

BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT

July 20, 2023

BOARD OF SUPERVISORS PUBLIC HEARING AND REGULAR MEETING AGENDA

BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT

AGENDA

LETTER

Benton Hills Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013

July 13, 2023

Board of Supervisors
Benton Hills Community Development District

Dear Board Members:

The Board of Supervisors of the Benton Hills Community Development District will hold a Public Hearing and Regular Meeting on July 20, 2023 at 11:30 a.m., at the Greater Hernando County Chamber of Commerce, 15888 Aviation Loop Drive, Brooksville, Florida 34604. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Administration of Oath of Office to Supervisors George Hernandez and Chris Babcock (*the following will be provided in a separate package*)
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 - B. Membership, Obligations and Responsibilities
 - C. Financial Disclosure Forms
 - I. Form 1: Statement of Financial Interests
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - III. Form 1F: Final Statement of Financial Interests
 - D. Form 8B: Memorandum of Voting Conflict
4. Consideration of Resolution 2023-01, Designating Certain Officers of the District, and Providing for an Effective Date
5. Public Hearing on Adoption of Fiscal Year 2023/2024 Budget
 - A. Proof/Affidavit of Publication
 - B. Consideration of Resolution 2023-04, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date

ATTENDEES:

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

6. Consideration of Fiscal Year 2023/2024 Budget Funding Agreement
7. Consideration of Resolution 2023-05, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date
8. Consideration of Resolution 2023-03, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date
9. Acceptance of Unaudited Financial Statements as May 31, 2023
10. Approval of April 20, 2023 Regular Meeting Minutes
11. Staff Reports
 - A. District Counsel: *Kutak Rock LLP*
 - B. District Engineer: *Coastal Engineering Associates, Inc.*
 - C. District Manager: *Wrathell, Hunt & Associates, LLC*
 - ___ Registered Voters in District as of April 15, 2023
 - NEXT MEETING DATE: August 17, 2023 at 11:30 AM

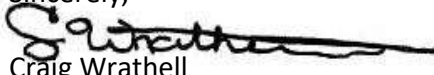
○ QUORUM CHECK

SEAT 1	GARTH NOBLE	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 2	GEORGE HERNANDEZ	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 3	CHRIS TORRES	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 4	MARTHA SCHIFFER	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 5	CHRIS BABCOCK	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

12. Board Members' Comments/Requests
13. Public comments
14. Adjournment

If you should have any questions or concerns, please do not hesitate to contact me directly at (561) 719-8675 or Kristen Suit at (410) 207-1802.

Sincerely,


 Craig Wrathell
 District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE

CALL-IN NUMBER: 1-888-354-0094

PARTICIPANT PASSCODE: 943 865 3730

BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT

4

RESOLUTION 2023-01

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BENTON HILLS
COMMUNITY DEVELOPMENT DISTRICT DESIGNATING CERTAIN OFFICERS
OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the Benton Hills Community Development District (“District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

WHEREAS, the Board of Supervisors of the District desires to designate certain Officers of the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
SUPERVISORS OF THE BENTON HILLS COMMUNITY
DEVELOPMENT DISTRICT:**

SECTION 1. _____ is appointed Chair.

SECTION 2. _____ is appointed Vice Chair.

SECTION 3. _____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

Kristen Suit is appointed Assistant Secretary.

SECTION 4. This Resolution supersedes any prior appointments made by the Board for Chair, Vice Chair and Assistant Secretaries; however, prior appointments by the Board for Secretary, Treasurer and Assistant Treasurer(s) remain unaffected by this Resolution.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

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PASSED AND ADOPTED this 20th day of July, 2023.

ATTEST:

**BENTON HILLS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT


5A

Tampa Bay Times
Published Daily

STATE OF FLORIDA
COUNTY OF Hernando, Citrus

Before the undersigned authority personally appeared **Jean Mitotes** who on oath says that he/she is **Legal Advertising Representative of the Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: Notice of Fiscal Year 2024 Budget Hearings** was published in said newspaper by print in the issues of: **7/ 2/23, 7/ 9/23** or by publication on the newspaper's website, if authorized, on

Affiant further says the said **Tampa Bay Times** is a newspaper published in **Hernando, Citrus County, Florida** and that the said newspaper has heretofore been continuously published in said **Hernando, Citrus County, Florida** each day and has been entered as a second class mail matter at the post office in said **Hernando, Citrus County, Florida** for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.



Signature Affiant

Sworn to and subscribed before me this **07/09/2023**



Signature of Notary Public

Personally known _____ _____ or produced identification

Type of identification produced _____

THE BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT

NOTICE OF PUBLIC HEARINGS TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2023/2024 BUDGET; AND NOTICE OF REGULAR BOARD OF SUPERVISORS' MEETING.

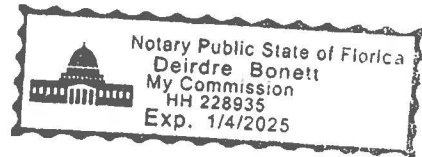
The Board of Supervisors ("Board") of the Benton Hills Community Development District's ("District") will hold a public hearing on July 20, 2023 at 11:30 a.m., at the Greater Hernando County Chamber of Commerce, 15588 Aviation Loop Drive, Brooksville, Florida 34604 for the purpose of hearing comments and objections on the adoption of the proposed budget ("Proposed Budget") of the District for the fiscal year beginning October 1, 2023, and ending September 30, 2024 ("Fiscal Year 2023/2024"). A regular board meeting of the District will also be held at that time where the Board may consider any other business that may properly come before it. A copy of the agenda and Proposed Budget may be obtained at the offices of the District Manager, Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010 ("District Manager's Office"), during normal business hours.

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

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

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

07/2 and 07/9/2023 District Manager 0000294556



BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT

5B

RESOLUTION 2023-04

THE ANNUAL APPROPRIATION RESOLUTION OF THE BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2023, submitted to the Board of Supervisors (“**Board**”) of the Benton Hills Community Development District (“**District**”) proposed budget(s) (“**Proposed Budget**”) for the fiscal year beginning October 1, 2023 and ending September 30, 2024 (“**Fiscal Year 2023/2024**”) 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, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed a copy of the Proposed Budget with the local 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 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, prior to October 1st of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; 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.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. BUDGET

- a. 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 Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

- b. 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 ("Adopted Budget")*, and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District's Local Records Office and identified as "The Budget for the Benton Hills Community Development District for the Fiscal Year Ending September 30, 2024."
- d. The Adopted Budget shall be posted by the District Manager on the District's official website within thirty (30) days after adoption, and shall remain on the website for at least 2 years.

SECTION 2. APPROPRIATIONS

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2023/2024, the sums set forth in **Exhibit A** to be raised by the levy of assessments, a funding agreement and/or otherwise. Such sums are deemed by the Board to be necessary to defray all expenditures of the District during said budget year, and are to be divided and appropriated in the amounts set forth in **Exhibit A**.

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2023/2024 or within 60 days following the end of the Fiscal Year 2023/2024 may amend its Adopted Budget for that fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate change in the original appropriation item does not exceed the greater of \$15,000 or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.
- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must ensure that any amendments to the budget under paragraph c. above are posted on the District’s website within 5 days after adoption and remain on the website for at least 2 years.

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

PASSED AND ADOPTED THIS 20TH DAY OF JULY, 2023.

ATTEST:

**BENTON HILLS COMMUNITY DEVELOPMENT
DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Fiscal Year 2023/2024 Budget(s)

Exhibit A: Fiscal Year 2023/2024 Budget(s)

**BENTON HILLS
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2024**

**BENTON HILLS
COMMUNITY DEVELOPMENT DISTRICT
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**BENTON HILLS
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2024**

	Adopted Budget FY 2023	Actual through 2/28/2023	Projected through 9/30/2023	Total Actual & Projected	Proposed Budget FY 2024
REVENUES					
Landowner contribution	\$ 95,490	15,857	79,133	94,990	\$ 97,490
Total revenues	<u>95,490</u>	<u>15,857</u>	<u>79,133</u>	<u>94,990</u>	<u>97,490</u>
EXPENDITURES					
Professional & administrative					
Management/accounting/recording**	46,000	10,000	36,000	46,000	48,000
Legal	25,000	33	24,967	25,000	25,000
Engineering	2,000	-	2,000	2,000	2,000
Audit	5,500	-	5,500	5,500	5,500
Arbitrage rebate calculation*	500	-	500	500	500
Dissemination agent*	1,000	-	1,000	1,000	1,000
Trustee*	5,500	-	5,500	5,500	5,500
Telephone	200	84	116	200	200
Postage	250	9	241	250	250
Printing & binding	500	208	292	500	500
Legal advertising	1,700	-	1,700	1,700	1,700
Annual special district fee	175	175	-	175	175
Insurance	5,500	5,000	-	5,000	5,500
Contingencies/bank charges	750	348	402	750	750
Website hosting & maintenance	705	-	705	705	705
Website ADA compliance	210	-	210	210	210
Total expenditures	<u>95,490</u>	<u>15,857</u>	<u>79,133</u>	<u>94,990</u>	<u>97,490</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	-	-	-	-
Fund balance - beginning (unaudited)	-	-	-	-	-
Fund balance - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

* These items will be realized when bonds are issued

** WHA will charge a reduced management fee of \$2,000 per month until bonds are issued.

**BENTON HILLS
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administrative

Management/accounting/recording**	\$ 48,000
<p>Wrathell, Hunt and Associates, LLC (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.</p>	
Legal	25,000
<p>General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.</p>	
Engineering	2,000
<p>The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.</p>	
Audit	5,500
<p>Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.</p>	
Arbitrage rebate calculation*	500
<p>To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.</p>	
Dissemination agent*	1,000
<p>The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt & Associates serves as dissemination agent.</p>	
Telephone	200
<p>Telephone and fax machine.</p>	
Postage	250
<p>Mailing of agenda packages, overnight deliveries, correspondence, etc.</p>	
Printing & binding	500
<p>Letterhead, envelopes, copies, agenda packages</p>	
Legal advertising	1,700
<p>The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.</p>	
Annual special district fee	175
<p>Annual fee paid to the Florida Department of Economic Opportunity.</p>	
Insurance	5,500
<p>The District will obtain public officials and general liability insurance.</p>	
Contingencies/bank charges	750
<p>Bank charges and other miscellaneous expenses incurred during the year and automated AP routing etc.</p>	
Website hosting & maintenance	705
Website ADA compliance	210
Total expenditures	<u><u>\$ 97,490</u></u>

BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT

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**BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2023/2024 BUDGET FUNDING AGREEMENT**

This Agreement ("**Agreement**") is made and entered into this 20th day of July, 2023, by and between:

Benton Hills Community Development District, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and with an address of c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 ("**District**"), and

Meritage Homes of Florida, Inc., a Florida corporation, and the developer of lands within the boundary of the District ("**Developer**") with a mailing address of 8800 East Raintree Drive, Suite 300, Scottsdale, Arizona 85260.

RECITALS

WHEREAS, the District was established 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 is developing the majority of all real property ("**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 Fiscal Year 2023/2024, which year concludes on September 30, 2024; and

WHEREAS, this general fund budget, which the parties recognize may be amended from time to time in the sole discretion of the District, is attached hereto and incorporated herein by reference as **Exhibit A**; and

WHEREAS, the District has the option of levying non-ad valorem assessments on all land, including the Property owned by the Developer, that will benefit from the activities, operations and services set forth in the Fiscal Year 2023/2024 budget, or utilizing such other revenue sources as may be available to it; and

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

WHEREAS, the Developer has agreed to enter into this Agreement in lieu of having the District levy and collect any non-ad valorem assessments as authorized by law against the Property located within the District for the activities, operations and services set forth in **Exhibit A**;

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

1. **FUNDING.** The Developer agrees to make available to the District the monies ("**Funding Obligation**") necessary for the operation of the District as called for in the budget attached hereto as **Exhibit A** (and as **Exhibit A** may be amended from time to time pursuant to Florida law, but subject to the Developer's consent to such amendments to incorporate them herein), within thirty (30) days of written request by the District. 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. Nothing contained herein shall constitute or be construed as a waiver of the District's right to levy assessments in the event of a funding deficit.

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

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

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

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

6. **ENFORCEMENT.** In the event that any party is required to enforce this Agreement by court proceedings or otherwise, then the parties agree that the prevailing party shall be

entitled to recover from the other all costs incurred, including reasonable attorneys' fees and costs for trial, alternative dispute resolution, or appellate proceedings.

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

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

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

10. **EFFECTIVE DATE.** The Agreement shall be effective after execution by the parties hereto.

[SIGNATURES ON NEXT PAGE]

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

**BENTON HILLS COMMUNITY
DEVELOPMENT DISTRICT**

Chair/Vice Chair, Board of Supervisors

MERITAGE HOMES OF FLORIDA, INC.

By: _____
Its: _____

Exhibit A: Fiscal Year 2023/2024 General Fund Budget

Exhibit A

Fiscal Year 2023/2024 General Fund Budget

BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT

7

RESOLUTION 2023-05

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIMES AND LOCATIONS FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT FOR FISCAL YEAR 2023/2024 AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Benton Hills Community Development District (“**District**”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, the District is required by Section 189.015, *Florida Statutes*, to file quarterly, semi-annually, or annually a schedule (including date, time, and location) of its regular meetings with local governing authorities; and

WHEREAS, further, in accordance with the above-referenced statute, the District shall also publish quarterly, semi-annually, or annually the District’s regular meeting schedule in a newspaper of general paid circulation in the county in which the District is located.

WHEREAS, the Board desires to adopt the Fiscal Year 2023/2024 meeting schedule attached as **Exhibit A**.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT:

1. **ADOPTING FISCAL YEAR 2023/2024 ANNUAL MEETING SCHEDULE.** The Fiscal Year 2023/2024 annual meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and shall be published in accordance with the requirements of Florida law and also provided to applicable governing authorities.

2. **EFFECTIVE DATE.** This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 20th day of July, 2023.

ATTEST:

**BENTON HILLS COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

EXHIBIT "A"

BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE		
LOCATION		
<i>Greater Hernando County Chamber of Commerce 15588 Aviation Loop Drive, Brooksville, Florida 34604</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 19, 2023	Regular Meeting	11:30 AM
November 16, 2023	Regular Meeting	11:30 AM
December 21, 2023	Regular Meeting	11:30 AM
January 18, 2024	Regular Meeting	11:30 AM
February 15, 2024	Regular Meeting	11:30 AM
March 21, 2024	Regular Meeting	11:30 AM
April 18, 2024	Regular Meeting	11:30 AM
May 16, 2024	Regular Meeting	11:30 AM
June 20, 2024	Regular Meeting	11:30 AM
July 18, 2024	Regular Meeting	11:30 AM
August 15, 2024	Regular Meeting	11:30 AM
September 19, 2024	Regular Meeting	11:30 AM

BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT

8

RESOLUTION 2023-03

A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT DESIGNATING THE PRIMARY ADMINISTRATIVE OFFICE AND PRINCIPAL HEADQUARTERS OF THE DISTRICT AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Benton Hills Community Development District (“**District**”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*; and

WHEREAS, the District desires to designate its primary administrative office as the location where the District’s public records are routinely created, sent, received, maintained, and requested, for the purposes of prominently posting the contact information of the District’s Record’s Custodian in order to provide citizens with the ability to access the District’s records and ensure that the public is informed of the activities of the District in accordance with Chapter 119, *Florida Statutes*; and

WHEREAS, the District additionally desires to specify the location of the District’s principal headquarters for the purpose of establishing proper venue under the common law home venue privilege applicable to the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT:

1. PRIMARY ADMINISTRATIVE OFFICE. The District’s primary administrative office for purposes of Chapter 119, *Florida Statutes*, shall be located at 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431.

2. PRINCIPAL HEADQUARTERS. The District’s principal headquarters for purposes of establishing proper venue shall be located at the offices of _____ and within Hernando County, Florida.

3. EFFECTIVE DATE. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 20th day of July, 2023.

ATTEST:

BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT

UNAUDITED FINANCIAL STATEMENTS

**BENTON HILLS
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
MAY 31, 2023**

**BENTON HILLS
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
MAY 31, 2023**

	General Fund	Debt Service Fund	Total Governmental Funds
ASSETS			
Cash	\$ 6,000	\$ -	\$ 6,000
Undeposited funds	2,223	-	2,223
Total assets	\$ 8,223	\$ -	\$ 8,223
LIABILITIES AND FUND BALANCES			
Liabilities:			
Accounts payable	\$ 2,223	\$ -	\$ 2,223
Due to Landowner	-	4,484	4,484
Landowner advance	6,000	-	6,000
Total liabilities	8,223	4,484	12,707
Fund balances:			
Restricted for:			
Debt service	-	(4,484)	(4,484)
Total fund balances	-	(4,484)	(4,484)
Total liabilities and fund balances	\$ 8,223	\$ -	\$ 8,223

**BENTON HILLS
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED MAY 31, 2023**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Landowner contribution	\$ 5,962	\$ 24,011	\$ 95,490	25%
Total revenues	<u>5,962</u>	<u>24,011</u>	<u>95,490</u>	25%
EXPENDITURES				
Professional & administrative				
Management/accounting/recording**	2,000	16,000	46,000	35%
Legal	147	314	25,000	1%
Engineering	-	-	2,000	0%
Audit	-	-	5,500	0%
Arbitrage rebate calculation*	-	-	500	0%
Dissemination agent*	-	-	1,000	0%
Trustee*	-	-	5,500	0%
Telephone	16	133	200	67%
Postage	18	27	250	11%
Printing & binding	42	333	500	67%
Legal advertising	-	-	1,700	0%
Annual special district fee	-	175	175	100%
Insurance	-	5,000	5,500	91%
Contingencies/bank charges	-	349	750	47%
Website hosting & maintenance	-	1,680	705	238%
Website ADA compliance	-	-	210	0%
Total expenditures	<u>2,223</u>	<u>24,011</u>	<u>95,490</u>	25%
Excess/(deficiency) of revenues over/(under) expenditures	3,739	-	-	
Fund balances - beginning	(3,738)	-	-	
Fund balances - ending	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	

*These items will be realized when bonds are issued

**WHA will charge a reduced management fee of \$2,000 per month until bonds are issued.

**BENTON HILLS
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND
FOR THE PERIOD ENDED MAY 31, 2023**

	<u>Current Month</u>	<u>Year To Date</u>
REVENUES	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
 EXPENDITURES		
Debt service		
Cost of issuance	<u>-</u>	<u>1,976</u>
Total debt service	<u>-</u>	<u>1,976</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 - -	 (1,976)
 Fund balances - beginning	 <u>(4,484)</u>	 <u>(2,508)</u>
Fund balances - ending	<u><u>\$ (4,484)</u></u>	<u><u>\$ (4,484)</u></u>

BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT

MINUTES

DRAFT

**MINUTES OF MEETING
BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT**

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The Board of Supervisors of the Benton Hills Community Development District held a Regular Meeting on April 20, 2023 at 11:30 a.m., at the Greater Hernando County Chamber of Commerce, 15588 Aviation Loop Drive, Brooksville, Florida 34604.

Present at the meeting were:

- | | |
|-----------------|---------------------|
| Garth Noble | Chair |
| Martha Schiffer | Assistant Secretary |
| Chris Torres | Assistant Secretary |

Also present were:

- | | |
|--------------------------------|---------------------------|
| Kristen Suit | District Manager |
| Mike Eckert | District Counsel |
| Brian Malmberg (via telephone) | Interim District Engineer |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Suit called the meeting to order at 11:33 a.m. She stated that the Oath of Office was administered to Mr. Noble prior to the meeting.

Supervisors Noble, Torres and Schiffer were present. Supervisor Tomberlin and Supervisor-Elect Babcock were not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Supervisors Garth Noble and Chris Babcock (the following will be provided in a separate package)

This item was addressed during the First Order of Business. The Oath of Office will be administered to Supervisor-Elect Babcock at or before the next meeting.

- 39 A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
- 40 B. Membership, Obligations and Responsibilities
- 41 C. Chapter 190, Florida Statutes
- 42 D. Financial Disclosure Forms
 - 43 I. Form 1: Statement of Financial Interests
 - 44 II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - 45 III. Form 1F: Final Statement of Financial Interests
- 46 E. Form 8B: Memorandum of Voting Conflict

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48 **FOURTH ORDER OF BUSINESS** **Acceptance of Resignation of Supervisor**
 49 **Jerry Tomberlin [SEAT 2]**

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51 Ms. Suit presented the resignation of Mr. Jerry Tomberlin from Seat 2.

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53 **On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, the**
 54 **resignation of Mr. Jerry Tomberlin from Seat 2, was accepted.**

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57 **FIFTH ORDER OF BUSINESS** **Consider Appointment of to Fill Unexpired**
 58 **Term of Seat 2; Term Expires November**
 59 **2026**

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61 **Administration of Oath of Office**

62 This item was addressed during the Sixteenth Order of Business.

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64 **SIXTH ORDER OF BUSINESS** **Consideration of Resolution 2023-01,**
 65 **Designating Certain Officers of the District,**
 66 **and Providing for an Effective Date**

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68 This item was deferred.

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70 **SEVENTH ORDER OF BUSINESS** **Ratification of Engagement with Jere**
 71 **Earlywine at Kutak Rock LLP**

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On MOTION by Ms. Schiffer and seconded by Mr. Noble, with all in favor, engagement of Jere Earlywine/Kutak Rock LLP for District Counsel Services, was ratified.

- **Consideration of Retention and Fee Agreement**

On MOTION by Mr. Torres and seconded by Ms. Schiffer, with all in favor, the Kutak Rock LLP Retention and Fee Agreement, was approved.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date

Ms. Suit presented Resolution 2023-02. She noted that the proposed Fiscal Year 2024 budget in the agenda is the Professional and Administrative portion and the Field Operations portion was emailed to the Board this morning.

Ms. Schiffer stated that, while some improvements might require services in Fiscal Year 2024, since it is a Landowner-funded budget, the Field Operations portion can be paid by the Landowner/Developer in Fiscal Year 2024, as needed, and then Field Operations can be added in Fiscal Year 2025, rather than in Fiscal Year 2024. Ms. Suit stated, if that occurs, the Fiscal Year 2024 budget can be amended, if the expenses go over budget.

On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, Resolution 2023-02, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law for July 20, 2023 at 11:30 a.m., at the Greater Hernando County Chamber of Commerce, 15588 Aviation Loop Drive, Brooksville, Florida 34604; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date, was adopted.

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NINTH ORDER OF BUSINESS

Consideration of Response(s) to Request for Qualifications (RFQ) for Engineering Services

- A. Affidavit of Publication**
- B. RFQ Package**

These items were included for informational purposes.

- C. Respondent(s): Coastal Engineering Associates, Inc.**
- D. Competitive Selection Criteria/Ranking**

The Board collectively scored and ranked Coastal Engineering Associates, Inc., the sole respondent to the RFQ for Engineering Services, as the #1 ranked respondent.

On MOTION by Mr. Noble and seconded by Mr. Torres, with all in favor, ranking Coastal Engineering Associates, Inc., as the #1 ranked responsive respondent to the RFQ for District Engineering, was approved.

- E. Award of Contract**

On MOTION by Mr. Noble and seconded by Ms. Schiffer, with all in favor, awarding the District Engineering Services contract to Coastal Engineering Associates, Inc., the #1 ranked responsive respondent to the RFQ for District Engineering Services and authorizing District Counsel to prepare the Agreement and negotiate the fees, was approved.

TENTH ORDER OF BUSINESS

Consideration of Responses to Request for Proposals (RFP) for Annual Audit Services

- A. Affidavit of Publication**
- B. RFP Package**

These items were included for informational purposes.

- C. Respondents:**
 - I. Berger, Toombs, Elam, Gaines & Frank**

146 The Berger, Toombs, Elam, Gaines & Frank (BTEGF) fee is \$3,750 for the Fiscal Year 2022
147 audit and \$4,500 once bonds are issued.

148 **II. Grau & Associates**

149 The Grau & Associates (Grau)fee is \$2,800 for the Fiscal Year 2022 audit, with the rate
150 increasing \$100 per year through the Fiscal Year 2026 audit, plus an additional fee of \$1,500 per
151 year once bonds are issued.

152 **D. Auditor Evaluation Matrix/Ranking**

153 The ranking and total scores were as follows:

- 154 #1 Grau 98 points
- 155 #2 BTEGF 97 points

156 **E. Award of Contract**

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158 **On MOTION by Mr. Noble and seconded by Ms. Schiffer, with all in favor,**
159 **ranking Grau & Associates as the #1 ranked respondent to the RFP for Annual**
160 **Audit Services and awarding the Annual Audit Services contract to Grau &**
161 **Associates, was approved.**

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164 **ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-03,
Designating the Primary Administrative
Office and Principal Headquarters of the
District and Providing an Effective Date**

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169 This item was deferred.

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172 **TWELFTH ORDER OF BUSINESS**

**Ratification of Hernando County Property
Appraiser Interlocal Uniform Collection
Agreement**

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176 Ms. Suit presented the Hernando County Property Appraiser Interlocal Uniform
177 Collection Agreement.

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**On MOTION by Mr. Noble and seconded by Ms. Schiffer, with all in favor, the
Hernando County Property Appraiser Interlocal Uniform Collection Agreement,
was ratified.**

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THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of February 28, 2023

Ms. Suit presented the Unaudited Financial Statements as of February 28, 2023.

On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, the Unaudited Financial Statements as of February 28, 2023, were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of September 15, 2022 Continue Public Hearings and Regular Meeting Minutes

Ms. Suit presented the September 15, 2022 Continued Public Hearings and Regular Meeting Minutes.

On MOTION by Mr. Noble and seconded by Mr. Torres, with all in favor, the September 15, 2022 Continued Public Hearings and Regular Meeting Minutes, as presented, were approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: KE Law Group, PLLC

Mr. Earlywine discussed legislation that will likely be passed to require Board Members to attend an annual four-hour ethics training class.

B. District Engineer (Interim): Coastal Engineering Associates, Inc.

Mr. Malmberg stated that Phase 1 is expected to be finished by the end of 2023. It was noted that it might take the County some time to inspect and approve the completed improvements.

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

- **NEXT MEETING DATE: May 18, 2023 at 11:30 AM**
- **QUORUM CHECK**

216 The May and June 2023 meetings will be cancelled. The next meeting will be July 20,
217 2023.

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219 **SIXTEENTH ORDER OF BUSINESS** **Board Members' Comments/Requests**

220

221 There were no Board Members' comments or requests.

- 222 **▪ Consider Appointment of to Fill Unexpired Term of Seat 2; Term Expires November**
- 223 **2026**

224 **This item, previously the Fifth Order of Business, was presented out of order.**

225 Ms. Schiffer nominated Mr. George Hernandez to fill Seat 2.

226 No other nominations were made.

227

228 **On MOTION by Ms. Schiffer and seconded by Mr. Noble, with all in favor, the**
229 **appointment of Mr. George Hernandez to fill Seat 2, was approved.**

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- 232 **• Administration of Oath of Office**

233 This item was deferred.

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235 **SEVENTEENTH ORDER OF BUSINESS** **Public Comments**

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237 No members of the public spoke.

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239 **EIGHTEENTH ORDER OF BUSINESS** **Adjournment**

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242 **On MOTION by Mr. Noble and seconded by Ms. Schiffer, with all in favor, the**
243 **meeting adjourned at 11:57 p.m.**

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

Chair/Vice Chair

BENTON HILLS

COMMUNITY DEVELOPMENT DISTRICT

STAFF REPORTS



Shirley Anderson

HERNANDO COUNTY SUPERVISOR OF ELECTIONS

16264 Spring Hill Drive
Brooksville, FL 34604
P: 352.754.4125 • F: 352.754.4425

April 14, 2023

Wrathell, Hunt and Associates, LLC
2300 Glades Road, Suite 410 W
Boca Raton, Florida 33431

RE: Benton Hills Community Development District

Dear Ms. Gillyard:

As of April 14, 2023, there are no registered voters within the Benton Hills Community Development District.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Claudia Billotte
Candidate Specialist
Hernando County Supervisor of Elections
16264 Spring Hill Drive Brooksville, FL 34604

Enclosure

Date 4/14/2023
Time 12:31 PM

Shirley Anderson
Supervisor of Elections
Active Voters by District/Precinct

Hernando County, FL

BENTON HILLS

	<u>Dem</u>	<u>Rep</u>	<u>NPA</u>	<u>Other</u>	<u>Total</u>	<u>White</u>	<u>Black</u>	<u>Hispanic</u>	<u>Other</u>	<u>Male</u>	<u>Female</u>	<u>Other</u>
540 HILLSIDE COMMUNITY BAF	0	0	0	0	0	0	0	0	0	0	0	0
BENTON HILLS	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>

BENTON HILLS COMMUNITY DEVELOPMENT DISTRICT**BOARD OF SUPERVISORS FISCAL YEAR 2022/2023 MEETING SCHEDULE****LOCATION**

*Greater Hernando County Chamber of Commerce
15588 Aviation Loop Drive, Brooksville, Florida 34604*

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 20, 2022 CANCELED	Regular Meeting	11:30 AM
November 17, 2022 CANCELED	Regular Meeting	11:30 AM
December 15, 2022 CANCELED	Regular Meeting	11:30 AM
January 19, 2023 CANCELED	Regular Meeting	11:30 AM
February 16, 2023 CANCELED	Regular Meeting	11:30 AM
March 16, 2023 CANCELED	Regular Meeting	11:30 AM
April 20, 2023	Regular Meeting	11:30 AM
May 18, 2023 CANCELED	Regular Meeting	11:30 AM
June 15, 2023 CANCELED	Regular Meeting	11:30 AM
July 20, 2023	Regular Meeting	11:30 AM
August 17, 2023	Regular Meeting	11:30 AM
September 21, 2023	Regular Meeting	11:30 AM