Myrtle Creek Improvement District

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

www.myrtlecreekid.org

The following is the proposed agenda for the upcoming Meeting of the Board of Supervisors for the Myrtle Creek Improvement District ("District"), scheduled to be held at 5:00 p.m. on Tuesday, January 19, 2021 at 6900 Tavistock Lakes Blvd, Suite 200, Orlando, FL 32827. A quorum will be confirmed prior to the start of the meeting.

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

Phone: 1-844-621-3956 Computer: pfmgroup.webex.com Participant Code: 796 580 192#

BOARD OF SUPERVISORS' MEETING AGENDA

Organizational Matters

- Roll Call to Confirm a Quorum
- Public Comment Period
- 1. Swearing in Newly Elected Board Members Kam and Marsha
- 2. Consideration of the Minutes of the November 10, 2020 Board of Supervisors' Meeting
- 3. Consideration of Resolution 2021-02, Designating Registered Agent & Office (provided under separate cover)
- 4. Consideration of Resolution 2021-03, Election of Officers

Business Matters

- 5. Ratification of Non-Ad Valorem Assessment Administration Agreement with the Orange County Property Appraiser
- 6. Ratification of Operation and Maintenance Expenditures Paid in December 2020 in an amount totaling \$122,197.58 (provided under separate cover)
- 7. Recommendation of Work Authorization/Proposed Services (if applicable)
- 8. Review of District's Financial Position and Budget to Actual YTD (provided under separate cover)

Other Business

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

Adjournment



Oath of Office

MYRTLE CREEK IMPROVEMENT DISTRICT BOARD OF SUPERVISORS

OATH OF OFFICE

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

Board Supervisor

ACKNOWLEDGMENT OF OATH BEING TAKEN

STATE OF FLORIDA COUNTY OF ORANGE

The foregoing oath was administered before me this ____ day of _____, 2021, by ______, who personally appeared before me, and is personally known to me or has produced ______ as identification, and is the person described in and who took the aforementioned oath as a Member of the Board of Supervisors of Myrtle Creek Improvement District and acknowledged to and before me that he/she took said oath for the purposes therein expressed.

(NOTARY SEAL)

Notary Public, State of Florida

Print Name: _____

Minutes of the November 10, 2020 Board of Supervisors' Meeting

MYRTLE CREEK IMPROVEMENT DISTRICT BOARD OF SUPERVISORS' MEETING MINUTES

FIRST ORDER OF BUSINESS

The Board of Supervisors' Meeting for the Myrtle Creek Improvement District was called to order on Tuesday, November 10, 2020, at 5:00 p.m. at Courtyard Orlando Lake Nona, 6955 Lake Nona Blvd., Orlando, FL 32827.

Present:

Bob da Silva	Chairman
Kam Shenai	Vice-Chairman
Kyle Scholl	Assistant Secretary
John Lynaugh	Assistant Secretary
Marsha Leed	Assistant Secretary

Also, attending:

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

SECOND ORDER OF BUSINESS

Public Comment Period

Ms. Walden noted for the record there were no public comments at this time.

THIRD ORDER OF BUSINESS

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

Board Members reviewed the minutes from the October 20, 2020, Board of Supervisors' Meeting.

On Motion by Mr. da Silva, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Minutes of the October 20, 2020, Board of Supervisors' Meeting.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-01, Adopting an Amended Budget for FY 2020

Ms. Walden presented Resolution 2021-01, Adopting an Amended Budget for Fiscal Year 2020. Included as an exhibit to the Resolution is the Revised Budget for Fiscal Year 2020. The column to the left shows the actual expenses through the end of the Fiscal Year as of September 30, 2020. The second column from the right shows the Revised Budget for Fiscal Year 2020. The column to the far right shows the increase decrease.

Ms. Walden noted the District did not go over budget but there were some line items that went over the 10% threshold and that is why the District needs to adopt a revised budget. Mr. Shenai asked if one line in particular was responsible for the revised budget and Ms. Walden responded that there were multiple line items that either increased or decreased which is why the budget needed to be revised.

On Motion by Mr. Shenai, second by Mr. da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved Resolution 2021-01, Adopting an Amended Budget for FY 2020.

FIFTH ORDER OF BUSINESS

Consideration of Proposal from VGlobalTech for Google Analytics Site Usage

Ms. Walden presented the proposal from VGlobalTech for Google Analytics Site Usage. Mr. Shenai previously asked to track the website traffic and usage reports. Ms. Walden explained it is in the amount of \$175.00 to set up automated scheduled email reports to be sent to whomever is authorized from the CDD. If the District wanted to make changes in the report content or if Google makes changes in the future, additional services may be required. Mr. Shenai asked what is included in the proposal. Ms. Walden answered that it will set up the CDD account in Google analytics, will have an embedded GA script and tracking tag on the website, they will set up metrics the District wants to receive, schedule the automated weekly or monthly report on traffic usage, etc., and add the user emails that can receive the reports. The District needs to let VGlobalTech know what kind of metrics they would like in the report. A lengthy discussion took place.

On Motion by Mr. Lynaugh, second by Mr. da Silva, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Proposal from VGlobalTech for Google Analytics Site Usage for a one time cost of \$175.00.

SIXTH ORDER OF BUSINESS

Consideration of FY 2020 Audit Engagement Letter

Ms. Walden presented the Fiscal Year 2020 Audit Engagement Letter to the Board and explained the cost falls within the Budget and District Counsel has reviewed and revised the agreement. Ms. Walden

requested approval by the Board so the Auditor can begin the Fiscal year 2020 Audit and District staff can keep them on task to get the District's audit on time.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the FY 2020 Audit Engagement Letter.

SEVENTH ORDER OF BUSINESS

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

- a) Presentation Regarding LAMN
- b) Presentation of Preliminary Operation and Maintenance Assessment Methodology Report
- c) Consideration of Interlocal Agreement Among Boggy Creek Improvement District, the Myrtle Creek Improvement District, the Greeneway Improvement District and the Poitras East Community District Development Regarding the of the Maintenance Greenlink Improvements Local within the Alternative Mobility Network
- d) Consideration of Funding Agreement

Ms. Walden announced the next agenda item pertains to the Local Alternative Mobility Network. Ms. Mackie stated the documentation associated with three of the items on this line item remain unchanged from the prior meeting, which are the Presentation Regarding the LAMN, the Preliminary Operation and Maintenance Assessments Methodology Report, and the Interlocal Agreement. Those are being presented as they were at the prior meeting for the Board's consideration.

Taking into account the comments received at the last Board meeting and individual conversations that representatives of Lake Nona Land Company had with various Board Members, Lake Nona has determined that the best way to proceed would be for the developer to fund all of the expenses associated with the Local Alternative Mobility Network until some point in the future when it may be possible to levy an assessment over a sub-District area that would consist of only the lands currently owned by Lake Nona Land Company. Whether it is Developer Funding now or an assessment in the future it won't result in an additional assessment to any of the existing residential areas within Myrtle Creek.

Ms. Leed asked if there could be an assessment over the park. Ms. Mackie said no because the Local Alternative Mobility Network consisted of the Greenlink system which was assessed based on both the amenity component and the transportation component. There are additional LAMN improvements within each individual District consisting of stops and rest areas, all of which are proposed to be Developer funded. There was a question asking if the Agreement would continue in perpetuity. Ms. Mackie stated the Agreement will continue in perpetuity until such time as there may be an assessment levied to fund the improvements, and that any such assessment would require approval by the District Board.

Mr. Shenai thanked Mr. Byrnes for taking the time to speak with each Board Member separately in between the Board Meetings. He also sent a lot of questions to Mr. Byrnes which his team is working to answer. He asked to share the questions with the other Board Members. The questions and responses will be added to a future agenda. Mr. Shenai asked to find out the development that is planned for the remaining undeveloped parcels to determine who will be absorbing all the assessments. A lengthy discussion took place.

Ms. Leed asked if a few residents will end up paying for the Local Alternative Mobility Network or is it contemplated that a bigger municipality will take it over. Ms. Mackie responded that Districts typically fund amenity improvements in their boundaries that are open to the public and sometime charge a non-resident user fee. In large part, the benefit is received by the residents within the community development district and it is over District landowners that there is authority to levy an assessment. Ms. Leed asked if the assessments were in perpetuity. Ms. Mackie explained the difference between Debt Service Assessments and O&M Assessments. Ms. Leed asked about the routes for the LAMN and if it was coming inside the community and asked if it was still under consideration or if it was determined it wasn't feasible. Mr. Byrnes responded that they are still sorting through that and stated that the Developer will be looking at expanding the network beyond what is currently depicted in the plan. The plan is very specific with the grant that was awarded. He suggested having conversations with the HOA.

Mr. da Silva brought up safety concerns with allowing stops inside the gate of the community.

Mr. da Silva stated the District is being asked to approve the Interlocal Agreement and the Funding Agreement trusting that the Developer will pay for the Local Alternative Mobility Network and if the funding does not come through the District would have to get it from a different source. Ms. Mackie stated if the Developer did not pay the District would have the ability to assess the property owned by the Developer. Mr. Lynaugh stated he requested that the Developer come back with an alternative for funding which is what they have done in creating the Funding Agreement. He stated he does not have a problem with the Funding Agreement. The Interlocal Agreement contemplates that a District's payment of their share can be done in a lump sum payment at the beginning of the fiscal year or on a monthly basis, with the amount of the monthly payment being based on the District's share of the preceding month's actual expenses. Mr. Shenai asked if the Board must take action on both the Interlocal Agreement and the Funding Agreement or just the Funding Agreement. Ms. Mackie suggested the Board consider the agreements in order as they appear in the Agenda Package.

Mr. da Silva asked who is being assessed for the District's share of the Interlocal Agreement. Mr. Shenai responded that the funding is coming from the Developer per the Funding Agreement to be considered by the Board.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Interlocal Agreement among Boggy Creek Improvement District, the Myrtle Creek Improvement District, the Greeneway Improvement District and the Poitras East Community Development District Regarding the Maintenance of the Greenlink Improvements within the Local Alternative Mobility Network, subject to the reliance on the Funding Agreement entered into with the Developer with the intent that if the District needs to assess the properties within Myrtle Creek ID in the future that the District will assess the lands currently controlled by Lake Nona Land Company.

Ms. Mackie reviewed the Developer Funding Agreement. This would be a Funding Agreement between the District and Lake Nona Land Company with respect to the LAMN expenses associated with the Myrtle Creek Improvement District, which provides that Lake Nona Land Company would be funding 100% of the cost associated with the LAMN and also provides, in the event the funds aren't provided pursuant to the agreement, that the District has the alternative to assess those properties for the amount outstanding and in the future. The Developer has already executed the Funding Agreement.

On Motion by Mr. Lynaugh, second by Mr. Shenai, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Developer Funding Agreement as presented.

EIGHTH ORDER OF BUSINESS

Ratification of Operation and Maintenance Expenditures paid in October 2020 in an amount totaling \$64,507.36

Board Members reviewed the Operation and Maintenance Expenditures paid in October 2020 in an amount totaling \$64,507.36. These have already been approved and just need to be ratified by the Board.

On Motion by Mr. Lynaugh, second by Mr. Scholl, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District ratified the Operation and Maintenance Expenditures paid in October 2020 in an amount totaling \$64,507.36.

NINTH ORDER OF BUSINESS

Recommendation of Work Authorizations/Proposed Services

Ms. Walden stated there are no Work Authorizations from Mr. Kauffman however the District has a Work Authorization from Berman. Ms. Walden presented a work authorization for pressure washing signage within the District in the amount of \$4,850.00.

On Motion by Mr. Scholl, second by Mr. Lynaugh, with all in favor, the Board of Supervisors for the Myrtle Creek Improvement District approved the Work Authorization from Berman in the amount of \$4,850.00 for pressure washing.

TENTH ORDER OF BUSINESS

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

Board Members reviewed the Statement of Financial Position and Budget to Actual through the first month of the Fiscal Year 2021. The District has total expenses of \$53,000.00. No action is required by the Board.

ELEVENTH ORDER OF BUSINESS

Staff Reports

District Counsel -

No Report

Mr. Lynaugh asked about the invoice referencing the September ADA Audit and asked about the results. Ms. Walden explained the ADA Audit refers to the quarterly ADA auditing service for the District Website to ensure the documents are ADA compliant.

Mr. Scholl stated years ago the District discussed what to do with the surplus funds and decided to do the benches and trashcans along Lake Nona Boulevard and the District never thought to share the cost of those improvements with the other District's. If there is no realistic value due to the lack of stops close enough to where people in the neighborhood would truly benefit from the LAMN, then should the District back out all together and make it a Laureate Park LAMN and not include Myrtle Creek so there are no assessments? Mr. da Silva there is benefit to commercial lands along Wellspring Drive and Performance Drive, which are part of the District.

District Manager –Ms. Walden noted the next meeting is scheduled for Tuesday, December15, 2020, at the current location. District staff will keep the Board informedif the District can move back to the Tavistock offices.

District Engineer – No Report

Construction Supervisor – No Report

District Landscape Supervisor- No Report.

TWELFTH ORDER OF BUSINESS

Supervisor and Audience Comments & Adjournment

There was no Supervisor Requests or audience comments, so Ms. Walden requested a motion to adjourn.

On Motion by Mr. Shenai, second by Mr. Lynaugh, with all in favor, the November 10, 2020, meeting of the Board of Supervisors for the Myrtle Creek Improvement District was adjourned.

Secretary/Assistant Secretary

Chair/Vice Chair

Resolution 2021-02, Designating Registered Agent & Office (provided under separate cover)

Resolution 2021-03, Election of Officers

RESOLUTION 2021-03

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

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

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

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

Section 1.		is elected Chair.
Section 2.		is elected Vice Chair.
Section 3.		is elected Secretary.
		is elected Assistant Secretary.
		is elected Assistant Secretary.
		is elected Assistant Secretary.
		is elected Assistant Secretary.
Section 4.		is elected Treasurer.
Section 5.		is elected as Assistant Treasurer.
Section 6.	All Resolutions or parts hereby repealed to the ex	s of Resolutions in conflict herewith are tent of such conflict.
Section 7.	This Resolution shall badoption.	become effective immediately upon its
PASSED AN	D ADOPTED THIS 19 th I	DAY of JANUARY, 2021
ATTEST:		MYRTLE CREEK IMPROVEMENT DISTRICT
Secretary/Ass	istant Secretary	Chair/Vice-Chair

Non-Ad Valorem Assessment Administration Agreement with the Orange County Property Appraiser

NON-AD VALOREM ASSESSMENT ADMINISTRATION AGREEMENT

An AGREEMENT made this 13th day of November, 2020 between **RICK SINGH, CFA**, as Orange County Property Appraiser (Property Appraiser) and **Myrtle Creek CDD**, (Taxing Authority), and is effective upon acceptance by both parties and through September 30, 2021.

1. The Taxing Authority desires to use the services of theProperty Appraiser to maintain non-ad valorem assessments on the tax roll and the Property Appraiser is prepared to do so, on behalf of the Taxing Authority. Each party represents that it has satisfied all conditions necessary to enter into this agreement.

2. The Property Appraiser agrees to perform the following service for the Taxing Authority:

A. Create a Non-Ad Valorem Assessment Roll for the Taxing Authority for the 2021 tax roll year using data provided annually to the Property Appraiser's Office by the Taxing Authority per attached Calendar For Implementation Of Non-Ad Valorem Assessment Roll.

B. Provide the Taxing Authority with a data file in a compatible format on or before April 1, containing all parcels within the boundaries of the Taxing Authority to be used for the Taxing Authority's planning purposes in establishing its non-ad valorem assessments. Provide subsequent files or reports at request of the Taxing Authority.

C. Receive from the Taxing Authority its proposed or adopted non-ad valorem assessment levy for each type of property and extend that amount against each parcel of real property as stipulated by Taxing Authority.

D. Include the Taxing Authority's non-ad valorem assessments on the Notice Of Proposed Property Taxes And Proposed or Adopted Non-Ad Valorem Assessments mailed to all property owners in August of each year.

E. Receive from the Taxing Authority, corrections or changes to the roll and update the Non-Ad Valorem Assessment Roll for tax bills on or before September 15 of each year, the statutory deadline for certification of non-ad valorem assessments.

F. Deliver the Taxing Authority's Non-Ad Valorem Assessment Roll to the Orange County Tax Collector's Office so that tax bills mailed on or about November 1 will include the Taxing Authority's non-ad valorem assessment levies.

3. Taxing Authority agrees to perform the following acts in connection with this agreement:

A. Advise the property owners within the Taxing Authority in an appropriate and lawful manner of the Taxing Authority's intention to utilize the Uniform non-ad valorem assessment method described in Sections 197.3631 through 197.3635, Florida Statutes, and carry out its responsibilities under said sections.

B. Timely provide the Property Appraiser with information required to prepare the Uniform Non-Ad Valorem Assessment Roll per the Calendar For Implementation Of Non-Ad Valorem Assessment Roll.

C. Advise the property owners within the Taxing Authority as appropriate that the Property Appraiser's office is acting in a ministerial capacity for the Taxing Authority in connection with the non-ad valorem assessments.

D. Preparation and delivery of certificate of corrections directly to Tax Collector, with copy to Property Appraiser, for any corrections to a certified final tax roll.

4. The Taxing Authority shall use its best efforts in furnishing the Property Appraiser with upto-date data concerning its boundaries, proposed assessments and other information as requested from time to time by the Property Appraiser and necessary to facilitate his making the assessment in question. The Property Appraiser shall, using the information provided by the Taxing Authority, place the District's non-ad valorem assessments, as made from time to time and certified to him, on properties within the district.

5. The Property Appraiser shall be compensated by the Taxing Authority for the administrative costs incurred in carrying out this Agreement. These costs include, but are not limited to labor, printing, forms, office supplies, computer equipment usage, postage, programming or any other associated costs.

On 13th day of November, 2020 an administrative fee will be invoiced to the Taxing Authority equivalent to \$1 per parcel assessed with a non-ad valorem tax. Parcel counts supporting the invoiced fee will be determined based upon the most current certified non-ad valorem assessment roll. Any new assessments added to the tax roll that were not previously certified and invoiced an administrative fee, will be separately invoiced on or around July 15 and prior to mailing of the Notice of Proposed Property Taxes in August.

6. The specific duties to be performed under this agreement and their respective timeframes are contained in the Calendar For Implementation Of Non-Ad Valorem Assessment Roll, which is incorporated herein by reference.

7. This agreement constitutes the entire agreement between the parties and can only be modified in writing.

8. All parts of this Agreement not held unenforceable for any reason shall be given full force and effect.

9. All communications required by this agreement shall be in writing and sent by first class mail, email or facsimile to the other party.

Notices to the Taxing Authority shall be addressed to:

Myrtle Creek CDD Amanda Lane PFM Group Consulting LLC 12051 Corporate Blvd. Orlando, FL 32817 LaneA@pfm.com (407)723-5900

Notices to the Property Appraiser shall be addressed to: Carmen Crespo, Finance Department Orange County Property Appraiser 200 S. Orange Ave., Suite 1700 Orlando, FL 32801 crespo@ocpafl.org (407)836-5353

10. TERMINATION. This Agreement may be terminated by either party upon written notice. If terminated on or before April 1, a 100% refund of fee will apply. If terminated between April 2 and July 15, a 50% refund of fee will apply. Property Appraiser will perform no further work after the written termination notice is received.

ORANGE COUNTY PROPERTY APPRAISER

Signed____

Rick Singh, CFA

Date_____

MYRTLE CREEK CDD

Name_

Signed

Date

CALENDAR FOR IMPLEMENTATION OF NON-AD VALOREM ASSESSMENTS

On or about April 1st - Property Appraiser to provide the Taxing Authority with an electronic file that includes parcel ID and any other information applicable or requested. Taxing Authority may request this file at any time after January 1st, but must understand that many splits/combos, annexations, etc., may not be reflected early in the tax year and subsequent files may be necessary. If any additional information is required at any time by Taxing Authority, it should be requested of the Property Appraiser by Taxing Authority, allowing for a reasonable turnaround time. The file shall be in an ascii file, text or excel file, unless another format is requested and agreed upon between parties.

June 1

• Property Appraiser distributes Best Estimate of Taxable Value to all Taxing Authorities.

July 1

• Property Appraiser certifies Preliminary tax roll to all taxing authorities.

• Taxing Authority reviews all assessments and provides final approval for Notice of Proposed Property Taxes (TRIM)

July 15

• Property Appraiser to invoice Administrative Fee for new parcels, if any, assessed and in excess of prior year certified non-ad valorem assessment roll parcel count.

August 4

• Taxing Authority adopts its proposed millage rate and submits to the Property Appraiser for TRIM.

August 24

• Last day Property Appraiser can mail TRIM notices to all property owners on the tax roll.

September 3 – October 3

• Taxing Authority holds initial and final public budget hearings.

September 15

• Taxing Authority certifies final non-ad valorem assessment roll to Property Appraiser on or before September 15 with any changes, additions or deletions to the non-ad valorem assessment roll since the TRIM notices.

October

• Property Appraiser to mail Non-Ad Valorem Assessment Administration Agreement and invoice for non-ad valorem assessment processing for subsequent tax roll, based upon most recent certified non-ad valorem assessment roll parcel count.

• Property Appraiser delivers the Taxing Authority non-ad valorem assessment roll to the Tax Collector for collection of taxes on November 1 tax bills.

Operation and Maintenance Expenditures Paid in December 2020 in an amount totaling \$122,1987.58 (provided under separate cover)

Work Authorization/Proposed Services (if applicable)

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