

Hacienda North Community Development District

707 Orchid Drive, Naples, FL 34102
P. 239-269-1341

**BOARD OF SUPERVISORS
HACIENDA NORTH COMMUNITY
DEVELOPMENT DISTRICT**

Monday, November 20, 2023, 10:00 a.m.
4001 Tamiami Trail N. Suite 300
Naples, Florida 34103

I. Roll Call.

II. Public Comments on Agenda Items.

III. Affidavit of Publication.

Exhibit 1

III. Organizational Matters:

None to be considered at this time.

IV. Administrative Matters

A. Approval of Minutes from the October 24, 2023 Meeting.

Exhibit 2

B. Recess to Audit Committee

C. Consideration of Hacienda North CDD Audit RFP package

Exhibit 3

D. Reconvene to General Meeting

V. Business Matters

None to be considered at this time.

VI. Financial Matters

Update?

VII. Operating Budget Matters.

A. Consideration of District Financials through October 31, 2023.

Exhibit 4

VII. Staff Reports.

B. Manager.

C. Legal Counsel.

D. Engineer.

VIII. Public Comments

IX. Supervisors' Requests.

X. Adjournment.

EXHIBIT 1

Naples Daily News

PART OF THE USA TODAY NETWORK

Published Daily
Naples, FL 34110

HACIENDA NORTH COMMUNITY DEVELOPMENT
707 ORCHID DR # 100

NAPLES, FL 34102-5014

Affidavit of Publication

STATE OF WISCONSIN
COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the Naples Daily News, published in Collier County, Florida; that the attached copy of advertisement, being a Public Notices, was published on the publicly accessible website of Collier and Lee Counties, Florida, or in a newspaper by print in the issues of, on:

Issue(s) dated: 09/20/2023

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

Subscribed and sworn to before me, by the legal clerk, who is personally Known to me, on September 20, 2023:

Notary, State of WI, County of Brown

My commission expires

HACIENDA NORTH COMMUNITY DEVELOPMENT DISTRICT BOARD OF SUPERVISORS MEETING DATES FISCAL YEAR 2023-2024

The Board of Supervisors of the Hacienda North Community Development District will hold their regular meetings for Fiscal Year 2023-2024 at the offices of Coleman, Yovanovich & Koester, PA, 4001 Tamiami Trail N., Suite 300, Naples, FL 34103 at 10:00 a.m. unless otherwise indicated as follows:

October 16, 2023
November 20, 2023
December 18, 2023
January 22, 2024*
February 26, 2024*
March 18, 2024
April 15, 2024
May 20, 2024
June 17, 2024
July 15, 2024
August 19, 2024
September 16, 2024

Moved one week later due to Martin Luther King Day and President's Day holidays.

The meetings are open to the public and will be conducted in accordance with the provision of Florida Law for Community Development Districts. The meetings may be continued to a date, time, and place to be specified on the record at the meeting.

There may be occasions when one or more Supervisors will participate by telephone.

Any person requiring special accommodations at a meeting because of a disability or physical impairment should contact the District Office at (239) 269-1341 at least two calendar days prior to the meeting.

Each person who decides to appeal any action taken at these meetings is advised that 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 such appeal is to be based.

District Manager
Sept. 20, 2023

#5828206

VICKY FELTY
Notary Public
State of Wisconsin

Publication Cost: \$287.00

Ad No: 0005828206

Customer No: 2205087

PO #:

of Affidavits 1

This is not an invoice

EXHIBIT 2

HACIENDA NORTH COMMUNITY DEVELOPMENT DISTRICT
Suite 100, 707 Orchid Drive
Naples, FL 34102

MINUTES OF MEETING

Board of Supervisors Meeting
Tuesday, October 24, 2023, 9:07 a.m.
8490 Viale Circle
Naples, Florida 34114

Present and constituting a quorum were:

Bob Mulhere	Board Member
Jason Tomassetti	Board Member
Dwight Nadeau	Board Member
Gary Hains	Board Member

Also present were:

Russ Weyer	District Manager, Real Estate Econometrics, Inc.
Greg Urbancic	District Counsel,
	Coleman, Yovanovich & Koester, P.A.
Misty Taylor	Bryant Miller Olive P.A.
David Torres	Hacienda Lakes of Naples LLC
Tyler Whitcomb	Hacienda Lakes of Naples LLC

Absent was:

Clifford "Chip" Olson	Board Member
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FIRST ORDER OF BUSINESS

Call to Order and Roll Call

Mr. Weyer called the meeting to order and proceeded with the roll call. The members in attendance are as outlined above. He noted that the special meeting was advertised according to Florida Statute requirements.

SECOND ORDER OF BUSINESS

Mr. Weyer noted that the Florida Statutes require that there be an opportunity for Public Comment.

There were no public comments.

1 **THIRD ORDER OF BUSINESS**

Organization Matters

2
3 There were no organizational matters to be considered.

4
5 **FOURTH ORDER OF BUSINESS**

Administrative Matters

6
7 **A. Approval of the August 21, 2023, Board Meeting Minutes.**

8
9 Mr. Weyer presented the August 21, 2023, Board meeting minutes.

10
11 There was no discussion.

12
13 On MOTION by Mr. Nadeau and seconded by Mr. Hains with all in favor, the Board of
14 Supervisors of the Hacienda North Community Development District approved the meeting
15 minutes from the August 21, 2023, public hearing, and general board meeting.

16
17
18 **FIFTH ORDER OF BUSINESS**

Business Matters

19
20 There were no business matters to be considered.

21
22 **SIXTH ORDER OF BUSINESS**

Financial Matters

23
24 **A. Consideration of the Series 2023 Bonds Supplemental Engineer's Report.**

25
26 Mr. Weyer presented the Series 2023 Bonds Supplemental Engineer's Report. Mr.
27 Urbancic noted that a table was added that split the costs between master developer and
28 developer. That was the only change from the Engineer's Report that was approved in
29 substantial form back in May.

30
31 There was no discussion.

32
33 On MOTION by Mr. Mulhere and seconded by Mr. Tomassetti with all in favor, the Board of
34 Supervisors of the Hacienda North Community Development District approved the Series 2023
35 Bonds Supplemental Engineer's Report.

36
37 **B. Consideration of the Series 2023 Bonds Final Supplemental Assessment**
38 **Methodology.**

39
40 Mr. Weyer presented the Series 2023 Bonds Supplemental Assessment Methodology.
41 Mr. Weyer said the report has the final bond numbers which changed all of the tables
42 from Table 4 on and establishes the par debt per unit and annual assessments.

43
44 There was no discussion.

1 On MOTION by Mr. Hains and seconded by Mr. Mulhere with all in favor, the Board of
2 Supervisors of the Hacienda North Community Development District approved the Series 2023
3 Bonds Supplemental Assessment Methodology Report.

4
5 **C. Consideration of Resolution 2024-1: The Series 2023 Bonds Supplemental**
6 **Assessment Resolution.**

7
8 Mr. Urbancic presented the Series 2023 Bonds Supplemental Assessment Resolution. Mr.
9 Urbancic said the resolution has had some minor tweaks such as date changes from the
10 resolution that went out in the agenda package. This resolution is a supplement to
11 Resolution 2022-35 which levied special assessments on the benefiting properties. The
12 resolution also adopts the Supplemental Engineer's Report and Supplemental Assessment
13 Methodology and brings down the assessments from the Supplemental Assessment
14 Methodology Report.

15
16 There was no discussion.

17
18 On MOTION by Mr. Nadeau and seconded by Mr. Hains with all in favor, the Board of
19 Supervisors of the Hacienda North Community Development District adopted Resolution 2024-1:
20 The Series 2023 Bonds Supplement Resolution.

21
22 Mr. Urbancic said there are a series of documents to be considered all at once. He
23 explained that when the Board approved the delegation resolution for the District it
24 contemplated there would be a bond purchase contract and that bond purchase contract
25 contemplated that there would be a series of ancillary closing documents in connection
26 with the financing.

27
28 **D. Consideration of Notice of Assessments.**

29
30 This document basically puts property owners on notice that there are special assessments
31 being levied due to the bonds.

32
33 **E. Consideration of Lien of Record.**

34
35 This document also puts property owners on notice that there were bonds issued and
36 assessments levied. Anyone doing a title search will find both the notice of assessments
37 and lien of record documents associated with the property's title.

38
39 **F. Consideration of Toll Brothers Declaration of Consent.**

40
41 This document states that Toll Brothers acknowledges the assessments and wave certain
42 prepayment rights.

43
44 **G. Consideration of BHEG Declaration of Consent.**
45

1 This document states that BHEG acknowledges the assessments and wave certain
2 prepayment rights.
3

4 **H. Consideration of True Up Agreement.**
5

6 The true up is contemplated in Mr. Weyer's assessment methodology and all of the
7 assessments are initially levied on a per acre basis and as properties are platted, the
8 assessments are allocated to the platted property and if there is debt remaining above the
9 per acre basis established in the methodology at certain points during the development
10 process a true up payment is required to bring the debt back in line with the per acre
11 assessment level.
12

13 **I. Consideration of Acquisition Agreement**
14

15 This document lays out the process by which the District acquires the infrastructure by
16 either building or buying the infrastructure. In this case, the District will be acquiring the
17 infrastructure from the developer.
18

19 **J. Consideration of BHEG and Toll Brothers Collateral Assignment Agreement.**
20

21 This collaterally assigns the development rights of the property to the District if it ever
22 has to foreclose on property owned by BHEG and Toll Brothers within the District.
23

24 **K. Consideration of Hacienda Lakes of Naples LLC Collateral Assignment.**
25

26 This collaterally assigns the development rights of the property to the District if it ever has
27 to foreclose on property owned by Hacienda Lakes of Naples LLC within the District.
28

29 **L. Consideration of Toll Brothers Completion Agreement**
30

31 This document contemplates that the District is essentially issuing \$13,395,000 in bonds
32 and the capital improvement program is more than that. The delta between the full capital
33 improvement program and the bond financed capital improvement program will be
34 completed by Toll Brothers.
35

36 **M. Consideration of Hacienda Lakes of Naples LLC Completion Agreement.**
37

38 This document contemplates that the District is essentially issuing \$13,395,000 in bonds
39 and the capital improvement program is more than that. The delta between the full capital
40 improvement program and the bond financed capital improvement program will be
41 completed by Hacienda Lakes of Naples, LLC.
42

43 There was no discussion.
44

1 On MOTION by Mr. Nadeau and seconded by Mr. Haines with all in favor, the Board of
2 Supervisors of the Hacienda North Community Development District approved all of the
3 aforementioned Series 2023 Bonds Financing Documents.

4
5 **SEVENTH ORDER OF BUSINESS**

Operating Budget Metters

6
7 **A. Consideration of the District Financials through September 30, 2023.**

8
9 Mr. Weyer presented the District Financials through September 30, 2023. He pointed out
10 that these financials are through the fiscal year end for FY 2022-2023. He said the
11 District has net operating revenue of \$34,000 at year end which will be carried into the
12 new FY 2023-2024. The budget to actual ties out as we were under budget by the
13 \$34,000.

14
15 There was no further discussion.

16
17 On MOTION by Mr. Mulhere and seconded by Mr. Tomassetti with all in favor, the Board of
18 Supervisors of the Hacienda North Community Development District approved the District
19 financial statements through September 30, 2023.

20
21 **EIGHTH ORDER OF BUSINESS**

Staff Reports

22
23 **Manager's Report –**

24
25 Mr. Weyer had nothing further to report.

26
27 **Attorney's Report –**

28
29 Mr. Urbancic had nothing further to report.

30
31 **Engineer's Report –**

32
33 Ms. Larocque had nothing further to report.

34
35 **NINTH ORDER OF BUSINESS**

Public Comments

36
37 There were no public comments.

38
39 **TENTH ORDER OF BUSINESS**

Supervisors Requests

40
41 There were no Supervisor Requests.

42
43 **ELEVENTH ORDER OF BUSINESS**

Adjournment

1 On MOTION by Mr. Mulhere and seconded by Mr. Nadeau, with all in favor, the meeting of the
2 Board of Supervisors of the Hacienda North Community Development District was adjourned.

3
4
5
6
7
8 _____
9 Secretary/Assistant Secretary

Chairperson/Vice-Chairperson

10
11
12 _____
13 Print Name

Print Name

EXHIBIT 3

HACIENDA NORTH COMMUNITY DEVELOPMENT DISTRICT REQUEST FOR PROPOSALS FOR ANNUAL AUDIT SERVICES

The Hacienda North Community Development District hereby requests proposals for annual financial auditing services. The proposal must provide for the auditing of the District's financial records for the fiscal year ending September 30, 2023, with an option for two additional annual renewals. The District is a local unit of special-purpose government created under Chapter 190, *Florida Statutes*, for the purpose of financing, constructing, and maintaining public infrastructure. The District is located in Collier County, Florida, and has an annual operating budget of approximately \$122,270.00.

The auditing entity submitting a proposal must be duly licensed under Chapter 473, *Florida Statutes*, and be qualified to conduct audits in accordance with "Government Auditing Standards," as adopted by the Florida Board of Accountancy. Audits shall be conducted in accordance with Florida Law and particularly Section 218.39, *Florida Statutes*, and the rules of the Florida Auditor General.

Proposal packages, which include evaluation criteria and instructions to proposers, are available from the District's Management Company at the address and telephone number listed below.

Proposers must provide one (1) electronic copy of their proposal to Real Estate Econometrics, Inc., 707 Orchid Drive, Suite 100, Naples, Florida 34102 (the "District Manager") telephone (239)-269-1341, in an envelope marked on the outside "Auditing Services, Hacienda North Community Development District." Proposals must be received by 12 Noon on Friday, December 1, 2023, at the office of the District Manager. Please direct all questions regarding this Notice to the District Manager.

District Manager

HACIENDA NORTH COMMUNITY DEVELOPMENT DISTRICT

REQUEST FOR PROPOSALS

District Auditing Services for Fiscal Year 2023

Collier County, Florida

INSTRUCTIONS TO PROPOSERS

SECTION 1. DUE DATE. Sealed proposals must be received no later than **Friday, December 1, 2023**, at 12 Noon, at the offices of the District Manager, located at 707 Orchid Drive, Suite 100, Naples, Florida 34102, telephone 239-269-1341. Proposals will be publicly opened at that time.

SECTION 2. FAMILIARITY WITH THE LAW. By submitting a proposal, the Proposer is assumed to be familiar with all federal, state, and local laws, ordinances, rules and regulations that in any manner affect the work. Ignorance on the part of the Proposer will in no way relieve it from responsibility to perform the work covered by the proposal in compliance with all such laws, ordinances and regulations.

SECTION 3. QUALIFICATIONS OF PROPOSER. The contract, if awarded, will only be awarded to a responsible Proposer who is qualified by experience and licensing to do the work specified herein. The Proposer shall submit with its proposal satisfactory evidence of experience in similar work and show that it is fully prepared to complete the work to the satisfaction of the District.

SECTION 4. SUBMISSION OF ONLY ONE PROPOSAL. Proposers shall be disqualified and their proposals rejected if the District has reason to believe that collusion may exist among the Proposers, the Proposer has defaulted on any previous contract or is in arrears on any previous or existing contract, or for failure to demonstrate proper licensure and business organization.

SECTION 5. SUBMISSION OF PROPOSAL. Submit one (1) electronic copy of the Proposal Documents, and other requested attachments at the time and place indicated herein, which shall be enclosed in an opaque sealed envelope, marked with the title "Auditing Services – Hacienda North Community Development District" on the face of it.

SECTION 6. MODIFICATION AND WITHDRAWAL. Proposals may be modified or withdrawn by an appropriate document duly executed and delivered to the place where proposals are to be submitted at any time prior to the time and date the proposals are due. No proposal may be withdrawn after opening for a period of ninety (90) days.

SECTION 7. PROPOSAL DOCUMENTS. The proposal documents shall consist of the notice announcing the request for proposals, these instructions, the Evaluation Criteria Sheet and a proposal with all required documentation pursuant to Section 12 of these instructions (the "Proposal Documents").

SECTION 8. PROPOSAL. In making its proposal, each Proposer represents that it has read and understands the Proposal Documents and that the proposal is made in accordance therewith.

SECTION 9. BASIS OF AWARD/RIGHT TO REJECT. The District reserves the right to reject any and all proposals, make modifications to the work, and waive any informalities or irregularities in proposals as it is deemed in the best interests of the District.

SECTION 10. CONTRACT AWARD. Within fourteen (14) days of receipt of the Notice of Award from the District, the Proposer shall enter into and execute a Contract (engagement letter) with the District.

SECTION 11. LIMITATION OF LIABILITY. Nothing herein shall be construed as or constitute a waiver of the District's limited waiver of liability contained in Section 768.28, *Florida Statutes*, or any other statute or law.

SECTION 12. MISCELLANEOUS. All proposals shall include the following information in addition to any other requirements of the proposal documents.

- A. List the position or title of all personnel to perform work on the District audit. Include resumes for each person listed; list years of experience in present position for each party listed and years of related experience.
- B. Describe proposed staffing levels, including resumes with applicable certifications.
- C. Three references from projects of similar size and scope. The Proposer should include information relating to the work it conducted for each reference as well as a name, address and phone number of a contact person.
- D. The lump sum cost of the provision of the services under the proposal, plus the lump sum cost of two (2) optional annual renewals.

SECTION 13. PROTESTS. In accordance with the District's Rules of Procedure, any protest regarding the Proposal Documents, must be filed in writing, at the offices of the District Manager, within seventy-two (72) calendar hours (excluding Saturday, Sunday, and state holidays) after the receipt of the Proposal Documents. The formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturday, Sunday, and state holidays) after the initial notice of protest was filed. Failure to timely file a notice of protest or failure to timely file a formal written protest shall constitute a waiver of any right to object or protest with respect to the aforesaid Proposal Documents.

SECTION 14. EVALUATION OF PROPOSALS. The criteria to be used in the evaluation of proposals are presented in the Evaluation Criteria Sheet, contained within the Proposal Documents.

AUDITOR SELECTION EVALUATION CRITERIA (WITH PRICE)

1. Ability of Personnel. (20 Points)

This includes the geographic locations of the firm's headquarters or permanent office in relation to the project; capabilities and experience of key personnel; present ability to manage this project; evaluation of existing work load; proposed staffing levels, etc.

2. Proposer's Experience. (20 Points)

This includes past record and experience of the Proposer in similar projects; volume of work previously performed by the firm; past performance for other community development districts in other contracts; character, integrity, reputation, of respondent, etc.

3. *Understanding of Scope of Work.* (20 Points)

Extent to which the proposal demonstrates an understanding of the District's needs for the services requested.

4. *Ability to Furnish the Required Services.* (20 Points)

Extent to which the proposal demonstrates the adequacy of Proposer's financial resources and stability as a business entity necessary to complete the services required.

5. Price. (20 Points)

Points will be awarded based upon the lowest total bid for rendering the services and the reasonableness of the proposal.

AUDITOR SELECTION EVALUATION CRITERIA (WITHOUT PRICE)

1. Ability of Personnel. (25 Points)

This includes the geographic locations of the firm's headquarters or permanent office in relation to the project; capabilities and experience of key personnel; present ability to manage this project; evaluation of existing work load; proposed staffing levels, etc.

2. Proposer's Experience. (25 Points)

This includes past record and experience of the Proposer in similar projects; volume of work previously performed by the firm; past performance for other community development districts in other contracts; character, integrity, reputation, of respondent, etc.

3. *Understanding of Scope of Work.* (25 Points)

Extent to which the proposal demonstrates an understanding of the District's needs for the services requested.

4. *Ability to Furnish the Required Services.* (25 Points)

Extent to which the proposal demonstrates the adequacy of Proposer's financial resources and stability as a business entity necessary to complete the services required.

EXHIBIT 4

Hacienda North Community Development District

Cash Flow

October 31, 2023

	<u>Total</u>
Revenue	
1363116 Off Roll Assessments	\$0.00
Total Revenue	\$0.00
Expenditures	
1100000 Administrative	
1511001 Board of Supervisors Stipend	\$600.00
1512100 Management Consulting Services	2,500.00
1513000 Miscellaneous Expense	0.00
1513014 Website Hosting & Administration	0.00
1513020 Office Expense	26.74
1513040 Regulatory and Permit Fees	0.00
1513048 District Filing Fee	175.00
1513055 Legal Advertising	287.00
1513060 Assessment Administration	0.00
1513063 Assessment Roll Preparation	0.00
1513070 Auditing	0.00
1513075 Accounting Services	400.00
1513100 Insurance- General Liability	5,200.00
1513080 Engineering Services	0.00
1514010 Legal Services	0.00
1514020 Bond Validation Legal Expenses	0.00
Total Administrative	\$9,188.74
1160000 Field Operations	
1531010 Electricity - General	\$0.00
1572010 LANDSCAPING & MAINTENANCE	0.00
1572030 Lake Maintenance	0.00
1572060 Water Use Monitoring	0.00
Total Field Operations	\$0.00
Total Expenditures	-\$9,188.74
Net Cash Flow	-\$9,188.74

Hacienda North Community Development District
Budget to Actual
October 31, 2023

Category	Total	Budget	Balance
Revenue			
	\$36,386.20	\$0.00	\$36,386.20
1363116 Off Roll Assessments	0.00	128,615.00	-128,615.00
Total Revenue	\$36,386.20	\$128,615.00	-\$92,228.80
Expenditures			
1100000 Administrative			
1511001 Board of Supervisors Stipend	\$600.00	\$6,000.00	\$5,400.00
1512100 Management Consulting Services	2,500.00	30,000.00	27,500.00
1513000 Miscellaneous Expense	0.00	0.00	0.00
1513014 Website Hosting & Administration	0.00	2,500.00	2,500.00
1513020 Office Expense	26.74	250.00	223.26
1513040 Regulatory and Permit Fees	0.00	0.00	0.00
1513048 District Filing Fee	175.00	175.00	0.00
1513055 Legal Advertising	287.00	3,000.00	2,713.00
1513060 Assessment Administration	0.00	11,850.00	11,850.00
1513063 Assessment Roll Preparation	0.00	0.00	0.00
1513070 Auditing	0.00	5,000.00	5,000.00
1513075 Accounting Services	400.00	6,140.00	5,740.00
1513100 Insurance- General Liability	5,200.00	6,400.00	1,200.00
1513080 Engineering Services	0.00	10,000.00	10,000.00
1514010 Legal Services	0.00	10,000.00	10,000.00
1514020 Bond Validation Legal Expenses	0.00	0.00	0.00
Total Administrative	\$9,188.74	\$91,315.00	\$82,126.26
1160000 Field Operations			
1531010 Electricity - General	0.00	1,500.00	1,500.00
1572010 LANDSCAPING & MAINTENANCE	0.00	30,000.00	30,000.00
1572030 Lake Maintenance	0.00	2,500.00	2,500.00
1572060 Water Use Monitoring	0.00	3,300.00	3,300.00
Total Field Operations	\$0.00	\$37,300.00	\$37,300.00
Total Expenditures			
Net Cash Flow	\$27,197.46	\$0.00	\$27,197.46