

DEERING PARK

STEWARDSHIP DISTRICT

August 13, 2024

BOARD OF SUPERVISORS

PUBLIC HEARING AND

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

August 6, 2024

Board of Supervisors
Deering Park Stewardship District

Dear Board Members:

The Board of Supervisors of the Deering Park Stewardship District will hold a Public Hearing and Regular Meeting on August 13, 2024 at 2:00 p.m., in-person at Storch Law Firm, located at 420 S. Nova Road, Daytona Beach, Florida 32114 and via Teams, Meeting ID: 231 940 985 857 Passcode: qcx4XH (see link below). The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Public Hearing on Adoption of Fiscal Year 2024/2025 Budget
 - A. Affidavit of Publication
 - B. Consideration of Resolution 2024-11, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date
4. Consideration of Fiscal Year 2024/2025 Budget Funding Agreement
5. Consideration of Goals and Objectives Reporting [HB7013 - Special Districts Performance Measures and Standards Reporting]
6. Project/Grant Updates
 - A. Edgewater Wetland Park
 - B. SR 442/I-95
 - C. Deering Trail
 - D. Turnbull Hammock Nutrient Reduction Project
7. Consideration of Agreement for Design-Build Services for Edgewater Wetland Park
8. Acceptance of Unaudited Financial Statements as of June 30, 2024

ATTENDEES:

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

9. Approval of Minutes

- A. July 9, 2024 Evaluation Committee Meeting
- B. July 9, 2024 Regular Meeting

10. Staff Reports

- A. District Counsel: *Kutak Rock LLP*
- B. District Engineer: *England-Thims & Miller, Inc.*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - 4 Registered Voters in District as of April 15, 2024
 - NEXT MEETING DATE: September 10, 2024 at 2:00 PM
 - QUORUM CHECK

SEAT 1	ROBBIE LEE	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 2	WILLIAM FIFE	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 3	GLENN STORCH	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 4	JAMES BOYD	☐ IN PERSON	☐ PHONE	☐ NO
SEAT 5	JOEY POSEY	☐ IN PERSON	☐ PHONE	☐ NO

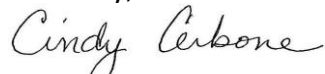
11. Board Members' Comments/Requests

12. Public Comments

13. Adjournment

Should have any questions or concerns, please do not hesitate to contact me directly at (561) 346-5294 or Andrew Kantarzhi at (415) 516-2161.

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

TEAMS MEETING ID: 231 940 985 857

PASSCODE: qcx4XH

LINK:

https://teams.microsoft.com/j/teams-join/19%3ameeting_MTMwMzAxZjYtZDZhMi00MmYxLTg1N2EtMDJjYm11NjEyMDM2%40thread.v2/0?context=%7b%22Tid%22%3a%2294348502-fda0-4a80-8edb-52bd87fa537b%22%2c%22Oid%22%3a%2250b37528-b730-4578-8935-dc90866a9569%22%7d

**DEERING PARK
STEWARDSHIP DISTRICT**

3A

AFFIDAVIT OF PUBLICATION

Deering Park Stewardship District
Deering Park Stewardship District - District Manager
2300 Glades RD
Boca Raton FL 33431-7386

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of The News-Journal, published in Volusia and Flagler Counties, Florida; that the attached copy of advertisement, being a Govt Public Notices, was published on the publicly accessible website of Volusia and Flagler Counties, Florida, or in a newspaper by print in the issues of, on:

07/24/2024, 07/31/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/31/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$869.84
Tax Amount: \$0.00
Payment Cost: \$869.84
Order No: 10401750
Customer No: 723712
PO #:

of Copies:
1

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DEERING PARK
STEWARDSHIP DISTRICT
NOTICE OF PUBLIC HEARING
TO CONSIDER THE ADOPTION
OF THE FISCAL YEAR 2025
PROPOSED BUDGET(S); AND
NOTICE OF REGULAR BOARD
OF SUPERVISORS' MEETING.

The Board of Supervisors ("Board") of the Deering Park Stewardship District ("District") will hold a public hearing and regular meeting as follows:

DATE: August 13, 2024
TIME: 2:00 p.m.
LOCATION: Storch Law Firm
420 S. Nova Road
Daytona Beach, Florida 32114

The meeting will also be held by means of communications media technology as follows:

https://teams.microsoft.com/j/mtetue-join19533meeting_MTMwMzA-x21Y1ZDZhMDQ0MmYxLTl0N2E1-NDJlYm1hLjE5VjM0MzI0h3read.v2024072400-4090-8e3b-27b02-1a537b5-72557c5-7204d5-72233a%2250-b27578-b740-4578-5735-dc3b86a0746955-7237d
Meeting ID: 231 940 985 857 Pass-code: qcx4XH

The purpose of the public hearing is to receive comments and objections on the adoption of the District's proposed budget(s) for the fiscal year beginning October 1, 2024, and ending September 30, 2025 ("Proposed Budget"). A regular Board meeting of the District will also be held at the above time where the Board may consider any other business that may properly come before it. A copy of the agenda and Proposed Budget may be obtained at the offices of the District Manager, Wrathehl, Hunt and Associates, LLC, at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, Ph: (561) 571-0100 ("District Manager's Office"), during normal business hours, or by visiting the District's website at <https://deeringparkstewardship.com/>

The public hearing and meeting are open to the public and will be conducted in accordance with the provisions of Florida law. The public hearing and/or meeting may be continued in progress to a date, time certain, and place to be specified on the record at the public hearing and/or meeting. There may be occasions when Board Supervisors or District Staff may participate by speaker telephone.

Any person requesting special accommodations of the public hearing or meeting because of a disability or physical impairment should contact the District Manager's Office at least forty-eight (48) hours prior to the public hearing and meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearing or meeting is advised that person will need a record of 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 such appeal is to be based.

District Manager
#10401750 7/24, 7/31/2024 21

KAITLYN FELTY
Notary Public
State of Wisconsin

Florida
GANNETT

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Daphne Gillyard
Deering Park Stewardship District
2300 Glades RD STE 410W
Boca Raton FL 33431-8556

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Advertising Representative of the Florida Today, a daily newspaper published in Brevard County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of Public Notices, was published on the publicly accessible website of Brevard County, Florida, or in a newspaper by print in the issues of, on:

07/24/2024, 07/31/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 07/31/2024

~~Legal Clerk~~

Notary, State of WI, County of Brown

My commission expires _____

Publication Cost: \$593.36

Tax Amount: \$0.00

Payment Cost: \$593.36

Order No: 10400742

of Copies:

Customer No: 1126457

1

PO #:

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AdID00473 Date: 7/24, 7/31, 7/31/2024
DEERING PARK STEWARDSHIP DISTRICT

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2025 PROPOSED BUDGET AND NOTICE OF REGULAR BOARD OF SUPERVISORS' MEETING.

The Board of Supervisors of the Deering Park Stewardship District ("District") will hold a public hearing and regular meeting on:

DATE: August 9, 2024.
TIME: 2:00 p.m.
LOCATION: Deering Park Senior Law Firm
420 S. Nova Road
Daytona Beach, Florida 32114

The meeting will also be held by video conference via Microsoft Teams technology as follows:
[https://teams.microsoft.com/join/c9m1993c6acmz1MTWwMAxZjY1ZDZhMDMwYyQ1LmIjE2NjEwZmJlLnRlcjE2NDUyODg0LmVz?auth=1&url=https%3A%2F%2Fwww.deer.org%2Fwp-content%2Fuploads%2F2024%2F08%2Fdeering-board-9-2024.pdf&source=advertising">https://teams.microsoft.com/join/c9m1993c6acmz1MTWwMAxZjY1ZDZhMDMwYyQ1LmIjE2NjEwZmJlLnRlcjE2NDUyODg0LmVz?auth=1&url=https%3A%2F%2Fwww.deer.org%2Fwp-content%2Fuploads%2F2024%2F08%2Fdeering-board-9-2024.pdf&source=advertising](#)

Meeting ID#: 421 331 940 985 857

The purpose of the public hearing is to receive comments and objections to the adoption of the District's Proposed Budget for the fiscal year beginning October 1, 2024, and ending September 30, 2025.

A regular board meeting of the District will also be held at the same time whether or not you can attend your own business that morning. Please come before it. A copy of the agenda and Proposed Budget may be obtained from the District Manager, Michael J. Manager, Wrathell, Hunt and Associates, LLC, at 2300 Gladesville Avenue, Suite 100, Jacksonville, Florida 32343, Ph: (561) 571-0109 ("District Manager Office"), during normal business hours, or by email at mwrathell@deer.org, or at <https://deeringparksewardsnsp.com/>.

The public hearing and meeting are open to the public and will be conducted in accordance with the provisions of the Sunshine Law. The public hearing and/or meeting may be continued in progress to a date, time, certain, and place to be specified on the agenda of the meeting and/or meeting. There may be occasions when Board Supervisors would like to participate by speaker telephone. Any person requiring special accommodations at a public hearing or meeting because of a disability or physical impairment should contact the District Manager at least 48 hours prior to the public hearing and meeting. If you are unable to contact the District Manager, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8711 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office. Each person who decides to appear at a public hearing or meeting should be treated with respect to any matter considered at the public hearing or meeting is advised that person will be sworn in and that person will be that accordingly, the person may need to ensure that a verbatim transcript of the proceedings, including the testimony and evidence upon which such appeal is based, is made available to the District Manager.

NANCY HEYRMAN
Notary Public
State of Wisconsin

**DEERING PARK
STEWARDSHIP DISTRICT**

3B

RESOLUTION 2024-11
[FY 2025 APPROPRIATION RESOLUTION]

THE ANNUAL APPROPRIATION RESOLUTION OF THE DEERING PARK STEWARDSHIP DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET(S) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, for the fiscal year beginning October 1, 2024, and ending September 30, 2025 (“**FY 2025**”), the District Manager prepared and submitted to the Board of Supervisors (“**Board**”) of the Deering Park Stewardship District (“**District**”) prior to July 15, 2024, proposed budget(s) (“**Proposed Budget**”) along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Chapter 2020-197, *Laws of Florida*, and Chapter 189, *Florida Statutes*; and

WHEREAS, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed a copy of the Proposed Budget with the local general-purpose government(s) having jurisdiction over the area included in the District pursuant to the provisions of Chapter 2020-197, *Laws of Florida* and Chapter 189, *Florida Statutes*; and

WHEREAS, the Board set a public hearing on the Proposed Budget and caused notice of such public hearing to be given by publication pursuant to Chapter 2020-197, *Laws of Florida*, and Chapter 189, *Florida Statutes*; and

WHEREAS, the District Manager posted the Proposed Budget on the District’s website in accordance with Section 189.016, *Florida Statutes*; and

WHEREAS, Chapter 2020-197, *Laws of Florida*, and Chapter 189, *Florida Statutes*, require that, prior to October 1st of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year.

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

SECTION 1. BUDGET

- a. The Proposed Budget, attached hereto as **Exhibit A**, as amended by the Board, is hereby adopted in accordance with the provisions of Chapter 2020-197, *Laws of Florida* and Section 189.016, *Florida Statutes* (“**Adopted Budget**”), and incorporated herein by reference; provided, however, that the comparative

figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.

- b. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District's Local Records Office and identified as "The Budget for the Deering Park Stewardship District for the Fiscal Year Ending September 30, 2025."
- c. The Adopted Budget shall be posted by the District Manager on the District's official website in accordance with Section 189.016, *Florida Statutes* and shall remain on the website for at least two (2) years.

SECTION 2. APPROPRIATIONS

There is hereby appropriated out of the revenues of the District, for FY 2025, the sum(s) set forth in **Exhibit A** to be raised by the levy of assessments and/or otherwise, which sum is deemed by the Board to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated as set forth in **Exhibit A**.

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within FY 2025 or within 60 days following the end of the FY 2025 may amend its Adopted Budget for that fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate change in the original appropriation item does not exceed the greater of \$15,000 or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.
- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law. The District Manager or Treasurer must ensure that any amendments to the budget under this paragraph c. are posted on the District's website in accordance with Section 189.016, *Florida Statutes*, and remain on the website for at least two (2) years.

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

PASSED AND ADOPTED THIS 13th DAY OF AUGUST, 2024.

ATTEST:

DEERING PARK STEWARDSHIP DISTRICT

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: FY 2025 Budget

Exhibit A: FY 2025 Budget

**DEERING PARK
STEWARDSHIP DISTRICT
FISCAL YEAR 2025
PROPOSED BUDGET**

**DEERING PARK
STEWARDSHIP DISTRICT
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**DEERING PARK
STEWARDSHIP DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2025**

	Fiscal Year 2024				Proposed Budget FY2025
	Adopted Budget FY2024	Actual through 2/29/24	Projected through 9/30/2024	Total Actual & Projected	
REVENUES					
Landowner contributions	\$126,421	\$ 14,094	\$106,313	\$ 120,407	\$176,508
Total revenues	126,421	14,094	106,313	120,407	176,508
EXPENDITURES					
Professional & administration					
Supervisors	12,918	-	12,918	12,918	12,918
Management/accounting/recording ²	48,000	10,000	38,000	48,000	48,000
Legal	30,000	1,525	28,475	30,000	30,000
Engineering	3,500	-	3,500	3,500	3,500
Audit	3,075	-	3,075	3,075	3,075
Arbitrage rebate calculation ¹	750	-	750	750	750
Dissemination agent ¹	1,000	-	1,000	1,000	1,000
Trustee ¹	6,500	-	-	-	6,500
EMMA software service ¹	-	-	-	-	1,500
Debt service fund accounting: master bonds ¹	5,500	-	5,500	5,500	7,500
Postage	500	20	480	500	500
Printing and binding	500	209	291	500	500
Legal advertising	6,500	1,922	4,578	6,500	6,500
Annual district filing fee	175	175	-	175	175
Insurance - GL, POL	5,913	5,590	-	5,590	6,200
Miscellaneous- bank charges	675	178	497	675	675
Website:					
Hosting & updates	705	705	-	705	705
ADA compliance	210	-	210	210	210
Total professional & admin	126,421	20,324	99,274	119,598	\$130,208
Field operations					
Landscape & irrigation maintenance	-	-	-	-	25,000
Pond maintenance	-	-	-	-	14,000
Fountain maintenance	-	-	-	-	800
Pressure washing	-	-	-	-	2,500
Electricity	-	-	-	-	4,000
Field operations - Edgewater Wetland Park					
Miscellaneous	-	-	-	-	-
Field operations - SR 442/I-95					
Miscellaneous	-	-	-	-	-
Field operations - Deering Trail					
Miscellaneous	-	-	-	-	-
Total field operations	-	-	-	-	46,300
Total expenditures	126,421	20,324	99,274	119,598	176,508
Net increase/(decrease) of fund balance	-	(6,230)	7,039	809	-
Fund balance - beginning (unaudited)	-	(809)	(7,039)	(809)	-
Fund balance - ending (projected)	\$ -	\$ (7,039)	\$ -	\$ -	\$ -

¹These items will be realized when bonds are issued.

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

**DEERING PARK
STEWARDSHIP DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administration

Supervisors	\$ 12,918
Supervisors pay is statutorily set at \$200 , per Supervisor, (plus applicable taxes) for each meeting of the Board of Supervisors not to exceed \$4,800, per Supervisor, for each fiscal year. It is anticipated the Board will meet 9 times a year.	
Management/recording/accounting ²	48,000
Wrathell, Hunt and Associates, LLC specializes in managing special districts in the State of Florida by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all governmental requirements of the District, develops financing programs, administers the issuance of tax exempt bond financings and operates and maintains the assets of the District.	
Legal	30,000
Kutak Rock, LLP will provide legal representation for issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.	
Engineering	3,500
The District engineer will provide engineering, consulting and construction services to the District while crafting solutions with sustainability for the long-term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.	
Audit	3,075
The District is required to undertake an independent examination of its books, records and accounting procedures each year. This audit is conducted pursuant to Florida State Law and the Rules of the Auditor General.	
Arbitrage rebate calculation	750
To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.	
Dissemination agent ¹	1,000
The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities & Exchange Act of 1934.	
Trustee (related to master bonds)	6,500
Annual fees paid for services provided as trustee, paying agent and registrar.	
EMMA software service	1,500
Debt service fund accounting: master bonds ¹	7,500
Postage	500
Mailing agenda packages, overnight deliveries, correspondence, etc.	
Printing and binding	500
Legal advertising	6,500
The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.	
Annual district filing fee	175
Annual fee paid to the Florida Department of Economic Opportunity.	
Insurance - GL, POL	6,200
Miscellaneous- bank charges	675

**DEERING PARK
STEWARDSHIP DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

Hosting & updates	705
ADA compliance	210
Field operations	
Landscape & irrigation maintenance	25,000
Pond maintenance	14,000
Fountain maintenance	800
Pressure washing	2,500
Electricity	4,000
Field operations - Edgewater Wetland Park	
Miscellaneous	-
Field operations - SR 442/I-95	
Miscellaneous	-
Field operations - Deering Trail	
Miscellaneous	-
Total field operations	<u>46,300</u>
Total expenditures	<u>\$ 176,508</u>

¹These items will be realized when bonds are issued.

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

**DEERING PARK
STEWARDSHIP DISTRICT**

4

BUDGET FUNDING AGREEMENT
FISCAL YEAR 2025

This Agreement ("**Agreement**") is made and entered into effective as of October 1, 2024, by and between:

Deering Park Stewardship District, a local unit of special-purpose government established pursuant to Chapter 2020-197, *Laws of Florida*, ("**District**"), and is located in Brevard and Volusia Counties, Florida, and

Swallowtail LLC, a Delaware limited liability company, and the owner and/or Landowner of property located within the boundaries of the District ("**Landowner**," and together with the District, the "**Parties**").

RECITALS

WHEREAS, pursuant to Chapter 2020-197, *Laws of Florida*, the District was established for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure, and is authorized to levy such taxes, special assessments, fees, and other charges as may be necessary in furtherance of the District's activities and services; and

WHEREAS, Landowner is presently the owner of the majority of the lands ("**Property**") within the District, which Property will benefit from the timely construction and acquisition of the District's facilities, activities, and services and from the continued operations of the District; and

WHEREAS, for the fiscal year beginning October 1, 2024, and ending September 30, 2025 ("**FY 2025**"), the Board of Supervisors ("**Board**") of the District adopted its general fund budget ("**Budget**") attached hereto as **Exhibit A** and incorporated herein by reference; and

WHEREAS, the Parties recognize the Budget may be amended from time to time in the sole discretion of the District; and

WHEREAS, the District has the option of levying non-ad valorem assessments on all lands within the District benefitting from the activities, operations and services set forth in the Budget, including the Property, or utilizing such other revenue sources as may be available to it; and

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

WHEREAS, the Landowner agrees that the activities, operations and services provide a special and peculiar benefit to the Property equal to or in excess of the costs reflected in the Budget; and

WHEREAS, the Landowner agreed to enter into this Agreement in lieu of having the District levy and collect any non-ad valorem assessments as authorized by law against the lands within the District, including the Property, for the activities, operations, and services set forth in the Budget; and

WHEREAS, Landowner and District agree such Budget funding obligation by the Landowner may be secured and collection enforced pursuant to the methods provided herein.

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

1. **FUNDING.** The Landowner agrees to make available to the District the monies ("**Funding Obligation**") necessary for the operation of the District as called for in the Budget attached hereto as **Exhibit A** within thirty (30) days of written request by the District. **Exhibit A** attached hereto may be amended from time to time pursuant to Florida law, subject to the Landowner's consent to such amendments to incorporate them herein; provided however, that amendments adopted by the Board at a duly noticed meeting shall have the effect of amending this Agreement without further action of the Parties. As a point of clarification, the District shall only request as part of the Funding Obligation that the Landowner fund the actual expenses of the District, and the Landowner is not required to fund the total general fund Budget in the event that actual expenses are less than the projected total general fund Budget, as may be amended as provided herein. The funds shall be placed in the District's general checking account. In the event the Landowner sells any of the Property during the term of this Agreement, the Landowner's rights and obligations under this Agreement shall remain the same.

2. **ACKNOWLEDGEMENT.** The District hereby finds, and the Landowner acknowledges and agrees, that the activities, operations and services set forth in the Budget provide a special and peculiar benefit to the Property, which benefit is initially allocated on an equal developable acreage basis. These payments are made by the Landowner in lieu of taxes, fees, or assessments which might otherwise be levied or imposed by the District. Nothing contained herein shall constitute or be construed as a waiver of the District's right to levy assessments, including on the Property, in the event of a funding deficit.

3. **COLLECTION METHODS.** The District may enforce the collection of funds due under this Agreement using one or more of the following collection methods:

- a. *[Contractual Lien]*. The District shall have the right to file a continuing lien ("**Lien**") upon all or a portion of the Property described in **Exhibit B**, which Lien shall be effective as of the date and time of the recording of a "Notice of Lien" in the public records of either Brevard or Volusia County.
- b. *[Enforcement Action]* The District shall have the right to file an action against the Landowner in the appropriate judicial forum in and for either Brevard or Volusia County.
- c. *[Uniform Method; Direct]* The District may certify amounts due hereunder as a non-ad valorem assessment on all or any part of the Property for collection, either through the Uniform Method of Collection set forth in Chapter 197, Florida Statutes, or under any method of direct bill and collection authorized by Florida law.

The enforcement of the collection of funds in any of the above manners, including which method(s) to utilize, shall be in the sole discretion of the District Manager on behalf of the District, without the need of further Board action authorizing or directing such.

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

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

6. **ASSIGNMENT.** This Agreement may be assigned, in whole or in part, by either party only upon the written consent of the other. Any purported assignment without such consent shall be void.

7. **DEFAULT.** A default by either Party under this Agreement shall entitle the other to all remedies available at law or in equity, which shall include, but not be limited to, the right of damages, injunctive relief and/or specific performance.

8. **ENFORCEMENT.** In the event that any party is required to enforce this Agreement by court proceedings or otherwise, then the parties agree that the prevailing party shall be entitled to recover from the other all costs incurred, including interest accrued on an unsatisfied Funding Obligation, reasonable fees and costs incurred by the District incident to the collection of the Funding Obligation or for enforcement of the Lien, or reasonable attorneys' fees and costs for trial, alternative dispute resolution, or appellate proceedings.

9. **THIRD PARTY BENEFICIARIES.** This Agreement is solely for the benefit of the formal Parties herein and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person or corporation other than the Parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the Parties hereto and their respective representatives, successors and assigns.

10. **CHOICE OF LAW.** This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida.

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

[SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the Parties execute this Agreement the day and year first written above.

Attest:

Deering Park Stewardship District

Secretary/Assistant Secretary

By: _____
Its: _____

Swallowtail LLC,
a Delaware limited liability company

Witness

By: _____
Its: _____

EXHIBIT A: FY 2025 Budget

EXHIBIT B: Property

**DEERING PARK
STEWARDSHIP DISTRICT**

5

Memorandum

To: Board of Supervisors

From: District Management

Date: August 13, 2024

RE: HB7013 - Special Districts Performance Measures and Standards Reporting

To enhance accountability and transparency, new regulations were established for all special districts, by the Florida Legislature, during their 2024 legislative session. Starting on October 1, 2024, or by the end of the first full fiscal year after its creation (whichever comes later), each special district must establish goals and objectives for each program and activity, as well as develop performance measures and standards to assess the achievement of these goals and objectives. Additionally, by December 1 each year (initial report due on December 1, 2025), each special district is required to publish an annual report on its website, detailing the goals and objectives achieved, the performance measures and standards used, and any goals or objectives that were not achieved.

District Management has identified the following key categories to focus on for Fiscal Year 2025 and develop statutorily compliant goals for each:

- Community Communication and Engagement
- Infrastructure and Facilities Maintenance
- Financial Transparency and Accountability

Additionally, special districts must provide an annual reporting form to share with the public that reflects whether the goals & objectives were met for the year. District Management has streamlined these requirements into a single document that meets both the statutory requirements for goal/objective setting and annual reporting.

The proposed goals/objectives and the annual reporting form are attached as exhibit A to this memo. District Management recommends that the Board of Supervisors adopt these goals and objectives to maintain compliance with HB7013 and further enhance their commitment to the accountability and transparency of the District.

Exhibit A: Goals, Objectives and Annual Reporting Form

DEERING PARK STEWARDSHIP DISTRICT
Performance Measures/Standards & Annual Reporting Form
October 1, 2024 – September 30, 2025

1. COMMUNITY COMMUNICATION AND ENGAGEMENT

Goal 1.1 Public Meetings Compliance

Objective: Hold at least two (2) regular Board of Supervisor meetings per year to conduct District related business and discuss community needs.

Measurement: Number of public board meetings held annually as evidenced by meeting minutes and legal advertisements.

Standard: A minimum of two (2) regular board meetings was held during the fiscal year.

Achieved: Yes ☐ No ☐

Goal 1.2 Notice of Meetings Compliance

Objective: Provide public notice of each meeting at least seven days in advance, as specified in Section 190.007(1), using at least two communication methods.

Measurement: Timeliness and method of meeting notices as evidenced by posting to District website, publishing in local newspaper and via electronic communication.

Standard: 100% of meetings were advertised with 7 days' notice per statute on at least two mediums (i.e., newspaper, DISTRICT website, electronic communications).

Achieved: Yes ☐ No ☐

Goal 1.3 Access to Records Compliance

Objective: Ensure that meeting minutes and other public records are readily available and easily accessible to the public by completing monthly District website checks.

Measurement: Monthly website reviews will be completed to ensure meeting minutes and other public records are up to date as evidenced by District Management's records.

Standard: 100% of monthly website checks were completed by District Management.

Achieved: Yes ☐ No ☐

2. **INFRASTRUCTURE AND FACILITIES MAINTENANCE**

Goal 2.1 District Infrastructure and Facilities Inspections

Objective: District Engineer will conduct an annual inspection of the District's infrastructure and related systems.

Measurement: A minimum of one (1) inspection completed per year as evidenced by district engineer's report related to district's infrastructure and related systems.

Standard: Minimum of one (1) inspection was completed in the Fiscal Year by the district's engineer.

Achieved: Yes ☐ No ☐

3. **FINANCIAL TRANSPARENCY AND ACCOUNTABILITY**

Goal 3.1 Annual Budget Preparation

Objective: Prepare and approve the annual proposed budget by July 15 and final budget was adopted by September 30 each year.

Measurement: Proposed budget was approved by the Board before July 15 and final budget was adopted by September 30 as evidenced by meeting minutes and budget documents listed on District website and/or within district records.

Standard: 100% of budget approval and adoption were completed by the statutory deadlines and posted to the District website.

Achieved: Yes ☐ No ☐

Goal 3.2 Financial Reports

Objective: Publish to the District website the most recent versions of the following documents: annual audit, current fiscal year budget with any amendments, and most recent financials within the latest agenda package.

Measurement: Annual audit, previous years' budgets, and financials are accessible to the public as evidenced by corresponding documents on the District website.

Standard: District website contains 100% of the following information: most recent annual audit, most recently adopted/amended fiscal year budget, and most recent agenda package with updated financials.

Achieved: Yes ☐ No ☐

Goal 3.3 Annual Financial Audit

Objective: Conduct an annual independent financial audit per statutory requirements and publish the results to the District website for public inspection and transmit said results to the State of Florida.

Measurement: Timeliness of audit completion and publication as evidenced by meeting minutes showing board approval and annual audit is available on the District website and transmitted to the State of Florida.

Standard: Audit was completed by an independent auditing firm per statutory requirements and results were posted to the District website and transmitted to the State of Florida.

Achieved: Yes ☐ No ☐

District Manager

Chair/Vice Chair, Board of Supervisors

Print Name

Print Name

Date

Date

**DEERING PARK
STEWARDSHIP DISTRICT**

6

Project / Grant Update – August 8, 2024

Edgewater Wetland Park Project

- **Objective:** Divert treated effluent from the City of Edgewater's WWTF from the Mosquito Lagoon to a constructed wetland west of Deering Park North, thus improving water quality in the lagoon.
- **Estimated Total Cost:** \$7,143,500
- **Grant:** DPSD received Indian River Water Quality Improvement Grant from FDEP for design and construction. No payment requests have been submitted to FDEP to date.
- **Grant Ask/Award:** \$7,143,500
- **Status:** Phillips & Jordan/Jacobs selected as design-build team on July 9, 2024. Project is on schedule, with design-build contract currently in process. We expect to present the contract to the DPSD Board at the September meeting.

Wetland Park Capacity Expansion Project (Reuse Tank and Booster Pump)

- **Objective:** Increase capacity to store and process more reclaimed water, preventing discharge to Mosquito Lagoon. If awarded, the project will be integrated into the Edgewater Wetland Park project.
- **Estimated Total Cost:** \$9,700,000
- **Grant:** FDEP Water Quality Improvement Grant program.
- **Grant Ask/Award:** \$9,700,000
- **Status:** Application submitted on behalf of DPSD on July 22. Awaiting award announcement in December 2024.

SR 442/I-95 Interchange Expansion and Resilience Project (Gateway to Edgewater)

- **Objective:** Expand SR 442 from 2 to 4 lanes under I-95, eliminate flooding, and support manufacturing/development in the area. This specific application addresses the flooding and drainage issues only, as a subset of the larger @ \$30,000,000 project.
- **Estimated Total Cost:** \$5,872,270
- **Grant:** FL Dept of Commerce Job Growth Grant Fund.
- **Grant Ask/Award:** \$4,742,270
- **Status:** Nearing completion of an application for stormwater improvements to address flooding and drainage issues. To be submitted by the City of Edgewater in August 2024.

-

Deering Park North Trail Project

- **Objective:** Construct a 5-mile segment of the multi-use trail through Deering Park North, starting at the existing trail south of SR 442, east of I-95, connecting under the I-95 overpass, passing by the future Edgewater Wetland Park, and extending north to SR 44 in New Smyrna Beach through the Deering Park North conservation area.
- **Estimated Total Cost:** \$8,362,113
- **Grant/Funding:** FL Dept of Transportation SUNTRAIL program.
- **Grant Ask/Award:** \$8,362,113
- **Status:** Request for Funding submitted by DPSD in December 2023, with correspondence occurring until March 2024. No further updates anticipated until Fall 2024. If selected, grant funds would be available after July 1, 2025.

Turnbull Hammock Nutrient Reduction Project

- **Objective:** Pilot project to reduce nutrients in stormwater before reaching the Indian River Lagoon, and assist the City of Edgewater in reducing their nutrient loads into the North Indian River Lagoon BMAP area.
- **Goal:** Reduce 121 lbs/year of Total Nitrogen (TN) and 32 lbs/year of Total Phosphorous (TP).
- **Estimated Total Cost:** \$1,520,000
- **Grant:** FDEP Water Quality Improvement Grant program.
- **Grant Ask/Award:** \$1,520,000
- **Status:** Application submitted on behalf of DPSD on July 31, 2024. Awaiting award announcement in December 2024.

**DEERING PARK
STEWARDSHIP DISTRICT**

**UNAUDITED
FINANCIAL
STATEMENTS**

**DEERING PARK
STEWARDSHIP DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
JUNE 30, 2024**

**DEERING PARK
STEWARDSHIP DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
JUNE 30, 2024**

	General Fund	Debt Service Fund	Capital Projects Fund	Total Governmental Funds
ASSETS				
Cash	\$ 5,854	\$ -	\$ -	\$ 5,854
Due from Landowner	7,704	-	145,977	153,681
Total assets	<u>\$ 13,558</u>	<u>\$ -</u>	<u>\$ 145,977</u>	<u>\$ 159,535</u>
LIABILITIES AND FUND BALANCES				
Liabilities:				
Accounts payable	\$ 6,701	\$ -	\$ 145,977	\$ 152,678
Due to Landowner	-	23,632	471,676	495,308
Accrued wages payable	600	-	-	600
Tax payable	291	-	-	291
Landowner advance	6,000	-	-	6,000
Total liabilities	<u>13,592</u>	<u>23,632</u>	<u>617,653</u>	<u>654,877</u>
DEFERRED INFLOWS OF RESOURCES				
Deferred receipts	7,704	-	-	7,704
Total deferred inflows of resources	<u>7,704</u>	<u>-</u>	<u>-</u>	<u>7,704</u>
Fund balances:				
Restricted for:				
Debt service	-	(23,632)	-	(23,632)
Capital projects	-	-	(471,676)	(471,676)
Unassigned	(7,738)	-	-	(7,738)
Total fund balances	<u>(7,738)</u>	<u>(23,632)</u>	<u>(471,676)</u>	<u>(503,046)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 13,558</u>	<u>\$ -</u>	<u>\$ 145,977</u>	<u>\$ 159,535</u>

**DEERING PARK
STEWARDSHIP DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED JUNE 30, 2024**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Landowner contribution	\$ 7,924	\$ 43,126	\$ 126,421	34%
Total revenues	<u>7,924</u>	<u>43,126</u>	<u>126,421</u>	34%
EXPENDITURES				
Professional & administrative				
Supervisors	\$ -	\$ 2,368	\$ 12,918	18%
Management/accounting/recording ¹	2,000	18,000	48,000	38%
Legal	4,651	19,602	30,000	65%
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	9	40	500	8%
Printing and binding	42	375	500	75%
Legal advertising	698	3,762	6,500	58%
Annual district filing fee	-	175	175	100%
Insurance - GL, POL	-	5,590	5,913	95%
Miscellaneous- bank charges	34	299	675	44%
Website:				
Hosting & updates	-	705	705	100%
ADA compliance	-	-	210	0%
Total professional & administrative	<u>7,434</u>	<u>50,916</u>	<u>126,421</u>	40%
Excess/(deficiency) of revenues over/(under) expenditures	490	(7,790)	-	
Fund balances - beginning	<u>(8,228)</u>	<u>52</u>	<u>-</u>	
Fund balances - ending	<u>\$ (7,738)</u>	<u>\$ (7,738)</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 JUNE 30, 2024**

	Current Month	Year To Date
REVENUES	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
EXPENDITURES		
Debt service		
Cost of issuance	<u>-</u>	<u>15,314</u>
Total expenditures	<u>-</u>	<u>15,314</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	(15,314)
Fund balances - beginning	<u>(23,632)</u>	<u>(8,318)</u>
Fund balances - ending	<u><u>\$ (23,632)</u></u>	<u><u>\$ (23,632)</u></u>

**DEERING PARK
STEWARDSHIP DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES CAPITAL
PROJECTS FUND
FOR THE PERIOD ENDED JUNE 30, 2024**

	Current Month	Year To Date
REVENUES	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
EXPENDITURES		
Capital outlay	<u>145,977</u>	<u>471,676</u>
Total expenditures	<u>145,977</u>	<u>471,676</u>
Excess/(deficiency) of revenues over/(under) expenditures	(145,977)	(471,676)
Fund balances - beginning	<u>(325,699)</u>	<u>-</u>
Fund balances - ending	<u><u>\$ (471,676)</u></u>	<u><u>\$ (471,676)</u></u>

**DEERING PARK
STEWARDSHIP DISTRICT**

MINUTES

A

DRAFT

**MINUTES OF MEETING
DEERING PARK STEWARDSHIP DISTRICT**

The Evaluation Committee of the Deering Park Stewardship District held a Meeting on July 9, 2024 at 11:00 a.m., at Storch Law Firm, located at 420 S. Nova Road, Daytona Beach, Florida 32114.

Present:

Andrew Kantarzhi	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates LLC (WHA)
Chris Warshaw	Evaluation Committee Member
James Boyd	Evaluation Committee Member
Robbie Lee	Evaluation Committee Member
Chris Keller	Wetland Solutions Inc.
Walt Nickel	Wright-Pierce
Duncan Graham	Wharton-Smith, Inc.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

NOTE: NO OFFICIAL ACTION OF THE BOARD WILL BE TAKEN

Mr. Kantarzhi called the meeting to order at 11:11 a.m.

Mr. Kantarzhi stated that no questions or comments from the public will be answered; however, public comments regarding this matter will be heard at the CDD's Regular meeting at 2:00 p.m., today.

SECOND ORDER OF BUSINESS

**Evaluation of Responses to Statement of
Qualifications: RFQ for Design-Builder for
Edgewater Wetland Park Project**

Mr. Kantarzhi stated that Phillips & Jordan, Inc. and Jacobs "Phillips & Jordan" and Wharton-Smith, Inc. and Wright-Pierce "Wharton-Smith" are the two respondents to the Request for Qualifications (RFQs) for Design-Builder for the Edgewater Wetland Park Project. The Evaluation Committee Members received a hard copy and an electronic copy of each RFQ response to review prior to the Evaluation Committee meeting.

Mr. Kantarzhi explained the RFQ process and explained that the Evaluation Committee Members will evaluate, score and rank the bid responses, individually or as a group, based on the evaluation criteria and ranking form and provide a recommendation to the CDD Board at the CDD meeting that will be held later today. The CDD Board can consider and accept the Committee's scores, ranking and recommendation or complete individual or evaluation criteria ranking forms or complete it as a group at the CDD meeting.

A. Respondents

I. Phillips & Jordan, Inc. and Jacobs

II. Wharton-Smith, Inc. and Wright-Pierce

B. Evaluation Criteria

Aiding the Evaluation Committee Members in discussions to determine scoring for each respondent, as the Members chose to complete the evaluation criteria and ranking form as a group, Spokesperson Boyd pointed out the following differences in each response for each of the four categories:

Qualifications of Team

➤ Deemed both respondents and sub-contractors well-qualified to provide design-build services for the Edgewater Wetland Park Project.

➤ Phillips & Jordan has a fair amount of team members experienced in specific wetland parks throughout Florida.

➤ Wharton-Smith team members have experience in other similar types of projects but nothing specific to a wetland, as a reuse discharge park.

➤ Wharton-Smith team members' have a lot of local experience with Edgewater Utilities and are specific to the region but would utilize nine sub-consultants whereas Phillips & Jordan lists two firms; it possible Phillips & Jordan has in-house personnel to perform the work or they might utilize subcontractors but just did not list them.

➤ Phillips & Jordan's response is exactly the same as the qualification criteria in the RFQ, making it easier to review each category, versus the format of the response from Wharton-Smith.

Collaborative Delivery Approach

➤ Deemed that both respondents have a strong project approach focused on the nature of the project and both brought up potential issues that need to be addressed, like the variability of reclaimed water flow.

➤ Approach: Phillips & Jordan emphasized slightly more on what they would do with respect to the wetland build park type project. Wharton-Smith took the same approach as for a normal design-build project and applied it to this project, which they successfully demonstrated in their two Gainesville projects.

➤ Communication Plan: The Phillips & Jordan team is using an in-house person versus Wharton-Smith using a sub-consultant.

➤ Risks and Risk Management: Both approaches are good. Wharton-Smith mentioned the possibility of changing the layout from linear in nature to making it more visually attractive to the public.

Past Performance

➤ Deemed both respondents as having design-build experience. Regarding design or design and construction projects, overall, Wharton-Smith has a very strong presence in infrastructure-related design build projects, which he has worked for in the past. He does not have any experience with Phillips & Jordan.

➤ Phillips & Jordan is qualified but did not say whether it will use in-house personnel for survey and geotechnical work or failed to disclose adding subconsultants to its team. Wharton-Smith included them in its response.

Ms. Cerbone suggested the Committee review the last paragraph, on Page 14 of Phillips & Jordan bid package, as it might provide an answer to the subconsultant question.

Certified Minority Business Enterprise

➤ Mr. Kantarzhi pointed out that neither respondent is certified as a Minority Business Enterprise, which is a specific RFQ criteria; therefore, he recommended awarding zero points to both in that category.

➤ It was noted that Wharton-Smith's subconsultant, Liquid Solutions Group, LLC (LSG), is a certified Minority Business Enterprise and subconsultant, Eco-Build Strategies, is a certified Woman-Owned Minority Business Enterprise. Ms. Cerbone recalled that the main respondent

must be certified as a Minority Business Enterprise to receive a score in that category. She will confirm this with District Counsel.

The Committee Members discussed scores for each respondent in each category.

Regarding the Minority Business Enterprise category, Mr. Johnson reviewed statute and stated that it does not require the Evaluation Committee to give credit because a subcontractor is a certified Minority Business Enterprise or preclude the Evaluation Committee from giving points. The Committee has the discretion to award some or all of the points to the discretion that the respondents both have subcontractors. It was noted that Phillips & Jordan did not disclose subcontractors in its bid. Mr. Johnson stated that, if either respondent did not provide evidence of being a certified Minority Business Enterprise, the cleanest approach would be to award each respondent zero points in that category.

Mr. Johnson read the definition of Minority Business Enterprise.

Discussion ensued and questions were raised as to whether a respondent's domicile is in Florida and if they are considered a small business, which resulted in awarding zero points for the category.

Regarding subconsultants, Ms. Cerbone advised the Committee that, if the RFQ did not require respondents to list subconsultants, then respondents who did not are not remiss or found to have minor variance in their response.

C. Ranking

Mr. Kantarzhi recapped the overall group scores and ranking, as follows:

#1	Phillips & Jordan, Inc.	92 Points
#2	Wharton-Smith, Inc.	90 Points

THIRD ORDER OF BUSINESS

Adjournment

The meeting adjourned at approximately 12:38 p.m.

121
122
123
124
125
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Secretary/Assistant Secretary

Chair/Vice Chair

**DEERING PARK
STEWARDSHIP DISTRICT**

MINUTES

B

DRAFT

**MINUTES OF MEETING
DEERING PARK STEWARDSHIP DISTRICT**

The Board of Supervisors of the Deering Park Stewardship District held a Regular Meeting on July 9, 2024 at 2:00 p.m., at Storch Law Firm, located at 420 S. Nova Road, Daytona Beach, Florida 32114 and via Teams Meeting ID: 233 035 830 379 Passcode: F8HoXp.

Present were:

Glenn Storch	Chair
Robbie Lee	Vice Chair
Bill Fife	Assistant Secretary
Joey Posey	Assistant Secretary
James Boyd	Assistant Secretary

Also present:

Andrew Kantarzhi	District Manager
Cindy Cerbone	Wrathell, Hunt and Associates LLC (WHA)
Jonathan Johnson (via telephone)	District Counsel
Chris Warshaw	District Engineer
Helen Hutchens	Miami Corporation Management, LLC
Sean Stefan	Kolter Group
Chris Keller	Wetland Solutions Inc.
Evan Wesselman	Family Lands Remembered
Ernie Cox	Family Lands Remembered
Alex Makransky	Public
Nathan Hillard	Wharton-Smith, Inc.
Walt Nickel	Wright-Pierce

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Kantarzhi called the meeting to order at 2:01 p.m. All Supervisors were present.

SECOND ORDER OF BUSINESS

Public Comments

Mr. Kantarzhi noted the public comments protocols. Public comments are heard at the beginning of the meeting for specific agenda items and near the end of the meeting for non-agenda items.

Mr. Nathan Hillard, Vice President of Wharton-Smith, Inc., stated that he received feedback from Wharton-Smith representatives who attended the Evaluation Committee

meeting. He stated that, in advance of the Evaluation Committee presenting a recommendation to the Board to award the Design-Builder Services contract for the Edgewater Wetland Park Project, provided additional informational about the company. He discussed selecting a vested team consisting of local residents, current projects, relationships with local subconsultants and making financial contributions to the Minority and Woman-Owned Business Enterprise.

Mr. Walt Nickel of Wright-Pierce stated they were very instrumental in assembling the qualifications of a design team with multiple subconsultants because there are specialties needed for the project. He has personally worked with all the subconsultants on multiple projects throughout his career in Florida and pointed out that Wharton-Smith/Wright-Pierce presented solid ideas regarding erosion coming in and within the wetland cells, etc.

THIRD ORDER OF BUSINESS

Consideration of Responses to Statement of Qualifications: RFQ for Design-Builder for Edgewater Wetland Park Project

Mr. Kantarzhi distributed and presented a revised Agenda where, behind Item 3C, Resolution 2024-10 replaced the Competitive Selection Criteria form. The Evaluation Committee Meeting was held at 11:00 a.m. today. The Evaluation Committee Members are Mr. James Boyd, Mr. Robbie Lee and Mr. Chris Warshaw.

A. Respondents

I. Phillips & Jordan, Inc. and Jacobs

II. Wharton-Smith, Inc. and Wright-Pierce

B. Evaluation Committee Ranking

Mr. Boyd, as an Evaluation Committee Member and the Committee Spokesperson, stated that the Committee was extremely pleased with both responses and believe that either team can do a really great job on this project. He discussed the process of evaluating each respondent's bid and the reasoning behind the scores for each respondent, in each category, which are based on the Request for Qualifications (RFQ) Competitive Selection Criteria.

Mr. Boyd recapped the Evaluation Committee's overall scores and rankings, as follows:

#1	Phillips & Jordan, Inc.	92 Points
#2	Wharton-Smith, Inc.	90 Points

Ms. Cerbone discussed the Board's options, which are to accept the Committee's scores, ranking and recommendation as its own, or complete individual or group ranking forms.

Mr. Storch voiced his opinion that the Evaluation Committee's scoring was close in determining that both respondents are very well qualified and that the Committee seemed to review the RFQ responses very thoroughly. He would like the Board to accept the scores and ranking of the Evaluation Committee as its own.

On MOTION by Mr. Storch and seconded by Mr. Fife, with all in favor, accepting the Evaluation Committee scores, ranking and recommendation to rank Phillips & Jordan, Inc., as the #1 ranked respondent to the Request for Qualifications for Design-Builder for the Edgewater Wetland Park Project, as its own, was approved.

C. Consideration of Resolution 2024-10, Adopting the Evaluation and Selecting Design-Build Firms' Statements of Qualifications for the Edgewater Wetland Park Project; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone provided additional language to include with adopting Resolution 2024-10, which will allow District Counsel to proceed with negotiating an agreement and allow the Chair or Vice Chair to participate in the process. The Board will review the contract for approval and execution at the next meeting. Asked about the negotiation process, Mr. Johnson referred to Section 2 of the Resolution, which states, if negotiations with Phillips & Jordan fail, the District can terminate negotiations and undertake negotiations with Wharton-Smith, Inc., the #2 ranked respondent.

On MOTION by Mr. Posey and seconded by Mr. Fife, with all in favor, Resolution 2024-10, Adopting the Evaluation and Selecting Design-Build Firms' Statements of Qualifications for the Edgewater Wetland Park Project; Providing a Severability Clause; and Providing an Effective Date, was adopted, and the Board, by awarding Phillips & Jordan, Inc., 92 points and Wharton-Smith, Inc., 90 points, has determined that it is in the best interests of the District and its residents and landowners to name Phillips & Jordan, Inc., the most highly qualified firm for design-build services for the Project and authorizing District Counsel to proceed with negotiating an agreement and for the Chair or Vice Chair to participate in the process was approved.

FOURTH ORDER OF BUSINESS

Presentation of Audited Annual Financial Report for the Fiscal Year Ended September 30, 2023, Prepared by Berger, Toombs, Elam, Gaines & Frank

Mr. Kantarzhi presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2023 and noted the pertinent information. It was a clean audit; there were no findings, recommendations, deficiencies on internal control or instances of non-compliance.

Asked why the District always has a negative balance, Ms. Cerbone stated that it is typically due to the timing between billing and the receipt of funds. From a legal standpoint, Mr. Johnson stated that it does not prompt a need to take action.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2024-09,
Hereby Accepting the Audited Annual
Financial Report for the Fiscal Year Ended
September 30, 2023**

On MOTION by Mr. Lee and seconded by Mr. Fife, with all in favor, Resolution 2024-09, Hereby Accepting the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2023, was adopted.

SIXTH ORDER OF BUSINESS**Project Updates**

Mr. Warshaw stated that he has no major updates on the three projects other than he is working with the Florida Department of Transportation (FDOT) on the interchange.

A. SR 442/I-95**B. Deering Trail**

Mr. Cox stated that the FDOT is reviewing the application for the bike trail and, towards the end of the fall, expects it to be included on the preliminary projects list of projects they are proposing to include in next year's work plan. That list will become a tentative projects list in early 2025 and finally a permanent projects list as of July 15, 2025. He noted that every trail, road, bridge and resurfacing project in the entire State goes through the exact same process.

SEVENTH ORDER OF BUSINESS

**Approval of June 25, 2024 Regular Meeting
Minutes**

On MOTION by Mr. Storch and seconded by Mr. Lee, with all in favor, the June 25, 2024 Regular Meeting Minutes, as presented, were approved.

EIGHTH ORDER OF BUSINESS**Staff Reports**

A. District Counsel: Kutak Rock LLP

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

There were no District Counsel or District Engineer reports.

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

- **NEXT MEETING DATE: August 13, 2024 at 2:00 PM [Adoption of FY2025 Budget]**

○ **QUORUM CHECK**

Due to prior discussions about changing meeting dates and times to ensure the ability to establish a quorum, Ms. Cerbone discussed keeping the Fiscal Year 2024 meeting dates and times the same for Fiscal Year 2025, with the option to set a new meeting date if there is a lengthy agenda. The Board agreed with the suggestion.

Mr. Warshaw stated that, at the next meeting, he expects to present a Supplemental Engineer's Report for the first bond issuance, covering about 1,000 residential units of public infrastructure, the first few phases of construction. The Report will be distributed the week of July 22, 2024 in order for the Methodology Report to be prepared and distributed the week of July 29, 2024.

NINTH ORDER OF BUSINESS

Board Members' Comments/Requests

Mr. Storch asked who will negotiate the contract for the Edgewater Wetland Park Project. Mr. Johnson stated that he and other District Staff will participate in the negotiation process; the contract will be presented at the next meeting. Mr. Cox stated he and Mr. Johnson will discuss how best to use his role; once the project starts, he will be the day-to-day contact person.

Mr. Fife stated that he will attend the next meeting via telephone.

TENTH ORDER OF BUSINESS

Public Comments

No members of the public spoke.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Fife and seconded by Mr. Lee, with all in favor, the meeting adjourned at 2:28 p.m.

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Secretary/Assistant Secretary

Chair/Vice Chair

**DEERING PARK
STEWARDSHIP DISTRICT**

**STAFF
REPORTS**



April 23, 2024

Daphne Gillyard, Director of Admin. Services
Wrathell, Hunt and Associates, LLC
2300 Glades Road, Suite 410W
Boca Raton, FL 33431

RE: Cypress Bay West Community Development District
Deering Park Stewardship District
Emerald Lakes Community Development District
Malabar Springs Community Development District
Viera Stewardship District

Dear Ms Gillyard:

I am writing in response to your request of April 5, 2024 for the number of registered voters within the afore-mentioned communities.

Please be advised our records indicate the number of registered voters as of April 15, 2024 are as follows:

Cypress Bay West Community Development District **65**
Deering Park Stewardship District **0**
Emerald Lakes Community Development District **0**
Malabar Springs Community Development District **0**
Viera Stewardship District **7,872**

If you need any additional information, or have any questions, please feel free to contact me at 321.290.8683.

Kind regards,

Tim Bobanic

TB/dy

Mailing Address

PO Box 410819
Melbourne, FL 32941-0819
Toll Free: (800) 579-4780

Supervisor of Elections - Titusville

400 South Street
Suite 1F
Titusville, FL 32780-7610
Telephone: (321) 264-6740
Fax: (321) 264-6741

Supervisor of Elections - Viera

2725 Judge Fran Jamieson Way
Building C, Suite 105
Viera, FL 32940-6605
Telephone: (321) 633-2124
Fax: (321) 633-2130

Supervisor of Elections - Melbourne

1515 Sarno Road
Building A
Melbourne, FL 32935-5293
Telephone: (321) 255-4455
Fax: (321) 255-4401

Supervisor of Elections – Palm Bay

450 Cogan Drive SE
Palm Bay, FL 32909-6869
Telephone: (321) 952-6328
Fax: (321) 952-6332

(321) 290-VOTE (8683)
VoteBrevard.gov



Lisa Lewis
Supervisor of Elections
County of Volusia

April 16, 2024

Ms. Daphne Gillyard
Director of Administrative Services
Wrathell, Hunt and Associates, LLC
2300 Glades Road, Ste 410W
Boca Raton, Florida 33431

Re: Deering Park Stewardship

Dear Ms. Gillyard:

Please accept this letter regarding the number of registered voters within the boundaries of Deering Park Stewardship District. There are **four** registered voters in this district as of April 15, 2024.

Please feel free to contact my office should you have questions.

Regards,

Lisa Lewis
Supervisor of Elections

DEERING PARK STEWARDSHIP DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE		
LOCATION		
Storch Law Firm, 420 S. Nova Road, Daytona Beach, Florida 32114		
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 CANCELED	Regular Meeting	2:00 PM
March 12, 2024	Regular Meeting	2:00 PM
https://teams.microsoft.com/join/19%3ameeting_YTczMzE3ZGIYmMwMy00OWZjLWI3MjctNWQ1OTk4YjgxODgz%40thread.v2/0?context=%7b%22Tid%22%3a%2294348502-fda0-4a80-8edb-52bd87fa537b%22%2c%22Oid%22%3a%2250b37528-b730-4578-8935-dc90866a9569%22%7d Meeting ID: 283 787 630 919 Passcode: ZXHeDk		
April 9, 2024	Regular Meeting	2:00 PM
https://teams.microsoft.com/join/19%3ameeting_NDIINGM5OTUtZjM1Mi00NjJLTgyMjktZDAwMzk3ZDdhOGJk%40thread.v2/0?context=%7b%22Tid%22%3a%2294348502-fda0-4a80-8edb-52bd87fa537b%22%2c%22Oid%22%3a%2250b37528-b730-4578-8935-dc90866a9569%22%7d Meeting ID: 280 567 498 56 Passcode: ALDDcS		
May 14, 2024	Regular Meeting	2:00 PM
https://teams.microsoft.com/join/19%3ameeting_ZmM5NDIyY2YtNTY2Ni00NGI4LTlhMjEtN2FmNGQ1YTQ1ZmMy%40thread.v2/0?context=%7b%22Tid%22%3a%2294348502-fda0-4a80-8edb-52bd87fa537b%22%2c%22Oid%22%3a%2250b37528-b730-4578-8935-dc90866a9569%22%7d Meeting ID: 272 805 810 132 Passcode: jypt6T		
June 11, 2024 <i>rescheduled to June 25, 2024</i>	Regular Meeting	2:00 PM
https://teams.microsoft.com/join/19%3ameeting_ZTQyM2Q1NmMtODZhZi00NTg1LWl1xNDItZDg1OTk1ZDczZTVm%40thread.v2/0?context=%7b%22Tid%22%3a%2294348502-fda0-4a80-8edb-52bd87fa537b%22%2c%22Oid%22%3a%2250b37528-b730-4578-8935-dc90866a9569%22%7d Meeting ID: 246 187 975 594 Passcode: m5rvQV		
June 25, 2024	Regular Meeting	2:30 PM
https://teams.microsoft.com/join/19%3ameeting_YTE0OTc0MDMtZTY2ZS00OGQyLWJmNjltNmizMmYyYjNIODQ0%40thread.v2/0?context=%7b%22Tid%22%3a%2294348502-fda0-4a80-8edb-52bd87fa537b%22%2c%22Oid%22%3a%2250b37528-b730-4578-8935-dc90866a9569%22%7d Meeting ID: 213 938 298 297 Passcode: h3jQc3		

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
July 9, 2024	Evaluation Committee Meeting <i>RFQ for Design-Builder for Edgewater Wetland Park Project</i>	11:00 AM
July 9, 2024	Regular Meeting	2:00 PM
https://teams.microsoft.com/l/meetup-join/19%3ameeting_MGMyMzBmMzQtYjg2NS00ZDE1LWEwOTYtZmEzYmU1ZWU3NzE3%40thread.v2/0?context=%7b%22Tid%22%3a%2294348502-fda0-4a80-8edb-52bd87fa537b%22%2c%22Oid%22%3a%2250b37528-b730-4578-8935-dc90866a9569%22%7d Meeting ID: 233 035 830 379 Passcode: F8HoXp		
August 13, 2024	Regular Meeting	2:00 PM
https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTMwMzAxZjYtZDZhMi00MmYzLTg1N2U0MDJjYmI1NjEyMDM2%40thread.v2/0?context=%7b%22Tid%22%3a%2294348502-fda0-4a80-8edb-52bd87fa537b%22%2c%22Oid%22%3a%2250b37528-b730-4578-8935-dc90866a9569%22%7d Meeting ID: 231 940 985 857 Passcode: qcx4XH		
September 10, 2024	Regular Meeting	2:00 PM
https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTZiNTgzMzYtNTM3NC00MmMzLTg1N2U0MDJjYmI1NjEyMDM2%40thread.v2/0?context=%7b%22Tid%22%3a%2294348502-fda0-4a80-8edb-52bd87fa537b%22%2c%22Oid%22%3a%2250b37528-b730-4578-8935-dc90866a9569%22%7d Meeting ID: 251 618 142 377 Passcode: hpbmQr		