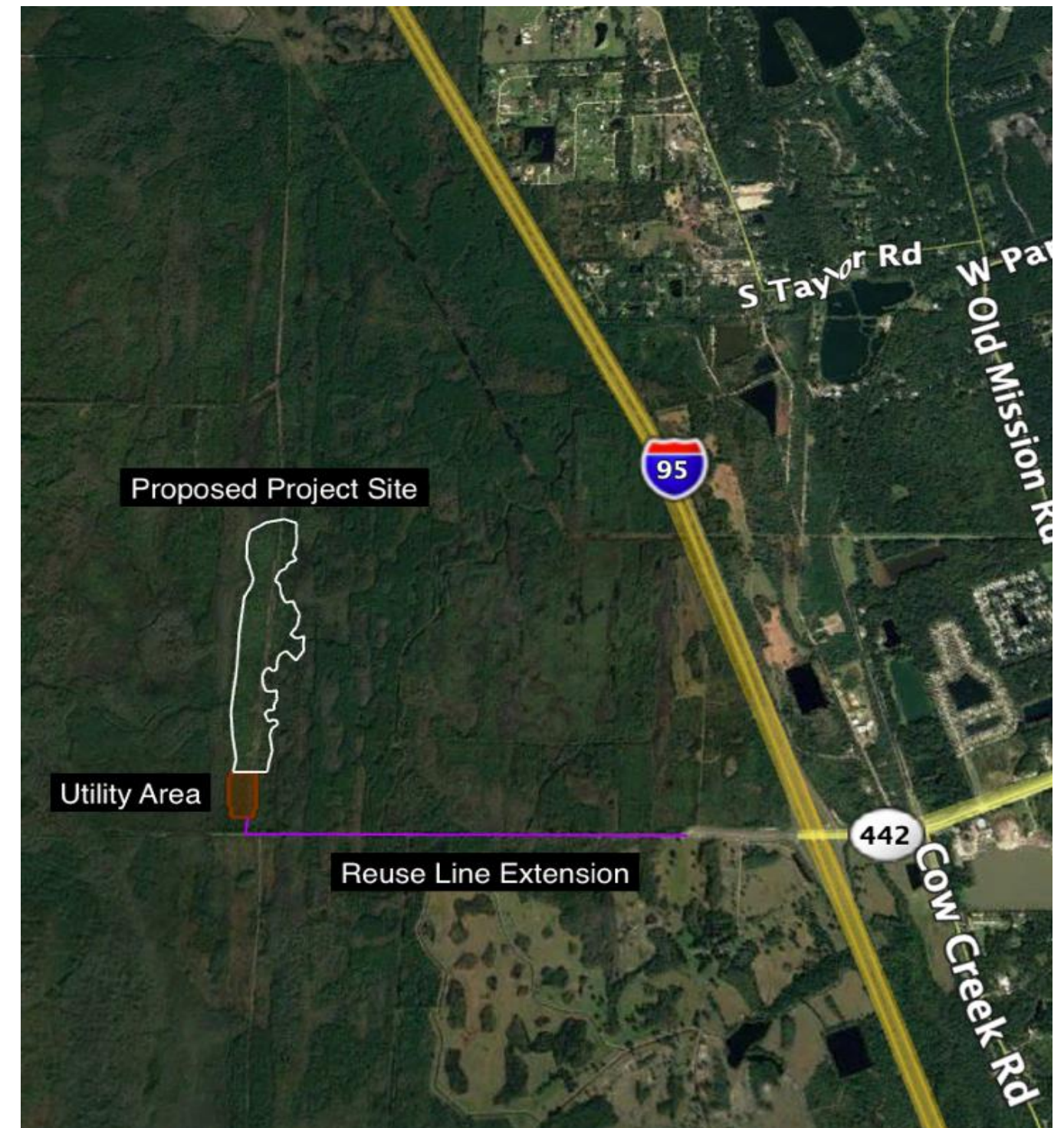
Deering Park Stewardship District – Board of Supervisors Meeting

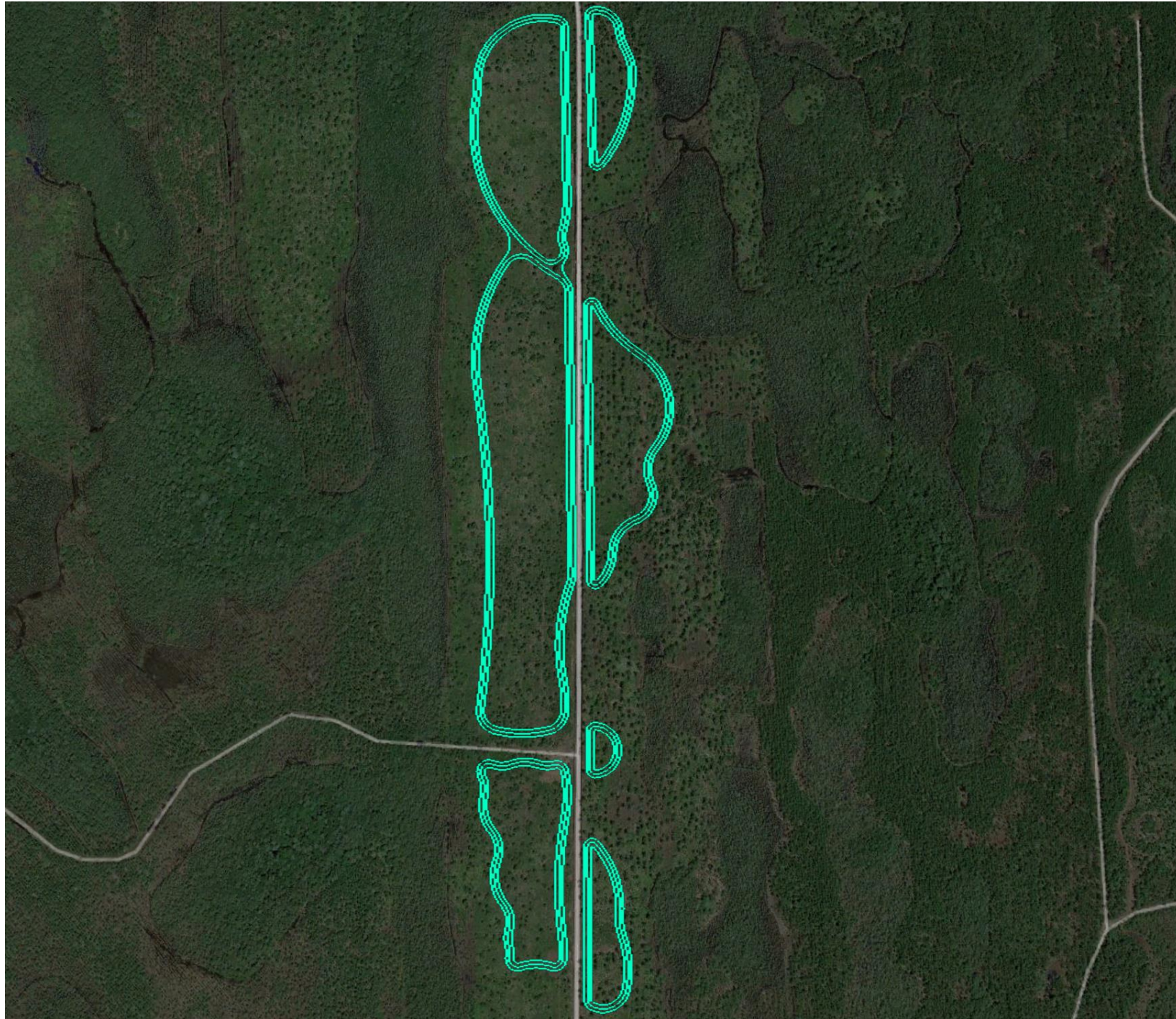
January 9, 2024

Review of Grant Applications

 The Edgewater Wetland Park will:

- redirect between 0.7-3 MGD (phased over time) of the City of Edgewater's reclaimed water away from the permitted surface water discharge into the Indian River (Mosquito Lagoon);
- create a 50-acre upland wetland system 5 miles west of the WWTF within Deering Park North to receive the reclaimed water and recharge the aquifer; and
- improve water quality in the lagoon, create wetland habitat, and provide opportunities for birdwatching and bicycling with the DPN trail to be constructed on the east side.



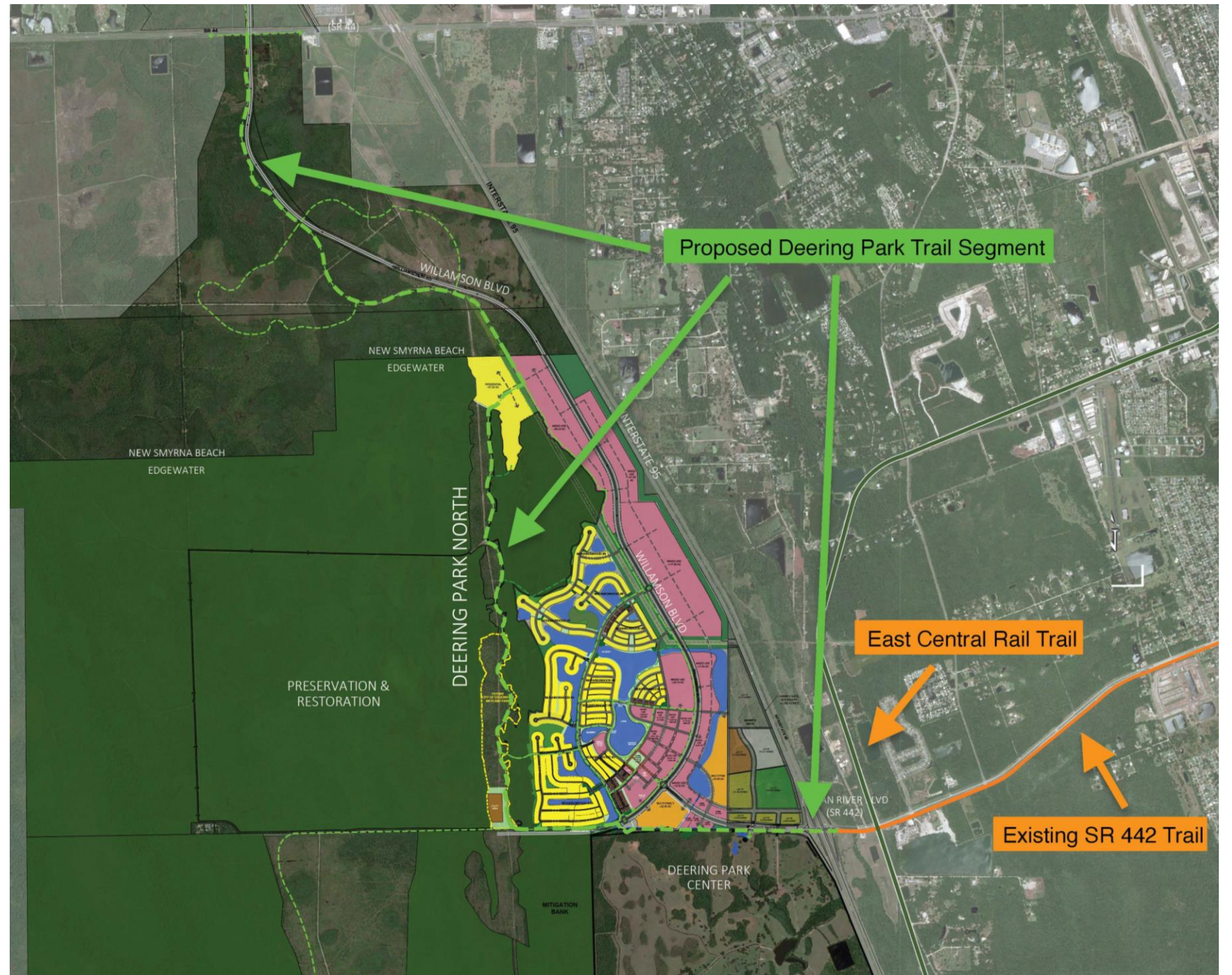


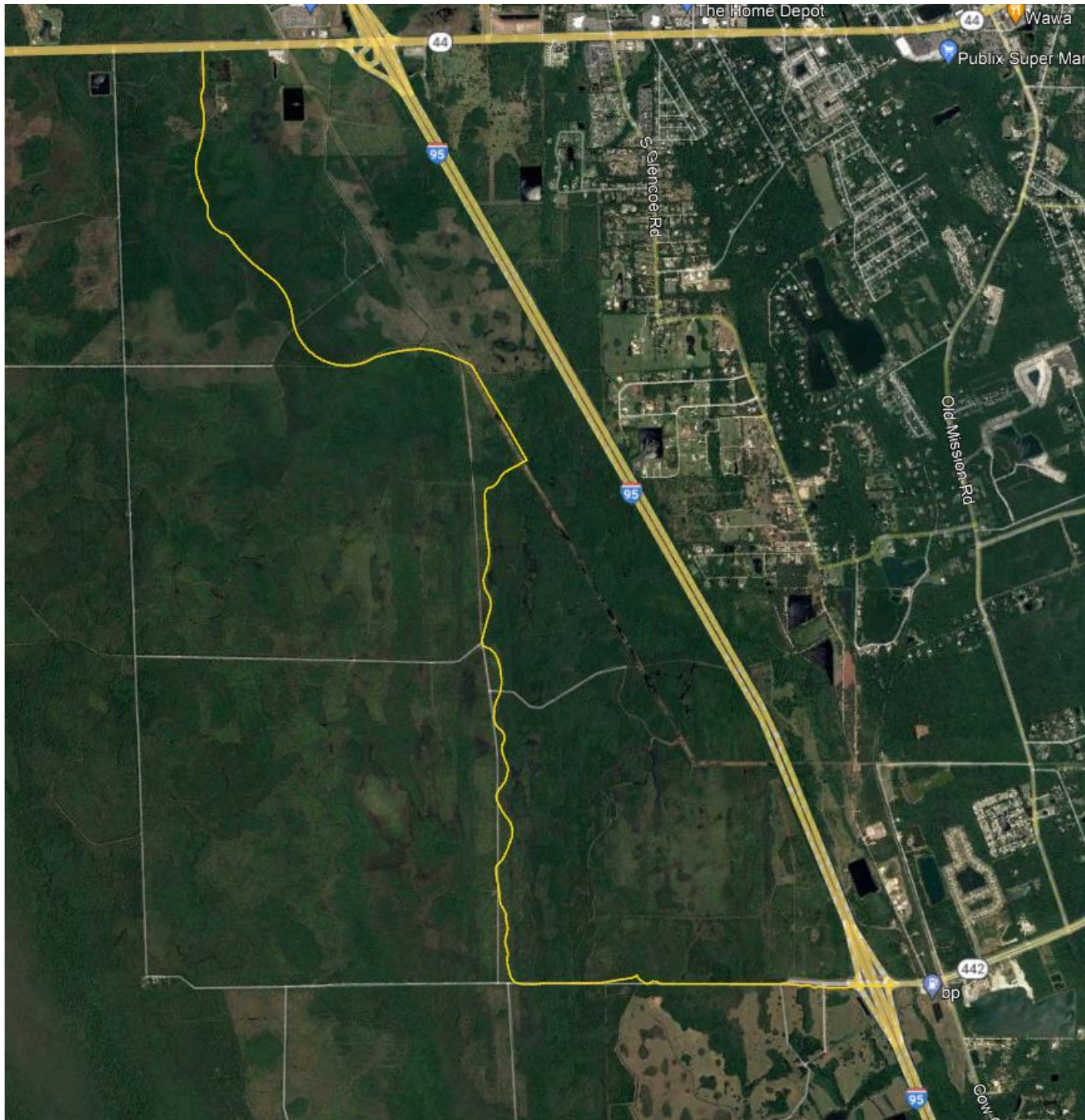
🌿 The Edgewater Wetland Park has been submitted to the following grant programs:

- FDEP Indian River Lagoon Water Quality Improvement Grant program
 - Project awarded \$7,143,500

🌿 The Deering Park North (DPN) Trail project will:

- create 7 miles of multi-use trail that will begin on the south side of SR 442, just east of I-95;
- connect underneath the I-95 overpass, west along SR 442, and then north along the Edgewater Wetland Park between the Deering Park North conservation areas within the Florida Wildlife Corridor; and
- provide public recreation access through protected lands that will promote health, environmental and economic benefits.



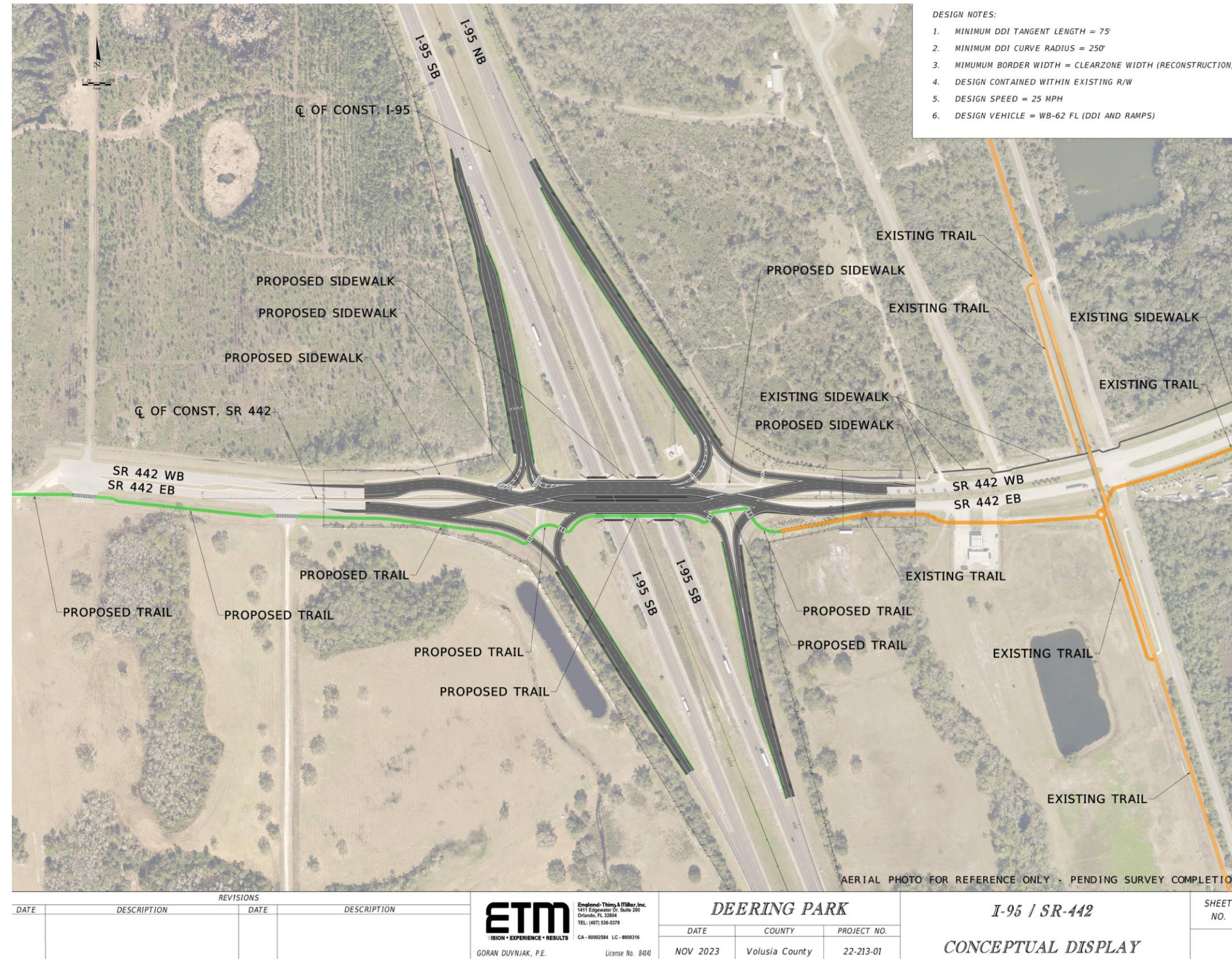


 The DPN Trail project has been submitted to the following programs:

- River-to-Sea Transportation Planning Organization (TPO)
 - Project placed on TPO's priority list
- Florida Greenways and Trails Program
 - Project approved for inclusion in SUNTrail Priority List
- FDOT SUNTrail Program Request for Funding
 - \$6,476,365 requested

SR 442 / I-95 Interchange Gateway to Edgewater Project will:

- reconfigure and expand the existing SR 442 from 2 to 6 lanes underneath the I-95 overpass;
- provide a protected multi-use path for bicycles and pedestrians that will link with the DPN Trail; and
- improve resilience by mitigating flooding.



 The SR 442 / I-95 Interchange Gateway to Edgewater Project has been submitted to the following programs:

- Florida Legislature Appropriation Requests
 - \$15 million requested for FY 2024-2025
 - Will request \$15 million for FY 2025-2026



<u>Project</u>	<u>Grants / Programs</u>	<u>Amount Requested</u>	<u>Date Submitted</u>	<u>Status</u>
Edgewater Wetland Park	FDEP Indian River Lagoon Water Quality Improvement Grant program	\$ 7,143,500	9/5/23	Awarded
Deering Park North Trail	FDOT SUNTrail Program Request for Funding	\$ 6,476,365	12/20/23	Request Submitted
I-95 Interchange / SR-442 Expansion (Will request additional \$15 MM in 2025)	Florida Legislature Appropriations Request	\$ 15,000,000	11/6/23	Request Submitted

**DEERING PARK
STEWARDSHIP DISTRICT**

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RESOLUTION 2024-02

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE DEERING PARK STEWARDSHIP DISTRICT DESIGNATING A DATE, TIME AND LOCATION FOR A LANDOWNERS' MEETING AND ELECTION; PROVIDING FOR PUBLICATION; ESTABLISHING FORMS FOR THE LANDOWNER ELECTION; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Deering Park Stewardship District ("**District**") is a local unit of special-purpose government created and existing pursuant to Chapter 2020-197, Laws of Florida, located in Brevard County, Volusia County and the City of Edgewater, Florida; and

WHEREAS, the District's Board of Supervisors ("**Board**") is statutorily authorized to exercise the powers granted to the District; and

WHEREAS, all meetings of the Board shall be open to the public and governed by provisions of Chapter 286, Florida Statutes; and

WHEREAS, the District is statutorily required to hold a meeting of the landowners of the District for the purpose of electing supervisors for the District on a date in November established by the Board, which shall be noticed pursuant to Chapter 2020-197(5)(2)(a), Laws of Florida.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF DEERING PARK STEWARDSHIP DISTRICT:

1. **EXISTING BOARD SUPERVISORS; SEATS SUBJECT TO ELECTIONS.** The Board is currently made up of the following individuals:

Seat Number	Supervisor	Term Expiration Date
1	Robbie Lee	11/17/2024
2	Earl M Underhill	11/17/2024
3	Glenn D Storch	11/17/2024
4	James Boyd	11/20/2026
5		11/20/2026

This year, Seat 1, currently held by Robbie Lee, Seat 2, currently held by Earl M Underhill, and Seat 3, currently held by Glenn Storch are subject to election by landowners on November ___, 2024. The two candidates receiving the highest number of votes shall be elected for a term of four (4) years. The candidate receiving the next highest number of votes shall be elected for a term of two (2) years. The term of office for each successful candidate shall commence upon election.

2. **LANDOWNERS' ELECTION.** In accordance with Chapter 2020-197(5)(2), Laws of Florida, the meeting of the landowners to elect three (3) supervisors of the District, shall be held on November ___, 2024 at Storch Law Firm, 420 S. Nova Road, Daytona Beach, Florida 32114.

3. **PUBLICATION.** The District's Secretary is hereby directed to publish notice of this landowners' meeting in accordance with the requirements of Chapter 2020-197(2), Laws of Florida.

4. **FORMS.** Pursuant to Chapter 2020-197(5)(2), Laws of Florida, the landowners' meeting and election has been announced by the Board at its January 9, 2024 meeting. A sample notice of landowners' meeting and election, proxy, ballot form and instructions were presented at such meeting and are attached hereto as **Exhibit A**. Such documents are available for review and copying during normal business hours at the District's Local Records Office, located at Storch Law Firm, 420 S. Nova Road, Daytona Beach, Florida 32114-4514 within Volusia County, Florida or at the office of the District Manager, Wrathell, Hunt and Associates, LLC, located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

5. **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.

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

PASSED AND ADOPTED this 9th day of January, 2024.

Attest:

DEERING PARK STEWARDSHIP DISTRICT

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

**NOTICE OF LANDOWNERS' MEETING AND ELECTION AND MEETING OF THE BOARD OF SUPERVISORS
OF THE DEERING PARK STEWARDSHIP DISTRICT**

Notice is hereby given to the public and all landowners within Deering Park Stewardship District (the "**District**") the location of which is generally described as comprising a parcel or parcels of land containing approximately 64,135 acres, in Brevard County, Volusia County and the City of Edgewater, Florida, advising that a meeting of landowners will be held for the purpose of electing three (3) persons to the District Board of Supervisors. [Immediately following the landowners' meeting there will be convened a meeting of the Board of Supervisors for the purpose of considering certain matters of the Board to include election of certain District officers, and other such business which may properly come before the Board.]

DATE: November __, 2024
TIME: ____:____ A/PM
PLACE: Storm Law Firm
420 S. Nova Road
Daytona Beach, Florida 32114

Each landowner may vote in person or by written proxy. Proxy forms may be obtained upon request at the office of the District Manager, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010 ("District Manager's Office"). At said meeting each landowner or his or her proxy shall be entitled to nominate persons for the position of Supervisor and cast one vote per acre of land, or fractional portion thereof, owned by him or her and located within the District for each person to be elected to the position of Supervisor. A fraction of an acre shall be treated as one acre, entitling the landowner to one vote with respect thereto. Platted lots shall be counted individually and rounded up to the nearest whole acre. The acreage of platted lots shall not be aggregated for determining the number of voting units held by a landowner or a landowner's proxy. At the landowners' meeting the landowners shall select a person to serve as the meeting chair and who shall conduct the meeting.

The landowners' meeting and the Board of Supervisors meeting are open to the public and will be conducted in accordance with the provisions of Florida law. One or both of the meetings may be continued to a date, time, and place to be specified on the record at such meeting. A copy of the agenda for these meetings may be obtained from the District Manager's Office. There may be an occasion where one or more supervisors will participate by telephone.

Any person requiring special accommodations to participate in these meetings is asked to contact the District Manager's Office at least 48 hours before the hearing. If you are hearing or speech impaired, please contact the Florida Relay Service at (800) 955-8770 for aid in contacting the District Office.

A person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that such 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.

District Manager
Run Date(s): _____ & _____

PUBLISH: ONCE A WEEK FOR 2 CONSECUTIVE WEEKS, THE LAST DAY OF PUBLICATION TO BE NOT FEWER THAN 14 DAYS OR MORE THAN 28 DAYS BEFORE THE DATE OF ELECTION, IN A NEWSPAPER WHICH IS IN GENERAL CIRCULATION IN THE AREA OF THE DISTRICT

**INSTRUCTIONS RELATING TO LANDOWNERS' MEETING OF
DEERING PARK STEWARDSHIP DISTRICT FOR THE ELECTION OF SUPERVISORS**

DATE OF LANDOWNERS' MEETING: **November __, 2024**

TIME: ____:____ **A/PM**

LOCATION: **Storm Law Firm
420 S. Nova Road
Daytona Beach, Florida 32114**

Pursuant to Chapter 2020-197(5)(2), Laws of Florida, after the Deering Park Stewardship District ("District") has been established and the landowners have held their initial election, there shall be a subsequent landowners' meeting for the purpose of electing members of the Board of Supervisors every two years until the District qualifies to have its board members elected by the qualified electors of the district. The following instructions on how all landowners may participate in the election is intended to comply with Chapter 2020-197(5)(2)(b), Laws of Florida.

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

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

This year, three (3) seats on the Board will be up for election by landowners. The two candidates receiving the highest number of votes shall be elected for a term of four (4) years. The candidate receiving the next highest number of votes shall be elected for a term of two (2) years. The term of office for each successful candidate shall commence upon election.

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

LANDOWNER PROXY

**DEERING PARK STEWARDSHIP DISTRICT
VOLUSIA COUNTY AND BREVARD COUNTY, FLORIDA
LANDOWNERS' MEETING – NOVEMBER __, 2024**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, the fee simple owner of the lands described herein, hereby constitutes and appoints _____ ("**Proxy Holder**") for and on behalf of the undersigned, to vote as proxy at the meeting of the landowners of the Deering Park Stewardship District to be held at Storm Law Firm, 420 S. Nova Road, Daytona Beach, Florida 32114 on November __, 2024, at __:__ a/p.m., and at any adjournments thereof, according to the number of acres of unplatted land and/or platted lots owned by the undersigned landowner that the undersigned would be entitled to vote if then personally present, upon any question, proposition, or resolution or any other matter or thing that may be considered at said meeting including, but not limited to, the election of members of the Board of Supervisors. Said Proxy Holder may vote in accordance with his or her discretion on all matters not known or determined at the time of solicitation of this proxy, which may legally be considered at said meeting.

Any proxy heretofore given by the undersigned for said meeting is hereby revoked. This proxy is to continue in full force and effect from the date hereof until the conclusion of the landowners' meeting and any adjournment or adjournments thereof, but may be revoked at any time by written notice of such revocation presented at the landowners' meeting prior to the Proxy Holder's exercising the voting rights conferred herein.

Printed Name of Legal Owner

By: _____
Title: _____

Date

<u>Parcel Description</u>	<u>Acreage</u>	<u>Authorized Votes</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel. If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

Total Number of Authorized Votes: _____

NOTES: * Pursuant to Chapter 2020-197(5)(2)(b), Laws of Florida, a fraction of an acre is treated as one (1) acre entitling the landowner to one vote with respect thereto. Moreover, two (2) or more persons who own real property in common that is one acre or less are together entitled to only one vote for that real property.

If the fee simple landowner is not an individual, and is instead a corporation, limited liability company, limited partnership or other entity, evidence that the individual signing on behalf of the entity has the authority to do so should be attached hereto (e.g., bylaws, corporate resolution, etc.).

OFFICIAL BALLOT
DEERING PARK STEWARDSHIP DISTRICT
VOLUSIA COUNTY AND BREVARD COUNTY, FLORIDA
LANDOWNERS' MEETING – NOVEMBER __, 2024

For Election (3 Supervisors): The two candidates receiving the highest number of votes shall be elected for a term of four (4) years. The candidate receiving the next highest number of votes shall be elected for a term of two (2) years. The term of office for each successful candidate shall commence upon election.

The undersigned certifies that he/she/it is the fee simple owner of land, or the proxy holder for the fee simple owner of land, located within the Deering Park Stewardship District and described as follows:

<u>Description</u>	<u>Acreage</u>
_____	_____
_____	_____
_____	_____

[Insert above the street address of each parcel, the legal description of each parcel, or the tax identification number of each parcel.] [If more space is needed, identification of parcels owned may be incorporated by reference to an attachment hereto.]

or

Attach Proxy.

I, _____, as Landowner, or as the proxy holder of _____
_____ (Landowner) pursuant to the Landowner's Proxy attached hereto,
do cast my votes as follows:

SEAT NUMBER	NAME OF CANDIDATE	NUMBER OF VOTES
1		
2		
3		

Date: _____

Signed: _____

Printed Name: _____

**DEERING PARK
STEWARDSHIP DISTRICT**

**UNAUDITED
FINANCIAL
STATEMENTS**

**DEERING PARK
STEWARDSHIP DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
NOVEMBER 30, 2023**

**DEERING PARK
STEWARDSHIP DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
NOVEMBER 30, 2023**

	General Fund	Debt Service Fund	Total Governmental Funds
ASSETS			
Cash	\$ 9,829	\$ -	\$ 9,829
Undeposited funds	8,954	-	8,954
Due from Landowner	3,069	3,066	6,135
Due from general fund	-	3,532	3,532
Total assets	<u>\$ 21,852</u>	<u>\$ 6,598</u>	<u>\$ 28,450</u>
LIABILITIES AND FUND BALANCES			
Liabilities:			
Accounts payable	\$ 12,315	\$ 6,598	\$ 18,913
Due to debt service fund	3,532	-	3,532
Due to Landowner	-	6,598	6,598
Accrued wages payable	800	-	800
Tax payable	61	-	61
Landowner advance	6,000	-	6,000
Total liabilities	<u>22,708</u>	<u>13,196</u>	<u>35,904</u>
DEFERRED INFLOWS OF RESOURCES			
Deferred receipts	<u>3,069</u>	<u>-</u>	<u>3,069</u>
Total deferred inflows of resources	<u>3,069</u>	<u>-</u>	<u>3,069</u>
Fund balances:			
Restricted for:			
Debt service	-	(6,598)	(6,598)
Unassigned	<u>(3,925)</u>	<u>-</u>	<u>(3,925)</u>
Total fund balances	<u>(3,925)</u>	<u>(6,598)</u>	<u>(10,523)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 21,852</u>	<u>\$ 6,598</u>	<u>\$ 28,450</u>

**DEERING PARK
STEWARDSHIP DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED NOVEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Landowner contribution	\$ 8,954	\$ 16,324	\$ 126,421	13%
Total revenues	<u>8,954</u>	<u>16,324</u>	<u>126,421</u>	13%
EXPENDITURES				
Professional & administrative				
Supervisors	\$ -	\$ -	\$ 12,918	0%
Management/accounting/recording ¹	2,000	4,000	48,000	8%
Legal	-	-	30,000	0%
Engineering	-	-	3,500	0%
Audit ²	-	-	3,075	0%
Arbitrage rebate calculation ²	-	-	750	0%
Dissemination agent ³	-	-	1,000	0%
Trustee ²	-	-	6,500	0%
Debt service fund accounting: master bonds ³	-	-	5,500	0%
Postage	-	-	500	0%
Printing and binding	42	83	500	17%
Legal advertising	1,027	1,266	6,500	19%
Annual district filing fee	-	175	175	100%
Insurance - GL, POL	-	5,590	5,913	95%
Miscellaneous- bank charges	23	48	675	7%
Website:				
Hosting & updates	-	705	705	100%
ADA compliance	-	-	210	0%
Total professional & administrative	<u>3,092</u>	<u>11,867</u>	<u>126,421</u>	9%
Excess/(deficiency) of revenues over/(under) expenditures	5,862	4,457	-	
Fund balances - beginning	<u>(9,787)</u>	<u>(8,382)</u>	<u>-</u>	
Fund balances - ending	<u>\$ (3,925)</u>	<u>\$ (3,925)</u>	<u>\$ -</u>	

¹The \$2k monthly fee represents the charge for a semi-dormant CDD. Once bonds are issued this fee will revert back to \$4k per month.

²These items will be realized the year after the issuance of bonds.

³These items will be realized when bonds are issued.

**DEERING PARK
STEWARDSHIP DISTRICT
DEBT SERVICE FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED NOVEMBER 30, 2023**

	Current Month	Year To Date
REVENUES	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
EXPENDITURES	<u>-</u>	<u>-</u>
Total expenditures	<u>-</u>	<u>-</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	-
Fund balances - beginning	(6,598)	(6,598)
Fund balances - ending	<u><u>\$ (6,598)</u></u>	<u><u>\$ (6,598)</u></u>

**DEERING PARK
STEWARDSHIP DISTRICT**

MINUTES

DRAFT

**MINUTES OF MEETING
DEERING PARK STEWARDSHIP DISTRICT**

The Board of Supervisors of the Deering Park Stewardship District held a Public Hearing and Regular Meeting on August 29, 2023 at 2:30 p.m., at the Storch Law Firm, located at 420 S. Nova Road, Daytona Beach, Florida 32114-4514.

Present were:

Glenn Storch	Chair
Robbie Lee	Vice Chair
Earl Underhill (via telephone)	Assistant Secretary
James (Jim) Boyd	Assistant Secretary

Also present:

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Michael Hoyos	Wrathell, Hunt and Associates, LLC (WHA)
Jonathan Johnson (via telephone)	District Counsel
Chris Washaw	District Engineer
Misty Taylor	Bond Counsel
Sarah Warren (via telephone)	Bryant Miller Olive
Helen Hutchens (via telephone)	Miami Corporation Management, LLC

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 2:31 p.m. Supervisors Storch, Boyd and Lee were present. Supervisor Underhill attended via telephone. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

**Consider Appointment to Fill Unexpired
Term of Seat 5; Term Expires November
2026**

- **Administration of Oath of Office to Appointed Supervisor (the following to be provided in a separate package)**

- 41 A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
42 B. Membership, Obligations and Responsibilities
43 C. Financial Disclosure Forms
44 I. Form 1: Statement of Financial Interests
45 II. Form 1X: Amendment to Form 1, Statement of Financial Interests
46 III. Form 1F: Final Statement of Financial Interests
47 D. Form 8B – Memorandum of Voting Conflict

48 This item was deferred.
49

50 **FOURTH ORDER OF BUSINESS**

Consideration of Resolution 2023-05,
Designating Certain Officers of the District,
and Providing for an Effective Date

51
52
53
54 This item was deferred.

55
56 **FIFTH ORDER OF BUSINESS**

Public Hearing on Adoption of Fiscal Year
2023/2024 Budget

57
58
59 A. Affidavit of Publication

60 The affidavit of publication was included for informational purposes.
61

62 **On MOTION by Mr. Storch and seconded by Mr. Lee, with all in favor, the**
63 **Public Hearing was opened.**
64
65

66 Ms. Cerbone presented the proposed Fiscal Year 2024 budget, which is unchanged since
67 it was last presented. It is a Landowner-funded budget, with expenses funded as they are
68 incurred. While the full Management Fees of \$48,000 are budgeted in anticipation of bond
69 issuance on or prior to October, the reduced monthly fee will apply until bonds are issued.

70 No members of the public spoke.
71

72 **On MOTION by Mr. Lee and seconded by Mr. Boyd, with all in favor, the Public**
73 **Hearing was closed.**
74
75

B. Consideration of Resolution 2023-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date

Ms. Cerbone presented Resolution 2023-06.

On MOTION by Mr. Storch and seconded by Mr. Lee, with all in favor, Resolution 2023-06, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

**Consideration of Fiscal Year 2023/2024
Budget Funding Agreement**

Ms. Cerbone presented the Fiscal Year 2023/2024 Budget Funding Agreement.

The following changes were made:

Page 1 and where necessary: For Swallowtail LLC, change “Developer” to “Landowner” and change “the developer of the lands” to “the owner of the lands”

On MOTION by Mr. Storch and seconded by Mr. Boyd, with all in favor, the Fiscal Year 2023/2024 Budget Funding Agreement, as amended, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of SR442 IMR Related Documents

Mr. Johnson discussed England-Thims & Miller, Inc. (ETM) Work Authorization #1 related to the proposed SR 442 design work and the Construction Funding Agreement needed to undertake that scope of work. The Construction Funding Agreement with Deering Park 1, LLC (DP1), the development entity, will enable the Stewardship District to oversee design work and the scope of work it will eventually undertake.

109 Mr. Washaw presented Work Authorization #1, which is essentially a 30% design plan
110 including the required studies and costs for traffic modeling, in the format of a Florida
111 Department of Transportation (FDOT) proposal.

112 Mr. Johnson confirmed that Work Authorization #1 is an Exhibit to the Construction
113 Funding Agreement, as indicated in the fourth Whereas clause. He suggested approval subject
114 to any comments from DP1.

115 Mr. Boyd asked for the projected construction cost for the interchange improvements.
116 Mr. Washaw stated ETM currently estimates costs at \$30 million.

117 Discussion ensued regarding Work Authorization #1, the scope of work, fees and
118 supporting descriptions and descriptions not included in the fee schedule.

119 Mr. Storch stated his understanding that invoices and costs will continually be reviewed
120 throughout the process. He asked if the Board will be informed as to the overall accounting of
121 the contract. Mr. Johnson replied affirmatively and stated invoices are provided with Work
122 Authorizations when bills are presented for approval or ratification at Board meetings. Ms.
123 Cerbone stated her understanding that the Kolter entity will fund the work and that the
124 Construction Funding Agreement is between the District and Kolter. Mr. Johnson stated that
125 ETM will invoice the District, and the District will invoice the development entity; funds will not
126 flow directly from the Developer to ETM. Mr. Storch noted that multiple stopgaps will help
127 ensure proper workflow and invoicing.

128 Discussion ensued regarding accounting processes whereby District Management
129 receives invoices from ETM; once reviewed for accuracy and documentation, invoices will be
130 sent to the Kolter entity for processing and payment.

131 Mr. Storch noted that the contract was vetted by all parties and suggested that, if the
132 basic concepts are correct, the Exhibit can be revised throughout the process. He noted that
133 accountants will review transactions throughout the process. Mr. Storch stated the contract is
134 being approved and suggested the discrepancies can be reviewed at the next meeting.

135 Ms. Cerbone suggested any discrepancies identified between meetings, in amounts not-
136 to-exceed \$100,000, can be reviewed by the District Engineer, District Counsel, Chair and a
137 Developer representative, sent to Kolter and then ratified at the next meeting.

Mr. Boyd was in agreement, as long as discrepancies can be reconciled based on additional information. Mr. Washaw stated the only changes would be to the text descriptions, as the fees provided are solid. Ms. Hutchens stressed the importance of ensuring that the fee structure matches the text descriptions throughout. She believes this might be a substantial form issue; if the fee is solid and the text of the agreement is clarified, those can be reconciled and ratified.

A. Construction Funding Agreement

B. Work Authorization #1

On MOTION by Mr. Storch and seconded by Mr. Lee, with all in favor, the Construction Funding Agreement and Work Authorization #1, both in substantial form, and authorizing the Chair or Vice Chair to execute, subject to ratification at the next meeting, were approved.

EIGHTH ORDER OF BUSINESS

Consideration of Bond Related Matters

A. Capital Improvement Plan

Mr. Washaw presented the Capital Improvement Plan (CIP) dated August 24, 2023, noting that the CIP includes all potential improvements that might be funded by the District for public use. The CIP is not actually used to issue bonds; it covers the entire District and a Supplemental Engineer's Report, which will further refine cost estimates and areas included, will be prepared prior to the first bond issuance.

Ms. Cerbone stated Bond Counsel is present to respond to questions. She noted that it is standard practice to include all possible expenditures in the CIP and, as the bond issuance approaches, the scope of improvements is narrowed and supplemental Reports are prepared.

Ms. Taylor stated, before the District can issue any bonds, the bonds must be validated; the intent is to validate only once. Given the large scale, long-term nature of the District, the Report was categorized. Nothing to be done today approves a particular bond issue or the financing for particular improvements for a bond issue, that will come later.

Discussion ensued regarding estimates for imported fill and localized fill, quantity and placement of lift stations and force mains and residential and commercial utility services.

Mr. Johnson noted that the District is not obligated to the amounts shown for any particular line item; rather, as development occurs, it is the total not-to-exceed amount that governs.

Mr. Boyd noted that the 67 lift stations, at a cost of \$50 million, are included under both "Master Utilities" and "Residential Utilities." Mr. Washaw stated Ms. Hutchens made him aware of the same and he recalculated the total accordingly, adjusting for inflation, which reduced the total from \$16,600,218,776, by an overall delta of approximately \$165 million when adjusted for inflation, to \$16,435,535,000.

Discussion ensued regarding master lift station costs for surrounding areas, cost increases and estimates and roadway construction.

Ms. Cerbone noted that the documentation might need to be adjusted to address discrepancies to the District's total acreages.

On MOTION by Mr. Storch and seconded by Mr. Lee, with all in favor, the Deering Park Stewardship District Capital Improvement Plan dated August 24, 2023, in substantial form, was approved.

B. Master Validation Report

Mr. Hoyos presented the Master Validation Report dated August 29, 2023. He stated the CIP, as discussed earlier, totals \$16,600,218,776; adjusted for inflation, the Validation Report projects that the District would have to issue \$22,703,900,000 in bonds. It is the recommendation of this Validation Report that the District include a 5% cushion, which increases the total recommended validation amount to \$23,839,095,000. Mr. Storch asked if the 5% cushion is standard for the industry. Mr. Hoyos stated, in his experience it has been; given the large amount, he will verify and re-adjust if necessary.

Ms. Cerbone noted that the totals in Table 2 are rough estimates, for purposes of validation. Discussions will continue throughout the bond issuance process.

On MOTION by Mr. Boyd and seconded by Mr. Lee, with all in favor, the Deering Park Stewardship District Master Validation Report dated August 29, 2023, in substantial form, was approved.

C. **Resolution 2023-07, Authorizing the Issuance of Not Exceeding \$23,839,095,000 Aggregate Principal Amount of Deering Park Stewardship District Bonds, in One or More Series, for the Purpose of Financing the Construction and/or Acquisition by the District of the Improvements and Facilities Permitted by the Provisions of Chapter 2020-197, Laws of Florida, as Amended from Time to Time; Approving a Form of a Master Trust Indenture; Approving and Appointing a Trustee; Authorizing the Commencement of Validation Proceedings Relating to the Foregoing Bonds; Authorizing and Approving Other Matters Relating to the Foregoing Bonds; and Providing an Effective Date**

Ms. Taylor presented Resolution 2023-07, which accomplishes the following:

- Authorizes issuance of a not to exceed \$23,839,095,000 aggregate principal amount of bonds.
- Authorizes and approves the execution and delivery of the Master Trust Indenture and the Supplemental Trust Indenture.
- Appoints U.S. Bank Trust Company National Association as the Trustee, Registrar and Paying Agent.
- Authorizes and directs District Counsel and Bond Counsel to proceed with filing for validation.

Ms. Taylor and Mr. Johnson discussed Section 603 of the Master Trust Indenture, whereby the District indemnifies the Trustee.

On MOTION by Mr. Storch and seconded by Mr. Boyd, with all in favor, Resolution 2023-07, Authorizing the Issuance of Not Exceeding \$23,839,095,000 Aggregate Principal Amount of Deering Park Stewardship District Bonds, in One or More Series, for the Purpose of Financing the Construction and/or Acquisition by the District of the Improvements and Facilities Permitted by the Provisions of Chapter 2020-197, Laws of Florida, as Amended from Time to Time; Approving a Form of a Master Trust Indenture; Approving and Appointing a Trustee; Authorizing the Commencement of Validation Proceedings Relating to the Foregoing Bonds; Authorizing and Approving Other Matters Relating to the Foregoing Bonds; and Providing an Effective Date, in substantial form, was adopted.

D. Other Matters

Ms. Cerbone discussed the need to approve a Work Order for bond validation, as none was approved in conjunction with the award of the Request for Qualifications (RFQ) for District Engineering Services. This item will be included on the next agenda.

NINTH ORDER OF BUSINESS

**Consideration of Resolution 2023-04,
Designating Dates, Times and Location for
Regular Meetings of the Board of
Supervisors of the District for Fiscal Year
2023/2024 and Providing for an Effective
Date**

Ms. Cerbone presented Resolution 2023-04.

The following will be inserted into the Fiscal Year 2024 Meeting Schedule:

DATE: Second Tuesday of each month

TIME: 2:00 PM

LOCATION: Storch Law Firm, 420 S. Nova Road, Daytona Beach, Florida 32114

**On MOTION by Mr. Storch and seconded by Mr. Lee, with all in favor,
Resolution 2023-04, Designating Dates, Times and Location for Regular
Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024
and Providing for an Effective Date, was adopted.**

TENTH ORDER OF BUSINESS

**Acceptance of Unaudited Financial
Statements as of July 31, 2023**

Ms. Cerbone presented the Unaudited Financial Statements as of July 31, 2023.

**On MOTION by Mr. Storch and seconded by Mr. Boyd, with all in favor, the
Unaudited Financial Statements as of July 31, 2023, as presented, were
accepted.**

ELEVENTH ORDER OF BUSINESS

**Approval of May 30, 2023 Regular Meeting
Minutes**

Ms. Cerbone presented the May 30, 2023 Regular Meeting Minutes.

On MOTION by Mr. Lee and seconded by Mr. Underhill, with all in favor, the May 30, 2023 Regular Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Kutak Rock LLP**

Mr. Johnson stated, when the documents approved today in substantial form are revised, Staff will proceed with filing the bond validation complaint.

Ms. Taylor asked for the Resolution to be signed and held in escrow for finalizing.

B. District Engineer: England-Thims & Miller, Inc.

There was no report.

C. District Manager: Wrathell, Hunt and Associates, LLC

- **NEXT MEETING DATE: April 12, 2024 at 2:00 PM**

- **QUORUM CHECK**

Based on the adopted Fiscal Year Meeting Schedule, the next meeting will likely be on October 10, 2023.

THIRTEENTH ORDER OF BUSINESS**Board Members' Comments/Requests**

Mr. Boyd asked for the agenda packages to be sent earlier. Ms. Cerbone stated Staff will make every effort to provide the full agenda package one week in advance of the meeting.

FOURTEENTH ORDER OF BUSINESS**Public Comments**

There were no public comments.

FIFTEENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Storch and seconded by Mr. Boyd, with all in favor, the meeting adjourned at 3:49 p.m.

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314 _____
Secretary/Assistant Secretary

Chair/Vice Chair

**DEERING PARK
STEWARDSHIP DISTRICT**

**STAFF
REPORTS**

DEERING PARK STEWARDSHIP DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE		
LOCATION		
<i>Storch Law Firm, 420 S. Nova Road, Daytona Beach, Florida 32114</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 10, 2023 CANCELED	Regular Meeting	2:00 PM
November 14, 2023 CANCELED	Regular Meeting	2:00 PM
December 12, 2023 CANCELED	Regular Meeting	2:00 PM
January 9, 2024	Regular Meeting	2:00 PM
February 13, 2024	Regular Meeting	2:00 PM
March 12, 2024	Regular Meeting	2:00 PM
April 9, 2024	Regular Meeting	2:00 PM
May 14, 2024	Regular Meeting	2:00 PM
June 11, 2024	Regular Meeting	2:00 PM
July 9, 2024	Regular Meeting	2:00 PM
August 13, 2024	Regular Meeting	2:00 PM
September 10, 2024	Regular Meeting	2:00 PM