

***HIDDEN CREEK
COMMUNITY DEVELOPMENT DISTRICT***

Advanced Meeting Package

Regular Meeting

***Wednesday
August 12, 2020
5:45 p.m.***

***Location:
Conducted Via Electronic Teleconference***

Note: The Advanced Meeting Package is a working document and thus all materials are considered DRAFTS prior to presentation and Board acceptance, approval or adoption.

Hidden Creek Community Development District

Board of Supervisors
Hidden Creek Community Development District

Dear Board Members:

A Meeting of the Board of Supervisors of the Hidden Creek Community Development District is scheduled for **Wednesday, August 12, 2020 at 5:45 p.m.**

Due to current issues related to COVID-19, the Florida Governor released Executive Order 20-69 (as extended by Executive Order 20-150 and again by Executive Order 20-179) which allows governmental public meetings and required quorums to be completed via telephone conference. In respect of current social distancing recommendations this meeting will be conducted via telephone in order to protect the health and safety of the public. Both members of the board and the public may join this meeting via telephone as follows:

Call in phone number: 929-205-6099
Meeting ID: 814 0530 3820
Password: 996837

The advanced copy of the agenda for the meeting is attached along with associated documentation for your review and consideration. Any additional support material will be distributed at the meeting.

The agenda items are for immediate business purposes and for the health and safety of the community. Staff will present their reports at the meeting. If you have any questions, please contact me. I look forward to seeing you there.

Sincerely,

Tonya Elliott-Moore

Tonya Elliott-Moore
District Manager
813-374-9104

Cc: Attorney
Engineer
District Records

District: **HIDDEN CREEK COMMUNITY DEVELOPMENT DISTRICT**

Date of Meeting: Wednesday, August 12, 2020

Time: 5:45 p.m.

Location: Via Zoom teleconference
Due to COVID 19
Per Gov Exec Order 20-69

Dial-in Number: **(929) 205-6099**

Meeting ID: 814 0530 3820

Agenda

I. Roll Call

II. Audience Comments – *(limited to 3 minutes per individual for agenda items)*

III. Consent Agenda

- A. Approval of June 11, 2020 Regular Meeting Minutes
- B. Acceptance of May-June 2020 Unaudited Financial Statements
- C. Acceptance of the 2019 Financial Audit Report

IV. Business Matters

- A. Public Hearing for FY 2020-2021 Budget and Assessments Exhibit 1
 - 1. Open Public Hearing
 - 2. Review Budget
 - 3. Public Comments
 - 4. Close Public Hearing
- B. Consideration and Approval of Resolution 2020-06 Adopting Final Budget for FY 2020-2021 Exhibit 2
- C. Consideration and Approval of Resolution 2020-07 Imposing & Levying O&M Assessments for FY 2020-2021 Exhibit 3
- D. Consideration and Approval of Budget Funding Agreement for FY 2020-2021 Exhibit 4
- E. Consideration and Approval of Resolution 2020-08 Adopting FY 2020-2021 Meeting Schedule Exhibit 5

V. Administrative Matters

- A. Ratify POs and Contracts

VI. Staff Reports

- A. District Manager
- B. District Attorney
- C. District Engineer

VII. Audience Comments – New Business – *(limited to 3 minutes per individual for non-agenda items)*

VIII. Supervisor Requests

IX. Adjournment

EXHIBIT 1.

STATEMENT 1
HIDDEN CREEK CDD
FY 2021 PROPOSED BUDGET
GENERAL FUND (O&M)

REVENUE

GENERAL FUND REVENUE /(1)	\$ 82,127	\$ 87,978	\$ 98,144	\$ 229,671	\$ 303,468	\$ 156,629	\$ 289,888	\$ 392,353	235,724
DEVELOPER FUNDING					47,189	400,016		508,037	108,021
MISCELLELANOUS REVENUE	378		9,000	5,571	5,311	-	-	-	-
TOTAL REVENUE	82,505	87,978	107,144	235,242	355,968	556,645	289,888	900,390	343,745

EXPENDITURES

ADMINISTRATIVE

SUPERVISORS COMPENSATION	4,600	6,800	3,600	4,200	1,630	8,000	800	8,000	-
PAYROLL TAXES	380	520	275	321	291	612	61	612	-
PAYROLL SERVICES	310	321	301	528	352	457	49	457	-
MANAGEMENT CONSULTING SERVICES	21,000	21,000	21,000	24,000	24,000	24,000	12,000	24,000	-
CONSTRUCTION ACCOUNTING SERVICE	-	-	9,000	4,500	4,500	4,000	4,000	4,000	-
PLANNING & COORDINATION SERVICES	36,000	36,000	36,000	36,000	36,000	36,000	18,000	36,000	-
ADMINISTRATIVE SERVICES	7,500	7,500	7,500	7,560	7,500	7,500	3,750	7,500	-
BANK FEES	193	12	15	129	130	120		120	-
MISCELLANEOUS	16	-	-	478	15	500		500	-
AUDITING SERVICES	-	4,500	2,400	2,400	2,300	2,400		2,500	100
TRAVEL PER DIEM	-	-	-	-	16	200		200	-
INSURANCE	2,250	2,363	2,410	5,300	8,973	6,241	12,803	19,895	13,654
REGULATORY AND PERMIT FEES	175	175	175	175	175	175	175	175	-
LEGAL ADVERTISEMENTS	1,434	2,016	2,446	1,231	5,934	1,800	1,351	2,000	200
PERFORMANCE & WARRANTY BOND PREM.	-	-	-	-	-	-		-	-
ENGINEERING SERVICES	3,479	-	3,923	7,987	4,990	5,000	3,656	7,000	2,000
LEGAL SERVICES	4,706	5,926	8,065	7,349	9,863	3,000	2,155	6,000	3,000
WEBSITE DEVELOPMENT AND HOSTING	-	978	757	740	1,610	2,265	2,232	1,650	(615)
MISCELLANEOUS CONTINGENCY	-	-	-	-	489	-	-	1,000	1,000
TOTAL ADMINISTRATIVE	82,043	88,111	97,867	102,898	108,767	102,270	61,032	121,609	19,339
DEBT ADMINISTRATION									
ARBITRAGE	-	-	-	650	650	1,200	650	1,300	100
DISSIMINATION AGENT	-	-	4,000	5,000	5,900	5,000	6,500	6,500	1,500
TRUSTEE FEES	-	-	-	9,104	9,105	19,075	9,105	19,075	-
TOTAL DEBT ADMINISTRATION	-	-	4,000	14,754	15,655	25,275	16,255	26,875	1,600

STATEMENT 1
HIDDEN CREEK CDD
FY 2021 PROPOSED BUDGET
GENERAL FUND (O&M)

	FY 2015 ACTUAL	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 ACTUAL	FY 2020 ADOPTED	FY 2020 YTD MAR	FY 2021 PROPOSED	VARIANCE FY 2019-2020
PHYSICAL ENVIRONMENT									
WATER	-	-	-	54,487	29,700		8,074	20,700	20,700
ELECTRICITY	-	-	-	643	12,847	1,200	13,224	38,700	37,500
LANDSCAPE MAINTENANCE			-	28,104	131,371	150,840	75,420	167,316	16,476
LANDSCAPE MAINTENANCE - BUSH HOG MOWING	-	-	-	-	3,000	6,400	-	6,400	-
LANDSCAPE - MULCH	-	-	-	-	-	-	-	10,000	10,000
LANDSCAPE REPLENISHMENT	-	-	-	-	-	-	720	10,000	10,000
IRRIGATION REPAIR & MAINTENANCE	-	-	-	-	-	-	262	5,000	5,000
PONDS - AQUATICS MAINTENANCE	-	-	878	-	14,815	15,204	7,602	15,204	-
PONDS -- STOCKING AND PLANT INSTALL	-	-	-	-	-	3,000	-	3,000	-
PONDS - FOUNTAIN MAINTENANCE & REPAIR	-	-	-	-	-	-	1,200	11,900	11,900
PONDS LANDSCAPE MAINTENANCE	-	-	-	10,704	-	-	14,100	33,840	33,840
STREETLIGHTS	-	-	-		37,050	207,000	48,551	275,400	68,400
ENTRANCE MONUMENT MAINTENANCE	-	-	-	-	-	5,000	-	15,600	10,600
COMPREHENSIVE FIELD SERVICES	-	-	-	-	-	13,896	6,948	13,896	-
FIELD SERVICE TECH	-	-	-	69	8,410	-	-	-	-
FIELD MANAGER TRAVEL	-	-	-	-	-	-	-	-	-
PET WASTE REMOVAL	-	-	-	-	-	3,060	-	3,060	-
GATE REPAIR & MAINTENANCE	-	-	-	-	-	10,000	-	10,000	-
GATE CLICKERS	-	-	-		-	6,000	6,000	6,000	-
FRONT GATE ATTENDANTS	-	-	-	-	-	-	-	74,890	74,890
ENTRANCE GATE CAMERA	-	-	-	-	-	7,500	-	7,500	-
HOLIDAY LIGHTING	-	-	-	-	-	-	3,877	7,500	7,500
REPAIRS & MAINTENANCE	77	-	-	1,650	3,981	-	95	1,000	1,000
CONTINGENCY		2,100	-	1,600	2,223	-	-	15,000	15,000
TOTAL PHYSICAL ENVIRONMENT	77	2,100	878	97,258	243,398	429,100	177,999	751,906	322,806
TOTAL EXPENDITURES	82,120	90,211	102,745	214,910	367,820	556,645	255,285	900,390	343,745
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES	384	(2,233)	4,399	20,332	(11,852)	-	34,602	-	-
FUND BALANCE - BEGINNING	2,906	3,290	1,057	5,456	25,788	13,936	13,936	48,539	-
FUND BALANCE - ENDING	\$ 3,290	\$ 1,057	\$ 5,456	\$ 25,788	\$ 13,936	\$ 13,936	\$ 48,539	\$ 48,539	\$ -

Footnotes:

^(1) Revenue collections from County tax collector and/or budget funding agreement as needed only based on actual expenditures. Draws upon budget funding agreement can only be based on actual expenditures.

STATEMENT 2
HIDDEN CREEK CDD
FY 2021 GENERAL FUND EXPENDITURE & O&M ASSESSMENT ALLOCATION

1. ERU Assignment, Ranking and Calculation /(a)

Approx Lot Width	Area	Units	ERU	Total ERU	% ERU
22' (Townhome) (a)	One	148	0.45	66.60	11.27%
40'	One	309	0.80	247.20	41.84%
50'	One	277	1.00	277.00	46.89%
Total		734		590.80	88.73%

Approx Lot Width	Area	Units	ERU	Total ERU	% ERU
Active Adult Unit	Two	391	1.00	391.00	100.00%

2. O&M Assessment Requirement ("AR")

	Total	TWO (AA)	ONE (PL)
AR = TOTAL EXPENDITURES - NET /(a):	\$ 900,390	\$ 117,300	\$ 783,090
Plus: Early Payment Discount (4.0%)	\$ 38,314	\$ 4,991	\$ 33,323
Plus: County Collection Charges (2.0%)	\$ 19,157	\$ 2,496	\$ 16,661
Total Expenditures - GROSS	\$ 957,862	\$ 124,787	\$ 833,074
Total ERU:	981.80	391.00	590.80
Total AR / ERU - GROSS (as if all On-Roll):	\$975.62	\$319.15	\$1,410.08
Total AR / ERU - NET:	\$917.08	\$300.00	\$1,325.47

3. Current FY Allocation of AR (as if all On-Roll) /(b)

Approx Lot Width	Units	Assigned ERU	Net O&M Assmt/Unit	Gross O&M Assmt/Unit	Total Gross O&M Assmt
22'	148	0.45	\$596	\$635	\$93,911
40'	309	0.80	\$1,060	\$1,128	\$348,571
50'	277	1.00	\$1,325	\$1,410	\$390,592
Active Adult Units	391	1.00	\$300	\$319	\$124,787
Total	1,125				\$957,862

4. Prior FY Allocation of AR (as if all On-Roll) /(a),(b)

Approx Lot Width	Units	Assigned ERU	Net O&M Assmt/Unit	Gross O&M Assmt/Unit	Total Gross O&M Assmt
22'	0	0.45	\$405	\$431.09	\$0
40'	317	0.80	\$720	\$766.38	\$242,943
50'	277	1.00	\$900	\$957.98	\$265,360
Active Adult Units	438	1.00	\$180	\$191.49	\$83,872
Total	1,032				\$592,176

5. Difference between Prior FY and Current FY

Approx Lot Width	Lot Mix	Assigned ERU	Net Difference	Gross O&M Assmt/Unit
22'	148	0.45	\$191	47.19%
40'	-8	0.80	\$340	47.19%
50'	0	1.00	\$425	47.19%
Active Adult Units	-47	1.00	\$120	66.67%
Total	93			

Footnote:

- (a) Limited services provided to Active Adult area, including maintenance along collector road.
(b) Updated Lot Mix provided by developer, Townhomes have been added to the Lot Mix.
(c) No O&M Assessments for non-platted lots will be charged to the Developer. Developer is only to fund based on actual expenditures on an as needed basis only.

STATEMENT 3 HIDDEN CREEK CDD - CONTRACT SUMMARY				
FINANCIAL STATEMENT CATEGORY	SERVICE PROVIDER (VENDOR)	Contract Amt. / Year	PO #	COMMENTS (SCOPE OF SERVICE)
ADMINISTRATIVE:				
SUPERVISORS COMPENSATION		8,000		Estimated 5 Supervisors to be in attendance for 8 meetings. Chapter 190 of the Florida Statute allows for \$200 per meeting
PAYROLL TAXES		612		Payroll taxes for Supervisor Compensation ; 7.65% of Payroll
PAYROLL SERVICES		457		Approximately \$54 per payroll and 1x yearly fee of \$25
MANAGEMENT CONSULTING SERVICES	DPFG	24,000		The District receives Management & Accounting services
CONSTRUCTION ACCOUNTING SERVICE		4,000		It is anticipated about 40% of bond funds will remain to be requisitioned
PLANNING, COORDINATING & CONTRACT SERVICES	DPFG	36,000		Governmental agency coordination, construction & maintenance contract administration, technical and engineering support services associated with maintenance & construction of District infrastructure
ADMINISTRATIVE SERVICES	DPFG	7,500		The District receives administrative services as part of the agreement, approximates \$500 Monthly
BANK FEES	CHASE	120		Bank fees associated with maintaining the District's bank accounts
MISCELLANEOUS		500		Miscellaneous as needed for General Administrative expenditures that are not appropriated in any other line items
AUDITING SERVICES	DIBARTOLOMEO	2,500		State law requires the District to undertake an annual independent audit. The budgeted amount for the fiscal year is based on contracted fees from an existing engagement letter. Go out for RFP FY 21
TRAVEL PER DIEM		200		Reimbursement to Board Supervisors for travel to District Meetings
INSURANCE	EGIS INSURANCE	19,895		Annual , inclusive of Amenity Center for general liability, property and officer and director insurance
REGULATORY AND PERMIT FEES	STATE	175		The District is required to pay an annual fee of \$175 to the Department of Economic Opportunity
LEGAL ADVERTISEMENTS	TAMPA BAY TIMES	2,000		The District is required to advertise various notices for monthly Board meetings, RFPs, and other public hearings in a newspaper of general circulation.
PERFORMANCE & WARRANTY BOND PREMIUM		-		
ENGINEERING SERVICES	STANTEC CONSULTING	7,000		Provides general engineering services to District, i.e. attendance & preparation for monthly board meetings and other specifically requested assignments
LEGAL SERVICES	STRALEY, ROBIN, VERICKER	6,000		Provides general legal services, review of contracts, agreements and other research assigned and directed by the Board and District Manager
WEBSITE DEVELOPMENT AND HOSTING	CAMPUS SUITE	1,650		Website ADA compliance from Campus Suite for website platform and 750 pages of remediation. Also includes \$135 for additional mitigation remediation
MISCELLANEOUS		1,000		Miscellaneous as needed for General Administrative expenditures that are not appropriated in any other line items

STATEMENT 3 HIDDEN CREEK CDD - CONTRACT SUMMARY				
FINANCIAL STATEMENT CATEGORY	SERVICE PROVIDER (VENDOR)	Contract Amt. / Year	PO #	COMMENTS (SCOPE OF SERVICE)
DEBT ADMINISTRATIVE:				
ARBITRAGE	LLS Solutions	1,300		The District is required to calculate interest earned from bond proceeds each year pursuant to the Internal Revenue Code for Series 2016 and 2019
DISSIMINATION AGENT	LERNER SERVICES	6,500		Dissemination to facilitate District compliance with Securities & Exchange Commission continuing disclosure
TRUSTEE FEES	US BANK	19,075		Confirmed amount with Trustee to maintain the District's bond funds for Series 2016 & 2019
PHYSICAL ENVIRONMENT:				
WATER	HILLSBOROUGH COUNTY	20,700		Meter located at 16620 Lagoon Shore Blvd; ave \$1725/mo
ELECTRICITY	TECO	38,700		Meters located at 16925 Trite Bend Street, 5329 Avid Reef, 504 Sailor Pines, 5108 & 5109 Jackel Chase, and 16620, 16671 and 16675 Lagoon Shore Blvd; Est \$3225/mo
LANDSCAPE MAINTENANCE	BRIGHTVIEW	167,316	OM-HC-004 & OM-HC-DPFG-004	Basic Service to include mowing, weed edging, blowing, weed control, turf and ornamental agronomic program and irrigation inspections, plus additional estimated for new entrance fountain, gate house, and completion of collector road (from Lagoon Shore Blvd to Sailor Pines Ct, excluding Phase 4 connector road); adds Addendum 3
LANDSCAPE MAINTENANCE - BUSH HOG MOWING	SOUTHERN SERVICES	6,400	OM-HC-004 & OM-HC-DPFG-004	Per event is \$1,600, estimated for 4 events
LANDSCAPE - MULCH	BRIGHTVIEW	10,000		Mulch community 1x 945 bales of pine straw
LANDSCAPE REPLENISHMENT	BRIGHTVIEW	10,000		Estimated (bushes, sod, tree replacement and bush and tree removal)
IRRIGATION REPAIR & MAINTENANCE	BRIGHTVIEW	5,000		Estimated
PONDS - AQUATICS MAINTENANCE	AQUATIC SYSTEMS	15,204	OM-HC-DPFG-003	Waterway management and maintenance for sites 1-9 and for sites 12 - 15
PONDS -- STOCKING AND PLANT INSTALL	AQUATIC SYSTEMS	3,000		Bream carp stocking and plant install
PONDS - FOUNTAIN MAINTENANCE & REPAIR	FLORIDA FOUNTAIN	11,900	OM-HC-DPFG-010	Fountain cleaning \$175/qtr per fountain (7 fountains) + \$1,000/yr maintenance & repair per fountain
PONDS LANDSCAPE MAINTENANCE	SOUTHERN SERVICES	33,840		Mowing of future pond areas
STREETLIGHTS	GIG FIBER	275,400	OM-HC-DPFG-009	423 streetlights @ \$50/mo + \$100/light deposit for 216 lights
ENTRANCE MONUMENT MAINTENANCE	H2O Pool	15,600		Fountain maintenance \$1,300/mo (water treatment, and cleaning of structure, excluding landscaping) (estimate)
COMPREHENSIVE FIELD SERVICES		13,896		Directs day to day operations of the District and oversees Field Tech Services. Schedule vendors and inspect their work, interact with new homeowners, coordinate general security hardware, manage RFP Process for ongoing maintenance and repairs, prepare monthly written reports to the Board, including estimated reimbursements for CDD business mileage driven by Field Service Tech.
FIELD SERVICE TECH		-		
FIELD MANAGER TRAVEL		-		
PET WASTE REMOVAL	POOP 911	3,060		Removal of pet waste, replace can liners, fill and pick up bags for 7 pet stations once weekly. Includes 5,000 bags
GATE REPAIR & MAINTENANCE		10,000		Estimated cost for repair, cell service \$55/gate per month, Contact One \$145/gate per month, and programming (2 gates)
GATE CLICKERS		6,000		Estimated 200 clickers @ \$30 ea
FRONT GATE ATTENDANTS		74,890		Security guard at front gate 6pm to 6am 7 days a week - Allied Universal bid
ENTRANCE GATE CAMERA		7,500		Supply and install vehicle camera for entrance and exit gates
HOLIDAY LIGHTING		7,500		Holiday lighting

STATEMENT 3 HIDDEN CREEK CDD - CONTRACT SUMMARY				
FINANCIAL STATEMENT CATEGORY	SERVICE PROVIDER (VENDOR)	Contract Amt. / Year	PO #	COMMENTS (SCOPE OF SERVICE)
REPAIRS & MAINTENANCE		1,000		As needed for signs and other items not listed above
CONTINGENCY		15,000		Additional for adding new landscaping, irrigation, ponds, or amenities for additional phases

EXHIBIT 2.

RESOLUTION 2020-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HIDDEN CREEK COMMUNITY DEVELOPMENT DISTRICT ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager submitted, prior to June 15th, to the Board of Supervisors (“**Board**”) of the Hidden Creek Community Development District (“**District**”) a proposed budget for the next ensuing budget year (“**Proposed Budget**”), along with an explanatory and complete financial plan for each fund, pursuant to the provisions of Sections 189.016(3) and 190.008(2)(a), Florida Statutes;

WHEREAS, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District at least 60 days prior to the adoption of the Proposed Budget pursuant to the provisions of Section 190.008(2)(b), Florida Statutes;

WHEREAS, the Board held a duly noticed public hearing pursuant to Section 190.008(2)(a), Florida Statutes;

WHEREAS, the District Manager posted the Proposed Budget on the District’s website at least 2 days before the public hearing pursuant to Section 189.016(4), Florida Statutes;

WHEREAS, the Board is required to adopt a resolution approving 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 pursuant to Section 190.008(2)(a), Florida Statutes; and

WHEREAS, the Proposed Budget projects 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

Section 1. Budget

- a. That the Board has reviewed the 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 below.
- b. That the Proposed Budget as amended by the Board attached hereto as **Exhibit A**, 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 and/or revised projections for fiscal year 2020-2021.
- 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 Hidden

Creek Community Development District for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021”.

- d. The final adopted budget shall be posted by the District Manager on the District’s website within 30 days after adoption pursuant to Section 189.016(4), Florida Statutes.

Section 2. Appropriations. There is hereby appropriated out of the revenues of the District (the sources of the revenues will be provided for in a separate resolution), for the fiscal year beginning October 1, 2020, and ending September 30, 2021, the sum of \$_____, 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	\$ _____
Total Debt Service Funds	\$ _____
Total All Funds*	\$ _____

*Not inclusive of any collection costs or early payment discounts.

Section 3. Budget Amendments. Pursuant to Section 189.016(6), 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. Any other budget amendments shall be adopted by resolution and be consistent with Florida law. This includes increasing 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.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this section and Section 189.016, 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. above are posted on the District’s website within 5 days after adoption pursuant to Section 189.016(7), Florida Statutes.

Section 4. Effective Date. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board.

Passed and Adopted on August 12, 2020.

Attested By:

**Hidden Creek Community
Development District**

Print Name: _____
Secretary/Assistant Secretary

Michael Lawson
Chair of the Board of Supervisors

Exhibit A: FY 2020-2021 Adopted Budget

EXHIBIT 3.

RESOLUTION 2020-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE HIDDEN CREEK COMMUNITY DEVELOPMENT DISTRICT IMPOSING ANNUALLY RECURRING OPERATIONS AND MAINTENANCE NON-AD VALOREM SPECIAL ASSESSMENTS; PROVIDING FOR COLLECTION AND ENFORCEMENT OF ALL DISTRICT SPECIAL ASSESSMENTS; CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENT OF THE ASSESSMENT ROLL; PROVIDING FOR CHALLENGES AND PROCEDURAL IRREGULARITIES; APPROVING THE FORM OF A BUDGET FUNDING AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Hidden Creek Community Development District (“**District**”) is a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes for the purpose of providing, preserving, operating, and maintaining infrastructure improvements, facilities, and services to the lands within the District;

WHEREAS, the District is located in Hillsborough County, Florida (“**County**”);

WHEREAS, the Board of Supervisors of the District (“**Board**”) hereby determines to undertake various activities described in the District’s adopted budget for fiscal year 2020-2021 attached hereto as **Exhibit A (“FY 2020-2021 Budget”)** and incorporated as a material part of this Resolution by this reference;

WHEREAS, the District must obtain sufficient funds to provide for the activities described in the FY 2020-2021 Budget;

WHEREAS, the provision of the activities described in the FY 2020-2021 Budget is a benefit to lands within the District;

WHEREAS, the District may impose non-ad valorem special assessments on benefited lands within the District pursuant to Chapter 190, Florida Statutes;

WHEREAS, such special assessments may be placed on the County tax roll and collected by the local Tax Collector (“**Uniform Method**”) pursuant to Chapters 190 and 197, Florida Statutes;

WHEREAS, the District has, by resolution and public notice, previously evidenced its intention to utilize the Uniform Method;

WHEREAS, the District has approved an agreement with the County Property Appraiser (“**Property Appraiser**”) and County Tax Collector (“**Tax Collector**”) to provide for the collection of special assessments under the Uniform Method;

WHEREAS, it is in the best interests of the District to proceed with the imposition, levy, and collection of the annually recurring operations and maintenance non-ad valorem special assessments on

all assessable lands in the amount contained for each parcel's portion of the FY 2020-2021 Budget ("**O&M Assessments**");

WHEREAS, the Board desires to collect the annual installment for the previously levied debt service non-ad valorem special assessments ("**Debt Assessments**") in the amounts shown in the FY 2020-2021 Budget;

WHEREAS, the District adopted an assessment roll as maintained in the office of the District Manager, available for review, and incorporated as a material part of this Resolution by this reference ("**Assessment Roll**");

WHEREAS, it is in the best interests of the District to certify a portion of the Assessment Roll on the parcels designated in the Assessment Roll to the Tax Collector pursuant to the Uniform Method and to directly collect a portion of the Assessment Roll on the parcels designated in the Assessment Roll through the direct collection method pursuant to Chapter 190, Florida Statutes;

WHEREAS, it is in the best interests of the District to permit the District Manager to amend the Assessment Roll, including the property certified to the Tax Collector by this Resolution, as the Property Appraiser updates the property roll, for such time as authorized by Florida law; and

WHEREAS, Dune FB Debt LLC, a Delaware limited liability company ("**Developer**"), as the developer of certain lands within the District, has agreed to fund (in addition to its portion of the O/M Assessments) based on actual expenditures on an as needed basis only of the FY 2020-2021 Budget pursuant to a budget funding agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

Section 1. Benefit from Activities and O&M Assessments. The provision of the activities described in the FY 2020-2021 Budget confer a special and peculiar benefit to the lands within the District, which benefits exceed or equal the O&M Assessments allocated to such lands. The allocation of the expenses of the activities to the specially benefited lands is shown in the FY 2020-2021 Budget and in the Assessment Roll.

Section 2. O&M Assessments Imposition. Pursuant to Chapter 190, Florida Statutes and procedures authorized by Florida law for the levy and collection of special assessments, the O&M Assessments are hereby imposed and levied on benefited lands within the District in accordance with the FY 2020-2021 Budget and Assessment Roll. The lien of the O&M Assessments imposed and levied by this Resolution shall be effective upon passage of this Resolution.

Section 3. Collection and Enforcement of District Assessments.

- a. **Uniform Method for certain Debt Assessments and certain O&M Assessments.** The collection of the Debt Assessments and O&M Assessments on certain lands designated for collection using the Uniform Method as described in the Assessment Roll, shall be at the same time and in the same manner as County taxes in accordance with the Uniform Method. All assessments collected by the Tax Collector shall be due, payable, and enforced pursuant to Chapter 197, Florida Statutes.

b. Direct Bill for Certain Debt Assessments.

- i. The Debt Assessments on undeveloped and unplatted lands will be collected directly by the District in accordance with Florida law, as set forth in the Assessment Roll.
- ii. Debt Assessments directly collected by the District are due in full on December 1, 2020; provided, however, that, to the extent permitted by law, the Debt Assessments due may be paid in several partial, deferred payments and according to the following schedule:
 1. 50% due no later than December 1, 2020
 2. 25% due no later than February 1, 2021
 3. 25% due no later than May 1, 2021
- iii. In the event that a Debt Assessment payment is not made in accordance with the schedule stated above, the whole Debt Assessment – including any remaining partial or deferred payments for Fiscal Year 2020-2021 as well as any future installments of the Debt Assessment – shall immediately become due and payable. Such Debt Assessment shall accrue interest (at the applicable rate of any bonds or other debt instruments secured by the Debt Assessment), statutory penalties in the amount of 1% per month, and all costs of collection and enforcement. Such Debt Assessment shall either be enforced pursuant to a foreclosure action, or, at the District's sole discretion, collected pursuant to the Uniform Method on a future tax bill, which amount may include penalties, interest, and costs of collection and enforcement.
- iv. In the event a Debt Assessment subject to direct collection by the District shall be delinquent, the District Manager and District Counsel, without further authorization by the Board, may initiate foreclosure proceedings pursuant to Chapter 170, Florida Statutes or other applicable law to collect and enforce the whole assessment, as set forth herein.

c. Direct Bill for Certain O&M Assessments.

- i. The O&M Assessments on certain lands (as designated for direct collection in the Assessment Roll) will be collected directly by the District in accordance with Florida law, as set forth in the Assessment Roll.
- ii. O&M Assessments directly collected by the District are due in full on December 1, 2020; provided, however, that, to the extent permitted by law, the O&M Assessments due may be paid in several partial, deferred payments and according to the following schedule:
 1. 50% due no later than December 1, 2020
 2. 25% due no later than February 1, 2021
 3. 25% due no later than April 1, 2021
- iii. In the event that an O&M Assessment payment is not made in accordance with the schedule stated above, the whole O&M Assessment may immediately become due and payable. Such O&M Assessment shall accrue statutory penalties in the amount of 1% per month and all costs of collection and enforcement. Such O&M Assessment shall either be enforced pursuant to a foreclosure action, or, at the District's sole discretion, collected pursuant to the Uniform Method on a future tax bill, which amount may include penalties and costs of collection and enforcement.

- d. **Future Collection Methods.** The decision to collect special assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.

Section 4. Certification of Assessment Roll. The Assessment Roll is hereby certified and authorized to be transmitted to the Tax Collector.

Section 5. Assessment Roll Amendment. The District Manager shall keep apprised of all updates made to the County property roll by the Property Appraiser after the date of this Resolution and shall amend the Assessment Roll in accordance with any such updates, for such time as authorized by Florida law. After any amendment of the Assessment Roll, the District Manager shall file the updates to the tax roll in the District records.

Section 6. Assessment Challenges. The adoption of this Resolution shall be the final determination of all issues related to the O&M Assessments as it relates to property owners whose benefited property is subject to the O&M Assessments (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment, the maximum rate of the O&M Assessments, and the levy, collection, and lien of the O&M Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 30 days from adoption date of this Resolution.

Section 7. Procedural Irregularities. Any informality or irregularity in the proceedings in connection with the levy of the O&M Assessments shall not affect the validity of the same after the adoption of this Resolution, and any O&M Assessments as finally approved shall be competent and sufficient evidence that such O&M Assessment was duly levied, that the O&M Assessment was duly made and adopted, and that all other proceedings adequate to such O&M Assessment were duly had, taken, and performed as required.

Section 8. Approving the Form of a Budget Funding Agreement with Developer. The Budget Funding Agreement between the District and Developer attached hereto as **Exhibit B** is hereby approved in substantial form. The Chair or the Vice-Chair of the Board are hereby authorized and directed to execute and deliver said agreement on behalf of and in the name of the District. The Secretary or any Assistant Secretary of the Board are hereby authorized to attest such execution. Any additions, deletions or modifications may be made and approved by the Chair or the Vice-Chair and their execution of the agreement shall be conclusive evidence of such approval.

Section 9. Severability. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

Section 10. Effective Date. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board.

Passed and Adopted on August 12, 2020.

Attested By:

**Hidden Creek Community
Development District**

Print Name: _____
Secretary/Assistant Secretary

Michael Lawson
Chair of the Board of Supervisors

Exhibit A: FY 2020-2021 Budget

Exhibit B: Form of Budget Funding Agreement with Developer

EXHIBIT 4.

Budget Funding Agreement
Fiscal Year 2020/2021

This Agreement is made and entered into this 12th day of August, 2020, by and between the **Hidden Creek Community Development District**, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and located in Hillsborough County, Florida (hereinafter "**District**"), and **Dune FB Debt LLC**, a Delaware limited liability company (hereinafter "**Developer**").

Recitals

WHEREAS, the District is a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes and located in Hillsborough County, Florida, (the "**County**") for the purpose of planning, financing, constructing, operating and/or maintaining certain 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, Developer presently owns real 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, the District is adopting its general fund budget for the Fiscal Year 2020/2021, which year commences on October 1, 2020 and concludes on September 30, 2021; and

WHEREAS, the District will need a funding mechanism to enable it to proceed with its operations and services during Fiscal Year 2020/2021 as described in **Exhibit "A"** attached hereto; and

WHEREAS, the Developer desires to provide such funds, as are necessary, to the District to proceed with its operations and services for Fiscal Year 2020/2021, as described in Exhibit "A," and as may be amended from time to time by the District.

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

1. The Developer agrees to make available to the District the monies necessary for the operation of the District as called for in the budget attached hereto as Exhibit "A", as may be amended from time to time, within thirty (30) days of written request by the District. The monies to be funded by the Developer will be the difference between any actual on-roll and other non-off roll revenues received by the District minus the actual expenditures incurred by the District and will be provided on an "as needed" basis only. The funds shall be placed in the District's general checking account. These payments are made by the Developer in lieu of taxes, fees or assessments

which might otherwise be levied or imposed by the District. However, at the end of each fiscal year if it is determined there is a surplus that is related to the deficit funding provided by the Developer; the Developer will be entitled to a return of such funds up to the total amount deficit funded.

2. The parties hereto recognize that a portion of the aforereferenced operating expenses may be required in support of the District's effort to implement its capital improvements program which are to be financed in the form of note(s), bond(s) or future developer advances and as such may be considered to be reimbursable expenses. The District agrees that upon the issuance of its note(s) or bonds(s) that there will be included an amount sufficient to reimburse the Developer for a portion of the advances made pursuant to this agreement and such reimbursement will be made within thirty (30) days of receiving the proceeds of the note(s) or bond(s). The advances made pursuant to this agreement and reimbursement of same will not include any interest charge since it is anticipated that the District will proceed in a timely fashion to obtain its note(s) or bond(s).

3. This instrument shall constitute the final and complete expression of the agreement between the parties relating to the subject matter of this Agreement. Amendment 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. 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. 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 written consent shall be void.

6. 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 and specifically including the ability of the District to enforce any and all payment obligations under this Agreement through the imposition and enforcement of a contractual or other lien on property owned by the Developer.

7. In the event that either 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 reasonable attorneys' fees and costs for, trial alternative dispute resolution, or appellate proceedings.

8. 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.

9. This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida.

10. 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.

11. The Agreement shall be effective after execution by both parties hereto.

IN WITNESS WHEREOF, the parties execute this agreement the day and year first written above.

Attest:

**Hidden Creek Community
Development District**

Print Name: _____
Secretary/Assistant Secretary

By: _____
Michael Lawson
Chair of the Board of Supervisors

Dune FB Debt LLC
a Delaware limited liability company

Witness

By: _____
John Ryan
Authorized Signatory

Witness

Exhibit "A" – Fiscal Year 2020/2021 General Fund Budget

EXHIBIT 5.

RESOLUTION 2020-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF HIDDEN CREEK COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIME AND LOCATION FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021, AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, the District’s Board of Supervisors (the “Board”), is statutorily authorized to exercise the powers granted to the District; and

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

WHEREAS, the District is required by Florida law to prepare an annual schedule of its regular public meetings which designates the date, time, and location of the District’s meetings; and

WHEREAS, the Board is statutorily required to file annually, with the local governing authority and the Florida Department of Economic Opportunity, a schedule of its regular meetings.

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

Section 1. The annual public meeting schedule of the Board of Supervisors for the Fiscal Year beginning October 1, 2020, and ending on September 30, 2021 (the “FY 2020-2021”) attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and will be published and filed in accordance with the requirements of Florida law.

Section 2. The District Manager is hereby directed to submit a copy of the FY 2020-2021 annual public meeting schedule to Hillsborough County and the Department of Economic Opportunity.

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

PASSED AND ADOPTED ON AUGUST 12, 2020.

ATTEST:

**HIDDEN CREEK COMMUNITY
DEVELOPMENT DISTRICT**

Print Name: _____
Secretary/ Assistant Secretary

Print Name: _____
Chair/ Vice Chair

Exhibit A

Notice of Meetings Fiscal Year 2020-2021 Hidden Creek Community Development District

As required by Chapters 189 and 190 of Florida Statutes, notice is hereby given that the Fiscal Year 2020-2021 Regular Meetings of the Board of Supervisors of the Hidden Creek Community Development District shall be held at 6:00 p.m. at* the Panther Trace Clubhouse, 12515 Bramfield Drive, Riverview, Florida on the following dates [exceptions are noted below]:

October 14, 2020
November 11, 2020
December 9, 2020
January 13, 2021
February 10, 2021
March 10, 2021
April 14, 2021
May 12, 2021
June 9, 2021
July 14, 2021
August 11, 2021
September 8, 2021

**Please note that pursuant to Governor DeSantis' Executive Order 20-69 (as extended by Executive Order 20-179, and any amendment thereto or subsequent Executive Order) relating to the COVID-19 public health emergency and to protect the public and follow the CDC guidance regarding social distancing, such meeting or meetings may be held telephonically, virtually, or at another location in the event the above location is not available. Prior to each meeting, please check the District's website for the latest information: <https://www.hiddencreekcdd.org/>.*

The meetings will be open to the public and will be conducted in accordance with the provisions of Florida Law for community development districts. Any meeting may be continued with no additional notice to a date, time and place to be specified on the record at a meeting. A copy of the agenda for the meetings listed above may be obtained from Development Planning and Financing Group [DPFG], 250 International Parkway, Suite 280, Lake Mary FL 32756 at (813) 418-7473, Extension 4301, one week prior to the meeting.

There may be occasions when one or more supervisors will participate by telephone or other remote device.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact DPFG at (813) 418-7473 Ext. 4301. If you are hearing or speech impaired, please contact the Florida Relay Service at 711 for aid in contacting the District Office at least forty-eight (48) hours prior to the date of the hearing and meeting.

Each person who decides to appeal any action taken at the meetings is advised that the 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.

DPFG, District Management