

**BERRY BAY
COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS
CONTINUED PUBLIC HEARINGS AND REGULAR MEETING
JUNE 04, 2020**

BERRY BAY
COMMUNITY DEVELOPMENT DISTRICT AGENDA
THURSDAY, JUNE 04, 2020 AT 2:00 P.M.
CALL IN NUMBER: 1-866-906-9330 ACCESS CODE: 4863181

District Board of Supervisors	Chairman Vice-Chairman Supervisor Supervisor Supervisor	Jeff Hills Nick Dister Steve Luce Ryan Motko Alberto Viera
District Manager	Meritus	Gene Roberts
District Attorney	Straley Robin Vericker	John Vericker
District Engineer	Stantec, Inc	Tonja Stewart

All cellular phones and pagers must be turned off while in the meeting room

The District Agenda is comprised of four different sections:

The meeting will begin at **2:00 p.m.**

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

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the District Office at (813) 873-7300, at least 48 hours before the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 7-1-1 who can aid you in contacting the District Office.

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

June 04, 2020
Board of Supervisors
Berry Bay Community Development District

Dear Board Members:

The Continued Public Hearing and Regular Meeting of Berry Bay Community Development District will be held on **June 04, 2020 at 2:00 p.m.** via conference call at the information listed below. Following is the agenda for the meeting:

Call In Number: 1-866-906-9330

Access Code: 4863181

CONTINUED PUBLIC HEARING AND REGULAR MEETING OF THE BOARD OF SUPERVISORS

- 1. CALL TO ORDER/ROLL CALL**
- 2. PUBLIC COMMENT ON AGENDA ITEMS**
- 4. RECESS TO PUBLIC HEARING**
- 5. CONTINUED PUBLIC HEARING ON ADOPTING FINAL FISCAL YEAR 2020 BUDGET**
 - A. Open Continued Public Hearing on Adopting Final Fiscal Year 2020 Budget
 - B. Staff Presentations
 - C. Public Comment
 - D. Close Continued Public Hearing on Adopting Final Fiscal Year 2020 Budget
 - E. Consideration of Resolution 2020-28; Adopting Final Fiscal Year 2020 Budget.....Tab 01
 - i. Consideration of Developer Funding Agreement
- 6. RETURN AND PROCEED TO REGULAR MEETING**
- 7. VENDOR AND STAFF REPORTS**
 - A. District Counsel
 - B. District Manager
 - C. District Engineer
- 8. BUSINESS ITEMS**
 - A. Consideration of Resolution 2020-32; Approving Fiscal Year 2021 Proposed Budget & Setting Public Hearing.....Tab 02
 - B. General Matters of the District
- 9. SUPERVISOR REQUESTS AND AUDIENCE COMMENTS**
- 10. ADJOURNMENT**

While it is necessary to hold the above referenced meeting of the District’s Board of Supervisors utilizing communications media technology due to the current COVID-19 public health emergency, the District fully encourages public participation in a safe and efficient manner. Toward that end, anyone wishing to listen and participate in the meeting can do so telephonically at 1-866-906-9330, Participant Access Code – 4863181. Additionally, participants are encouraged to submit questions and comments to the District Manager in advance at 813-873-7300 to facilitate the Board’s consideration of such questions and comments during the meeting.

We look forward to speaking with you at the meeting. In the meantime, if you have any questions, please do not hesitate to call us at (813) 873-7300.

Sincerely,

Gene Roberts
District Manager

RESOLUTION 2020-28

THE ANNUAL APPROPRIATION RESOLUTION OF THE BERRY BAY COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING MARCH 11, 2020, (THE “EFFECTIVE DATE” OF THE ORDINANCE) AND ENDING SEPTEMBER 30, 2020 APPROVING A BUDGET FUNDING AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has submitted to the Board of Supervisors (“**Board**”) a proposed budget for the budget year beginning March 11, 2020 (the effective date of the Ordinance) and ending September 30, 2020, along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), Florida Statutes; and

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

WHEREAS, the Board set May 7, 2020, as the date for a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), Florida Statutes; and

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

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

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

WHEREAS, in order for the Developer to fund a portion of the Budget, the Board desires to approve a form of the Budget Funding Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BERRY BAY COMMUNITY DEVELOPMENT DISTRICT:

Section 1. Budget

- a. That the Board of Supervisors has reviewed the District Manager’s Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.
- b. That the Proposed Budget, attached hereto as **Exhibit “A,”** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for fiscal year 2019/2020.
- c. That the adopted budget, as amended, shall be maintained in the office of the District Manager and at the District’s Records Office and identified as the “Budget for the Berry Bay Community Development District for the Fiscal Year Beginning March 11, 2020, and Ending September 30, 2020,” as adopted by the Board of Supervisors on May 7, 2020.
- d. The final adopted budget shall be posted by the District Manager on the District’s official website within thirty (30) days after adoption.

Section 2. Appropriations

There is hereby appropriated out of the revenues of the District, for the fiscal year beginning March 11, 2020, and ending September 30, 2020, the sum of \$ 937,000.00 to be raised by the levy of assessments and 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 in the following fashion:

TOTAL GENERAL FUND	\$ <u>937,000.00</u>
TOTAL ALL FUNDS	\$ <u>937,000.00</u> *

*Not inclusive of any collection costs.

Section 3. Budget Amendments

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

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.

- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.
- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016 of the Florida Statutes, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any amendments to budget(s) under subparagraphs c. and d. above are posted on the District’s website within five (5) days after adoption.

Section 4. Budget Funding Agreement

The form of the Budget Funding Agreement, attached as **Exhibit “B”** hereto, is hereby approved in order to fund the Developer’s portion of the budget for Fiscal Year 2019/2020.

Section 5. Effective Date.

This Resolution shall take effect upon the passage and adoption of this Resolution by the Board of Supervisors of the Berry Bay Community Development District.

PASSED AND ADOPTED THIS 4TH DAY OF JUNE, 2020.

ATTEST:

**BERRY BAY COMMUNITY
DEVELOPMENT DISTRICT**

By: _____
Print Name: _____
Assistant Secretary

By: _____
Print Name: _____
Chair / Vice Chair

Exhibit A: 2019/2020 Budget
Exhibit B: Budget Funding Agreement

2020



BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2020
FINAL ANNUAL OPERATING BUDGET

MARCH 26, 2020



BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2020 FINAL ANNUAL OPERATING BUDGET

TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
I.	BUDGET INTRODUCTION	1
II.	FINAL OPERATING BUDGET.....	2
III.	GENERAL FUND 001 DESCRIPTIONS.....	3
IV.	SCHEDULE OF ANNUAL ASSESSMENTS	5

MARCH 26, 2020

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

BUDGET INTRODUCTION

Background Information

The Berry Bay Community Development District is a local special purpose government authorized by Chapter 190, Florida Statutes, as amended. The Community Development District (CDD) is an alternative method for planning, financing, acquiring, operating and maintaining community-wide infrastructure in master planned communities. The CDD also is a mechanism that provides a “solution” to the State’s needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers. CDDs represent a major advancement in Florida’s effort to manage its growth effectively and efficiently. This allows the community to set a higher standard for construction along with providing a long-term solution to the operation and maintenance of community facilities.

The following report represents the District budget for Fiscal Year 2020, which begins on October 1, 2019. The District budget is organized by fund to segregate financial resources and ensure that the segregated resources are used for their intended purpose, and the District has established the following funds.

<u>Fund Number</u>	<u>Fund Name</u>	<u>Services Provided</u>
001	General Fund	Operations and Maintenance of Community Facilities

Facilities of the District

The District’s existing facilities include storm-water management (lake and water control structures), wetland preserve areas, street lighting, landscaping, entry signage, entry features, irrigation distribution facilities, recreational center, parks, pool facility, tennis courts and other related public improvements.

Maintenance of the Facilities

In order to maintain the facilities, the District conducts hearings to adopt an operating budget each year. This budget includes a detailed description of the maintenance program along with an estimate of the cost of the program. The funding of the maintenance budget is levied as a non-ad valorem assessment on your property by the District Board of Supervisors.

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

	Fiscal Year 2020 Final Operating Budget
REVENUES	
SPECIAL ASSESSMENTS - SERVICE CHARGES	
Operations & Maintenance Assmts-Tax Roll	0.00
TOTAL SPECIAL ASSESSMENTS - SERVICE CHARGES	\$0.00
CONTRIBUTIONS & DONATIONS FROM PRIVATE SOURCES	
Landowner Direct Funding	937,000.00
TOTAL CONTRIBUTIONS & DONATIONS FROM PRIVATE SOURCES	\$937,000.00
OTHER MISCELLANEOUS REVENUES	
Miscellaneous	0.00
TOTAL OTHER MISCELLANEOUS REVENUES	\$0.00
TOTAL REVENUES	\$937,000.00
EXPENDITURES	
FINANCIAL & ADMINISTRATIVE	
District Management	47,600.00
District Engineer	21,100.00
Disclosure Report	5,300.00
Trustees Fees	10,500.00
Auditing Services	6,350.00
Accounting Services	9,500.00
Postage, Phone, Faxes, Copies	5,300.00
Public Officials Insurance	5,300.00
Legal Advertising	10,500.00
Bank Fees	1,050.00
Dues, Licenses & Fees	200.00
Miscellaneous Fees	300.00
TOTAL FINANCIAL & ADMINISTRATIVE	\$123,000.00
LEGAL COUNSEL	
District Counsel	10,500.00
TOTAL DISTRICT COUNSEL	\$10,500.00
UTILITY SERVICES	
Electric Utility Services - Streetlights	468,000.00
Electric Utility Services - All Others	15,900.00
TOTAL UTILITY SERVICES	\$483,900.00
WATER-SEWER COMBINATION SERVICES	
Water Utility Services	26,500.00
TOTAL WATER-SEWER COMBINATION SERVICES	\$26,500.00
OTHER PHYSICAL ENVIRONMENT	
Waterway Management System	58,200.00
General, Property & Casualty Insurance	12,700.00
Landscape Maintenance	132,300.00
Miscellaneous Landscape	15,900.00
Plant Replacement Program	26,500.00
Irrigation Maintenance	10,500.00
TOTAL OTHER PHYSICAL ENVIRONMENT	\$256,100.00
ROAD & STREET FACILITIES	
Pavement & Drainage Repairs & Maintenance	37,000.00
TOTAL ROAD & STREET FACILITIES	\$37,000.00
TOTAL EXPENDITURES	\$937,000.00
EXCESS OF REVENUES OVER/(UNDER) EXPENDITURES	\$0.00

*** EXCLUDES 2% HILLSBOROUGH COUNTY COLLECTION COST

*** EXCLUDES 4% EARLY PAYMENT DISCOUNT

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

GENERAL FUND 001

Financial & Administrative

District Manager

The District retains the services of a consulting manager, who is responsible for the daily administration of the District's business, including any and all financial work related to the Bond Funds and Operating Funds of the District, and preparation of the minutes of the Board of Supervisors. In addition, the District Manager prepares the Annual Budget(s), implements all policies of the Board of Supervisors, and attends all meetings of the Board of Supervisors.

District Engineer

Consists of attendance at scheduled meetings of the Board of Supervisors, offering advice and consultation on all matters related to the works of the District, such as bids for yearly contracts, operating policy, compliance with regulatory permits, etc.

Disclosure Reporting

On a quarterly and annual basis, disclosure of relevant district information is provided to the Muni Council, as required within the bond indentures.

Trustees Fees

This item relates to the fee assessed for the annual administration of bonds outstanding, as required within the bond indentures.

Auditing Services

The District is required to annually undertake an independent examination of its books, records and accounting procedures. This audit is conducted pursuant to State Law and the Rules of the Auditor General.

Postage, Phone, Fax, Copies

This item refers to the cost of materials and service to produce agendas and conduct day-to-day business of the District.

Public Officials Insurance

The District carries Public Officials Liability in the amount of \$1,000,000.

Legal Advertising

This is required to conduct the official business of the District in accordance with the Sunshine Law and other advertisement requirements as indicated by the Florida Statutes.

Bank Fees

The District operates a checking account for expenditures and receipts.

Dues, Licenses & Fees

The District is required to file with the County and State each year.

Miscellaneous Fees

To provide for unbudgeted administrative expenses.

Office Supplies

Cost of daily supplies required by the District to facilitate operations.

Website Administration

This is for maintenance and administration of the Districts official website.

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

GENERAL FUND 001

Legal Counsel

District Counsel

Requirements for legal services are estimated at an annual expenditures on an as needed and also cover such items as attendance at scheduled meetings of the Board of Supervisor's, Contract preparation and review, etc.

Electric Utility Services

Electric Utility Services

This item is for street lights, pool, recreation facility and other common element electricity

Other Physical Environment

Waterway Management System

This item is for maintaining the multiple waterways that compose the District's waterway management system and aids in controlling nuisance vegetation that may otherwise restrict the flow of water

Property & Casualty Insurance

The District carries \$1,000,000 in general liability and also has sovereign immunity.

Entry & Walls Maintenance

This item is for maintaining the main entry feature and other common area walls.

Landscape Maintenance

The District contracts with a professional landscape firm to provide service through a public bid process. This fee does not include replacement material or irrigation repairs.

Miscellaneous Landscape

This item is for any unforeseen circumstances that may effect the appearance of the landscape program.

Plant Replacement Program

This item is for landscape items that may need to be replaced during the year.

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

SCHEDULE OF ANNUAL ASSESSMENTS⁽¹⁾

Lot Size	EAU Value	Unit Count	Debt Service Per Unit	O&M Per Unit	FY 2020 Total Assessment
ASSESSMENT AREA ONE - SERIES 2020					
Single Family 40'	1.00	295	\$0.00	\$830.00	\$830.00
Single Family 50'	1.25	381	\$0.00	\$1,075.00	\$1,075.00
Single Family 60'	1.50	261	\$0.00	\$1,315.00	\$1,315.00
Subtotal		937			
TOTAL		937			

Notations:

⁽¹⁾ Annual assessments include Hillsborough County collection costs and statutory discounts for early payment.

Berry Bay Community Development District
Fiscal Year 2019/2020 Budget Funding Agreement

This Agreement is made and entered into as of the 4th day of June, 2020, by and between the **Berry Bay Community Development District**, a local unit of special-purpose government, established pursuant to Chapter 190, Florida Statutes, whose mailing address is 2005 Pan Am Circle, Suite 300, Tampa, Florida 33607 (the “**District**”) and **301 Wimauma, LLC**, a Florida limited liability company, its successors and assigns, authorized to do business in the State of Florida, (the “**Developer**”) whose mailing address is 111 S. Armenia Avenue, Suite 201, Tampa, Florida 33609, (the “**Developer**”).

Recitals

WHEREAS, the District was established by the Board of County Commissioners of Hillsborough County, Florida, for the purpose of planning, financing, constructing, operating and/or maintaining public infrastructure; and

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

WHEREAS, the Developer presently owns all real property, as more particularly described in **Exhibit “A”** attached hereto, (the “**Property**”) within the District, which Property will benefit from the continued operations of the District; and

WHEREAS, the District is adopting its general fund budget for the fiscal year 2019/2020, which commences on March 11, 2020, the effective date of the ordinance, and concludes on September 30, 2020 (the “**Budget**”); and

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

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

WHEREAS, the Developer has agreed to enter into this Agreement in lieu of having the District levy non ad valorem special assessments as authorized by law against the Property to pay for the activities, operations and services of the District as set forth in **Exhibit “B”**.

Operative Provisions

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 Obligations.** From time to time during the 2019/2020 fiscal year, the Developer agrees to make available to the District the aggregate sum of up to the amounts shown in the Budget attached hereto as **Exhibit “B”** as such expenses are incurred by the District. Such payments shall be made within 30 days of written request for funding by the District. All funds provided hereunder shall be placed in the District's general operating account.

2. **Budget Revisions.** The District and Developer agree that the Budget shall be revised at the end of the 2019/2020 fiscal year to reflect the actual expenditures of the District for the period beginning on March 11, 2020, the effective date of the ordinance, and ending on September 30, 2020. The Developer shall not be responsible for any additional costs other than those costs provided for in the Budget. However, if the actual expenditures of the District are

less than the amount shown in the Budget, the Developer's funding obligations under this Agreement shall be reduced by that amount.

3. Amendments. This instrument constitutes the final and complete expression of the agreement between the parties relating to the subject matter of this Agreement. Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.

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

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

6. 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 to seek specific performance of the Developer's payment obligations under this Agreement, but shall not include special, consequential, or punitive damages.

7. Third Parties. This Agreement is solely for the benefit of the parties hereto 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.

8. Governing Law. This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida with venue in Hillsborough County, Florida.

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

10. Termination of Agreement. The Agreement shall be effective upon execution by both parties hereto and shall remain in force until the end of the 2019/2020 fiscal year on September 30, 2020. The enforcement provisions of this Agreement shall survive its termination, until all payments due under this Agreement are paid in full.

11. Costs and Fees. In the event either party is required to enforce this Agreement, then the prevailing party shall be entitled to all fees and costs, including reasonable attorney's fees and costs, from the non-prevailing party.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this agreement as of the date first written above.

Attest:

**Berry Bay Community
Development District**

By: _____
Name: _____
Secretary

By: _____
Name: _____
Chair of the Board of Supervisors

Witnesses:

301 Wimauma, LLC
a Florida limited liability company

By: _____
Name: _____

By: _____
Jeffery S. Hills
Manager

By: _____
Name: _____

RESOLUTION 2020-32

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BERRY BAY COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED OPERATION AND MAINTENANCE BUDGET FOR FISCAL YEAR 2020/2021; SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; ADDRESSING TRANSMITTAL, POSTING, AND PUBLICATION REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager prepared and submitted to the Board of Supervisors (“**Board**”) of the Berry Bay Community Development District (“**District**”) prior to June 15, 2020 a proposed operation and maintenance budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021 (“**Proposed Budget**”); and

WHEREAS, the Board has considered the Proposed Budget and desires to approve the Proposed Budget and set the required public hearing thereon.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BERRY BAY COMMUNITY DEVELOPMENT DISTRICT:

1. **PROPOSED BUDGET APPROVED.** The Proposed Budget, including any modifications made by the Board, attached hereto as **Exhibit A** is hereby approved as the basis for conducting a public hearing to adopt said Proposed Budget.

2. **SETTING A PUBLIC HEARING.** The public hearing on said Proposed Budget is hereby declared and set for the following date, hour, and location:

DATE: August 6, 2020
HOUR: 2:00 p.m.
LOCATION*: Meritus
2005 Pan Am Circle, Suite 300
Tampa, FL 33607

**Please note that pursuant to Governor DeSantis’ Executive Order 20-69 (as it may be extended or amended) relating to the COVID-19 public health emergency and to protect the public and follow the CDC guidance regarding social distancing, such public hearing and meeting may be held telephonically or virtually. Please check on the District’s website for the latest information: <http://berrybaycdd.com/>.*

3. **TRANSMITTAL OF PROPOSED BUDGET TO LOCAL GENERAL PURPOSE GOVERNMENT.** The District Manager is hereby directed to submit a copy of the Proposed Budget to Hillsborough County at least 60 days prior to the hearing set above.

4. **POSTING OF PROPOSED BUDGET.** In accordance with Section 189.016, Florida Statutes, the District’s Secretary is further directed to post the Proposed Budget on the District’s website at least two days before the budget hearing date and shall remain on the website for at least 45 days.

5. **PUBLICATION OF NOTICE.** Notice of this public hearing shall be published in the manner prescribed by Florida law.

6. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED ON JUNE 4, 2020.

Attest:

**Berry Bay Community
Development District**

Print Name: _____
Secretary / Assistant Secretary

Jeff Hills
Chair of the Board of Supervisors

Exhibit A: Proposed Budget for Fiscal Year 2020/2021

2021



BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2021
PROPOSED ANNUAL OPERATING BUDGET

MAY 7, 2020



BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2021 PROPOSED ANNUAL OPERATING BUDGET

TABLE OF CONTENTS

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
I.	BUDGET INTRODUCTION	1
II.	PROPOSED OPERATING BUDGET	2
III.	GENERAL FUND 001 DESCRIPTIONS.....	3
IV.	DEBT SERVICE SCHEDULE	5
IV.	SCHEDULE OF ANNUAL ASSESSMENTS	6

MAY 7, 2020

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

BUDGET INTRODUCTION

Background Information

The Berry Bay Community Development District is a local special purpose government authorized by Chapter 190, Florida Statutes, as amended. The Community Development District (CDD) is an alternative method for planning, financing, acquiring, operating and maintaining community-wide infrastructure in master planned communities. The CDD also is a mechanism that provides a “solution” to the State’s needs for delivery of capital infrastructure to service projected growth without overburdening other governments and their taxpayers. CDDs represent a major advancement in Florida’s effort to manage its growth effectively and efficiently. This allows the community to set a higher standard for construction along with providing a long-term solution to the operation and maintenance of community facilities.

The following report represents the District budget for Fiscal Year 2021, which begins on October 1, 2020. The District budget is organized by fund to segregate financial resources and ensure that the segregated resources are used for their intended purpose, and the District has established the following funds.

<u>Fund Number</u>	<u>Fund Name</u>	<u>Services Provided</u>
001	General Fund	Operations and Maintenance of Community Facilities
200	Debt Service Fund	Collection of Special Assessments for Debt Service on the Series 2021 Special Assessment Revenue Bonds

Facilities of the District

The District’s existing facilities include storm-water management (lake and water control structures), wetland preserve areas, street lighting, landscaping, entry signage, entry features, irrigation distribution facilities, recreational center, parks, pool facility, tennis courts and other related public improvements.

Maintenance of the Facilities

In order to maintain the facilities, the District conducts hearings to adopt an operating budget each year. This budget includes a detailed description of the maintenance program along with an estimate of the cost of the program. The funding of the maintenance budget is levied as a non-ad valorem assessment on your property by the District Board of Supervisors.

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

	Fiscal Year 2020 Final Operating Budget	Fiscal Year 2021 Proposed Operating Budget	Increase / (Decrease) from FY 2020 to FY 2021	
REVENUES				
CONTRIBUTIONS & DONATIONS FROM PRIVATE SOURCES				
Developer Contributions	937,000.00	119,000.00	(818,000.00)	
TOTAL CONTRIBUTIONS & DONATIONS FROM PRIVATE SOURCES	\$937,000.00	\$119,000.00	(\$818,000.00)	
TOTAL REVENUES	\$937,000.00	\$119,000.00	(\$818,000.00)	
EXPENDITURES				
LEGISLATIVE				
Supervisor Fees	0.00	6,000.00	6,000.00	6000
TOTAL LEGISLATIVE	\$0.00	\$6,000.00	\$6,000.00	
FINANCIAL & ADMINISTRATIVE				
District Management	47,600.00	36,000.00	(11,600.00)	
District Engineer	21,100.00	5,000.00	(16,100.00)	
Disclosure Report	5,300.00	4,200.00	(1,100.00)	4400
Trustees Fees	10,500.00	4,100.00	(6,400.00)	
Accounting Services	9,500.00	9,000.00	(500.00)	
Auditing Services	6,350.00	6,500.00	150.00	
Postage, Phone, Faxes, Copies	5,300.00	500.00	(4,800.00)	
Public Officials Insurance	5,300.00	3,000.00	(2,300.00)	
Legal Advertising	10,500.00	17,000.00	6,500.00	
Bank Fees	1,050.00	500.00	(550.00)	
Dues, Licenses & Fees	200.00	200.00	0.00	
Office Supplies	0.00	200.00	200.00	
ADA Website Compliance	0.00	2,000.00	2,000.00	
Website Maintenance	0.00	1,500.00	1,500.00	
Miscellaneous Fees	300.00	300.00	0.00	
TOTAL FINANCIAL & ADMINISTRATIVE	\$123,000.00	\$90,000.00	(\$33,000.00)	
LEGAL COUNSEL				
District Counsel	10,500.00	10,000.00	(500.00)	10000
TOTAL DISTRICT COUNSEL	\$10,500.00	\$10,000.00	(\$500.00)	
UTILITY SERVICES				
Electric Utility Services - Streetlights	468,000.00	0.00	(468,000.00)	0
Electric Utility Services - All Others	15,900.00	0.00	(15,900.00)	0
TOTAL UTILITY SERVICES	\$483,900.00	\$0.00	(\$483,900.00)	
WATER-SEWER COMBINATION SERVICES				
Water Utility Services	26,500.00	0.00	(26,500.00)	0
TOTAL WATER-SEWER COMBINATION SERVICES	\$26,500.00	\$0.00	(\$26,500.00)	
OTHER PHYSICAL ENVIRONMENT				
Waterway Management System	58,200.00	8,000.00	(50,200.00)	8000
General, Property & Casualty Insurance	12,700.00	5,000.00	(7,700.00)	5000
Landscape Maintenance	132,300.00	0.00	(132,300.00)	0
Miscellaneous Landscape	15,900.00	0.00	(15,900.00)	0
Plant Replacement Program	26,500.00	0.00	(26,500.00)	0
Irrigation Maintenance	10,500.00	0.00	(10,500.00)	0
Mulch	0.00	0.00	0.00	0
Pool Maintenance	0.00	0.00	0.00	0
TOTAL OTHER PHYSICAL ENVIRONMENT	\$256,100.00	\$13,000.00	(\$243,100.00)	
ROAD & STREET FACILITIES				
Pavement & Drainage Repairs & Maintenance	37,000.00	0.00	(37,000.00)	
TOTAL ROAD & STREET FACILITIES	\$37,000.00	\$0.00	(\$37,000.00)	
TOTAL EXPENDITURES	\$937,000.00	\$119,000.00	(\$818,000.00)	
EXCESS OF REVENUES OVER/(UNDER) EXPENDITURES	\$0.00	\$0.00	\$0.00	

*** EXCLUDES 2% HILLSBOROUGH COUNTY COLLECTION COST

*** EXCLUDES 4% EARLY PAYMENT DISCOUNT

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

GENERAL FUND 001

Financial & Administrative

District Manager

The District retains the services of a consulting manager, who is responsible for the daily administration of the District's business, including any and all financial work related to the Bond Funds and Operating Funds of the District, and preparation of the minutes of the Board of Supervisors. In addition, the District Manager prepares the Annual Budget(s), implements all policies of the Board of Supervisors, and attends all meetings of the Board of Supervisors.

District Engineer

Consists of attendance at scheduled meetings of the Board of Supervisors, offering advice and consultation on all matters related to the works of the District, such as bids for yearly contracts, operating policy, compliance with regulatory permits, etc.

Disclosure Reporting

On a quarterly and annual basis, disclosure of relevant district information is provided to the Muni Council, as required within the bond indentures.

Trustees Fees

This item relates to the fee assessed for the annual administration of bonds outstanding, as required within the bond indentures.

Auditing Services

The District is required to annually undertake an independent examination of its books, records and accounting procedures. This audit is conducted pursuant to State Law and the Rules of the Auditor General.

Postage, Phone, Fax, Copies

This item refers to the cost of materials and service to produce agendas and conduct day-to-day business of the District.

Public Officials Insurance

The District carries Public Officials Liability in the amount of \$1,000,000.

Legal Advertising

This is required to conduct the official business of the District in accordance with the Sunshine Law and other advertisement requirements as indicated by the Florida Statutes.

Bank Fees

The District operates a checking account for expenditures and receipts.

Dues, Licenses & Fees

The District is required to file with the County and State each year.

Miscellaneous Fees

To provide for unbudgeted administrative expenses.

Office Supplies

Cost of daily supplies required by the District to facilitate operations.

Website Administration

This is for maintenance and administration of the Districts official website.

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

GENERAL FUND 001

Legal Counsel

District Counsel

Requirements for legal services are estimated at an annual expenditures on an as needed and also cover such items as attendance at scheduled meetings of the Board of Supervisor's, Contract preparation and review, etc.

Electric Utility Services

Electric Utility Services

This item is for street lights, pool, recreation facility and other common element electricity

Other Physical Environment

Waterway Management System

This item is for maintaining the multiple waterways that compose the District's waterway management system and aids in controlling nuisance vegetation that may otherwise restrict the flow of water

Property & Casualty Insurance

The District carries \$1,000,000 in general liability and also has sovereign immunity.

Entry & Walls Maintenance

This item is for maintaining the main entry feature and other common area walls.

Landscape Maintenance

The District contracts with a professional landscape firm to provide service through a public bid process. This fee does not include replacement material or irrigation repairs.

Miscellaneous Landscape

This item is for any unforeseen circumstances that may effect the appearance of the landscape program.

Plant Replacement Program

This item is for landscape items that may need to be replaced during the year.

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

DEBT SERVICE FUND

SERIES 2021

REVENUES

CDD Debt Service Assessments	\$	-
TOTAL REVENUES	\$	-

EXPENDITURES

Series 2021 May Bond Interest Payment	\$	-
Series 2021 November Bond Principal Payment	\$	-
Series 2021 November Bond Interest Payment	\$	-
TOTAL EXPENDITURES	\$	-
EXCESS OF REVENUES OVER EXPENDITURES	\$	-

ANALYSIS OF BONDS OUTSTANDING

Bonds Outstanding - Period Ending 11/1/2020	\$	-
Principal Payment Applied Toward Series 2021 Bonds	\$	-
Bonds Outstanding - Period Ending 11/1/2021	\$	-

* Series 2021 Bonds Principal and Debt Service obligation to be established at issuance

BERRY BAY

COMMUNITY DEVELOPMENT DISTRICT

SCHEDULE OF ANNUAL ASSESSMENTS ⁽¹⁾

Lot Size	EAU Value	Unit Count	Debt Service Per Unit	O&M Per Unit	FY 2021 Total Assessment
ASSESSMENT AREA ONE - SERIES 2020					
Single Family 40'	1.00	295	\$0.00	\$108.88	\$108.88
Single Family 50'	1.25	381	\$0.00	\$136.10	\$136.10
Single Family 60'	1.50	261	\$0.00	\$163.32	\$163.32
TOTAL		937			

Notations:

⁽¹⁾ Annual assessments include Hillsborough County collection costs and statutory discounts for early payment.