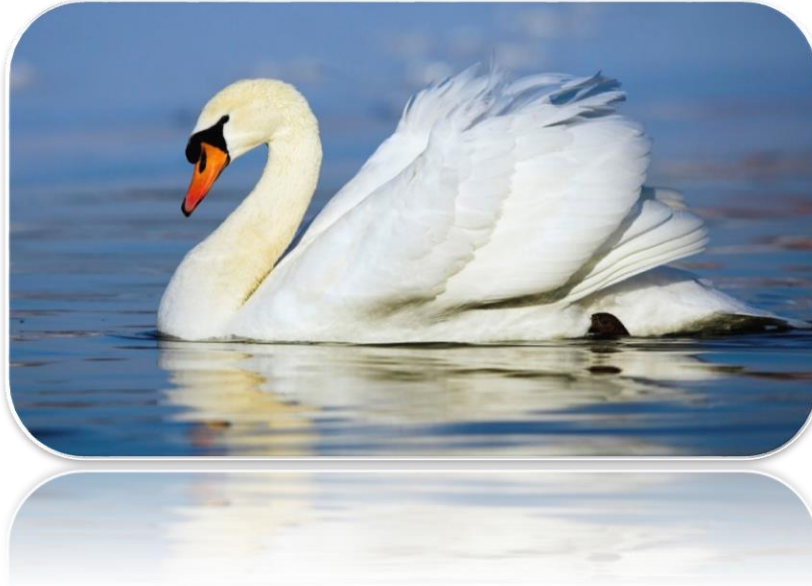


TERN BAY COMMUNITY DEVELOPMENT DISTRICT



REGULAR MEETING AGENDA

February 9, 2021

PREPARED BY:

JPWARD & ASSOCIATES, LLC, 2301 NORTHEAST 37TH STREET, FORT LAUDERDALE, FL 33308

T: 954-658-4900 E: JimWard@JPWardAssociates.com

TERN BAY COMMUNITY DEVELOPMENT DISTRICT

February 2, 2021

Board of Supervisors

Tern Bay Community Development District

Dear Board Members:

This Regular Meeting of the Board of Supervisors of the Tern Bay Community Development District will be held on **Tuesday, February 9, 2021 at 10:00 A.M.** at the **Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.**

The venue for this meeting is the Country Inn and Suites and was specifically chosen such that the District will be able to meet the social distance guidelines for this meeting for Board Members/ and Staff only for the meeting. With the limitation for people in the meeting room the District encourages members of the public to join by video or audio using the link below.

Please ensure that all Board Members and Staff in attendance bring and wear masks during the meeting.

The following WebEx link and telephone number are provided to join/watch the meeting.

Weblink:

<https://districts.webex.com/districts/onstage/g.php?MTID=eff5dc6bcc3f40a52bcd3e27aa721a8d>

Access Code: **179 592 9772**

Event password: **Jpward**

Call in information if you choose not to use the web link:

Phone: **408-418-9388** and enter the access code **179 592 9772** to join the meeting.

The link to the meeting will also be posted on the District's web site: www.Ternbaycdd.org.

The Agenda is as Follows:

1. Call to Order & Roll Call.
2. Consideration of Minutes:
 - I. November 10, 2020 – Landowners Election Meeting
 - II. November 10, 2020 – Regular Meeting
3. Consideration of **Resolution 2021-3**, a Resolution of the Tern Bay Community Development District amending the Fiscal Year 2021 Budget which began on October 1, 2020 and ends on September 30, 2021.
4. Consideration of Proposals for providing Audit Services to the District for the Fiscal Years 2020 - 2024.
5. Consideration of ranking of engineering proposals to serve as District Engineer and agreement with the Number 1 ranked firm.
 - a) Ranking of engineering proposals
 - b) Master Engineering Services Agreement
6. Consideration of **Resolution 2021-4**, a Resolution of the Board of Supervisors of Tern Bay Community Development District Authorizing the acquisition of certain Potable Water and Wastewater Utility Facilities from the Developer, Lennar Homes, LLC, and authorizing the conveyance of such Potable Water and Wastewater Utility Facilities to Charlotte County; authorizing the Chairman or the Vice Chairman (in the Chairman's absence) to execute such conveyance documents to the extent necessary to evidence the District's acceptance and conveyance.
7. Staff Reports
 - I. District Attorney
 - II. District Engineer
 - III. District Manager
 - a) Financial Statements for period ending October 31, 2020 (unaudited)
 - b) Financial Statements for period ending November 30, 2020 (unaudited)
 - c) Financial Statements for period ending December 31, 2020 (unaudited)
8. Supervisor's Requests and Audience Comments
9. Adjournment

The Second Order of Business is the consideration of both the November 10, 2020 Landowners Meeting and the Regular Meeting Minutes.

The Third order of Business is the Consideration of Resolution 2021-3, a Resolution of the Tern Bay Community Development District amending the Fiscal Year 2021 Budget which began on October 1, 2020 and ends on September 30, 2021.

The Fourth Order of Business is the Consideration of the Request for Proposals to provide independent auditing services to the District for the Fiscal Years 2020 through 2024.

Enclosed please find the following:

1. The District's Request for Proposals sent to auditing firms.
2. Auditor Evaluation Form.
3. Auditor Proposals – Technical and Pricing.

The evaluation form is for your use in evaluating the proposals submitted and if you could please review the proposals submitted and fill out the evaluation before the meeting that would be appreciated.

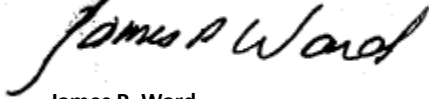
The Fifth Order of Business is Consideration of the ranking of the engineering proposals that were received in response to the District's request for qualifications. The District received one (1) proposal from Banks Engineering Inc. (BEI). The required procedure requires the Board to rank the proposals, (non-price-based proposals) based on the qualifications of each firm, and I have enclosed an engineering ranking form for your use. The ranking form itself is NOT required, and you may use any procedure that you would like. Once ranked, then staff must negotiate a contract with the number one ranked firm and that proposed agreement will then be brought to the Board.

In order to shorten the process somewhat, I have enclosed a form of engineering agreement that we will ask the Board to approve, subject only to non-substantive changes that may be needed once we review the agreement with the number one (1) ranked firm.

The Sixth Order of Business is the Consideration of Resolution 2021-4, a Resolution of the Board of Supervisors of Tern Bay Community Development District Authorizing the acquisition of certain Potable Water and Wastewater Utility Facilities from the Developer, Lennar Homes, LLC, and authorizing the conveyance of such Potable Water and Wastewater Utility Facilities to Charlotte County; authorizing the Chairman or the Vice Chairman (in the Chairman's absence) to execute such conveyance documents to the extent necessary to evidence the District's acceptance and conveyance.

If you have any questions and/or comments before the meeting, please do not hesitate to contact me directly at (954) 658-4900.

Tern Bay Community Development District



James P. Ward
District Manager

Meetings for Fiscal Year 2021 are as follows:

February 9, 2021	March 9, 2021
April 13, 2021	May 11, 2021
June 8, 2021	July 13, 2021
August 10, 2021	September 14, 2021

**MINUTES OF MEETING
TERN BAY
COMMUNITY DEVELOPMENT DISTRICT**

The Landowner's Meeting of the Tern Bay Community Development District was held on Tuesday, November 10, 2020 at 10:00 a.m. at the Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.

Landowner Present:

Barry Ernst

Landowner Proxy

Also present were:

James P. Ward

District Manager

Greg Urbancic

District Attorney

Audience:

Christopher Hasty

Anthony Burdett

Ashley Kingston

All resident's names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS
WERE TRANSCRIBED IN *ITALICS*.**

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

District Manager James P. Ward called the meeting to order at approximately 10:00 a.m.

SECOND ORDER OF BUSINESS

Election of a Chairperson

Election of a Chairperson for the Purpose of Conducting the Landowner's Meeting

Mr. Ward noted Barry Ernst was present and representing Lennar Homes. He asked if Mr. Cook wished to Chair the meeting. Mr. Barry Ernst asked Mr. Ward to continue as Chairperson.

THIRD ORDER OF BUSINESS

Election of Supervisors

- I. Determination of the Number of Voting Units Represented or Assigned by Proxy**
- II. Nominations for Supervisors (five positions)**
- III. Casting of Ballots**
- IV. Ballot Tabulations and Results**

Mr. Ward: The purpose of today's Meeting is to elect three Members to the Board of Supervisors. The seats that are up are Seat 1 (Mr. Hasty), Seat 4 (Ms. Kingston), and Seat 5 (Mr. Ernst). There are 503 voting units represented by proxy today which Mr. Ernst controls. He asked if there were any members of the public present who intended to vote at today's landowner's meeting; there were none.

Mr. Ward asked for Mr. Ernst's nominations.

Mr. Ernst nominated Christ Hasty, Ashley Kingston, and Barry Ernst.

Mr. Ward asked Mr. Ernst to fill out the ballot, sign it, and return the ballot to himself for tabulation. He explained the two individuals who received the highest number of votes would serve a four-year term and the individual with the lesser number of votes would serve a two-year term.

Mr. Ernst complied. Mr. Ward reported the number of votes per nominee: Mr. Christopher Hasty and Ms. Ashley Kingston received 503 votes and would serve four-year terms, while Mr. Barry Ernst received 502 votes and would serve a two-year term.

FOURTH ORDER OF BUSINESS

Landowner's Question or Comments

Mr. Ward asked if there were any landowner's questions or comments; there were none.

FIFTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 10:04 a.m.

Tern Bay Community Development District

James P. Ward, Secretary

Russell Smith, Chairperson

**MINUTES OF MEETING
TERN BAY
COMMUNITY DEVELOPMENT DISTRICT**

The Regular Meeting of the Board of Supervisors of the Tern Bay Community Development District was held on Tuesday, November 10, 2020 at 10:00 a.m. at the Country Inn and Suites, 24244 Corporate Court, Port Charlotte, Florida 33954.

Present and constituting a quorum:

Christopher Hasty	Vice Chairperson
Barry Ernst	Assistant Secretary
Anthony Burdett	Assistant Secretary
Ashley Kingston	Assistant Secretary

Absent:

Russell Smith	Chairperson
---------------	-------------

Also present were:

James P. Ward	District Manager
Greg Urbancic	District Counsel
David Underhill	District Engineer

Audience:

All resident's names were not included with the minutes. If a resident did not identify themselves or the audio file did not pick up the name, the name was not recorded in these minutes.

**PORTIONS OF THIS MEETING WERE TRANSCRIBED VERBATIM. ALL VERBATIM PORTIONS
WERE TRANSCRIBED IN *ITALICS*.**

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

District Manager James P. Ward called the meeting to order at approximately 10:07 a.m. He reported Supervisors Hasty, Kingston, Ernst and Burdett were present constituting a quorum.

SECOND ORDER OF BUSINESS

Administration of Oath of Office

Administration of Oath of Office for the newly elected Supervisor's from the Landowner's Meeting held just prior to the Regular Meeting

Mr. Ward indicated Mr. Christopher Hasty, Ms. Ashley Kingston, and Mr. Barry Ernst would be administered the Oath of Office. He explained he was a notary public with the State of Florida and authorized to administer the Oath. He administered the Oath of Office to the newly elected Board

Members and asked said Board Members to sign the Oath of Office and return the signed Oath to himself for notarization and to be made part of the public record.

- I. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- II. **Form 1 – Statement of Financial Interests**

THIRD ORDER OF BUSINESS

Consideration of Resolution 2021-1

Consideration of Resolution 2021-1 Canvassing and Certifying the Results of the November 5, 2020 Landowners Election

Mr. Ward reported Barry Ernst received 502 votes and would serve a two-year term in Seat 5, Mr. Christopher Hasty (Seat 1) and Ms. Ashley Kingston (Seat 4) received 503 votes and would serve four-year terms. He asked if there were any questions; hearing none, he called for a motion.

On MOTION made by Mr. Anthony Burdett, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2021-1 was adopted, and the Chair was authorized to sign.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2021-2

Consideration of Resolution 2021-2 Re-Designating the Officers of the Esplanade Lake Club Community Development District

Mr. Ward reported currently the offices were assigned as follows: Mr. Russell Smith served as Chairperson, Mr. Christopher Hasty served as Vice Chair, he (Mr. Ward) served as Secretary and Treasurer while Mr. Anthony Burdett, Ms. Ashley Kingston and Mr. Barry Ernst served as Assistant Secretaries. He explained the Board could re-designate the officers as it deemed appropriate. The Board decided to leave the positions filled as indicated.

On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, Resolution 2021-2 was adopted, and the Chair was authorized to sign.

FIFTH ORDER OF BUSINESS

Consideration of Minutes

October 13, 2020 Regular Meeting Minutes

Mr. Ward asked if there were any corrections, additions, or deletions for the October 13, 2020 Regular Meeting Minutes; hearing none, he called for a motion.

On MOTION made by Mr. Anthony Burdett, seconded by Mr. Barry Ernst, and with all in favor, the October 13, 2020 Regular Meeting Minutes were approved.

SIXTH ORDER OF BUSINESS

Staff Reports

Staff Reports

I. District Attorney

Mr. Greg Urbancic: I think we all know, based upon how we are meeting today that the Governor did not extend the order. I will keep an eye out to see if Florida Statutes change in that regard. There is quite a bit of commentary among the lawyers in the local government community that we found something we liked. So, we will see how that works going forward. Other than that, the other thing is, Jim, we have to make sure we note going forward as of January 1, all contractors have to use eVerify. That will be one thing you see in any future contracts for the District. Other than that, I did not have any further report unless you had questions.

II. District Engineer

No report.

III. District Manager

No report.

SEVENTH ORDER OF BUSINESS

Supervisor's Requests and Audience Comments

Mr. Ward asked if there were any Supervisor's requests; there were none. He asked if there were any audience comments; there were none.

EIGHTH ORDER OF BUSINESS

Adjournment

Mr. Ward adjourned the meeting at approximately 10:13 a.m.

On MOTION made by Mr. Barry Ernst, seconded by Ms. Ashley Kingston, and with all in favor, the meeting was adjourned.

Tern Bay Community Development District

James P. Ward, Secretary

Russell Smith, Chairperson

RESOLUTION 2021-3

THE RESOLUTION OF THE TERN BAY COMMUNITY DEVELOPMENT DISTRICT (THE "DISTRICT") AMENDING THE FISCAL YEAR 2021 BUDGET WHICH BEGAN ON OCTOBER 1, 2020, AND ENDS ON SEPTEMBER 30, 2021; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR CONFLICT AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District previously adopted the Fiscal Year 2021 Budget; and

WHEREAS, the District desires to amend the Adopted Budget in accordance with Exhibit A attached hereto;

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

SECTION 1. INCORPORATION OF WHEREAS CLAUSES. That the foregoing whereas clauses are true and correct and incorporated herein as if written into this Section.

SECTION 2. AMENDMENT OF FISCAL YEAR 2021 BUDGET. The previously adopted Budget of the District is hereby amended in accordance with Exhibit A attached hereto and incorporated herein as if written into this Section.

SECTION 3. 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 4. CONFLICT. That all Sections or parts of Sections of any Resolutions, Agreements or actions of the Board of Supervisor's in conflict are hereby repealed to the extent of such conflict.

SECTION 5. EFFECTIVE DATE. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board of Supervisors of the Tern Bay Community Development District.

PASSED AND ADOPTED this 12th day of January, 2021.

ATTEST:

**TERN BAY
COMMUNITY DEVELOPMENT DISTRICT**

James P. Ward, Secretary

Russell Smith, Chairman

Tern Bay
Community Development District
General Fund - Budget
Fiscal Year 2021

Description	Fiscal Year 2020 Adopted Budget	Actual at 02/28/2020	Anticipated Year End 09/30/20	Fiscal Year 2021 Budget	Amendment 1	NOTES
Revenues and Other Sources						
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	
Interest Income - General Account	\$ -	\$ -	\$ -	\$ -	\$ -	
Special Assessment Revenue						
Special Assessment - On-Roll	\$ 124,188	\$ 135,516	\$ 135,516	\$ 822,194	\$ 210,434	Removes PID 42231730001 from on-Roll
Special Assessment - Off-Roll	\$ -	\$ -	\$ -	\$ -	\$ 568,936	PID 42231730001 to on-roll
Miscellaneous Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Revenue & Other Sources	\$ 124,188	\$ 135,516	\$ 135,516	\$ 822,194	\$ 779,370	
Appropriations and Other Uses						
Legislative						
Board of Supervisor's Fees	\$ -	\$ -	\$ -	\$ -	\$ -	
Executive						
Professional - Management	\$ 34,500	\$ 14,375	\$ 34,500	\$ 34,500	\$ -	
Financial and Administrative						
Audit Services	\$ 6,000	\$ 5,350	\$ 5,350	\$ 6,000	\$ -	
Accounting Services	\$ 12,000	\$ 5,000	\$ 12,000	\$ 16,000	\$ -	
Assessment Roll Services	\$ 9,000	\$ 3,333	\$ 9,000	\$ 13,000	\$ -	
Arbitrage Rebate Fees	\$ 500	\$ 500	\$ 500	\$ 500	\$ -	
Financial & Administrative-Other	\$ -	\$ -	\$ -	\$ -	\$ -	
Other Contractual Services						
Recording and Transcription	\$ -	\$ -	\$ -	\$ -	\$ -	
Legal Advertising	\$ 2,500	\$ -	\$ 2,500	\$ 2,500	\$ -	
Trustee Services	\$ 3,500	\$ -	\$ 3,500	\$ 10,500	\$ -	
Dissemination Agent Services	\$ 1,000	\$ 2,000	\$ 2,000	\$ 6,000	\$ -	
Bank Service Fees	\$ 500	\$ 124	\$ 500	\$ 500	\$ -	
Travel and Per Diem	\$ -	\$ -	\$ -	\$ -	\$ -	
Communications and Freight Services						
Telephone	\$ -	\$ -	\$ -	\$ -	\$ -	
Postage, Freight & Messenger	\$ 400	\$ 83	\$ 400	\$ 400	\$ -	
Insurance	\$ 8,900	\$ 8,989	\$ 8,989	\$ 9,500	\$ -	
Meeting Room Rental	\$ 400	\$ 150	\$ 400	\$ 400	\$ -	
Printing and Binding	\$ 500	\$ 111	\$ 500	\$ 500	\$ -	
Web Site Maintenance	\$ 2,000	\$ 250	\$ 2,000	\$ 2,000	\$ -	
Office Supplies	\$ -	\$ -	\$ -	\$ -	\$ -	
Subscriptions and Memberships	\$ 175	\$ 175	\$ 175	\$ 175	\$ -	
Legal Services						
General Counsel	\$ 4,000	\$ 280	\$ 1,200	\$ 5,000	\$ -	
Foreclosure Counsel	\$ -	\$ -	\$ -	\$ -	\$ -	
Other General Government Services						
Engineering Services - General	\$ 5,000	\$ -	\$ -	\$ 5,000	\$ -	
Engineering Services - Traffic	\$ -	\$ -	\$ -	\$ -	\$ -	
NOPC Fees	\$ -	\$ -	\$ -	\$ -	\$ -	
Other Public Safety						
Professional Services						
Charlotte Cty Sheriff's Patrol	\$ -	\$ -	\$ -	\$ -	\$ -	
Guardhouse Operations						
Professional - Roving Patrol	\$ -	\$ -	\$ -	\$ 57,300	\$ -	
Professional - Gate Attendent	\$ -	\$ -	\$ -	\$ 190,000	\$ -	
Utilities						
Electric	\$ -	\$ -	\$ -	\$ 2,400	\$ -	
Water & Wastewater	\$ -	\$ -	\$ -	\$ 2,400	\$ -	
Repairs & Maintenance						
Guardhouse - Janitorial	\$ -	\$ -	\$ -	\$ 4,200	\$ -	
Gate	\$ -	\$ -	\$ -	\$ 6,500	\$ -	
Wastewater Services						
Electric Service	\$ 620	\$ 791	\$ 1,898	\$ 2,000	\$ -	
Stormwater Management Services						
Repairs & Maintenance						
Lake Banks/Outfall Control Structures	\$ -	\$ -	\$ -	\$ 5,000	\$ -	
Aquatic Weed Control						
Lake Spraying	\$ -	\$ -	\$ -	\$ 5,000	\$ -	
Lake Vegetation Removal	\$ -	\$ -	\$ -	\$ -	\$ -	
Upland Monitoring & Maint	\$ -	\$ -	\$ -	\$ 30,000	\$ -	
Other Physical Environment						
Professional Services						
Field Manager Services	\$ -	\$ -	\$ -	\$ 2,500	\$ -	
Insurance	\$ -	\$ -	\$ -	\$ -	\$ -	
Contingencies	\$ -	\$ -	\$ -	\$ -	\$ -	
Assessments - Charlotte County	\$ -	\$ 38	\$ 38	\$ -	\$ -	
Road & Street Facilities						
Field Management Services						
Street Lights						
Electric Service	\$ 12,000	\$ 6,121	\$ 12,000	\$ 12,000	\$ -	
Repairs & Maintenance	\$ -	\$ -	\$ -	\$ -	\$ -	
Economic Environment						
Professional Services - Appraisal	\$ -	\$ -	\$ -	\$ -	\$ -	
Landscaping Services						

Tern Bay
Community Development District
General Fund - Budget
Fiscal Year 2021

Description	Fiscal Year 2020 Adopted Budget	Actual at 02/28/2020	Anticipated Year End 09/30/20	Fiscal Year 2021 Budget	Amendment 1	NOTES
Electric Service	\$ 12,000	\$ 8,341	\$ 20,018	\$ 48,000		
Repairs & Maintenance						
Common Area Maintenance						
Routine Maintenance	\$ -	\$ -	\$ -	\$ 119,200		
Tree Trimming	\$ -	\$ -	\$ -	\$ 15,000		
Sod Replacement	\$ -	\$ -	\$ -	\$ 3,000		
Material Replacement	\$ -	\$ -	\$ -	\$ 12,000		
Mulch Installation	\$ -	\$ -	\$ -	\$ 40,000		
Landscape Lighting	\$ -	\$ -	\$ -	\$ -		
Annuals	\$ -	\$ -	\$ -	\$ 21,000		
Holiday Decorations	\$ -	\$ -	\$ -	\$ 16,000		
Irrigation System						
Pumps, Wells & Line Distribution System						
Routine Maintenance	\$ -	\$ -	\$ -	\$ 16,000		
Well Testing/Meter Reading	\$ -	\$ -	\$ -	\$ -		
Line Distribution System						
Routine Maintenance	\$ -	\$ -	\$ -	\$ -		
Contingencies	\$ -	\$ -	\$ -	\$ 42,665		
Other Fees and Charges						
Discounts and Tax Collector Fees	\$ 8,693	\$ -	\$ 8,693	\$ 57,554	\$ 42,823	
Total Appropriations	\$ 124,188	\$ 56,011	\$ 126,161	\$ 822,194	\$ 779,370	

TERN BAY COMMUNITY DEVELOPMENT DISTRICT

December 13, 2020

To: Board of Supervisors

From: James P. Ward
District Manager

Subject: Audit Proposals

Attached is a complete bound set of the following for the selection of the auditor for Item 4 on the Agenda.

1. Analysis of Auditor Form
2. Fee Structure for Auditors
3. Bidder's List
4. Request for Proposal Master Form
5. Grau and Associates Proposal
6. Berger Toombs Proposal

Be sure to fill out the audit analysis form before the meeting that will be used for the selection of the auditor.

Thank you and if you have any questions, please let me know.



James P. Ward
District Manager

2301 NORTHEAST 37TH STREET
FORT LAUDERDALE, FL 33308

PHONE (954) 658-4900

E-MAIL jimward@jpwardassociates.com

Tern Bay Community Development District

Analysis of Auditor Proposals

Firm Names:

Grau Berger

1. Mandatory Elements

a. The audit firm is independent and licensed to practice in Florida.

Y Y

b. The firm has no conflict of interest with regard to any other work performed by the firm for the District.

Y Y

c. The firm adheres to the instructions in the Request for Proposal on preparing and submitting the proposal.

Y Y

d. The firm submitted a copy of its last external quality control review report and the firm has a record of quality audit work.

Y Y

e. The firm provides information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years, as well as, an explanation of all pending litigation (including all accounts of Federal indictments)

Y Y

Legend for Mandatory Elements:

Y = Meets Criteria

N = Does Not Meet Criteria

2. Technical Qualifications:

Point
Range

a. Expertise and Experience

(1)The firm's past experience and performance on comparable government engagements.

1-5 5 4

(2)The quality of the firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation.

1-5 5 4

(3)The firm provides information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years, as well as, an explanation of all pending litigation (including all accounts of Federal indictments)

1-5 5 5

b. Audit Approach

(1) Adequacy of proposed staffing plan for various segments of the engagement

1-5 5 4

(2) Adequacy of sampling techniques

1-5 5 5

(3) Adequacy of analytical procedures

1-5 5 5

Sub-Total: Technical

30 27

Total Points: Technical

30 27

3. Price:

1-5 5 4

2019 4600 4975

2020 4700 4975

2021 4800 4975

2022 4900 5225

2023 5000 5225

Total Points: Price

24,000 25,375

Total Points: Technical/Price:

35 31

Tern Bay Community Development District

Analysis of Auditor Proposals

Firm Names:

1. Mandatory Elements

a. The audit firm is independent and licensed to practice in Florida.

b. The firm has no conflict of interest with regard to any other work performed by the firm for the District.

c. The firm adheres to the instructions in the Request for Proposal on preparing and submitting the proposal.

d. The firm submitted a copy of its last external quality control review report and the firm has a record of quality audit work.

e. The firm provides information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years, as well as, an explanation of all pending litigation (including all accounts of Federal indictments)

Legend for Mandatory Elements:
Y = Meets Criteria
N = Does Not Meet Criteria

2. Technical Qualifications:

**Point
Range**

a. Expertise and Experience

(1)The firm's past experience and performance on comparable government engagements.

1-5

(2)The quality of the firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation.

1-5

(3)The firm provides information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years, as well as, an explanation of all pending litigation (including all accounts of Federal indictments)

1-5

b. Audit Approach

(1) Adequacy of proposed staffing plan for various segments of the engagement

1-5

(2) Adequacy of sampling techniques

1-5

(3) Adequacy of analytical procedures

1-5

**Sub-Total: Technical
Total Points: Technical**

3. Price:

1-5

Total Points: Price

Total Points: Technical/Price:

**Tern Bay Community Development District
Audit Fee Proposals**

Firm	2019	2020	2021	2022	2023	Total
Grau and Associates	\$ 4,600.00	\$ 4,700.00	\$ 4,800.00	\$ 4,900.00	\$ 5,000.00	\$ 24,000.00
Berger Toombs	\$ 4,975.00	\$ 4,975.00	\$ 4,975.00	\$ 5,225.00	\$ 5,225.00	\$ 25,375.00

Bidder's List

Request for Proposals – Professional Audit Services For the Fiscal Year's 2020-2024

Mr. Jay Gaines
Berger, Toombs, Elam, Gaines & Frank
600 Citrus Avenue
Suite 200
Ft. Pierce, Florida 34950
Phone: 772-461-6120
JGaines@BTEF-CPAS.com

Ms. Linda Dufresne
Dufresne & Associates
385 Stiles Avenue
Orange Park, Florida 32073
Phone: 904-278-8980
Linda@dufresnepas.com

Mr. Antonio Grau
Grau and Associates
951 Yamato Road, Suite 280
Boca Raton, Florida 33431
Phone 561-994-9299
tgraujr@graucpa.com

William Benson
Keefe, McCullough & Company
6550 North Federal Highway
Suite 410
Fort Lauderdale, Florida 33308
Phone 954 771 0896
Bill.Benson@kmccpa.com

Ms. Tammy Campbell
McDermitt Davis & Company, LLC
605 East Robinson Street
Suite 635
Orlando, Florida 32801
Phone: (407) 843-5406
tcampbell@mcdermittdavis.com

Bidder's List

**Request for Proposals – Professional Audit Services
For the Fiscal Year's 2020-2024**

Stephen C. Riggs, IV, CPA
Carr Riggs & Ingram
151 Mary Esther Boulevard
Suite 301
Mary Esther, Florida 32569
Phone 850-244-8395
scriggs@cricpa.com



Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

Proposal to Provide Financial Auditing Services:

TERN BAY

COMMUNITY DEVELOPMENT DISTRICT

Proposal Due: December 04, 2020
11:00AM

Submitted to:

Tern Bay
Community Development District
c/o District Manager
2900 Northeast 12th Terrace, Suite 1
Oakland Park, Florida 33334

Submitted by:

Antonio J. Grau, Partner
Grau & Associates
951 Yamato Road, Suite 280
Boca Raton, Florida 33431

Tel (561) 994-9299
(800) 229-4728

Fax (561) 994-5823

tgrau@graucpa.com

www.graucpa.com



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Grau & Associates

CERTIFIED PUBLIC ACCOUNTANTS

December 04, 2020

Tern Bay Community Development District
c/o District Manager
2900 Northeast 12th Terrace, Suite 1
Oakland Park, Florida 33334

Re: Request for Proposal for Professional Auditing Services for the fiscal year ended September 30, 2020, with an option for four (4) additional annual renewals.

Grau & Associates (Grau) welcomes the opportunity to respond to the Tern Bay Community Development District's (the "District") Request for Proposal (RFP), and we look forward to working with you on your audit. We are an energetic and robust team of knowledgeable professionals and are a recognized leader of providing services to Community Development Districts. As one of Florida's few firms to primarily focus on government, we are especially equipped to provide you an effective and efficient audit.

Special district audits are at the core of our practice: **we have a total of 360 clients, 329 or 91% of which are special districts.** We know the specifics of the professional services and work products needed to meet your RFP requirements like no other firm. With this level of experience, we are able to increase efficiency, to provide immediate and continued savings, and to minimize disturbances to client operations.

Why Grau & Associates:

Knowledgeable Audit Team

Grau is proud that the personnel we assign to your audit are some of the most seasoned auditors in the field. Our staff performs governmental engagements year round. When not working on your audit, your team is refining their audit approach for next year's audit. Our engagement partners have decades of experience and take a hands-on approach to our assignments, which all ensures a smoother process for you.

Servicing your Individual Needs

Our clients enjoy personalized service designed to satisfy their unique needs and requirements. First, we ensure that the transition to a new firm is as smooth and seamless as possible. Throughout the process of our audit, you will find that we welcome working with you to resolve any issues as swiftly and easily as possible. In addition, due to Grau's very low turnover rate for our industry, you also won't have to worry about retraining your auditors from year to year.

Developing Relationships

We strive to foster mutually beneficial relationships with our clients. We stay in touch year round, updating, collaborating and assisting you in implementing new legislation, rules and standards that affect your organization. We are also available as a sounding board and assist with technical questions.

Maintaining an Impeccable Reputation

We have never been involved in any litigation, proceeding or received any disciplinary action. Additionally, we have never been charged with, or convicted of, a public entity crime of any sort. We are financially stable and have never been involved in any bankruptcy proceedings.

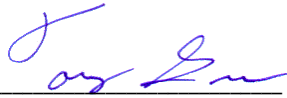
Complying With Standards

Our audit will follow the Auditing Standards of the AICPA, Generally Accepted Government Auditing Standards, issued by the Comptroller General of the United States, and the Rules of the Auditor General of the State of Florida, and any other applicable federal, state and local regulations. We will deliver our reports in accordance with your requirements.

This proposal is a firm and irrevocable offer for 90 days. We certify this proposal is made without previous understanding, agreement or connection either with any previous firms or corporations offering a proposal for the same items. We also certify our proposal is in all respects fair, without outside control, collusion, fraud, or otherwise illegal action, and was prepared in good faith. Only the person(s), company or parties interested in the project as principals are named in the proposal. Grau has no existing or potential conflicts, and anticipates no conflicts during the engagement. Our Federal I.D. number is 20-2067322.

We would be happy to answer any questions or to provide any additional information. We are genuinely excited about the prospect of serving you and establishing a long-term relationship. Please do not hesitate to call or email either of our Partners, Antonio J. Grau, CPA (tgrau@graucpa.com) or Racquel McIntosh, CPA (rmcintosh@graucpa.com) at 561.994.9299. We thank you for considering our firm's qualifications and experience.

Very truly yours,
Grau & Associates



Antonio J. Grau

Independence



Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

Grau & Associates affirms we meet the independence requirements of the Standards for Audit of Governmental Organization Programs, Activities and Functions published by the U.S. General Accounting Office, Governmental Auditing Standards (GAS) issued by the Comptroller General of the United States and the Laws and Rules of Florida Board of Accountancy or any subsequent amendments or superseding revisions. As defined by auditing standards generally accepted in the United States of America and the U.S. General Accounting Office's Government Auditing Standards, Grau & Associates, their partners and employees are independent of the District.

Grau & Associates has not had professional relationships involving the District since its inception; furthermore, we shall give the District written notice of any professional relationships entered into during the period of this agreement, which could pose a potential conflict of interest.

License to Practice in Florida



Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

Grau & Associates is a properly registered/licensed State of Florida professional corporation. All assigned supervisory professional staff are properly registered/licensed to practice in the State of Florida.

Firm Qualifications and Experience



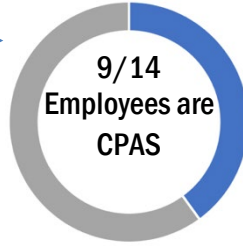
Grau & Associates
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Grau's Focus and Experience

Our Team



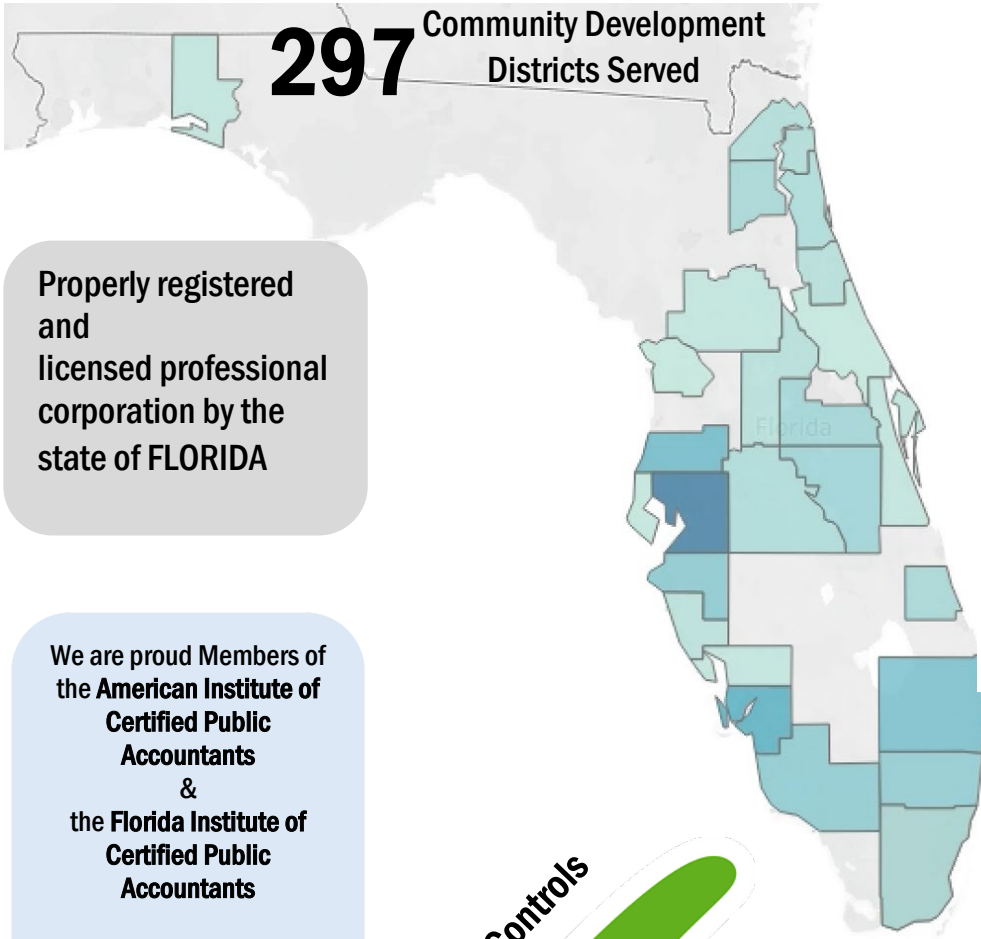
2 Partners
12 Professional Staff
2 Administrative Professionals



2005

Year founded

Services Provided



Properly registered and licensed professional corporation by the state of FLORIDA

We are proud Members of the American Institute of Certified Public Accountants & the Florida Institute of Certified Public Accountants



- ⇒ External quality review program: consistently receives a pass
- ⇒ Internal: ongoing monitoring to maintain quality



AICPA | FICPA | GFOA | FASD | FGFOA

Firm Overview

Grau & Associates is a professionally licensed local corporation in Florida certified by the State of Florida as a Minority Business Enterprise (MBE). We are a Certified Public Accounting firm providing comprehensive financial and compliance auditing, attestation and accounting, and other management consulting services.

Office Location & Staff

Your audit will be performed out of our headquarters located at 951 Yamato Road, Suite 280, Boca Raton, Florida 33431. We have a total of 16 employees, including 2 Partners, 12 professionals and 2 administrative professionals. The numbers of professional staff by employee classification are as follows:

Employee Classification	Government Auditors	No. of C.P.A.s
Partners	2	2
Managers	3	3
Advisory Consultant	1	1
Supervisor / Seniors	3	2
Staff Accountants	4	1
Total	14	9

Results of State and Federal Reviews

During the last three (3) years, all state and federal reviews of the firm's reports and working papers have been accepted without change or revision to issued reports.

Disciplinary Action

During the last three (3) years, Grau & Associates has not been involved in any disciplinary action from any state or federal regulatory body or professional organizations.

Litigation Status

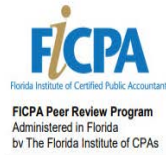
There is no current or pending litigation or proceeding. Additionally, during the last three (3) years, Grau & Associates has not been involved in any litigation or proceeding where a court or administrative agency has ruled against the firm in any manner related to its professional activities.

Most Recent External Peer Review

Grau participates in an external quality review program requiring an on-site independent examination of our auditing practice. Grau has consistently received a pass rating on the quality of our audit practice. Our peer review included **mostly government engagements**. A copy of the report on the firm's most recent quality review can be found below.



Gregory, Sharer & Stuart, P.A.
Certified Public Accountants and Business Consultants



Report on the Firm's System of Quality Control

November 15, 2019

To the Partners of Grau & Associates
And the Peer Review Committee of the Florida Institute of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Grau & Associates (the firm) in effect for the year ended June 30, 2019. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at www.aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards* including compliance audits under the Single Audit Act and an audit of an employee benefit plan.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Grau & Associates in effect for the year ended June 30, 2019, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Grau & Associates has received a peer review rating of *pass*.

Gregory, Sharer & Stuart, P.A.

February 20, 2020

Antonio Grau
Grau & Associates
951 Yamato Rd Ste 280
Boca Raton, FL 33431-1809

Dear Antonio Grau:

It is my pleasure to notify you that on February 20, 2020, the Florida Peer Review Committee accepted the report on the most recent System Review of your firm. The due date for your next review is December 31, 2022. This is the date by which all review documents should be completed and submitted to the administering entity.

As you know, the report had a peer review rating of pass. The Committee asked me to convey its congratulations to the firm.

Thank you for your cooperation.

Sincerely,
FICPA Peer Review Committee

Peer Review Team
FICPA Peer Review Committee
paul@ficpa.org
800-342-3197 ext. 251

Florida Institute of CPAs

cc: Daniel Hevia, Racquel McIntosh

Firm Number: 900004390114

Review Number: 571202

100 Second Avenue South, Suite 600 | St. Petersburg, Florida 33701-4336
(727) 821-6161 | Fax (727) 822-4573 | gsscpa.com | info@gsscpa.com

3800 Esplanade Way, Suite 210 | Tallahassee, FL 32311 | 800.342.3197, in Florida | 850.224.2727 | Fax: 850.222.8190 | www.ficpa.org

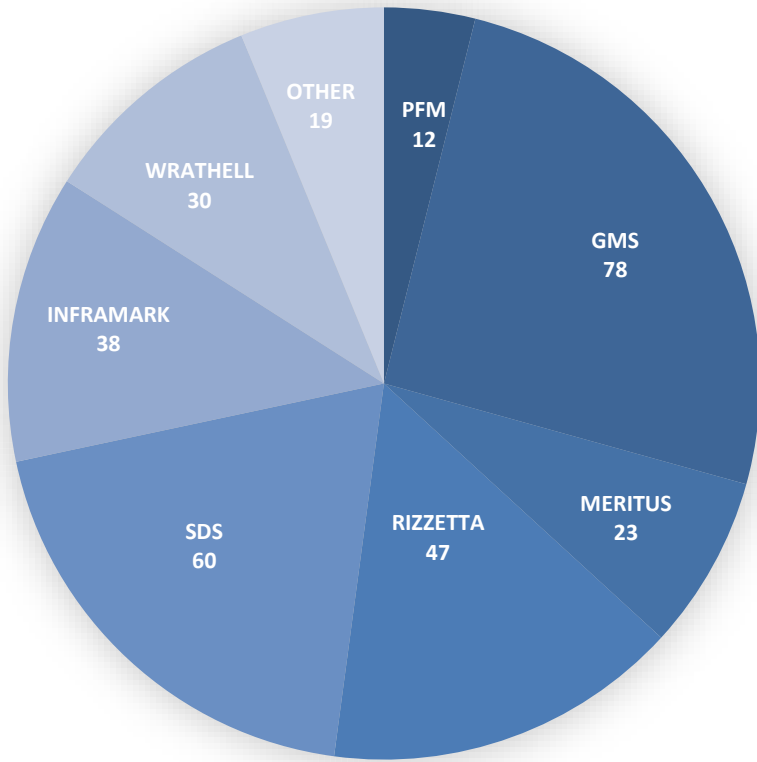
In addition to scheduled Peer Reviews, our firm continually monitors performance to ensure the highest quality of services. An Audit Partner is responsible for monitoring quality control of all appropriate engagements.

Partner, Supervisory and Staff Qualifications and Experience



Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

GRAU AND ASSOCIATES COMMUNITY DEVELOPMENT DISTRICT EXPERIENCE BY MANAGEMENT COMPANY



Profile Briefs:

Antonio J GRAU, CPA (Partner)

Years Performing Audits: 30+
CPE (last 3 years): Government Accounting, Auditing: 40 hours; Accounting, Auditing and Other: 71 hours
Professional Memberships: AICPA, FICPA, FGFOA, GFOA

Racquel McIntosh, CPA (Partner)

Years Performing Audits: 14+
CPE (last 3 years): Government Accounting, Auditing: 71 hours; Accounting, Auditing and Other: 74 hours
Professional Memberships: AICPA, FICPA, FGFOA, FASD

“Here at Grau & Associates, staying up to date with the current technological landscape is one of our top priorities. Not only does it provide a more positive experience for our clients, but it also allows us to perform a more effective and efficient audit. With the every changing technology available and utilized by our clients, we are constantly innovating our audit process.”

- Tony Grau

“Quality audits and exceptional client service are at the heart of every decision we make. Our clients trust us to deliver a quality audit, adhering to high standards and assisting them with improvements for their organization.”

-Racquel McIntosh



Antonio 'Tony' J. Grau, CPA

Partner

Contact: tgrau@graucpa.com | (561) 939-6672

Experience

For over 30 years, Tony has been providing audit, accounting and consulting services to the firm's governmental, non-profit, employee benefit, overhead and arbitrage clients. He provides guidance to clients regarding complex accounting issues, internal controls and operations.

As a member of the Government Finance Officers Association Special Review Committee, Tony participated in the review process for awarding the GFOA Certificate of Achievement in Financial Reporting. Tony was also the review team leader for the Quality Review of the Office of Management Audits of School Board of Miami-Dade County. Tony received the AICPA advanced level certificate for governmental single audits.

Education

University of South Florida (1983)
 Bachelor of Arts
 Business Administration

Clients Served (partial list)

(>300) Various Special Districts, including:

- | | |
|--|--|
| Bayside Improvement Community Development District | St. Lucie West Services District |
| Dunes Community Development District | Ave Maria Stewardship Community District |
| Fishhawk Community Development District (I,II,IV) | Rivers Edge II Community Development District |
| Grand Bay at Doral Community Development District | Bartram Park Community Development District |
| Heritage Harbor North Community Development District | Bay Laurel Center Community Development District |
| Boca Raton Airport Authority | |
| Greater Naples Fire Rescue District | |
| Key Largo Wastewater Treatment District | |
| Lake Worth Drainage District | |
| South Indian River Water Control | |

Professional Associations/Memberships

- | | |
|--|---|
| American Institute of Certified Public Accountants | Florida Government Finance Officers Association |
| Florida Institute of Certified Public Accountants | Government Finance Officers Association Member |
| City of Boca Raton Financial Advisory Board Member | |

Professional Education (over the last three years)

<u>Course</u>	<u>Hours</u>
Government Accounting and Auditing	40
Accounting, Auditing and Other	<u>71</u>
Total Hours	<u>111</u> (includes of 8 hours of Ethics CPE)



Racquel C. McIntosh, CPA

Partner

Contact : rmcintosh@graucpa.com | (561) 939-6669

Experience

Racquel has been providing government audit, accounting and advisory services to our clients for over 14 years. She serves as the firm’s quality control partner; in this capacity she closely monitors engagement quality ensuring standards are followed and maintained throughout the audit.

Racquel develops in-house training seminars on current government auditing, accounting, and legislative topics and also provides seminars for various government organizations. In addition, she assists clients with implementing new accounting software, legislation, and standards.

Education

Florida Atlantic University (2004)
Master of Accounting
Florida Atlantic University (2003)
Bachelor of Arts:
Finance, Accounting

Clients Served (partial list)

(>300) Various Special Districts, including:

Carlton Lakes Community Development District
Golden Lakes Community Development District
Rivercrest Community Development District
South Fork III Community Development District
TPOST Community Development District

Westchase Community Development District
Monterra Community Development District
Palm Coast Park Community Development District
Long Leaf Community Development District
Watergrass Community Development District

East Central Regional Wastewater Treatment Facilities
Indian Trail Improvement District
Pinellas Park Water Management District
Ranger Drainage District
South Trail Fire Protection and Rescue Service District

Professional Associations/ Memberships

American Institute of Certified Public Accountants
Florida Institute of Certified Public Accountants

FICPA State & Local Government Committee
FGFOA Palm Beach Chapter

Professional Education (over the last three years)

Course

Government Accounting and Auditing
Accounting, Auditing and Other
Total Hours

Hours

71
74
145 (includes of 8 hours of Ethics CPE)

Prior Engagements with the District



Grau & Associates

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Grau & Associates has not had prior engagements with the District since its inception.

Similar Engagements with other Government Entities



Grau & Associates
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We have included three references of government engagements that require compliance with laws and regulations, follow fund accounting, and have financing requirements, which we believe are similar to the District.

Dunes Community Development District

Scope of Work	Financial audit
Engagement Partner	Antonio J. Grau
Dates	Annually since 1998
Total Hours	56
Client Contact	Darrin Mossing, Finance Director 475 W. Town Place, Suite 114 St. Augustine, Florida 32092 904-940-5850

Two Creeks Community Development District

Scope of Work	Financial audit
Engagement Partner	Antonio J. Grau
Dates	Annually since 2007
Total Hours	36
Client Contact	William Rizzetta, President 3434 Colwell Avenue, Suite 200 Tampa, Florida 33614 813-933-5571

Journey's End Community Development District

Scope of Work	Financial audit
Engagement Partner	Antonio J. Grau
Dates	Annually since 2004
Total Hours	20
Client Contact	Todd Wodraska, Vice President 2501 A Burns Road Palm Beach Gardens, Florida 33410 561-630-4922

Specific Audit Approach



Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

Grau's Understanding of Work Product / Scope of Services:

We recognize the District is an important entity and we are confident our firm is eminently qualified to meet the challenges of this engagement and deliver quality audit services. ***You would be a valued client of our firm and we pledge to commit all firm resources to provide the level and quality of services (as described below) which not only meet the requirements set forth in the RFP but will exceed those expectations.*** Grau & Associates fully understands the scope of professional services and work products requested. Our audit will follow the Auditing Standards of the AICPA, *Generally Accepted Government Auditing Standards*, issued by the Comptroller General of the United States, and the Rules of the Auditor General of the State of Florida and any other applicable Federal, State or Local regulations. **We will deliver our reports in accordance with your requirements.**

A. Proposed segmentation of the engagement

Our approach to the audit engagement is a risk-based approach which integrates the best of traditional auditing techniques and a total systems concept to enable the team to conduct a more efficient and effective audit. The audit will be conducted in three phases, which are as follows:



Phase I - Preliminary Planning

A thorough understanding of your organization, service objectives and operating environment is essential for the development of an audit plan and for an efficient, cost-effective audit. During this phase, we will meet with appropriate personnel to obtain and document our understanding of your operations and service objectives and, at the same time, give you the opportunity to express your expectations with respect to the services that we will provide. Our work effort will be coordinated so that there will be minimal disruption to your staff.

During this phase we will perform the following activities:

- » Review the regulatory, statutory and compliance requirements. This will include a review of applicable federal and state statutes, resolutions, bond documents, contracts, and other agreements;
- » Read minutes of meetings;
- » Review major sources of information such as budgets, organization charts, procedures, manuals, financial systems, and management information systems;
- » Obtain an understanding of fraud detection and prevention systems;
- » Obtain and document an understanding of internal control, including knowledge about the design of relevant policies, procedures, and records, and whether they have been placed in operation;
- » Assess risk and determine what controls we are to rely upon and what tests we are going to perform and perform test of controls;
- » Develop audit programs to incorporate the consideration of financial statement assertions, specific audit objectives, and appropriate audit procedures to achieve the specified objectives;
- » Discuss and resolve any accounting, auditing and reporting matters which have been identified.

Phase II - Execution of Audit Plan

The audit team will complete a major portion of transaction testing and audit requirements during this phase. The procedures performed during this period will enable us to identify any matter that may impact the completion of our work or require the attention of management. Tasks to be performed in Phase II include, but are not limited to the following:

- » Apply analytical procedures to further assist in the determination of the nature, timing, and extent of auditing procedures used to obtain evidential matter for specific account balances or classes of transactions;
- » Perform tests of account balances and transactions through sampling, vouching, confirmation and other analytical procedures; and
- » Perform tests of compliance.

Phase III - Completion and Delivery

In this phase of the audit, we will complete the tasks related to year-end balances and financial reporting. All reports will be reviewed with management before issuance, and the partners will be available to meet and discuss our report and address any questions. Tasks to be performed in Phase III include, but are not limited to the following:

- » Perform final analytical procedures;
- » Review information and make inquiries for subsequent events; and
- » Meeting with Management to discuss preparation of draft financial statements and any potential findings or recommendations.

You should expect more from your accounting firm than a signature in your annual financial report. Our concept of truly responsive professional service emphasizes taking an active interest in the issues of concern to our clients and serving as an effective resource in dealing with those issues. In following this approach, we not only audit financial information with hindsight but also consider the foresight you apply in managing operations.

Application of this approach in developing our management letter is particularly important given the increasing financial pressures and public scrutiny facing today's public officials. We will prepare the management letter at the completion of our final procedures.

In preparing this management letter, we will initially review any draft comments or recommendations with management. In addition, we will take necessary steps to ensure that matters are communicated to those charged with governance.

In addition to communicating any recommendations, we will also communicate the following, if any:

- » Significant audit adjustments;
- » Significant deficiencies or material weaknesses;
- » Disagreements with management; and
- » Difficulties encountered in performing the audit.

Our findings will contain a statement of condition describing the situation and the area that needs strengthening, what should be corrected and why. Our suggestions will withstand the basic tests of corrective action:

Is the recommendation cost effective?

Is the recommendation the simplest to effectuate in order to correct a problem?

Is the recommendation at the heart of the problem and not just correcting a symptomatic matter?

Is the corrective action taking into account why the deficiency occurred?

To assure full agreement with facts and circumstances, we will fully discuss each item with Management prior to the final exit conference. This policy means there will be no "surprises" in the management letter and fosters a professional, cooperative atmosphere.

Communications

We emphasize a continuous, year-round dialogue between the District and our management team. We typically begin our audit process with an entrance conference before the onsite fieldwork begins. We regularly communicate through personal telephone calls and electronic mail throughout the audit and on a regular basis. Our clients have the ability to transmit information to us on our secure client portal with the ability to assign different staff with separate log on and viewing capability. This further facilitates efficiency as all assigned users receive electronic mail notification as soon as new information has been posted into the portal. We strive to continue to keep an open line of communication through the fieldwork and ending with an exit conference.

B. Level of staff and number of hours to be assigned to each proposed segment of the engagement

	Partners	Seniors	Total
Preliminary Planning	2	4	6
Perform Audit Plan	-	20	20
Completion and Delivery	4	4	8
Total	6	28	34

C. Sample size and the extent to which statistical sampling is to be used in the engagement

Our sampling procedures performed during the audit engagement will be identified during the planning stage of the audit and will be coordinated with other audit procedures to ensure a timely and efficient audit.

Audit Sampling: Grau uses a nonstatistical approach to sampling and follows the guidance of the AICPA on the use of sampling in governmental audit engagements. In applying these AICPA pronouncements, we would first consider the effectiveness of alternative approaches before concluding that sampling is necessary. Our professional judgment will be used to determine what areas sampling is deemed appropriate and includes assessing inherent risk, control risk, and combined audit risk. Audit areas that may involve the use of sampling include:

- » Substantive tests of balance sheet accounts
- » Substantive test of details of transactions
- » Tests of controls, which may be done as a “dual-purpose test” utilizing the same sample as test of details of transactions
- » Tests of compliance with laws and regulations

Sample Size: Our sample size will vary depending on our risk assessment, the size of the population being examined and whether we are testing for compliance or substantive testing. **If a firm states a specific number of items they will examine for their sample size, they are not utilizing professional judgment.** Determination of the sample size should be dependent on quantitative and qualitative factors such as: number of transactions, type of transaction, expectation of how well controls work, results from preliminary risk assessment and whether a sample will be used for substantive procedures. After these factors are taken into account, then a sample size determination should be made. The results of our testing will be integrated into the other audit procedures performed to enhance audit efficiency and identify any additional risk factors.

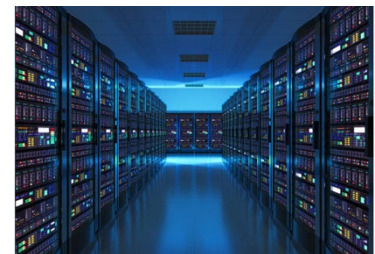
D. Extent of use of EDP software in the engagement

Automated Workpapers

Our firm utilizes ProSystem fx Engagement electronic software, which allows us to conduct a true paperless audit.

Communications

Our clients are able to transmit information to us on our secure client portal with the ability to assign different staff with separate log on and viewing capability.



This further facilitates efficiency as all assigned users receive electronic mail notification as soon as new information has been posted into the portal.

Accounting Research

We utilize Accounting Research Manager by Wolters Kluwers, which is a comprehensive online database providing leading industry guidance on analytical accounting and auditing. It includes full publications from the Governmental Accounting Standards Board, the Financial Accounting Standards Board, Emerging Issues Task Force, GAO, AICPA and International Accounting Standards Board. In addition, Accounting Research Manager provides intelligent links to the original source documents.

Computer-Assisted Audit Techniques (CAAT)'s

It is our firm's policy to design our audit procedures to maximize the application of computer-assisted audit procedures (CAAP) in order to increase efficiency. Our firm uses Active Data mining software that enables us to use data from your financial reporting package to perform CAAT's. Some examples of taking an output file format and converting it into a usable data format for our audit team to perform CAAT's include:

- » Trends in number and amounts paid to vendors
- » Search for false employees
- » Sorting payments to identify items that fall under the threshold of financial control or contract limits
- » Analyzing sequence in a population for missing or duplicated items
- » Comparison of vendors and employee addresses

CAAT's are also useful in performing a variety of time consuming tests such as: footing files, testing for incomplete data, and sorting. CAAT's are also used to perform a variety of tests of controls such as: selecting a sample for inspection or re-performance of procedures, testing access to critical files and programs, and testing program application controls.

E. Type and extent of Analytical Procedures to be used in the engagement

Understanding financial relationships is crucial to planning and evaluating the results of analytical procedures and requires knowledge of the District. The full extent to which analytical procedures are utilized is based upon the auditor's professional judgment and the overall risk assessment results. Analytical procedures are required in the planning and overall review stages of the audit, and will be used in the following areas:

Audit Planning

Analytical procedures provide great insight in our planning. These analyses can enhance our understanding of transactions and events that have occurred during the year under audit. Analytical procedures in the planning phase are also performed to identify any unusual and unexpected relationship that may warrant further investigation. For example, rate changes have a direct relationship with revenue. As such, if assessment rates increase, we would expect that revenues would also increase.

Fieldwork

Analytical procedures are used as effective substantive tests in certain circumstances. For example, using the millage adopted by Commission to recalculate taxes levied or comparing actual current year results to the adopted budget and prior year amounts. During the course of our year end fieldwork we utilize analytical procedures to support the results of our other audit procedures.

Overall Review

Analytical procedures used at the conclusion of the audit are designed to assess the conclusions reached and evaluate the overall financial statement presentation. For example, we will review the financial statements and compare the numbers to prior year and see if variances make sense based upon the work performed. We would determine if sufficient work was done in a particular area. Any variances would need to be substantiated.

F. Approach to be taken to gain and document an understanding of the District’s internal control structure

Control activities are procedures and policies that help ensure that management’s directives are being carried out and the District’s objectives are being met.

We want to ensure that controls are appropriately designed before we perform any tests of controls for reliance in the audit. Our steps in Phase I will determine how well the controls are designed and which ones we may be able to place reliance on for the audit. After making that determination, those controls are tested for operating effectiveness. The results of this evaluation will influence the nature, timing and extent of our substantive audit procedures.

This approach ensures that we achieve maximum efficiency and provides valuable feedback to management regarding the effectiveness of controls being relied upon throughout the year. See Phase I for details.

We will document our understanding using memos, checklists, flowcharts, District manuals, etc., and store all information electronically.

G. Approach to be taken in determining laws and regulations that will be subject to audit test work

Due to the special nature of governments, the traditional audit scope has been broadened to encompass determination of what laws and regulations have a direct and material impact on the financial statements. Identifying applicable laws and regulations is fundamental to fulfilling the responsibility of understanding their effects. We will obtain this knowledge from various sources including:

- Review of federal and state laws
- Review of contracts
- Inquires of management and staff
- Review of resolutions and policies
- Review of grant agreements
- Review of debt covenants
- Review of prior financial statements
- Review of internal controls over compliance

H. Approach to be taken in drawing audit samples for purposes of tests of compliance

Once significant laws and regulations that affect the District are identified, we will design compliance procedures to provide reasonable assurance that your financial statements are free of material misstatements resulting from violations of these laws and regulations. In addition, tests will be performed to attain a low level of risk as required by the Uniform Guidance.

Tests of compliance with laws and regulations will be incorporated with samples selected for tests of transactions and controls, when practical. Additional samples are sometimes necessary to test specific laws and regulations as well as for testing federal and state awards. We will work with District staff, as well as our analysis of the District’s internal control structure, to ensure completeness of our population.

Our sampling procedures performed during the audit engagement will be identified during the planning stage of the audit and will be coordinated with other audit procedures to ensure a timely and efficient audit. Also refer to item c. above for additional details.

Identification of Anticipated Potential Audit Problems



Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

Grau & Associates is aware of the uniqueness of the District and will address issues in their early stages. We do not anticipate any potential audit problems. We want to help you solve problems before they become critical and this is why we will be involved throughout the entire year, at no extra cost, providing assistance in current and new issues.

Report Format



Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

INDEPENDENT AUDITOR'S REPORT

To the Board of Supervisors
Tern Bay Community Development District
Charlotte County, Florida

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities and each major fund, of Tern Bay Community Development District, Charlotte County, Florida ("District") as of and for the fiscal year ended September 30, 2020, and the related notes to the financial statements, which collectively comprise the District's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities and each major fund of the District as of September 30, 2020, and the respective changes in financial position thereof for the fiscal year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated xxx, 20xx, on our consideration of the District's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the District's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the District's internal control over financial reporting and compliance.

XXXX, 20xx

**INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL OVER FINANCIAL
REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT
OF FINANCIAL STATEMENTS PERFORMED IN ACCORDANCE WITH
GOVERNMENT AUDITING STANDARDS**

To the Board of Supervisors
Tern Bay Community Development District
Charlotte County, Florida

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities and each major fund of Tern Bay Community Development District, Charlotte County, Florida ("District") as of and for the fiscal year ended September 30, 2020, and the related notes to the financial statements, which collectively comprise the District's basic financial statements, and have issued our opinion thereon dated XXXX, 20xx.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the District's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the District's internal control. Accordingly, we do not express an opinion on the effectiveness of the District's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the District's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

XXXX, 20xx

**INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE WITH THE
REQUIREMENTS OF SECTION 218.415, FLORIDA STATUTES, REQUIRED BY
RULE 10.556(10) OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA**

To the Board of Supervisors
Tern Bay Community Development District
Charlotte County, Florida

We have examined Tern Bay Community Development District, Charlotte County, Florida's ("District") compliance with the requirements of Section 218.415, Florida Statutes, in accordance with Rule 10.556(10) of the Auditor General of the State of Florida during the fiscal year ended September 30, 2020. Management is responsible for District's compliance with those requirements. Our responsibility is to express an opinion on District's compliance based on our examination.

Our examination was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Those standards require that we plan and perform the examination to obtain reasonable assurance about whether the District complied, in all material respects, with the specified requirements referenced in Section 218.415, Florida Statutes. An examination involves performing procedures to obtain evidence about whether the District complied with the specified requirements. The nature, timing, and extent of the procedures selected depend on our judgment, including an assessment of the risks of material noncompliance, whether due to fraud or error. We believe that the evidence we obtained is sufficient and appropriate to provide a reasonable basis for our opinion. Our examination does not provide a legal determination on the District's compliance with specified requirements.

In our opinion, the District complied, in all material respects, with the aforementioned requirements for the fiscal year ended September 30, 2020.

This report is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, management, and the Board of Supervisors of Tern Bay Community Development District, Charlotte County, Florida and is not intended to be and should not be used by anyone other than these specified parties.

XXXX, 20xx

**MANAGEMENT LETTER PURSUANT TO THE RULES OF
THE AUDITOR GENERAL FOR THE STATE OF FLORIDA**

To the Board of Supervisors
Tern Bay Community Development District
Charlotte County, Florida

Report on the Financial Statements

We have audited the accompanying basic financial statements of Tern Bay Community Development District, Charlotte County, Florida ("District") as of and for the fiscal year ended September 30, 2020, and have issued our report thereon dated XXXX, 20xx.

Auditor's Responsibility

We conducted our audit in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and Chapter 10.550, Rules of the Florida Auditor General.

Other Reporting Requirements

We have issued our Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of the Financial Statements Performed in Accordance with *Government Auditing Standards*; and Independent Auditor's Report on an examination conducted in accordance with *AICPA Professional Standards*, AT-C Section 315, regarding compliance requirements in accordance with Chapter 10.550, Rules of the Auditor General. Disclosures in those reports, which are dated XXXX, 20xx, should be considered in conjunction with this management letter.

Purpose of this Letter

The purpose of this letter is to comment on those matters required by Chapter 10.550 of the Rules of the Auditor General for the State of Florida. Accordingly, in connection with our audit of the financial statements of the District, as described in the first paragraph, we report the following:

- I. Current year findings and recommendations.**
- II. Status of prior year findings and recommendations.**
- III. Compliance with the Provisions of the Auditor General of the State of Florida.**

Our management letter is intended solely for the information and use of the Legislative Auditing Committee, members of the Florida Senate and the Florida House of Representatives, the Florida Auditor General, Federal and other granting agencies, as applicable, management, and the Board of Supervisors of Tern Bay Community Development District, Charlotte County, Florida and is not intended to be and should not be used by anyone other than these specified parties.

We wish to thank Tern Bay Community Development District, Charlotte County, Florida and the personnel associated with it, for the opportunity to be of service to them in this endeavor as well as future engagements, and the courtesies extended to us.

XXXX, 20xx

REPORT TO MANAGEMENT

I. CURRENT YEAR FINDINGS AND RECOMMENDATIONS

None

II. PRIOR YEAR FINDINGS AND RECOMMENDATIONS

Not applicable

III. COMPLIANCE WITH THE PROVISIONS OF THE AUDITOR GENERAL OF THE STATE OF FLORIDA

Unless otherwise required to be reported in the auditor's report on compliance and internal controls, the management letter shall include, but not be limited to the following:

1. A statement as to whether or not corrective actions have been taken to address findings and recommendations made in the preceding annual financial audit report.

Not applicable. First year Audit.

2. Any recommendations to improve the local governmental entity's financial management.

There were no such matters discovered by, or that came to the attention of, the auditor, to be reported for the fiscal year ended September 30, 2020.

3. Noncompliance with provisions of contracts or grant agreements, or abuse, that have occurred, or are likely to have occurred, that have an effect on the financial statements that is less than material but which warrants the attention of those charged with governance.

There were no such matters discovered by, or that came to the attention of, the auditor, to be reported, for the fiscal year ended September 30, 2020.

4. The name or official title and legal authority of the District are disclosed in the notes to the financial statements.
5. The District has not met one or more of the financial emergency conditions described in Section 218.503(1), Florida Statutes.
6. We applied financial condition assessment procedures and no deteriorating financial conditions were noted as of September 30, 2020. It is management's responsibility to monitor financial condition, and our financial condition assessment was based in part on representations made by management and the review of financial information provided by same.

Cost of Services



Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

Grau & Associates - Total All-Inclusive Maximum Price

Our proposed all-inclusive fees for the financial audit for the fiscal years ended September 30, 2020-2024 are as follows:

<u>Year Ended September 30,</u>	<u>Fee</u>
2020	\$4,600
2021	\$4,700
2022	\$4,800
2023	\$4,900
2024	<u>\$5,000</u>
TOTAL (2020-2024)	<u>\$24,000</u>

The above fees are based on the assumption that the District maintains its current level of operations. Should conditions change or additional Bonds are issued the fees would be adjusted accordingly upon approval from all parties concerned.

We certify that Antonio J. Grau is entitled to represent the firm, empowered to submit the proposal, and authorized to sign a contract with the District.

Supplemental Information



Grau & Associates
CERTIFIED PUBLIC ACCOUNTANTS

PARTIAL LIST OF CLIENTS

SPECIAL DISTRICTS	Governmental Audit	Single Audit	Utility Fund	Current Client	Year End
Boca Raton Airport Authority	✓	✓		✓	9/30
Captain's Key Dependent District	✓			✓	9/30
Central Broward Water Control District	✓			✓	9/30
Collier Mosquito Control District	✓			✓	9/30
Coquina Water Control District	✓			✓	9/30
East Central Regional Wastewater Treatment Facility	✓		✓		9/30
Florida Green Finance Authority	✓				9/30
Greater Boca Raton Beach and Park District	✓			✓	9/30
Greater Naples Fire Control and Rescue District	✓	✓		✓	9/30
Green Corridor P.A.C.E. District	✓			✓	9/30
Hobe-St. Lucie Conservancy District	✓			✓	9/30
Indian River Mosquito Control District	✓				9/30
Indian Trail Improvement District	✓			✓	9/30
Key Largo Waste Water Treatment District	✓	✓	✓	✓	9/30
Lake Padgett Estates Independent District	✓			✓	9/30
Lake Worth Drainage District	✓			✓	9/30
Loxahatchee Groves Water Control District	✓				9/30
Old Plantation Control District	✓			✓	9/30
Pal Mar Water Control District	✓			✓	9/30
Pinellas Park Water Management District	✓			✓	9/30
Pine Tree Water Control District (Broward)	✓			✓	9/30
Pinetree Water Control District (Wellington)	✓				9/30
Ranger Drainage District	✓	✓		✓	9/30
Renaissance Improvement District	✓			✓	9/30
San Carlos Park Fire Protection and Rescue Service District	✓			✓	9/30
Sanibel Fire and Rescue District	✓			✓	9/30
South Central Regional Wastewater Treatment and Disposal Board	✓			✓	9/30
South-Dade Venture Development District	✓			✓	9/30
South Indian River Water Control District	✓	✓		✓	9/30
South Trail Fire Protection & Rescue District	✓			✓	9/30
Spring Lake Improvement District	✓			✓	9/30
St. Lucie West Services District	✓		✓	✓	9/30
Sunshine Water Control District	✓			✓	9/30
West Villages Improvement District	✓			✓	9/30
Various Community Development Districts (297)	✓			✓	9/30
TOTAL	332	5	3	327	

ADDITIONAL SERVICES

CONSULTING / MANAGEMENT ADVISORY SERVICES

Grau & Associates also provide a broad range of other management consulting services. Our expertise has been consistently utilized by Governmental and Non-Profit entities throughout Florida. Examples of engagements performed are as follows:

- Accounting systems
- Development of budgets
- Organizational structures
- Financing alternatives
- IT Auditing
- Fixed asset records
- Cost reimbursement
- Indirect cost allocation
- Grant administration and compliance

ARBITRAGE

The federal government has imposed complex rules to restrict the use of tax-exempt financing. Their principal purpose is to eliminate any significant arbitrage incentives in a tax-exempt issue. We have determined the applicability of these requirements and performed the rebate calculations for more than 150 bond issues, including both fixed and variable rate bonds.

73 Current
Arbitrage
Calculations

We look forward to providing Tern Bay Community Development District with our resources and experience to accomplish not only those minimum requirements set forth in your Request for Proposal, but to exceed those expectations!

**For even more information on Grau & Associates
please visit us on www.graucpa.com.**

**TERN BAY COMMUNITY
DEVELOPMENT DISTRICT**

PROPOSAL FOR AUDIT SERVICES

PROPOSED BY:

Berger, Toombs, Elam, Gaines & Frank
CERTIFIED PUBLIC ACCOUNTANTS, PL

600 Citrus Avenue, Suite 200
Fort Pierce, Florida 34950

(772) 461-6120

CONTACT PERSON:

J. W. Gaines, CPA, Director

DATE OF PROPOSAL:

December 4, 2020

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Berger, Toombs, Elam, Gaines & Frank

Certified Public Accountants PL

600 Citrus Avenue
Suite 200
Fort Pierce, Florida 34950

772/461-6120 // 461-1155
FAX: 772/468-9278

December 4, 2020

James P. Ward
Tern Bay Community Development District
2900 Northeast 12th Terrace, Suite 1
Oakland Park, FL 33334

Dear Mr. Ward:

Thank you very much for the opportunity to present our professional credentials to provide audit services for Tern Bay Community Development District.

Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, PL has assembled a team of governmental and nonprofit specialists second to none to serve our clients. Our firm has the necessary qualifications and experience to serve as the independent auditors for Tern Bay Community Development District. We will provide you with top quality, responsive service.

Experience

Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, PL is a recognized leader in providing services to governmental and nonprofit agencies throughout Florida. We have been the independent auditors for a number of local governmental agencies and through our experience in performing their audits, we have been able to increase our audit efficiency and; therefore, reduce costs. We have continually passed this cost savings on to our clients and will continue to do so in the future. As a result of our experience and expertise, we have developed an effective and efficient audit approach designed to meet or exceed the performance specifications in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States, and the standards for financial and compliance audits. We will conduct the audit in accordance with auditing standards generally accepted in the United States of America; "Government Auditing Standards" issued by the Comptroller General of the United States; the provisions of the Single Audit Act, Subpart F of Title 2 US Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, with minimal disruption to your operations. Our firm has frequent technical updates to keep our personnel informed and up-to-date on all changes that are occurring within the industry.

Fort Pierce / Stuart

- 1 -

Member AICPA

Member AICPA Division for CPA Firms
Private Companies practice Section

Member FICPA

Tern Bay Community Development District
December 4, 2020

Our firm is a member of the Government Audit Quality Center, an organization dedicated to improving government audit quality. We also utilize the audit program software of a nationally recognized CPA firm to assure us that we are up to date with all auditing standards and to assist us maintain maximum audit efficiencies.

To facilitate your evaluation of our qualifications and experience, we have arranged this proposal to include a resume of our firm, including our available staff, our extensive prior governmental and nonprofit auditing experience and clients to be contacted.

You need a firm that will provide an efficient, cost-effective, high-quality audit within critical time constraints. You need a firm with the prerequisite governmental and nonprofit experience to perform your audit according to stringent legal and regulatory requirements, a firm that understands the complex nature of community development districts and their unique compliance requirements. You need a firm with recognized governmental and nonprofit specialists within the finance and governmental communities. And, certainly, you need a firm that will provide you with valuable feedback to enhance your current and future operations. Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, PL is that firm. J. W. Gaines is the person authorized to make representations for the firm.

Thank you again for the opportunity to submit this proposal to Tern Bay Community Development District.

Very truly yours,

Berger, Toombs, Elam, Gaines & Frank
Certified Public Accountants PL
Fort Pierce, Florida

PROFILE OF THE PROPOSER

Description and History of Audit Firm

Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, PL is a Treasure Coast public accounting firm, which qualifies as a small business firm, as established by the Small Business Administration (13 CFR 121.38), with offices in Fort Pierce and Stuart. We are a member of the Florida Institute of Certified Public Accountants and the American Institute of Certified Public Accountants. The firm was formed from the merger of Edwards, Berger, Harris & Company (originated in 1972) and McAlpin, Curtis & Associates (originated in 1949). J. W. Gaines and Associates (originated in 1979) merged with the firm in 2004. Our tremendous growth rate experienced over the last 71 years is directly attributable to the firm's unrelenting dedication to providing the highest quality, responsive professional services attainable to its clients.

We are a member of the Private Companies Practice Section (PCPS) of the American Institute of Certified Public Accountants (AICPA) to assure we meet the highest standards. Membership in this practice section requires that our firm meet more stringent standards than standard AICPA membership. These rigorous requirements include the requirement of a triennial peer review of our firm's auditing and accounting practice and annual Continuing Professional Education (CPE) for all accounting staff (whether CPA or non-CPA). For standard AICPA membership, only a quality review is required and only CPAs must meet CPE requirements.

We are also a member of the Government Audit Quality Center ("the Center") of the American Institute of Certified Public Accountants to assure the quality of our government audits. Membership in the Center, which is voluntary, requires our firm to comply with additional standards to promote the quality of government audits.

We have been extensively involved in serving local government entities with professional accounting, auditing and consulting services throughout the entire 71 year history of our firm. Our substantial experience over the years makes us uniquely qualified to provide accounting, auditing, and consulting services to these clients. We are a recognized leader in providing services to governmental and nonprofit agencies on the Treasure Coast and in Central and South Florida, with extensive experience in auditing community development districts and water control districts. We were the independent auditors of the City of Fort Pierce for over 37 years and currently, we are the independent auditors for St. Lucie County since 2002, and for 34 of the 42 years that the county has been audited by CPA firms. Additionally, we have performed audits of the City of Stuart, the City of Vero Beach, Indian River County and Martin County. We also presently audit over 75 Community Development Districts throughout Florida.

Our firm was founded on the belief that we are better able to respond to our clients needs through education, experience, independence, quality control, and personal service. Our firm's commitment to quality is reflected in our endeavor of professional excellence via continuing education, the use of the latest computer technology, professional membership in PCPS and peer review.

We believe our approach to audit engagements, intelligence and innovation teamed with sound professional judgment enables us to explore new concepts while remaining sensitive to the fundamental need for practical solutions. We take pride in giving you the assurance that the personal assistance you receive comes from years of advanced training, technical experience and financial acumen.

Professional Staff Resources

Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, PL has a total of 32 professional and administrative staff (including 14 professional staff with extensive experience servicing government entities). The work will be performed out of our Fort Pierce office with a proposed staff of one senior accountant and one or two staff accountants supervised by an audit manager and audit partner. With the exception of the directors of the firm's offices, the professional staff is not specifically assigned to any of our individual offices. The professional and administrative staff resources available to you through Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, PL are as follows:

	<u>Total</u>
Partners/Directors (CPA's)	5
Principals (CPA)	1
Managers (CPA)	1
Senior/Supervisor Accountants (2 CPAs)	3
Staff Accountants (1 CPA)	9
Computer Specialist	1
Paraprofessional	8
Administrative	<u>4</u>
Total – all personnel	32

Following is a brief description of each employee classification:

Staff Accountant – Staff accountants work directly under the constant supervision of the auditor-in-charge and, are responsible for the various testing of documents, account analysis and any other duties as his/her supervisor believes appropriate. Minimum qualification for a staff accountant is graduation from an accredited university or college with a master's degree in accounting or equivalent.

Senior Accountant – A senior accountant must possess all the qualifications of the staff accountant, in addition to being able to draft the necessary reports and financial statements, and supervise other staff accountants when necessary.

Managers – A manager must possess the qualifications of the senior accountant, plus be able to work without extensive supervision from the auditor-in-charge. The manager should be able to draft audit reports from start to finish and to supervise the audit team, if necessary.

Principal – A principal is a partner/director in training. He has been a manager for several years and possesses the technical skills to act as the auditor –in-charge. A principal has no financial interest in the firm.

Partner/Director – The director has extensive governmental auditing experience and acts as the auditor-in-charge. Directors have a financial interest in the firm.

Professional Staff Resources (Continued)

Independence – Independence of the public accounting firm, with respect to the audit client, is the foundation from which the public gains its trust in the opinion issued by the public accounting firm at the end of the audit process. This independence must be in appearance as well as in fact. The public must perceive that the accounting firm is independent of the audit entity to insure that nothing would compromise the opinion issued by the public accounting firm. **Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, PL** is independent of Tern Bay Community Development District, including its elected officials and related parties, at the date of this proposal, as defined by the following rules, regulations, and standards:

AuSection 220 – Statements on Auditing Standards issued by the American Institute of Certified Public Accountants;

ET Sections 101 and 102 – Code of Professional Conduct of the American Institute of Certified Public Accountants;

Chapter 21A-1, Florida Administrative Code;

Section 473.315, Florida Statutes; and,

Government Auditing Standards, issued by the Comptroller General of the United States.

On an annual basis, all members of the firm are required to confirm, in writing, that they have no personal or financial relationships or holding that would impair their independence with regard to the firm's clients.

Independence is a hallmark of our profession. We encourage our staff to use professional judgment in situations where our independence could be impaired or the perception of a conflict of interest might exist. In the governmental sector, public perception is as important as professional standards. Therefore, the utmost care must be exercised by independent auditors in the performance of their duties.

Ability to Furnish the Required Services

As previously noted in the Profile of the Proposer section of this document, our firm has been in existence for over 69 years. We have provided audit services to some clients for over 30 years continually. Our firm is insured against physical loss through commercial insurance and we also carry liability insurance. The majority of our audit documentation is stored electronically, both on our office network and on each employee laptop or computer assigned to each specific job. Our office computer network is backed up on tape, so in the event of a total equipment loss, we can restore all data as soon as replacement equipment is acquired. In addition, our field laptop computers carry the same data and can be used in the event of emergency with virtually no delay in completing the required services.

ADDITIONAL SERVICES PROVIDED

Arbitrage Rebate Services

Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, PL also provides arbitrage rebate compliance and related services to governmental issuers. The Tax Reform Act of 1986 requires issuers of most tax-exempt obligations to pay (i.e., “rebate”) to the United States government any arbitrage profits. Arbitrage profits are earnings on the investment of bond proceeds and certain other monies in excess of what would have been earned had such monies been invested at a yield equal to the yield on the bonds.

Federal tax law requires that interim rebate calculations and payments are due at the end of every fifth bond year. Final payment is required upon redemption of the bonds. More frequent calculations may be deemed advisable by an issuer’s auditor, trustee or bond counsel or to assure that accurate and current records are available. These more frequent requirements are usually contained in the Arbitrage or Rebate Certificate with respect to the bonds.

Our firm performs a comprehensive rebate analysis and includes the following:

- Verifying that the issue is subject to rebate;
- Calculating the bond yield;
- Identifying, and separately accounting for, all “Gross Proceeds” (as that term is defined in the Code) of the bond issue, including those requiring analysis due to “transferred proceeds” and/or “commingled funds” circumstances;
- Determining what general and/or elective options are available to Gross proceeds of the issue;
- Calculating the issue’s excess investment earning (rebate liability), if any;
- Delivering appropriate documentation to support all calculations;
- Providing an executive summary identifying the methodology employed, major assumptions, conclusions, and any other recommendations for changes in recordkeeping and investment policies;
- Assisting as necessary in the event of an Internal Revenue Service inquiry; and,
- Consulting with issue staff, as necessary, regarding arbitrage related matters.

GOVERNMENTAL AUDITING EXPERIENCE

Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, PL has been practicing public accounting in Florida for 69 years. Our success over the years has been the result of a strong commitment to providing personalized quality service to our clients.

The current members of our firm have performed audits of over 750 community development districts, and over 1,500 audits of municipalities, counties and other governmental entities such as the City of Fort Pierce and St. Lucie County.

Our firm provides a variety of accounting, auditing, tax litigation support, and consulting services. Some of the professional accounting, auditing and management consulting services that are provided by our firm are listed below:

- Performance of annual financial and compliance audits, including Single Audits of state and federal financial assistance programs, under the provisions of the Single Audit Act, Subpart F of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), with minimal disruptions to your operations;
- Performance of special compliance audits to ascertain compliance with the applicable local, state and federal laws and regulations;
- Issuance of comfort letters and consent letters in conjunction with the issuance of tax-exempt debt obligations, including compiling financial data and interim period financial statement reviews;
- Calculation of estimated and actual federal arbitrage rebates;
- Assistance in compiling historical financial data for first-time and supplemental submissions for GFOA Certificate of Achievement for Excellence in Financial Reporting;
- Preparation of indirect cost allocation systems in accordance with Federal and State regulatory requirements;
- Providing human resource and employee benefit consulting;
- Performance of automation feasibility studies and disaster recovery plans;
- Performance feasibility studies concerning major fixed asset acquisitions and utility plant expansion plans (including electric, water, pollution control, and sanitation utilities); and
- Assistance in litigation, including testimony in civil and criminal court.
- Assist clients who utilize QuickBooks software with their software needs. Our Certified QuickBooks Advisor has undergone extensive training through QuickBooks and has passed several exams to attain this Certification.

Continuing Professional Education

All members of the governmental audit staff of our firm, and audit team members assigned to this engagement, are in compliance with the Continuing Professional Education (CPE) requirements set forth in Government Auditing Standards issued by the Comptroller General of the United States. In addition, our firm is in compliance with the applicable provisions of the Florida Statutes that require CPA's to have met certain CPE requirements prior to proposing on governmental audit engagements.

GOVERNMENTAL AUDITING EXPERIENCE (CONTINUED)

The audit team has extensive experience in performing governmental audits and is exposed to intensive and continuing concentration on these types of audits. Due to the total number of governmental audits our team performs, each member of our governmental staff must understand and be able to perform several types of governmental audits. It is our objective to provide each professional employee fifty hours or more of comprehensive continuing professional education each year. This is accomplished through attending seminars throughout Florida and is reinforced through in-house training.

Our firm has made a steadfast commitment to professional education. Our active attendance and participation in continuing professional education is a major part of our objective to obtain the most recent knowledge on issues which are of importance to our clients. We are growing on the reputation for work that our firm is providing today.

Quality Control Program

Quality control requires continuing commitment to professional excellence. **Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants, PL** is formally dedicated to that commitment.

To ensure maintaining the standards of working excellence required by our firm, we joined the Private Companies Practice Section (PCPS) of the American Institute of Certified Public Accountants (AICPA). To be a participating member firm of this practice section, a firm must obtain an independent Peer Review of its quality control policies and procedures to ascertain the firm's compliance with existing auditing standards on the applicable engagements.

The scope of the Peer Review is comprehensive in that it specifically reviews the following quality control policies and procedures of the participating firm:

- Professional, economic, and administrative independence;
- Assignment of professional personnel to engagements;
- Consultation on technical matters;
- Supervision of engagement personnel;
- Hiring and employment of personnel;
- Professional development;
- Advancement;
- Acceptance and continuation of clients; and,
- Inspection and review system.

We believe that our commitment to the program is rewarding not only to our firm, but primarily to our clients.

The external independent Peer Review of the elements of our quality control policies and procedures performed by an independent certified public accountant, approved by the PCPS of the AICPA, provides you with the assurance that we continue to conform to standards of the profession in the conduct of our accounting and auditing practice.

GOVERNMENTAL AUDITING EXPERIENCE (CONTINUED)

Our firm is also a member of Governmental Audit Quality Center (GAQC), a voluntary membership center for CPA firms that perform governmental audits. This center promotes the quality of governmental audits.

Our firm has completed successive Peer Reviews. These reviews included a representative sample of our firm's local governmental auditing engagements. As a result of these reviews, our firm obtained an unqualified opinion on our quality control program and work procedures. On page 31 is a copy of our most recent Peer Review report. It should be noted that we received an unqualified report.

Our firm has never had any disciplinary actions by state regulatory bodies or professional organizations.

As our firm performs approximately one hundred fifty audits each year that are reviewed by federal, state or local entities, we are constantly dealing with questions from these entities about our audits. We are pleased to say that any questions that have been raised were minor issues and were easily resolved without re-issuing any reports.

Certificate of Achievement for Excellence in Financial Reporting (CAFR)

We are proud and honored to have been involved with the City of Fort Pierce and the Fort Pierce Utilities Authority when they received their first Certificates of Achievement for Excellence in Financial Reporting for the fiscal years ended September 30, 1988 and 1994, respectively. We were also instrumental in the City of Stuart receiving the award, in our first year of performing their audit, for the year ended September 30, 1999.

We also assisted St. Lucie County, Florida for the year ended September 30, 2003, in preparing their first Comprehensive Annual Financial Report, and St. Lucie County has received their Certificate of Achievement for Excellence in Financial Reporting every year since.

As continued commitment to insuring that we are providing the highest level of experience, we have had at least one employee of our firm serve on the GFOA – Special Review Committee since the mid-1980s. This committee is made up of selective Certified Public Accountants throughout the United States who have demonstrated their high level of knowledge and expertise in governmental accounting. Each committee member attends a special review meeting at the Annual GFOA Conference. At this meeting, the committee reports on the Certificate of Achievement Program's most recent results, future goals, and common reporting deficiencies.

We feel that our previous experience in assisting the City of Fort Pierce, the Fort Pierce Utilities Authority and St. Lucie County obtain their first CAFRs, and the City of Stuart in continuing to receive a CAFR and our firm's continued involvement with the GFOA, and the CAFR review committee make us a valued asset for any client in the field of governmental financial reporting.

GOVERNMENTAL AUDIT EXPERIENCE (CONTINUED)

References

Terracina Community Development
District
Jeff Walker, Special District Services
(561) 630-4922

Gateway Community Development
District
Stephen Bloom, Severn Trent Management
(954) 753-5841

The Reserve Community Development District
Darrin Mossing, Governmental Management
Services LLC
(407) 841-5524

Port of the Islands Community Development
District
Cal Teague, Premier District Management
(239) 690-7100 ext 101

In addition to the above, we have the following additional governmental audit experience:

Community Development Districts

Aberdeen Community Development
District

Beacon Lakes Community
Development District

Alta Lakes Community Development
District

Beaumont Community Development
District

Amelia Concourse Community
Development District

Bella Collina Community Development
District

Amelia Walk Community
Development District

Bonnet Creek Community
Development District

Aqua One Community Development
District

Buckeye Park Community
Development District

Arborwood Community Development
District

Candler Hills East Community
Development District

Arlington Ridge Community
Development District

Cedar Hammock Community
Development District

Bartram Springs Community
Development District

Central Lake Community
Development District

Baytree Community Development
District

Channing Park Community
Development District

GOVERNMENTAL AUDIT EXPERIENCE (CONTINUED)

Cheval West Community Development District	Evergreen Community Development District
Coconut Cay Community Development District	Forest Brooke Community Development District
Colonial Country Club Community Development District	Gateway Services Community Development District
Connerton West Community Development District	Gramercy Farms Community Development District
Copperstone Community Development District	Greenway Improvement District
Creekside @ Twin Creeks Community Development District	Greyhawk Landing Community Development District
Deer Run Community Development District	Griffin Lakes Community Development District
Dowden West Community Development District	Habitat Community Development District
DP1 Community Development District	Harbor Bay Community Development District
Eagle Point Community Development District	Harbourage at Braden River Community Development District
East Nassau Stewardship District	Harmony Community Development District
Eastlake Oaks Community Development District	Harmony West Community Development District
Easton Park Community Development District	Harrison Ranch Community Development District
Estancia @ Wiregrass Community Development District	Hawkstone Community Development District

GOVERNMENTAL AUDIT EXPERIENCE (CONTINUED)

Heritage Harbor Community Development District	Madeira Community Development District
Heritage Isles Community Development District	Marhsall Creek Community Development District
Heritage Lake Park Community Development District	Meadow Pointe IV Community Development District
Heritage Landing Community Development District	Meadow View at Twin Creek Community Development District
Heritage Palms Community Development District	Mediterra North Community Development District
Heron Isles Community Development District	Midtown Miami Community Development District
Heron Isles Community Development District	Mira Lago West Community Development District
Highland Meadows II Community Development District	Montecito Community Development District
Julington Creek Community Development District	Narcoossee Community Development District
Laguna Lakes Community Development District	Naturewalk Community Development District
Lake Bernadette Community Development District	New Port Tampa Bay Community Development District
Lakeside Plantation Community Development District	Overoaks Community Development District
Landings at Miami Community Development District	Panther Trace II Community Development District
Legends Bay Community Development District	Paseo Community Development District
Lexington Oaks Community Development District	Pine Ridge Plantation Community Development District
Live Oak No. 2 Community Development District	Piney Z Community Development District

GOVERNMENTAL AUDIT EXPERIENCE (CONTINUED)

Poinciana Community Development District	Sampson Creek Community Development District
Poinciana West Community Development District	San Simeon Community Development District
Port of the Islands Community Development District	Six Mile Creek Community Development District
Portofino Isles Community Development District	South Village Community Development District
Quarry Community Development District	Southern Hills Plantation I Community Development District
Renaissance Commons Community Development District	Southern Hills Plantation III Community Development District
Reserve Community Development District	South Fork Community Development District
Reserve #2 Community Development District	St. John's Forest Community Development District
River Glen Community Development District	Stoneybrook South Community Development District
River Hall Community Development District	Stoneybrook South at ChampionsGate Community Development District
River Place on the St. Lucie Community Development District	Stoneybrook West Community Development District
Rivers Edge Community Development District	Tern Bay Community Development District
Riverwood Community Development District	Terracina Community Development District
Riverwood Estates Community Development District	Tison's Landing Community Development District
Rolling Hills Community Development District	TPOST Community Development District
Rolling Oaks Community Development District	

GOVERNMENTAL AUDIT EXPERIENCE (CONTINUED)

Triple Creek Community
Development District

Vizcaya in Kendall
Development District

TSR Community Development
District

Waterset North Community
Development District

Turnbull Creek Community
Development District

Westside Community Development
District

Twin Creeks North Community
Development District

WildBlue Community Development
District

Urban Orlando Community
Development District

Willow Creek Community
Development District

Verano #2 Community
Development District

Willow Hammock Community
Development District

Viera East Community
Development District

Winston Trails Community
Development District

VillaMar Community
Development District

Zephyr Ridge Community
Development District

GOVERNMENTAL AUDIT EXPERIENCE (CONTINUED)

Other Governmental Organizations

City of Westlake	Office of the Medical Examiner, District 19
Florida Inland Navigation District	Rupert J. Smith Law Library of St. Lucie County
Fort Pierce Farms Water Control District	St. Lucie Education Foundation
Indian River Regional Crime Laboratory, District 19, Florida	Seminole Improvement District
Viera Stewardship District	Troup Indiantown Water Control District

Current or Recent Single Audits.

St. Lucie County, Florida Early Learning Coalition, Inc. Treasure Coast Food Bank, Inc	Gateway Services Community Development District
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Members of our audit team have acquired extensive experience from performing or participating in over 2,100 audits of governments, independent special taxing districts, school boards, and other agencies that receive public money and utilize fund accounting.

Much of our firm's auditing experience is with compliance auditing, which is required for publicly financed agencies. In this type of audit, we do a financial examination and also confirm compliance with various statutory and regulatory guidelines.

Following is a summary of our other experience, including Auditor General experience, as it pertains to other governmental and fund accounting audits.

Counties

(Includes elected constitutional officers, utilities and dependent taxing districts)

Indian River
Martin
Okeechobee
Palm Beach

Municipalities

City of Port St. Lucie
City of Vero Beach
Town of Orchid

GOVERNMENTAL AUDIT EXPERIENCE (CONTINUED)

Special Districts

Bannon Lakes Community Development District
Boggy Creek Community Development District
Capron Trail Community Development District
Celebration Pointe Community Development District
Coquina Water Control District
Diamond Hill Community Development District
Dovera Community Development District
Durbin Crossing Community Development District
Golden Lakes Community Development District
Lakewood Ranch Community Development District
Martin Soil and Water Conservation District
Meadow Pointe III Community Development District
Myrtle Creek Community Development District
St. Lucie County – Fort Pierce Fire District
The Crossings at Fleming Island
St. Lucie West Services District
Indian River County Mosquito Control District
St. John's Water Control District
Westchase and Westchase East Community Development Districts
Pier Park Community Development District
Verandahs Community Development District
Magnolia Park Community Development District

Schools and Colleges

Federal Student Aid Programs – Indian River Community College
Indian River Community College
Okeechobee County District School Board
St. Lucie County District School Board

State and County Agencies

Central Florida Foreign-Trade Zone, Inc. (a nonprofit organization affiliated with the St. Lucie County Board of County Commissioners)
Florida School for Boys at Okeechobee
Indian River Community College Crime Laboratory
Indian River Correctional Institution

FEE SCHEDULE

We propose the fee for our audit services described below to be \$4975 for the years ended September 30, 2020, 2021, and 2022, and \$5,225 for the years ending September 30, 2023 and 2024. These fees are contingent upon the financial records and accounting systems of Tern Bay Community Development District being "audit ready". If we discover that additional preparation work or subsidiary schedules are needed, we will consult with your authorized representative. We can assist with this additional work at our standard rates should you desire.

SCOPE OF WORK TO BE PERFORMED

If selected as the District's auditors, we will perform a financial and compliance audit in accordance with Section 11.45, Florida Statutes, in order to express an opinion on an annual basis on the financial statements of Tern Bay Community Development District as of September 30, 2020, with four subsequent annual renewals. The audits will be performed to the extent necessary to express an opinion on the fairness in all material respects with which the financial statements present the financial position, results of operations and changes in financial position in conformity with generally accepted accounting principles and to determine whether, for selected transactions, operations are properly conducted in accordance with legal and regulatory requirements. Reportable conditions that are also material weaknesses shall be identified as such in the Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters. Other (non-reportable) conditions discovered during the course of the audit will be reported in a separate letter to management, which will be referred to in the Auditors' Report on Internal Control over Financial Reporting and on Compliance and Other Matters.

Our audit will be performed in accordance with standards for financial and compliance audits contained in *Government Auditing Standards*, as well as in compliance with rules and regulations of audits of special districts as set forth by the State Auditor General in Chapter 10.550, Local Governmental Entity Audits, and other relevant federal, state and county orders, statutes, ordinances, charter, resolutions, bond covenants, Administrative Code and procedures, or rules and regulations which may pertain to the work required in the engagement.

The primary purpose of our audit will be to express an opinion on the financial statements discussed above. It should be noted that such audits are subject to the inherent risk that errors or irregularities may not be detected. However, if conditions are discovered which lead to the belief that material errors, defalcations or other irregularities may exist or if other circumstances are encountered that require extended services, we will promptly notify the appropriate individual.

SPECIFIC AUDIT APPROACH

We utilize proprietary audit program software developed by a nationally recognized CPA firm. Our audit approach is a risk based audit approach where we determine significant accounts and assess risk and then we concentrate our audit on the areas identified.

We would utilize the prior audit report to preliminarily identify the significant accounts.

We would also utilize the internal control, engagement planning questionnaires developed for our audit program to design our audit programs. Our audit programs have the following general segmentation:

<ul style="list-style-type: none"> • Financial Reports • 8 hours • Audit Director/In charge Staff accountant 	In this section, we prepare our working trial balances for each fund and assimilate the financial statements and various reports required.
<ul style="list-style-type: none"> • Engagement Planning • 8 hours • Audit Director/In charge Staff accountant 	This is the section where we identify significant accounts, assess risk, analyze and obtain an understanding of your internal control and develop audit programs.
<ul style="list-style-type: none"> • Engagement Administration • 2 hours • In charge accountant/ Staff accountants 	In this section, we develop and track our audit plan hours and document our review of your minutes.
<ul style="list-style-type: none"> • Audit Field Work • 24 hours • In charge accountant/ Staff accountant 	In this section, we develop and audit specific areas such as assets, liabilities, revenues, expenses/expenditures and your budget.
<ul style="list-style-type: none"> • Closing the audit • 6 hours • Audit Director/Principal • In charge accountant 	In this area, all workpapers are reviewed, the financial statements are prepared/reviewed and we perform a disclosure checklist.

We utilize certain audit programs to determine our sample sizes which are randomly generated and the size is determined based on the parameters entered for the area tested. Most of our testing is non-statistical sampling.

We utilize various software programs during the audit process, including data extraction software.

We utilize various analytical procedures during the entire audit process to reduce testing, maintain audit efficiencies and analyze audit testing results.

We utilize internal control questionnaires to understand and document the District's internal controls. Generally, these questionnaires deal with cycles such as revenues, capital assets and expenses/expenditures.

SPECIFIC AUDIT APPROACH – (Continued)

We have a working knowledge of the various Florida Statutes that impact the financial statements from our extensive experience in the audits of Community Development Districts and our compliance tests of applicable statutes is integrated into our audit processes and programs.

Anticipated Potential Audit Problems

There are no significant potential audit problems we see for the fiscal year ended September 30, 2020. There have been no new GASB pronouncements that impact the District nor have there been any significant changes in compliance areas.

Commitment to Quality Service

Personnel Qualifications and Experience

J. W. Gaines, CPA, CITP

Director – 41 years

Education

- ◆ Stetson University, B.B.A. – Accounting

Registrations

- ◆ Certified Public Accountant – State of Florida, State Board of Accountancy
- ◆ Certified Information Technology Professional (CITP) – American Institute of Certified Public Accountants

Professional Affiliations/Community Service

- ◆ Member of the American and Florida Institutes of Certified Public Accountants
- ◆ Affiliate member Government Finance Officers Association
- ◆ Past President, Vice President-Campaign Chairman, Vice President and Board Member of United Way of St. Lucie County, 1989 - 1994
- ◆ Past President, President Elect, Secretary and Treasurer of the Treasure Coast Chapter of the Florida Institute of Certified Public Accountants, 1988 - 1991
- ◆ Past President of Ft. Pierce Kiwanis Club, 1994 - 95, Member/Board Member since 1982
- ◆ Past President, Vice President and Treasurer of St. Lucie County Chapter of the American Cancer Society, 1980 -1986
- ◆ Member of the St. Lucie County Chamber of Commerce, Member Board of Directors, Treasurer, September 2002 - 2006, Chairman Elect 2007, Chairman 2008, Past Chairman 2009
- ◆ Member Lawnwood Regional Medical Center Board of Trustees, 2000 – Present, Chairman 2013 - Present
- ◆ Member of St. Lucie County Citizens Budget Committee, 2001 – 2002
- ◆ Member of Ft. Pierce Citizens Budget Advisory Committee, 2010 – 2011
- ◆ Member of Ft. Pierce Civil Service Appeals Board, 2013 - Present

Professional Experience

- ◆ Miles Grant Development/Country Club – Stuart, Florida, July 1975 – October 1976
- ◆ State Auditor General's Office – Public Accounts Auditor – November 1976 through September 1979
- ◆ Director - Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants PL, responsible for numerous government and nonprofit audits.
- ◆ Over 30 years experience in all phases of public accounting and auditing experience, with a concentration in financial and compliance audits. Mr. Gaines has been involved in all phases of the audits listed on the preceding pages.

Commitment to Quality Service

Personnel Qualifications and Experience

J. W. Gaines, CPA, CITP (Continued)

Director

Continuing Professional Education

- ◆ Has participated in numerous continuing professional education courses provided by nationally recognized sponsors over the last two years to keep abreast of the latest developments in accounting and auditing such as:
 - Governmental Accounting Report and Audit Update
 - Analytical Procedures, FICPA
 - Annual Update for Accountants and Auditors
 - Single Audit Sampling and Other Considerations

Commitment to Quality Service

Personnel Qualifications and Experience

David S. McGuire, CPA, CITP

Accounting and Audit Principal – 12 years

Accounting and Audit Manager – 4 years

Staff Accountant – 11 years

Education

- ◆ University of Central Florida, B.A. – Accounting
- ◆ Barry University – Master of Professional Accountancy

Registrations

- ◆ Certified Public Accountant – State of Florida, State Board of Accountancy
- ◆ Certified Information Technology Professional (CITP) – American Institute of Certified Public Accountants
- ◆ Certified Not-For-Profit Core Concepts 2018

Professional Affiliations/Community Service

- ◆ Member of the American and Florida Institutes of Certified Public Accountants
- ◆ Associate Member, Florida Government Finance Office Associates
- ◆ Assistant Coach – St. Lucie County Youth Football Organization (1994 – 2005)
- ◆ Assistant Coach – Greater Port St. Lucie Football League, Inc. (2006 – 2010)
- ◆ Board Member – Greater Port St. Lucie Football League, Inc. (2011 – present)
- ◆ Treasurer, AIDS Research and Treatment Center of the Treasure Coast, Inc. (2000 – 2003)
- ◆ Board Member/Treasurer, North Treasure Coast Chapter, American Red Cross (2004 – 2010)
- ◆ Member/Board Member of Port St. Lucie Kiwanis (1994 – 2001)
- ◆ President (2014/15) of Sunrise Kiwanis of Fort Pierce (2004 – present)
- ◆ St. Lucie District School Board Superintendent Search Committee (2013 – present)

Professional Experience

- ◆ Twenty-four years public accounting experience with an emphasis on nonprofit and governmental organizations.
- ◆ Audit Manager in-charge on a variety of audit and review engagements within several industries, including the following government and nonprofit organizations:
 - St. Lucie County, Florida
 - 19th Circuit Office of Medical Examiner
 - Troup Indiantown Water Control District
 - Exchange Club Center for the Prevention of Child Abuse, Inc.
 - Healthy Kids of St. Lucie County
 - Mustard Seed Ministries of Ft. Pierce, Inc.
 - Reaching Our Community Kids, Inc.
 - Reaching Our Community Kids - South
 - St. Lucie County Education Foundation, Inc.
 - Treasure Coast Food Bank, Inc.
 - North Springs Improvement District
- ◆ Four years of service in the United States Air Force in computer operations, with a top secret (SCI/SBI) security clearance.

Commitment to Quality Service

Personnel Qualifications and Experience

David S. McGuire, CPA, CITP (Continued)

Accounting and Audit Principal

Continuing Professional Education

- ◆ Mr. McGuire has attended numerous continuing professional education courses and seminars taught by nationally recognized sponsors in the accounting auditing and single audit compliance areas. He has attended courses over the last two years in those areas as follows:

Not-for-Profit Auditing Financial Results and Compliance Requirements

Update: Government Accounting Reporting and Auditing

Annual Update for Accountants and Auditors

Commitment to Quality Service

Personnel Qualifications and Experience

David F. Haughton, CPA

Accounting and Audit Manager – 30 years

Education

- ◆ Stetson University, B.B.A. – Accounting

Registrations

- ◆ Certified Public Accountant – State of Florida, State Board of Accountancy

Professional Affiliations/Community Service

- ◆ Member of the American and Florida Institutes of Certified Public Accountants
- ◆ Former Member of Florida Institute of Certified Public Accountants Committee on State and Local Government
- ◆ Affiliate Member Government Finance Officers Association (GFOA) for over 10 years
- ◆ Affiliate Member Florida Government Finance Officers Association (FGFOA) for over 10 years
- ◆ Technical Review – 1997 FICPA Course on State and Local Governments in Florida
- ◆ Board of Directors – Kiwanis of Ft. Pierce, Treasurer – 1994-1999; Vice President – 1999-2001

Professional Experience

- ◆ Twenty-seven years public accounting experience with an emphasis on governmental and nonprofit organizations.
- ◆ State Auditor General's Office – West Palm Beach, Staff Auditor, June 1985 to September 1985
- ◆ Accounting and Audit Manager of Berger, Toombs, Elam, Gaines & Frank, Certified Public Accountants PL, responsible for audit and accounting services including governmental and not-for-profit audits.
- ◆ Over 20 years of public accounting and governmental experience, specializing in governmental and nonprofit organizations with concentration in special districts, including Community Development Districts which provide services including water and sewer utilities. Governmental and non-profit entities served include the following:

Counties:

St. Lucie County

Municipalities:

City of Fort Pierce

City of Stuart

Commitment to Quality Service

Personnel Qualifications and Experience

David F. Haughton, CPA (Continued)

Accounting and Audit Manager

Professional Experience (Continued)

Special Districts:

Bluewaters Community Development District
Country Club of Mount Dora Community Development District
Fiddler's Creek Community Development District #1 and #2
Indigo Community Development District
North Springs Improvement District
Renaissance Commons Community Development District
St. Lucie West Services District
Stoneybrook Community Development District
Summerville Community Development District
Terracina Community Development District
Thousand Oaks Community Development District
Tree Island Estates Community Development District
Valencia Acres Community Development District

Non-Profits:

The Dunbar Center, Inc.
Hibiscus Children's Foundation, Inc.
Hope Rural School, Inc.
Maritime and Yachting Museum of Florida, Inc.
Tykes and Teens, Inc.
United Way of Martin County, Inc.
Workforce Development Board of the Treasure Coast, Inc.

- ◆ While with the Auditor General's Office he was on the staff for the state audits of the Martin County School District and Okeechobee County School District.
- ◆ During 1997 he performed a technical review of the Florida Institute of Certified Public Accountants state CPE course on Audits of State and Local Governments in Florida. His comments were well received by the author and were utilized in future updates to the course.

Continuing Professional Education

- ◆ During the past several years, he has participated in numerous professional development training programs sponsored by the AICPA and FICPA, including state conferences on special districts and governmental auditing in Florida. He averages in excess of 100 hours bi-annually of advanced training which exceeds the 80 hours required in accordance with the continuing professional education requirements of the Florida State Board of accountancy and the AICPA Private Companies Practice Section. He has over 75 hours of governmental CPE credit within the past two years.

Commitment to Quality Service

Personnel Qualifications and Experience

Matthew Gonano, CPA

Senior Staff Accountant – 10 years

Education

- ◆ University of North Florida, B.B.A. – Accounting
- ◆ University of Alicante, Spain – International Business
- ◆ Florida Atlantic University – Masters of Accounting

Professional Affiliations/Community Service

- ◆ American Institute of Certified Public Accountants
- ◆ Florida Institute of Certified Public Accountants

Professional Experience

- ◆ Senior Accountant with Berger, Toombs, Elam, Gaines, & Frank providing professional services to nonprofit and governmental entities.
- ◆ Performed audits of nonprofit and governmental organizations in accordance with Governmental Accounting Auditing Standards (GAAS)
- ◆ Performed Single Audits of nonprofit organizations in accordance with OMB Circular A-133, Audits of State, Local Governments, and Non-Profit Organizations.

Continuing Professional Education

- ◆ Mr. Gonano has participated in numerous continuing professional education courses.

Commitment to Quality Service

Personnel Qualifications and Experience

Paul Daly

Staff Accountant – 9 years

Education

- ◆ Florida Atlantic University, B.S. – Accounting

Professional Experience

- ◆ Staff Accountant with Berger, Toombs, Elam, Gaines, & Frank providing professional services to nonprofit and governmental entities.

Continuing Professional Education

- ◆ Working to attain the requirements to take the Certified Public Accounting (CPA) exam.

Commitment to Quality Service

Personnel Qualifications and Experience

Melissa Marlin

Senior Staff Accountant – 7 years

Education

- ◆ Indian River State College, A.A. – Accounting
- ◆ Florida Atlantic University, B.B.A. – Accounting

Professional Experience

- ◆ Staff accountant with Berger, Toombs, Elam, Gaines, & Frank providing professional services to nonprofit and governmental entities.

Continuing Professional Education

- ◆ Mrs. Marlin participates in numerous continuing professional education courses provided by nationally recognized sponsors to keep abreast of the latest developments.
- ◆ Mrs. Marlin is currently studying to pass the CPA exam.

Commitment to Quality Service

Personnel Qualifications and Experience

Bryan Snyder

Staff Accountant – 5 years

Education

- ◆ Florida Atlantic University, B.B.A. – Accounting

Professional Experience

- ◆ Accountant beginning his professional auditing career with Berger, Toombs, Elam, Gaines, & Frank.
- ◆ Mr. Snyder is gaining experience auditing governmental & nonprofit entities.

Continuing Professional Education

- ◆ Mr. Snyder participates in numerous continuing education courses and plans on working to acquire his CPA certificate.
- ◆ Mr. Snyder is currently studying to pass the CPA exam.

Commitment to Quality Service

Personnel Qualifications and Experience

Maritza Stonebraker

Staff Accountant – 4 years

Education

- ◆ Indian River State College, B.S.A. – Accounting

Professional Experience

- ◆ Staff Accountant beginning her professional auditing career with Berger, Toombs, Elam, Gaines, & Frank.

Continuing Professional Education

- ◆ Mrs. Stonebraker participates in numerous continuing education courses and plans on acquiring her CPA.
- ◆ Mrs. Stonebraker is currently studying to pass the CPA exam.

Commitment to Quality Service

Personnel Qualifications and Experience

Jonathan Herman, CPA

Senior Staff Accountant – 7 years

Education

- ◆ University of Central Florida, B.S. – Accounting
- ◆ Florida Atlantic University, MACC

Professional Experience

- ◆ Accounting graduate with five years experience with Berger, Toombs, Elam, Gaines, & Frank providing professional services to nonprofit and governmental entities.

Continuing Professional Education

- ◆ Mr. Herman participates in numerous continuing professional education courses provided by nationally recognized sponsors to keep abreast of the latest developments.

Commitment to Quality Service

Personnel Qualifications and Experience

Sean Stanton, CPA

Staff Accountant – 4 years

Education

- ◆ University of South Florida, B.S. – Accounting
- ◆ Florida Atlantic University, M.B.A. – Accounting

Professional Experience

- ◆ Staff accountant with Berger, Toombs, Elam, Gaines, & Frank auditing governmental and non-profit entities.

Continuing Professional Education

- ◆ Mr. Stanton participates in numerous continuing professional education courses provided by nationally recognized sponsors to keep abreast of the latest developments.

Commitment to Quality Service

Personnel Qualifications and Experience

Taylor Nuccio

Staff Accountant – 3 years

Education

- ◆ Indian River State College, B.S.A. – Accounting

Professional Experience

- ◆ Staff Accountant with Berger, Toombs, Elam, Gaines, & Frank providing professional services to nonprofit and governmental entities.

Continuing Professional Education

- ◆ Ms. Nuccio participates in numerous continuing professional education courses provided by nationally recognized sponsors to keep abreast of the latest developments.
- ◆ Ms. Nuccio is currently working towards completing an additional 30 hours of education to qualify to sit for CPA exam.

Commitment to Quality Service

Personnel Qualifications and Experience
--

Kirk Vasser

Staff Accountant – 1 year

Education

- ◆ Indian River State College, B.S.A. – Accounting

Professional Experience

- ◆ Staff Accountant with Berger, Toombs, Elam, Gaines, & Frank providing professional services to nonprofit and governmental entities.

Continuing Professional Education

- ◆ Mr. Vasser participates in numerous continuing professional education courses provided by nationally recognized sponsors to keep abreast of the latest developments.
- ◆ Mr. Vasser is currently working towards completing an additional 30 hours of education to qualify to sit for CPA exam.

Commitment to Quality Service

Personnel Qualifications and Experience

Madison Ballash

Staff Accountant – 1 year

Education

- ◆ Indian River State College, B.S.A. – Accounting (May 2020)

Professional Experience

- ◆ Staff Accountant with Berger, Toombs, Elam, Gaines, & Frank providing professional services to nonprofit and governmental entities.

Continuing Professional Education

- ◆ Ms. Ballash participates in numerous continuing professional education courses provided by nationally recognized sponsors to keep abreast of the latest developments.
- ◆ Ms. Ballash is currently working towards completing an additional 30 hours of education to qualify to sit for CPA exam.



Judson B. Baggett 6815 Dairy Road
MBA, CPA, CVA, Partner Zephyrhills, FL 33542
Marci Reutimann (813) 788-2155
CPA, Partner (813) 782-8606

Report on the Firm's System of Quality Control

To the Partners
Berger, Toombs, Elam, Gaines & Frank, CPAs, PL
and the Peer Review Committee of the Florida Institute of Certified Public Accountants

October 30, 2019

We have reviewed the system of quality control for the accounting and auditing practice of Berger, Toombs, Elam, Gaines & Frank, CPAs, PL, (the firm), in effect for the year ended May 31, 2019. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants (Standards).

A summary of the nature, objectives, scope, limitations of, and the procedures performed in a System Review as described in the Standards may be found at aicpa.org/prsummary. The summary also includes an explanation of how engagements identified as not performed or reported in conformity with applicable professional standards, if any, are evaluated by a peer reviewer to determine a peer review rating.

Firm's Responsibility

The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. The firm is also responsible for evaluating actions to promptly remediate engagements deemed as not performed or reported in conformity with professional standards, when appropriate, and for remediating weaknesses in its system of quality control, if any.

Peer Reviewer's Responsibility

Our responsibility is to express an opinion on the design of the system of quality control, and the firm's compliance therewith based on our review.

Required Selections and Considerations

Engagements selected for review included engagements performed under *Government Auditing Standards*, including a compliance audit under the Single Audit Act.

As a part of our peer review, we considered reviews by regulatory entities as communicated by the firm, if applicable, in determining the nature and extent of our procedures.

Opinion

In our opinion, the system of quality control for the accounting and auditing practice of Berger, Toombs, Elam, Gaines & Frank, CPAs, PL, in effect for the year ended May 31, 2019, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Berger, Toombs, Elam, Gaines & Frank, CPAs, PL has received a peer review rating of *pass*.

Baggett, Reutimann & Associates, CPAs PA
BAGGETT, REUTIMANN & ASSOCIATES, CPAs, PA
Signed Electronically by Judson B. Baggett, Reutimann & Associates, CPAs, PA, CN 1863 email jsb@baggettcpa.com

Member American Institute of Certified Public Accountants (AICPA) and Florida Institute of Certified Public Accountants (FICPA)
National Association of Certified Valuation Analysts (NACVA)

**TERN BAY COMMUNITY DEVELOPMENT DISTRICT
(Hereinafter called "District")
REQUEST FOR PROPOSALS**

I. PROPOSAL REQUIREMENTS

A. Legal Notice

The TERN BAY Community Development District is requesting proposals from qualified firms of certified public accountants, licensed to practice in the State of Florida, to audit its financial statements for the fiscal year ending **September 30, 2020** and in the sole and absolute discretion of the District for each fiscal year thereafter through **September 30, 2024**.

There is no expressed or implied obligation for the District to reimburse responding firms for any expenses incurred in preparing proposals in response to this request.

Sealed technical and dollar cost proposals will be received by the District Manager's office until **11:00 a.m., on December 4, 2020, located at 2900 Northeast 12th Terrace, Suite 1, Oakland Park, Florida 33334**. Proposals received after this time will be returned unopened.

The Proposer shall submit a sealed and clearly marked envelope that includes both a pdf file along with seven (7) printed Technical and Dollar Cost Proposals to be marked as follows: **"TERN BAY Community Development District, Professional Auditing Services Proposal."**

The Technical and Dollar Cost Proposal will be opened in the Office of the District Manager at **11:00 a.m., on Friday, December 4, 2020**.

Proposals submitted will be evaluated by a five (5) member Auditor Selection Committee, ("Selection Committee"). The Audit Selection Committee consists of the five (5) members' of the Board of Supervisor's, who will review submissions.

The District reserves the right to retain all proposals submitted and to use, without compensation, any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposals, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the District of and the firm selected.

The District reserves the right to reject any or all proposals submitted or to retain all proposals submitted and to use without compensation any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of all of the conditions contained this Request for Proposal.

B. General Information

During the evaluation process, the Selection Committee and the District reserve the right, where it may serve the District best interest, to request additional information or clarifications from proposers, or to allow corrections of errors or omissions. At the discretion of the District or the Selection Committee, firms submitting proposals may be requested to make oral presentations as part of the evaluation process.

It is anticipated the selection of a firm will be completed no later than December 2020. Following the notification of the selected firm, it is expected a contract will be executed by the end of December 2020.

C. Subcontracting

No subcontracting will be permitted. Any firm who submits a proposal, which contains any subcontracting work, shall be considered non-responsive and the District will not give any further consideration to the proposal.

D. Insurance Requirements

Worker's Compensation – Statutory Limits of Florida Statutes.

Commercial General Liability – Occurrence Form patterned after the current I.S.O. form with no limiting endorsements. Bodily Injury & Property Damage at \$1,000,000 single limit per occurrence

Automobile Liability – \$500,000 each Occurrence Owned/Non-owned/Hired Automobile Included.

The District, its agents and employee's must be named as "ADDITIONAL INSURED" on the insurance Certificate for Commercial General Liability.

Errors and Omissions - \$5,000,000 single limit per occurrence.

Proposer warrants that it is willing and able to obtain insurance coverage, throughout the entire term of the contract and any renewals thereof.

II. NATURE OF SERVICES REQUIRED

A. Scope of Work to be Performed

The District desires the auditor to express an opinion on the fair presentation of its general-purpose financial statements in conformity with generally accepted accounting principles.

The District also desires the auditor to express an opinion on the fair presentation of its combining and individual fund financial statements and schedules in conformity with generally accepted accounting principles.

The auditor shall also be responsible for performing certain limited procedures involving required supplementary information required by the Governmental Accounting Standards Board as mandated by generally accepted auditing standards.

B. Auditing Standards to be followed

To meet the requirements of this request for proposals, the audit shall be performed in accordance with the following standards:

- 1) Generally accepting auditing standards as set forth by the American Institute of Certified Public Accountants.
- 2) The standards for financial audits set forth in the most current applicable U.S. General Accounting Office's (GAO) Government Auditing Standards.
- 3) The most current applicable provisions of the Federal Single Audit Act of 1984 (as amended).
- 4) The most current applicable provisions of U.S. Office of Management and Budget (OMB) Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations, Audits of State and Local Governments.
- 5) The most current applicable Codification of Governmental Accounting and Financial Reporting Standards as promulgated by the Governmental Accounting Standards Board The most current applicable Statements on Auditing Standards issued by the American Institute of Certified Public Accountants.
- 6) The most current applicable Government Auditing Standards published by the Comptroller General of the United States.
- 7) The most current applicable Audit and Accounting Guide-Audits of State and Local Governmental Units, published by the American Institute of Certified Public Accountants.
- 8) The most current applicable Statements and interpretations issued by the Financial Accounting Standards Board.
- 9) Applicable Florida Statutes.
- 10) Regulations of the State of Florida Department of Financial Services
- 11) Rules of the Auditor General, State of Florida, Chapter 10-550 (Local Government Audits)
- 12) Any other applicable federal, state, local regulations or professional guidance not specifically listed above as well as any additional requirements which may be adopted by these organizations in the future.

C. Reports to be Issued

Following the completion of the audit of the fiscal year's financial statements, the auditor shall issue:

1. A report on the fair presentation of the financial statements in conformity with generally accepted accounting principles.
2. A report on compliance and internal control over financial reporting and on compliance and other matters based on an audit of financial statements performed in accordance with government auditing standards.

3. A Management Letter Report.

In the required report(s) on compliance and internal controls, the auditor shall communicate any reportable conditions found during the audit. A reportable condition shall be defined as a significant deficiency in the design or operation of the internal control structure, which could adversely affect the organization's ability to record, process, summarize and report financial data consistent with the assertions of management in the financial statements. Reportable conditions that are also material weaknesses shall be identified as such in the report. No reportable conditions discovered by the auditors shall be reported to management.

The report on compliance and internal controls shall include all material instances of noncompliance. All nonmaterial instances of noncompliance shall be reported in a separate management letter, which shall be referred to in the report on compliance and internal controls.

Irregularities and illegal acts. Auditors shall be required to make an immediate, written report of all irregularities and illegal acts or indications of illegal acts of which they become aware of, to the Board of Supervisor's, the District Manager and a copy to the District Attorney.

D. Special Considerations

1. The District currently, may prepare one or more official statements in connection with the sale of debt securities, which will contain the general-purpose financial statements and the auditor's report thereon. The auditor shall be required, if requested by the financial advisor and/or the underwriter, to issue a "consent and citation of expertise" as the auditor and any necessary "comfort letters."
2. The District retains the right to use any audited financials statements in any Official Statement issued by the District without the express consent of the Auditor.

E. Working Paper Retention and Access to Working Papers

All working papers and reports must be retained, at the auditor's expense, for a minimum of three (3) years, unless the firm is notified in writing by the District of the need to extend the retention period.

THE AUDITOR SHALL PROVIDE A COMPLETE ELECTRONIC COPY OF THE WORKING PAPERS TO THE DISTRICT MANAGER AT THE COMPLETION OF THE AUDIT, PRIOR TO THE FINAL PAYMENT OF THE AUDITING FEES, BY THE DISTRICT.

The electronic copy shall be in Microsoft Word or Excel.

In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance.

III. DESCRIPTION OF THE GOVERNMENT

A. Name and Telephone Number of Contact Persons/Location of Offices

The auditor's principal contact with the District will be James P. Ward, District Manager or a designated representative, who will coordinate the assistance to be provided by the District to the auditor.

B. A copy of the District's Budget for the audit period and the Audited Financial Statements for the prior Fiscal Year is available by contacting the District Manager.

C. Budgetary Basis of Accounting

The District prepares its budgets on a basis consistent with generally accepted accounting principles.

D. Pension Plans - NONE

E. Blended Component Units - NONE

The District is defined, for financial reporting purposes, in conformity with the Governmental Accounting Standards Board's Codification of Governmental Accounting and Financial Reporting Standards, Section 2100. Using these criteria, there are no blended component units included in the District financial statements.

F. Joint Ventures - NONE

IV. TIME REQUIREMENTS

A. Date Audit May Commence

The District will have all records ready for audit for by October 15th of each Fiscal Year.

B. Schedule for each Fiscal Year Audit

Each of the following should be completed by the auditor, no later than the dates indicated.

1. Fieldwork

The auditor shall complete all fieldwork by November 30th of each year.

2. Draft Reports

The auditor shall have drafts of the audit report[s] and recommendations to management available for review by December of each year.

C. Date Final Report is Due - 1 business day from Management Approval

The Auditor shall prepare draft financial statements, notes and all required supplementary information. The final report should be delivered to the **District Manager at 2900 Northeast 12th Terrace, Suite 1, Oakland Park, Florida 33334.**

V. ASSISTANCE TO BE PROVIDED TO THE AUDITOR AND REPORT PREPARATION

A. The District staff and responsible management personnel will be available during the audit to assist the firm by providing information, documentation and explanations. The preparation of confirmations will be the responsibility of District and provided to the auditor to transmit. In addition any required hours of clerical support will be made available to the auditor for the preparation of routine letters and memoranda.

B. Information Solutions (IS) Assistance

The District Manager also be available to provide systems documentation and explanations. The auditor will be provided computer time and limited read only access to the use of the District computer hardware and software.

C. Statements and Schedules to be Prepared by the District.

Statement or Schedule

Bank Confirmations
Construction in Progress
GFA Roll Forward
Contract/Retainage Payable
Accounts Payable
Accounts Receivable
Investments/Accrued Interest Receivable
Operating Transfers
Equity Accounts Detail
Bond Reserve Requirements
Amortization/Depreciation Schedules
Interest Expense
Debt Amortization Schedules

D. Auditor Work Location

All work must be handled at the office of the Auditor and the District will provide all files to the Auditor electronically and the Auditor will be provided limited read only access to the District's electronic system.

E. Report Preparation

Report preparation and editing shall be the responsibility of the auditor and the Auditor shall deliver 1 printed original of the Audited Financial Statements and one (1) electronic file in word and one (1) electronic file in pdf format.

VI. PROPOSAL REQUIREMENTS

A. Technical and Dollar Cost Proposal

1. General Requirements

The purpose of the Technical and Dollar Cost Proposal is to demonstrate the qualifications, competence and capability of the firms seeking to undertake an independent audit of the District in conformity with the requirements of this request for proposals. As such, the substance of proposals will carry more weight than their form or manner of presentation. The Technical and Dollar Cost Proposal should demonstrate the qualifications of the firm and of the particular staff to be assigned to this engagement. It should also specify an audit approach that will meet the request for proposals requirements.

The Technical and Dollar Cost Proposal should address all the points outlined in the request for proposal. The Proposal should be prepared simply and economically, providing a straightforward, concise description of the proposer's capabilities to satisfy the requirements of the request for proposals.

While additional data may be presented, the following subjects, items Nos. 2 through 10, must be included. They represent the criteria against which the proposal will be evaluated.

2. Independence

The firm should provide an affirmative statement that is independent of the District as defined by generally accepted auditing standards/the most current applicable U.S. General Accounting Office's *Government Auditing Standards*.

The firm also should provide an affirmative statement that it is independent of all of the component units of the District as defined by those same standards.

The firm should also list and describe the firm's professional relationships involving the District for the past five (5) years, together with a statement explaining why such relationships do not constitute a conflict of interest relative to performing the proposed audit.

In addition, the firm shall give the District written notice of any professional relationships entered into during the period of this agreement.

3. License to Practice in Florida

An affirmative statement should be included that the firm and all assigned key professional staff are properly registered/licensed to practice in the State of Florida.

4. Firm Qualifications and Experience

The proposer should state the size of the firm, the size of the firm's governmental audit staff, the location of the office from which the work on this engagement is to be performed and the number and nature of the professional staff to be employed in this engagement on a full-time basis and the number and nature of the staff to be so employed on a part-time basis.

The firm is also required to submit a copy of the report on its most recent external quality control review, with a statement whether that quality control review included a review of specific government engagements.

The firm shall also provide information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years. In addition, the firm shall provide information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years with state regulatory bodies or professional organizations, as well as, an explanation of all pending litigation against governmental entities, including all accounts of Federal indictments for any civil or criminal matters for which the firm has been charged. The firm shall also provide information as to any and all litigation or arbitration in Florida within the last three (3) years, in which the firm is or was a Defendant.

5. Partner, Supervisory and Staff Qualifications and Experience

Identify the principal supervisory and management staff, including engagement partners, managers, other supervisors and specialists, who would be assigned to the engagement. Indicate whether each such person is registered or licensed to practice as a certified public accountant in Florida. Provide information on the government auditing experience of each person, including information on relevant continuing professional education for the past three (3) years and membership in professional organizations relevant to the performance of this audit.

Provide as much information as possible regarding the number, qualifications, experience and training, including relevant continuing professional education, of the specific staff to be assigned to this engagement. Indicate how the quality of staff over the term of the agreement will be assured.

Engagement partners, managers, other supervisory staff and specialists may be changed if those personnel leave the firm, are promoted or are assigned to another office. These personnel may also be changed for other reasons with the express prior written permission of the District. However, in either case, the District retains the right to approve or reject replacements.

Consultants and firm specialists mentioned in response to this request for proposal can only be changed with the express prior written permission of the District, which retains the right to approve or reject replacements.

Other audit personnel may be changed at the discretion of the proposer provided that replacements have substantially the same or better qualifications or experience.

6. Prior Engagements with the District

List separately all engagements within the last five years, ranked on the basis of total staff hours, by type of engagement (i.e., audit, management advisory services, other). Indicate the scope of work, date, engagement partners, total hours, the location of the firm's office from which the engagement was performed, and the name and telephone number of the principal client contact.

7. Similar Engagements With Other Government Entities

For the firm's office that will be assigned responsibility for the audit, list the most significant engagements performed in the last five years that are similar to the engagement described in this request for proposal. These engagements should be ranked on the basis of total staff hours. Indicate the scope of work, date, engagement partners, total hours, and the name and telephone number of the principal client contact.

8. Specific Audit Approach

The proposal should set forth a work plan, including an explanation of the audit methodology to be followed, to perform the services required in Section II of this request for proposal. In developing the work plan, reference should be made to such sources of information as District's budget and related materials, organizational charts, manuals and programs, and financial and other management information systems.

Proposers will be required to provide the following information on their audit approach:

- a. Proposed segmentation of the engagement
- b. Level of staff and number of hours to be assigned to each proposed segment of the engagement
- c. Sample size and the extent to which statistical sampling is to be used in the engagement
- d. Extent of use of EDP software in the engagement
- e. Type and extent of analytical procedures to be used in the engagement
- f. Approach to be taken to gain and document an understanding of the District's internal control structure
- g. Approach to be taken in determining laws and regulations that will be subject to audit test work

h. Approach to be taken in drawing audit samples for purposes of tests of compliance

9. Identification of Anticipated Potential Audit Problems

The proposal should identify and describe any anticipated potential audit problems, the firm's approach to resolving these problems and any special assistance that will be requested from the District.

10. Report Format

The proposal should include sample formats for required reports.

B. Dollar Cost Proposal

1. Total All-Inclusive Maximum Price

The dollar cost proposal should contain all pricing information relative to performing the audit engagement as described in this request for proposal. The total all-inclusive maximum price to be proposal is to contain all direct and indirect costs including all out-of-pocket expenses.

The District will not be responsible for expenses incurred in preparing and submitting the technical proposal or the sealed dollar cost proposal. Such costs should not be included in the proposal.

The first page of the dollar cost proposal should include the following information:

- a. Name of Firm
- b. Certification that the person signing the proposal is entitled to represent the firm, empowered to submit the proposal, and authorized to sign a contract with the District.
- c. A Total All-Inclusive Maximum Price for the Audited Financial Statements for each Fiscal Year.

2. Out-of-pocket Expenses must be included in the Total All-inclusive Maximum Price and Reimbursement Rates

Out-of-pocket expenses for firm personnel (e.g., travel, lodging and subsistence) will be reimbursed at the rates in Florida Statutes.

3. Manner of Payment Progress payments will be made in accordance with the Florida Prompt Payment Act.

VII. EVALUATION PROCEDURES

A. Review of Proposals

The SELECTION COMMITTEE will evaluate and rank the proposals. Each member of the SELECTION COMMITTEE will evaluate and rank each technical proposal by each of the criteria described in Section VII B below.

After the rankings for the firms have been established, the sealed dollar cost proposal will be opened and will be utilized for the ranking of the firms.

B. Evaluation Criteria

Proposals will be evaluated using three sets of criteria. Firms meeting the mandatory criteria will have their proposals ranked for both technical qualifications. The following represent the principal selection criteria, which will be considered during the evaluation process.

1. Mandatory Elements

- a. The audit firm is independent and licensed to practice in Florida
- b. The firm has no conflict of interest with regard to any other work performed by the firm for the District
- c. The firm adheres to the instructions in this request for proposal on preparing and submitting the proposal
- d. The firm submits a copy of its last external quality control review report and the firm has a record of quality audit work

2. Technical Qualifications:

a. Expertise and Experience

- (1) The firm's past experience and performance on comparable government engagements.
- (2) The quality of the firm's professional personnel to be assigned to the engagement and the quality of the firm's management support personnel to be available for technical consultation.
- (3) The firm provides information on the results of any federal or state desk reviews or field reviews of its audits during the past three (3) years. In addition, the firm provides information on the circumstances and status of any disciplinary action taken or pending against the firm during the past three (3) years, with state regulatory bodies or professional organizations, as well as, an explanation of all pending litigation against governmental entities, including all accounts of Federal indictments for any civil or criminal matters for which the firm has been charged.

The firm also provides information as to any and all litigation or arbitration in Florida within the last three (3) years, in which the firm is or was a Defendant.

b. Audit Approach

(1) Adequacy of proposed staffing plan for various segments of the engagement

(2) Adequacy of sampling techniques

(3) Adequacy of analytical procedures

Proposals shall be ranked on the basis of their Technical Qualifications by each member of the SELECTION COMMITTEE who will assign each of the top five proposals a number of one (1) through five (5), with one (1) signifying the highest rated proposal and five (5) signifying the lowest rated proposal.

3. Price:

Proposals shall be ranked on the basis of their price by the SELECTION COMMITTEE who will assign each of the top five proposals a number of one (1) through five (5), with one (1) signifying the lowest price and five (5) signifying the highest price.

Upon reconciliation of the weighted scores defined above, the proposal with the lowest average ranking score will be ranked one (1), the proposal with the second lowest average ranking score will be ranked two (2), and so on until all proposals are scored and ranked. The proposal ranked one (1), in the ranking form provided in the attachment (Appendix C), will be recommended by the SELECTION COMMITTEE to the District for award of the contract.

C. Oral Presentations

During the evaluation process, the SELECTION COMMITTEE may, at its discretion, request any one or all firms to make oral presentations. Such presentations will provide firms with an opportunity to answer any questions the SELECTION COMMITTEE may have on a firm's proposal. Not all firms may be asked to make such oral presentations.

D. Right to Reject Proposals

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the District and the firm selected. The District reserves the right to reject any or all proposals.

APPENDIX A

SCHEDULE OF PROFESSIONAL FEES AND EXPENSES

AUDITED FINANCIAL STATEMENTS

Fee shall include all services, including but not limited to Out-of-Pocket expenses, meals and lodging, transportation, printing and binding, telephone, fax, copies.

Fiscal Year 2020	_____ \$4,975 _____
Fiscal Year 2021	_____ \$4,975 _____
Fiscal Year 2022	_____ \$4,975 _____
Fiscal Year 2023	_____ \$5,225 _____
Fiscal Year 2024	_____ \$5,225 _____
 TOTAL ALL YEARS	 _____ \$25,375 _____



Professional Engineers, Planners & Land Surveyors

Tern Bay Community Development District

Banks Engineering Statement of Qualifications

November 11, 2020

• **SERVING THE STATE OF FLORIDA** •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690



Professional Engineers, Planners & Land Surveyors

LETTER OF INTEREST

November 11, 2020

Mr. James Ward
J.P. Ward & Associates, LLC
2900 Northeast 12th Terrace, Suite 1
Oakland Park, Florida 33334

Dear Mr. Ward:

Thank you for considering Banks Engineering as the potential District Engineer to perform Professional Services for the **Tern Bay Community Development District**. Banks Engineering has extensive experience in the project and are currently designing and permitting the undeveloped portions of the project. We have served as District Engineer for numerous Districts in Southwest Florida, and have successfully completed similar projects with the landowner, District Manager, and finance team. We also prepared the Engineer's Report for the project that established the initial project budget and was used in the bond validation process.

Once you have had an opportunity to review the information provided, I believe the District will conclude Banks Engineering has the skill, resources and commitment to deliver high quality service and client satisfaction. We at Banks Engineering look forward to the opportunity to work with the District on this project.

Should you have any questions, please do not hesitate to contact me. I look forward to meeting with you soon.

Sincerely,
BANKS ENGINEERING

A handwritten signature in blue ink, appearing to read "David R. Underhill, Jr.", is written over a horizontal line.

David R. Underhill, Jr., P.E.
Vice President

DRU:jms



Professional Engineers, Planners & Land Surveyors

Tern Bay Community Development District

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- 1. Statement of Qualifications**
- 2. Standard Form 330**
- 3. Key Staff Resumes with Relevant Experience**

• **SERVING THE STATE OF FLORIDA** •



Professional Engineers, Planners & Land Surveyors

November 11, 2020

Tern Bay Community Development District
Attn: James Ward
2900 Northeast 12th Terrace, Suite 1
Oakland Park, Florida 33334

Reference: Banks Engineering Statement of Qualifications

Dear District Manager:

We are grateful for the opportunity to submit to the Tern Bay Community Development District this Statement of Qualifications. Our past experience as engineers and planners of residential communities, combined with our history of establishing and performing professional engineering services for Chapter 190 Community Development Districts makes us highly qualified for the position of District Engineer. The following is a corporate summary introducing you to the scope of professional services we offer.

Banks Engineering, founded in 1992, is a Civil Engineering, Land Planning, and Land Surveying firm offering professional services encompassing all aspects of the land development process. With our corporate headquarters in Fort Myers, Florida, and a branch office located in Port Charlotte we are able to provide our clients with a full range of professional services. Banks Engineering offers experienced professionals with a wealth of local knowledge and expertise. On the Chapter 190 Districts listed below, Banks Engineering provided professional services including site planning, engineering design, plan preparation, technical specification preparation, permitting coordination, construction observation, record drawing preparation and inspection during construction. We also have assisted in the establishment of the Chapter 190 Districts and continue to serve as District Engineers on a majority of them well after resident control.



Most recently, Banks Engineering is working to design and permit for construction the Tern Bay and Babcock National projects. These golf course communities' are being designed in anticipation of transferring the public infrastructure to their respective CDD's for ownership and maintenance. Banks Engineering is responsible for the infrastructure design including roads, drainage, potable water, and sanitary sewer. Banks Engineering is also responsible for the permitting, construction bid document preparation, and will also oversee the construction and certification of the improvements once complete.

• **SERVING THE STATE OF FLORIDA** •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

Chapter 190 Community Development Districts

Community Design Engineer, CDD Establishment and/or District Engineer for the following:

Heritage Palms CDD, Lee County, Florida
Miromar Lakes CDD, Lee County, Florida
Stoneybrook CDD (Estero), Lee County, Florida
Habitat CDD (Bella Terra), Lee County, Florida
Cypress Shadows CDD, Lee County, Florida
Parklands West CDD, Lee County, Florida
Parklands Lee CDD, Lee County, Florida
Cedar Hammock CDD, Collier County, Florida
Bonita Landing CDD, Lee County, Florida
Heritage Harbour North CDD, Manatee County, Florida
Portofino Falls CDD, Collier County, Florida
Portofino Springs CDD, Lee County, Florida
Portofino Cove CDD, Lee County, Florida
Beach Road Estates CDD, Lee County, Florida
Bonita Landing CDD, Lee County, Florida
Babcock Ranch - Phase 2A, Charlotte County, Florida

Design, Plan Preparation, Technical Specifications and Permitting Services

Residential and Commercial Site Development Design, Permitting and Inspection
Road and Highway Transportation System Design, Permitting and Inspection
Surface Water Management Design, Permitting and Inspection
Environmental Resource Permitting
Land Development Feasibility Studies
Water, Sewer, and Re-use Utility Design, Permitting and Inspection
Engineering Cost Analysis
Signing and Marking Design
Project Management
Public Involvement and Facilitation
Civil Engineering Design and/or Inspection Services
Community Development District (CDD) Engineering and Continuing Services

Surveying and Mapping

Condominium Exhibits
Boundary and ALTA/ACSM Land Title Surveys
Construction Stakeout
Construction As-built/Record Surveys
Topographic Surveys
Subdivision Platting
Legal Descriptions and Sketches
Jurisdictional Surveys

Bid Specifications

Contract Documents
Bid Tabulations
Technical Specifications
Assistance with Bid Procedures

Construction Administration Services

Assistance with Contractor Selection
Construction Inspection and Testing Observation
Obtain Record Information
Design and Constructability Reviews
Contractor Payment Request Approval

Shop Drawing Reviews
Record Drawing Production
Final Documentation
Prepare and Maintain Records/Logs

Banks Engineering continues to successfully complete projects by fully understanding the interests of our Clients and diligently striving to preserve those interests. We thank you for the opportunity to provide this letter of introduction. Should you have any questions, need further information or would like to discuss our qualifications, please contact me at your earliest convenience.

Sincerely,
BANKS ENGINEERING

A handwritten signature in blue ink, appearing to read 'D. Underhill, Jr.', with a long horizontal flourish extending to the right.

David R. Underhill, Jr., P.E.
Vice President

ARCHITECT-ENGINEER QUALIFICATIONS

OMB Control Number: 9000-0157
Expiration Date: 12/31/2020

Paperwork Reduction Act Statement - This information collection meets the requirements of 44 USC § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 9000-0157. We estimate that it will take 29 hours (25 hours for part 1 and 4 hours for Part 2) to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: General Services Administration, Regulatory Secretariat Division (M1V1CB), 1800 F Street, NW, Washington, DC 20405.

PURPOSE

Federal agencies use this form to obtain information from architect-engineer (A-E) firms about their professional qualifications. Federal agencies select firms for A-E contracts on the basis of professional qualifications as required by 40 U.S.C. chapter 11, Selection of Architects Engineers, and Part 36 of the Federal Acquisition Regulation (FAR).

The Selection of Architects and Engineers statute requires the public announcement of requirements for A-E services (with some exceptions provided by other statutes), and the selection of at least three of the most highly qualified firms based on demonstrated competence and professional qualifications according to specific criteria published in the announcement. The Act then requires the negotiation of a contract at a fair and reasonable price starting first with the most highly qualified firm.

The information used to evaluate firms is from this form and other sources, including performance evaluations, any additional data requested by the agency, and interviews with the most highly qualified firms and their references.

GENERAL INSTRUCTIONS

Part I presents the qualifications for a specific contract.

Part II presents the general qualifications of a firm or a specific branch office of a firm. Part II has two uses:

1. An A-E firm may submit Part II to the appropriate central, regional or local office of each Federal agency to be kept on file. A public announcement is not required for certain contracts, and agencies may use Part II as a basis for selecting at least three of the most highly qualified firms for discussions prior to requesting submission of Part I. Firms are encouraged to update Part II on file with agency offices, as appropriate, according to FAR Part 36. If a firm has branch offices, submit a separate Part II for each branch office seeking work.

2. Prepare a separate Part II for each firm that will be part of the team proposed for a specific contract and submitted with Part I. If a firm has branch offices, submit a separate Part II for each branch office that has a key role on the team.

INDIVIDUAL AGENCY INSTRUCTIONS

Individual agencies may supplement these instructions. For example, they may limit the number of projects or number of pages submitted in Part I in response to a public announcement for a particular project. Carefully comply with any agency instructions when preparing and submitting this form. Be as concise as possible and provide only the information requested by the agency.

DEFINITIONS

Architect-Engineer Services: Defined in FAR 2.101.

Branch Office: A geographically distinct place of business or subsidiary office of a firm that has a key role on the team.

Discipline: Primary technical capabilities of key personnel, as evidenced by academic degree, professional registration, certification, and/or extensive experience.

Firm: Defined in FAR 36.102.

Key Personnel: Individuals who will have major contract responsibilities and/or provide unusual or unique expertise.

SPECIFIC INSTRUCTIONS

Part I - Contract-Specific Qualifications

Section A. Contract Information.

1. Title and Location. Enter the title and location of the contract for which this form is being submitted, exactly as shown in the public announcement or agency request.

2. Public Notice Date. Enter the posted date of the agency's notice on the Federal Business Opportunity website (FedBizOpps), other form of public announcement or agency request for this contract.

3. Solicitation or Project Number. Enter the agency's solicitation number and/or project number, if applicable, exactly as shown in the public announcement or agency request for this contract.

Section B. Architect-Engineer Point of Contact.

- 4-8. Name, Title, Name of Firm, Telephone Number, Fax (Facsimile) Number and E-mail (Electronic Mail) Address. Provide information for a representative of the prime contractor or joint venture that the agency can contact for additional information.

Section C. Proposed Team.

9-11. Firm Name, Address, and Role in This Contract.

Provide the contractual relationship, name, full mailing address, and a brief description of the role of each firm that will be involved in performance of this contract. List the prime contractor or joint venture partners first. If a firm has branch offices, indicate each individual branch office that will have a key role on the team. The named subcontractors and outside associates or consultants must be used, and any change must be approved by the contracting officer. (See FAR Part 52 Clause "Subcontractors and Outside Associates and Consultants" (Architect-Engineer Services)"). Attach an additional sheet in the same format as Section C if needed.

Section D. Organizational Chart of Proposed Team.

As an attachment after Section C, present an organizational chart of the proposed team showing the names and roles of all key personnel listed in Section E and the firm they are associated with as listed in Section C.

Section E. Resumes of Key Personnel Proposed for this Contract.

Complete this section for each key person who will participate in this contract. Group by firm, with personnel of the prime contractor or joint venture partner firms first. The following blocks must be completed for each resume:

12. Name. Self-explanatory.

13. Role in this contract. Self-explanatory.

14. Years Experience. Total years of relevant experience (block 14a), and years of relevant experience with current firm, but not necessarily the same branch office (block 14b).

15. Firm Name and Location. Name, city and state of the firm where the person currently works, which must correspond with one of the firms (or branch office of a firm, if appropriate) listed in Section C.

16. Education. Provide information on the highest relevant academic degree(s) received. Indicate the area(s) of specialization for each degree.

17. Current Professional Registration. Provide information on current relevant professional registration(s) in a State or possession of the United States, Puerto Rico, or the District of Columbia according to FAR Part 36.

18. Other Professional Qualifications. Provide information on any other professional qualifications relating to this contract, such as education, professional registration, publications, organizational memberships, certifications, training, awards, and foreign language capabilities.

19. Relevant Projects. Provide information on up to five projects in which the person had a significant role that demonstrates the person's capability relevant to her/his proposed role in this contract. These projects do not necessarily have to be any of the projects presented in Section F for the project team if the person was not involved in any of those projects or the person worked on other projects that were more relevant than the team projects in Section F. Use the check box provided to indicate if the project was performed with any office of the current firm. If any of the professional services or construction projects are not complete, leave Year Completed blank and indicate the status in Brief Description and Specific Role (block (3)).

Section F. Example Projects Which Best Illustrate Proposed Team's Qualifications for this Contract.

Select projects where multiple team members worked together, if possible, that demonstrate the team's capability to perform work similar to that required for this contract. Complete one Section F for each project. Present ten projects, unless otherwise specified by the agency. Complete the following blocks for each project:

20. Example Project Key Number. Start with "1" for the first project and number consecutively.

21. Title and Location. Title and location of project or contract. For an indefinite delivery contract, the location is the geographic scope of the contract.

22. Year Completed. Enter the year completed of the professional services (such as planning, engineering study, design, or surveying), and/or the year completed of construction, if applicable. If any of the professional services or the construction projects are not complete, leave Year Completed blank and indicate the status in Brief Description of Project and Relevance to this Contract (block 24).

23a. Project Owner. Project owner or user, such as a government agency or installation, an institution, a corporation or private individual.

23b. Point of Contact Name. Provide name of a person associated with the project owner or the organization which contracted for the professional services, who is very familiar with the project and the firm's (or firms') performance.

23c. Point of Contact Telephone Number. Self-explanatory.

24. Brief Description of Project and Relevance to this Contract. Indicate scope, size, cost, principal elements and special features of the project. Discuss the relevance of the example project to this contract. Enter any other information requested by the agency for each example project.

25. Firms from Section C Involved with this Project. Indicate which firms (or branch offices, if appropriate) on the project team were involved in the example project, and their roles. List in the same order as Section C.

Section G. Key Personnel Participation in Example Projects.

This matrix is intended to graphically depict which key personnel identified in Section E worked on the example projects listed in Section F. Complete the following blocks (see example below).

26. and 27. Names of Key Personnel and Role in this Contract. List the names of the key personnel and their proposed roles in this contract in the same order as they appear in Section E.

28. Example Projects Listed in Section F. In the column under each project key number (see block 29) and for each key person, place an "X" under the project key number for participation in the same or similar role.

29. Example Projects Key. List the key numbers and titles of the example projects in the same order as they appear in Section F.

Section H. Additional Information.

30. Use this section to provide additional information specifically requested by the agency or to address selection criteria that are not covered by the information provided in Sections A-G.

Section I. Authorized Representative.

31. and 32. Signature of Authorized Representative and Date. An authorized representative of a joint venture or the prime contractor must sign and date the completed form. Signing attests that the information provided is current and factual, and that all firms on the proposed team agree to work on the project. Joint ventures selected for negotiations must make available a statement of participation by a principal of each member of the joint venture.

33. Name and Title. Self-explanatory.

SAMPLE ENTRIES FOR SECTION G (MATRIX)

26. NAMES OF KEY PERSONNEL (From Section E, Block 12)	27. ROLE IN THIS CONTRACT (From Section E, Block 13)	28. EXAMPLE PROJECTS LISTED IN SECTION F (Fill in "Example Projects Key" section below first, before completing table. Place "X" under project key number for participation in same or similar role.)									
		1	2	3	4	5	6	7	8	9	10
Jane A. Smith	Chief Architect	X		X							
Joseph B. Williams	Chief Mechanical Engineer	X	X	X	X						
Tara C. Donovan	Chief Electrical Engineer	X	X		X						

29. EXAMPLE PROJECTS KEY

NUMBER	TITLE OF EXAMPLE PROJECT (From Section F)	NUMBER	TITLE OF EXAMPLE PROJECT (From Section F)
1	Federal Courthouse, Denver, CO	6	XYZ Corporation Headquarters, Boston, MA
2	Justin J. Wilson Federal Building, Baton Rouge, LA	7	Founder's Museum, Newport, RI

Part II - General Qualifications

See the "General Instructions" on page 1 for firms with branch offices. Prepare Part II for the specific branch office seeking work if the firm has branch offices.

1. Solicitation Number. If Part II is submitted for a specific contract, insert the agency's solicitation number and/or project number, if applicable, exactly as shown in the public announcement or agency request.

2a-2e. Firm (or Branch Office) Name and Address. Self-explanatory.

3. Year Established. Enter the year the firm (or branch office, if appropriate) was established under the current name.

4. Unique Entity Identifier. Insert the unique entity identifier issued by the entity designated at SAM. See FAR part 4.6.

5. Ownership.

a. Type. Enter the type of ownership or legal structure of the firm (sole proprietor, partnership, corporation, joint venture, etc.).

b. Small Business Status. Refer to the North American Industry Classification System (NAICS) code in the public announcement, and indicate if the firm is a small business according to the current size standard for that NAICS code (for example, Engineering Services (part of NAICS 541330), Architectural Services (NAICS 541310), Surveying and Mapping Services (NAICS 541370)). The small business categories and the internet website for the NAICS codes appear in FAR part 19. Contact the requesting agency for any questions. Contact your local U.S. Small Business Administration office for any questions regarding Business Status.

6a-6c. Point of Contact. Provide this information for a representative of the firm that the agency can contact for additional information. The representative must be empowered to speak on contractual and policy matters.

7. Name of Firm. Enter the name of the firm if Part II is prepared for a branch office.

8a-8c. Former Firm Names. Indicate any other previous names for the firm (or branch office) during the last six years. Insert the year that this corporate name change was effective and the associated unique entity identifier. This information is used to review past performance on Federal contracts.

9. Employees by Discipline. Use the relevant disciplines and associated function codes shown at the end of these instructions and list in the same numerical order. After the listed disciplines, write in any additional disciplines and leave the function code blank. List no more than 20 disciplines. Group remaining employees under "Other Employees" in column b. Each person can be counted only once according to his/her primary function. If Part II is prepared for a firm (including all branch offices), enter the number of employees by disciplines in column c(1). If Part II is prepared for a branch office, enter the number of employees by discipline in column c(2) and for the firm in column c(1).

10. Profile of Firm's Experience and Annual Average Revenue for Last 5 Years. Complete this block for the firm or branch office for which this Part II is prepared. Enter the experience categories which most accurately reflect the firm's technical capabilities and project experience. Use the relevant experience categories and associated profile codes shown at the end of these instructions, and list in the same numerical order. After the listed experience categories, write in any unlisted relevant project experience categories and leave the profile codes blank. For each type of experience, enter the appropriate revenue index number to reflect the professional services revenues received annually (averaged over the last 5 years) by the firm or branch office for performing that type of work. A particular project may be identified with one experience category or it may be broken into components, as best reflects the capabilities and types of work performed by the firm. However, do not double count the revenues received on a particular project.

11. Annual Average Professional Services Revenues of Firm for Last 3 Years. Complete this block for the firm or branch office for which this Part II is prepared. Enter the appropriate revenue index numbers to reflect the professional services revenues received annually (averaged over the last 3 years) by the firm or branch office. Indicate Federal work (performed directly for the Federal Government, either as the prime contractor or subcontractor), non-Federal work (all other domestic and foreign work, including Federally-assisted projects), and the total. If the firm has been in existence for less than 3 years, see the definition for "Annual Receipts" under FAR 19.101.

12. Authorized Representative. An authorized representative of the firm or branch office must sign and date the completed form. Signing attests that the information provided is current and factual. Provide the name and title of the authorized representative who signed the form.

List of Disciplines (Function Codes)

Code	Description	Code	Description
01	Acoustical Engineer	32	Hydraulic Engineer
02	Administrative	33	Hydrographic Surveyor
03	Aerial Photographer	34	Hydrologist
04	Aeronautical Engineer	35	Industrial Engineer
05	Archeologist	36	Industrial Hygienist
06	Architect	37	Interior Designer
07	Biologist	38	Land Surveyor
08	CADD Technician	39	Landscape Architect
09	Cartographer	40	Materials Engineer
10	Chemical Engineer	41	Materials Handling Engineer
11	Chemist	42	Mechanical Engineer
12	Civil Engineer	43	Mining Engineer
13	Communications Engineer	44	Oceanographer
14	Computer Programmer	45	Photo Interpreter
15	Construction Inspector	46	Photogrammetrist
16	Construction Manager	47	Planner: Urban/Regional
17	Corrosion Engineer	48	Project Manager
18	Cost Engineer/Estimator	49	Remote Sensing Specialist
19	Ecologist	50	Risk Assessor
20	Economist	51	Safety/Occupational Health Engineer
21	Electrical Engineer	52	Sanitary Engineer
22	Electronics Engineer	53	Scheduler
23	Environmental Engineer	54	Security Specialist
24	Environmental Scientist	55	Soils Engineer
25	Fire Protection Engineer	56	Specifications Writer
26	Forensic Engineer	57	Structural Engineer
27	Foundation/Geotechnical Engineer	58	Technician/Analyst
28	Geodetic Surveyor	59	Toxicologist
29	Geographic Information System Specialist	60	Transportation Engineer
30	Geologist	61	Value Engineer
31	Health Facility Planner	62	Water Resources Engineer

List of Experience Categories (*Profile Codes*)

Code	Description	Code	Description
A01	Acoustics, Noise Abatement	E01	Ecological & Archeological Investigations
A02	Aerial Photography; Airborne Data and Imagery Collection and Analysis	E02	Educational Facilities; Classrooms
A03	Agricultural Development; Grain Storage; Farm Mechanization	E03	Electrical Studies and Design
A04	Air Pollution Control	E04	Electronics
A05	Airports; Nav aids; Airport Lighting; Aircraft Fueling	E05	Elevators; Escalators; People-Movers
A06	Airports; Terminals and Hangars; Freight Handling	E06	Embassies and Chanceries
A07	Arctic Facilities	E07	Energy Conservation; New Energy Sources
A08	Animal Facilities	E08	Engineering Economics
A09	Anti-Terrorism/Force Protection	E09	Environmental Impact Studies, Assessments or Statements
A10	Asbestos Abatement	E10	Environmental and Natural Resource Mapping
A11	Auditoriums & Theaters	E11	Environmental Planning
A12	Automation; Controls; Instrumentation	E12	Environmental Remediation
B01	Barracks; Dormitories	E13	Environmental Testing and Analysis
B02	Bridges	F01	Fallout Shelters; Blast-Resistant Design
C01	Cartography	F02	Field Houses; Gyms; Stadiums
C02	Cemeteries (<i>Planning & Relocation</i>)	F03	Fire Protection
C03	Charting; Nautical and Aeronautical	F04	Fisheries; Fish ladders
C04	Chemical Processing & Storage	F05	Forensic Engineering
C05	Child Care/Development Facilities	F06	Forestry & Forest products
C06	Churches; Chapels	G01	Garages; Vehicle Maintenance Facilities; Parking Decks
C07	Coastal Engineering	G02	Gas Systems (Propane; Natural, Etc.)
C08	Codes; Standards; Ordinances	G03	Geodetic Surveying: Ground and Air-borne
C09	Cold Storage; Refrigeration and Fast Freeze	G04	Geographic Information System Services: Development, Analysis, and Data Collection
C10	Commercial Building (<i>low rise</i>) ; Shopping Centers	G05	Geospatial Data Conversion: Scanning, Digitizing, Compilation, Attributing, Scribing, Drafting
C11	Community Facilities	G06	Graphic Design
C12	Communications Systems; TV; Microwave	H01	Harbors; Jetties; Piers, Ship Terminal Facilities
C13	Computer Facilities; Computer Service	H02	Hazardous Materials Handling and Storage
C14	Conservation and Resource Management	H03	Hazardous, Toxic, Radioactive Waste Remediation
C15	Construction Management	H04	Heating; Ventilating; Air Conditioning
C16	Construction Surveying	H05	Health Systems Planning
C17	Corrosion Control; Cathodic Protection; Electrolysis	H06	Highrise; Air-Rights-Type Buildings
C18	Cost Estimating; Cost Engineering and Analysis; Parametric Costing; Forecasting	H07	Highways; Streets; Airfield Paving; Parking Lots
C19	Cryogenic Facilities	H08	Historical Preservation
D01	Dams (<i>Concrete; Arch</i>)	H09	Hospital & Medical Facilities
D02	Dams (<i>Earth; Rock</i>); Dikes; Levees	H10	Hotels; Motels
D03	Desalinization (<i>Process & Facilities</i>)	H11	Housing (<i>Residential, Multi-Family; Apartments; Condominiums</i>)
D04	Design-Build - Preparation of Requests for Proposals	H12	Hydraulics & Pneumatics
D05	Digital Elevation and Terrain Model Development	H13	Hydrographic Surveying
D06	Digital Orthophotography		
D07	Dining Halls; Clubs; Restaurants		
D08	Dredging Studies and Design		

List of Experience Categories (*Profile Codes continued*)

Code	Description	Code	Description
I01	Industrial Buildings; Manufacturing Plants	P09	Product, Machine Equipment Design
I02	Industrial Processes; Quality Control	P10	Pneumatic Structures, Air-Support Buildings
I03	Industrial Waste Treatment	P11	Postal Facilities
I04	Intelligent Transportation Systems	P12	Power Generation, Transmission, Distribution
I05	Interior Design; Space Planning	P13	Public Safety Facilities
I06	Irrigation; Drainage	R01	Radar; Sonar; Radio & Radar Telescopes
J01	Judicial and Courtroom Facilities	R02	Radio Frequency Systems & Shieldings
L01	Laboratories; Medical Research Facilities	R03	Railroad; Rapid Transit
L02	Land Surveying	R04	Recreation Facilities (Parks, Marinas, Etc.)
L03	Landscape Architecture	R05	Refrigeration Plants/Systems
L04	Libraries; Museums; Galleries	R06	Rehabilitation (Buildings; Structures; Facilities)
L05	Lighting (Interior; Display; Theater, Etc.)	R07	Remote Sensing
L06	Lighting (Exteriors; Streets; Memorials; Athletic Fields, Etc.)	R08	Research Facilities
M01	Mapping Location/Addressing Systems	R09	Resources Recovery; Recycling
M02	Materials Handling Systems; Conveyors; Sorters	R10	Risk Analysis
M03	Metallurgy	R11	Rivers; Canals; Waterways; Flood Control
M04	Microclimatology; Tropical Engineering	R12	Roofing
M05	Military Design Standards	S01	Safety Engineering; Accident Studies; OSHA Studies
M06	Mining & Mineralogy	S02	Security Systems; Intruder & Smoke Detection
M07	Missile Facilities (Silos; Fuels; Transport)	S03	Seismic Designs & Studies
M08	Modular Systems Design; Pre-Fabricated Structures or Components	S04	Sewage Collection, Treatment and Disposal
N01	Naval Architecture; Off-Shore Platforms	S05	Soils & Geologic Studies; Foundations
N02	Navigation Structures; Locks	S06	Solar Energy Utilization
N03	Nuclear Facilities; Nuclear Shielding	S07	Solid Wastes; Incineration; Landfill
O01	Office Buildings; Industrial Parks	S08	Special Environments; Clean Rooms, Etc.
O02	Oceanographic Engineering	S09	Structural Design; Special Structures
O03	Ordnance; Munitions; Special Weapons	S10	Surveying; Platting; Mapping; Flood Plain Studies
P01	Petroleum Exploration; Refining	S11	Sustainable Design
P02	Petroleum and Fuel (Storage and Distribution)	S12	Swimming Pools
P03	Photogrammetry	S13	Storm Water Handling & Facilities
P04	Pipelines (Cross-Country - Liquid & Gas)	T01	Telephone Systems (<i>Rural; Mobile; Intercom, Etc.</i>)
P05	Planning (Community, Regional, Areawide and State)	T02	Testing & Inspection Services
P06	Planning (Site, Installation, and Project)	T03	Traffic & Transportation Engineering
P07	Plumbing & Piping Design	T04	Topographic Surveying and Mapping
P08	Prisons & Correctional Facilities	T05	Towers (<i>Self-Supporting & Guyed Systems</i>)
		T06	Tunnels & Subways

List of Experience Categories (*Profile Codes continued*)

Code	Description
U01	Unexploded Ordnance Remediation
U02	Urban Renewals; Community Development
U03	Utilities (Gas and Steam)
V01	Value Analysis; Life-Cycle Costing
W01	Warehouses & Depots
W02	Water Resources; Hydrology; Ground Water
W03	Water Supply; Treatment and Distribution
W04	Wind Tunnels; Research/Testing Facilities Design
Z01	Zoning; Land Use Studies

ARCHITECT - ENGINEER QUALIFICATIONS

PART I - CONTRACT-SPECIFIC QUALIFICATIONS

A. CONTRACT INFORMATION

1. TITLE AND LOCATION *(City and State)*

Tern Bay Community Development District - Charlotte County, Florida

2. PUBLIC NOTICE DATE

3. SOLICITATION OR PROJECT NUMBER

Request for Qualifications for Engineering Services

B. ARCHITECT-ENGINEER POINT OF CONTACT

4. NAME AND TITLE

David R. Underhill, Jr., P.E. - Vice President

5. NAME OF FIRM

BEI Engineering Group, Inc. (dba Banks Engineering)

6. TELEPHONE NUMBER

(239) 939-5490

7. FAX NUMBER

(239) 939-2523

8. E-MAIL ADDRESS

dunderhill@bankseng.com

C. PROPOSED TEAM

(Complete this section for the prime contractor and all key subcontractors.)

a.	(Check)			9. FIRM NAME	10. ADDRESS	11. ROLE IN THIS CONTRACT
	PRIME	JV	PARTNER			
✓				BEI Engineering Group, Inc. (dba Banks Engineering) <input type="checkbox"/> CHECK IF BRANCH OFFICE	10511 Six Mile Cypress Parkway, Suite 101 Fort Myers, Florida 33966	Professional Engineer
b.				 <input type="checkbox"/> CHECK IF BRANCH OFFICE		
c.				 <input type="checkbox"/> CHECK IF BRANCH OFFICE		
d.				 <input type="checkbox"/> CHECK IF BRANCH OFFICE		
e.				 <input type="checkbox"/> CHECK IF BRANCH OFFICE		
f.				 <input type="checkbox"/> CHECK IF BRANCH OFFICE		

D. ORGANIZATIONAL CHART OF PROPOSED TEAM

(Attached)

E. RESUMES OF KEY PERSONNEL PROPOSED FOR THIS CONTRACT

(Complete one Section E for each key person.)

12. NAME David R. Underhill, Jr., P.E.	13. ROLE IN THIS CONTRACT Agent	14. YEARS EXPERIENCE	
		a. TOTAL 29	b. WITH CURRENT FIRM 24
15. FIRM NAME AND LOCATION <i>(City and State)</i> BEI Engineering Group, Inc. (dba Banks Engineering), 10511 Six Mile Cypress Parkway, Suite 101, Fort Myers, FL 33966			
16. EDUCATION <i>(Degree and Specialization)</i> Resumes are enclosed in the Qualifications Statement herewith.		17. CURRENT PROFESSIONAL REGISTRATION <i>(State and Discipline)</i> David R. Underhill, Jr., P.E. - FLA P.E. 47029	
18. OTHER PROFESSIONAL QUALIFICATIONS <i>(Publications, Organizations, Training, Awards, etc.)</i> Please see additional information in the Qualifications Statement herewith.			

19. RELEVANT PROJECTS

(1) TITLE AND LOCATION <i>(City and State)</i> Parklands Lee CDD, Bonita Springs, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2003	CONSTRUCTION <i>(If applicable)</i> 2003
a. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Design, permitting & construction services for infrastructure for 234-acre residential golf community. Continue to serve as District Engineer. <input checked="" type="checkbox"/> Check if project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i> Heritage Harbour North CDD, Port Charlotte, FL	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i> 2017
b. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Design, permitting & construction services for infrastructure for 2,500-acre residential golf community. Continue to serve as District Engineer. <input checked="" type="checkbox"/> Check if project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i> Heritage Palms CDD	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES 2005	CONSTRUCTION <i>(If applicable)</i> 2005
c. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Golf club community, \$4 million Engineering, Design, Permitting & Construction Management <input type="checkbox"/> Check if project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i> Cypress Shadows CDD	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i> 2014
d. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Design, permitting & construction services for infrastructure for 350.62-acre residential golf community. Continue to serve as District Engineer. <input checked="" type="checkbox"/> Check if project performed with current firm		
(1) TITLE AND LOCATION <i>(City and State)</i> East Bonita Active Adult CDD	(2) YEAR COMPLETED	
	PROFESSIONAL SERVICES	CONSTRUCTION <i>(If applicable)</i>
e. (3) BRIEF DESCRIPTION <i>(Brief scope, size, cost, etc.)</i> AND SPECIFIC ROLE Design, permitting & construction services for infrastructure for 168.45-acre residential golf community. Continue to serve as District Engineer. <input checked="" type="checkbox"/> Check if project performed with current firm		

F. EXAMPLE PROJECTS WHICH BEST ILLUSTRATE PROPOSED TEAM'S QUALIFICATIONS FOR THIS CONTRACT <i>(Present as many projects as requested by the agency, or 10 projects, if not specified. Complete one Section F for each project.)</i>	20. EXAMPLE PROJECT KEY NUMBER 1
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21. TITLE AND LOCATION <i>(City and State)</i> Beach Road Golf Estates CDD	22. YEAR COMPLETED	
	PROFESSIONAL SERVICES 2017	CONSTRUCTION <i>(If applicable)</i> 2017

23. PROJECT OWNER'S INFORMATION

a. PROJECT OWNER Lennar Homes, LLC	b. POINT OF CONTACT NAME Russell R. Smith	c. POINT OF CONTACT TELEPHONE NUMBER (239) 278-1177
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24. BRIEF DESCRIPTION OF PROJECT AND RELEVANCE TO THIS CONTRACT *(Include scope, size, and cost)*

The Beach Road Golf Estates CDD is a 500+/- acres golf club community. Banks Engineering provided all the design, permitting and engineering services for the project. Banks Engineering serves as District Engineer and was responsible for the preparation of the Engineer's Report and also for the review and inspection of District infrastructure. We also prepared the necessary engineering documents for the transfer of infrastructure for District ownership including: descriptions of the transferred facilities, legal description for easements, review of construction cost/requisitions.

The cost of the project is approximately \$6 million.

25. FIRMS FROM SECTION C INVOLVED WITH THIS PROJECT

(1) FIRM NAME	(2) FIRM LOCATION <i>(City and State)</i>	(3) ROLE
a. BEI Engineering Group, Inc. (dba Banks Engineering)	Fort Myers, FL	Agent
b.		
c.		
d.		
e.		
f.		

G. KEY PERSONNEL PARTICIPATION IN EXAMPLE PROJECTS

26. NAMES OF KEY PERSONNEL <i>(From Section E, Block 12)</i>	27. ROLE IN THIS CONTRACT <i>(From Section E, Block 13)</i>	28. EXAMPLE PROJECTS LISTED IN SECTION F <i>(Fill in "Example Projects Key" section below before completing table. Place "X" under project key number for participation in same or similar role.)</i>									
		1	2	3	4	5	6	7	8	9	10
David R. Underhill, Jr., P.E.	Project Manager & Engineer	X	X		X	X	X			X	
Samuel W. Marshall, P.E.	Project Manager & Engineer			X				X	X		
Richard M. Ritz, R.L.S.	Director of Land Surveying		X	X			X	X	X	X	

29. EXAMPLE PROJECTS KEY

NUMBER	TITLE OF EXAMPLE PROJECT <i>(From Section F)</i>	NUMBER	TITLE OF EXAMPLE PROJECT <i>(From Section F)</i>
1	Parklands Lee, Bonita Springs, FL	6	Reflection Isles, Fort Myers, FL
2	Cypress Shadows, Estero, FL	7	Stoneybrook Golf & Country Club, Estero, FL
3	Heritage Palms, Fort Myers, FL	8	Parklands West, Bonita Springs, FL
4	Bonita National, Bonita Springs, FL	9	Cedar Hammock, Naples, FL
5	Bonita Landing, Bonita Springs, FL	10	

H. ADDITIONAL INFORMATION

30. PROVIDE ANY ADDITIONAL INFORMATION REQUESTED BY THE AGENCY. ATTACH ADDITIONAL SHEETS AS NEEDED.

Banks Engineering is a Civil Engineering firm offering professional services encompassing all aspects of the land development process.

Banks Engineering provides a wide-range of resources beginning with the design process and continuing through the projects construction. Following is a list of valuable resources that make up Banks ability to deliver high quality service and complete commitment to client satisfaction.

1. Professional, Experienced and Licensed Engineers, Planners and Surveyors
2. Extensive Computer Aided Drafting & Design (CAD) Stations and Technicians
3. Permit Technicians with experience in all aspects of the project's permitting process
4. Station Survey Components, G.P.S. Complete Survey Stations, 4-Wheel Drive Survey Vehicles, and excellent Field Crews.

All of the staff at Banks Engineering takes great pride in his/or her work. While taking advantage of Banks' numerous resources, we also have excellent working relationships with the many other companies that encompass the Engineering process, that are crucial to the successful completion of our projects.

Please see additional information in the LOI & Professional Qualifications Statement herewith.

I. AUTHORIZED REPRESENTATIVE

The foregoing is a statement of facts.

31. SIGNATURE



32. DATE

11/22/20

33. NAME AND TITLE

David R. Underhill, Jr. - Vice President

ARCHITECT-ENGINEER QUALIFICATIONS

1. SOLICITATION NUMBER (If any)

Tern Bay CDD

PART II - GENERAL QUALIFICATIONS

(If a firm has branch offices, complete for each specific branch office seeking work.)

2a. FIRM (or Branch Office) NAME BEI Engineering Group, Inc. (dba Banks Engineering)			3. YEAR ESTABLISHED 1992	4. UNIQUE ENTITY IDENTIFIER
2b. STREET 10511 Six Mile Cypress Parkway, Suite 101			5. OWNERSHIP	
2c. CITY Fort Myers	2d. STATE FL	2e. ZIP CODE 33966	a. TYPE S. Corp.	
6a. POINT OF CONTACT NAME AND TITLE David R. Underhill, Jr., P.E. - Vice President			b. SMALL BUSINESS STATUS	
6b. TELEPHONE NUMBER (239) 939-5490			6c. E-MAIL ADDRESS dunderhill@bankseng.com	
8a. FORMER FIRM NAME(S) (If any)			8b. YEAR ESTABLISHED	8c. UNIQUE ENTITY IDENTIFIER

9. EMPLOYEES BY DISCIPLINE				10. PROFILE OF FIRM'S EXPERIENCE AND ANNUAL AVERAGE REVENUE FOR LAST 5 YEARS		
a. Function Code	b. Discipline	c. Number of Employees		a. Profile Code	b. Experience	c. Revenue Index Number (see below)
		(1) FIRM	(2) BRANCH			
02	Administrative/Permitting	9	7	C10	Commercial Buildings	5
08	CADD Technician	16	9	C11	Community Facilities	3
12	Civil Engineer	9	5	C15	Construction Management	4
15	Construction Inspector	1	1	C16	Construction Surveying	5
38	Land Surveyor	4	4	C18	Cost Estimating/Cost Engineering	2
47	Planner	2	1	H09	Hospital & Medical Facilities	3
48	Project Manager	4	2	H10	Hotels/Motels	2
	Other: Engineer Intern	2	2	H13	Hydrographic Surveying	4
	Other: Information Technology	2	2	L02	Land Surveying	4
	Other: Survey Field Staff	24	15	P05/06	Planning	3
				R04	Recreation Facilities	1
				S04	Sewage Collection	3
				S10	Surveying: Platting; Mapping; Flood	5
				S13	Stormwater Handling & Facilities	4
				T04	Topographic Surveying & Mapping	4
				U02	Urban Renewals/Community Dev.	6
				W03	Water Supply Distribution	3
				Z01	Zoning: Land Use Studies	1
	Other Employees					
	Total	73	48			

11. ANNUAL AVERAGE PROFESSIONAL SERVICES REVENUES OF FIRM FOR LAST 3 YEARS (Insert revenue index number shown at right)		PROFESSIONAL SERVICES REVENUE INDEX NUMBER			
a. Federal Work	1	1. Less than \$100,000	6. \$2 million to less than \$5 million	7. \$5 million to less than \$10 million	8. \$10 million to less than \$25 million
b. Non-Federal Work	7	3. \$250,000 to less than \$500,000	9. \$25 million to less than \$50 million	10. \$50 million or greater	
c. Total Work	8	4. \$500,000 to less than \$1 million			
		5. \$1 million to less than \$2 million			

12. AUTHORIZED REPRESENTATIVE

The foregoing is a statement of facts.

a. SIGNATURE 	b. DATE 11/12/20
c. NAME AND TITLE David R. Underhill, Jr. - Vice President	



RICHARD M. RITZ, R.L.S.

Vice President, Director of Surveying

PROFESSIONAL SUMMARY

Rick is a Registered Land Surveyor with forty-seven (47) years of experience in Southwest Florida. He has coordinated the field surveying and office mapping of design surveys for many large developments. Rick has extensive experience in the production of ALTA/ACSM Land Title Surveys, Condominium Exhibits, Record Plats, Topographic and Jurisdictional Surveys, as well as Coastal Construction Permitting. He has managed the construction staking for projects from small commercial projects to developments in excess of 1000 acres and improvements within public rights-of-way. As Vice President and Director of Surveying of Banks Engineering, Rick is responsible for the oversight of the company's survey operations.

ACADEMIC EDUCATION

Overlea High School, Baltimore, Maryland, 1970
High School Diploma

PROFESSIONAL REGISTRATIONS/AFFILIATIONS

- Professional Surveyor, State of Florida
Certificate Number 4009
- Member, Florida Surveying & Mapping Society (FSMS)
- President, Collier-Lee Chapter FSMS (2006-2007)
- Vice-President, Collier-Lee Chapter FSMS (2005-2006)
- Secretary, Collier-Lee Chapter FSMS (2004-2005)
- Florida Surveying & Mapping Society Chapter
President of the Year (2006-2007)
- Director, Florida Surveying & Mapping Society (2009-2016)
- FSMS Director of the Year (2012-2014)

CONTACT INFORMATION

Phone: 239-939-5490
Fax: 239-939-2523
Email: rritz@bankseng.com

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

PROJECT EXPERIENCE

ROADWAY PROJECTS

- **I-75 - Charlotte County, Florida**
Improvements within the right-of-way including storm drainage and road widening.
- **I-75/SR 82 - Lee County, Florida**
Improvements within the right-of-way including drainage, waterline, and road widening.
- **Daniels Road Improvements - Lee County, Florida**
Chamberlin Parkway to Gateway Boulevard improvements within the right-of-way including waterline, storm drainage, sidewalks, and road widening
- **Plantation Road Extension - Fort Myers, Florida**
Prepare route survey of the 1.2 mile road extension. Prepare topographic survey for design purposes. Prepare legal descriptions and sketches for right-of-way takings. Provide oversight for the roadway and utility construction and as-builts.

RESIDENTIAL PROJECTS

- **Heritage Palms - Fort Myers, Florida**
Prepare boundary survey of 820 acre parcel for acquisition. Establish aerial target control network for photogrammetric topographic survey. Provide supplemental topographic data for engineering design purposes. Provide oversight for the construction staking of the infrastructure, along with the preparation of subdivision plats, condominium exhibits and legal descriptions.
- **Preserve at Corkscrew - Lee County, Florida**
300-acre, 450-unit residential development on Corkscrew Road. The project includes a turn lane at the project entrance and approximately 1/2 mile of multi-use path along Corkscrew Road that was constructed and dedicated to Lee County.
- **Stoneybrook North - Lee County, Florida**
Prepare ALTA/ACSM Land Title Survey for 741-acre parcel for acquisition. Establish aerial target control network for photogrammetric topographic survey. Provide supplemental topographic data for engineering design purposes. Preparation of subdivision plat and legal descriptions. Oversight of field crews in obtaining topographic data in both Bayshore and Popash Creek watersheds for remapping the proposed FEMA floodway and floodplain limits.

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BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

DAVID R. UNDERHILL, P.E.

Vice President, Project Manager

PROFESSIONAL SUMMARY

Dave is a civil engineer with Banks Engineering and has over twenty-three (23) years of civil engineering design and management for a wide range of projects located in Southwest Florida. He received a Bachelor of Science Degree in Civil Engineering from The University of Florida and is a registered Professional Engineer in the state of Florida. Dave has comprehensive experience in the design, permitting and construction of a large range of land development projects. His diverse portfolio includes industrial, commercial, residential, transportation, and utility projects. His clients include government agencies and private developers. As a Civil Engineer and a Vice President of Banks Engineering, Dave is responsible for managing the design, production, permitting and client coordination from preliminary project planning through completion of the project. In addition, his contributions include managing the project budget and ensuring adherence to the project schedule.

ACADEMIC EDUCATION

University of Florida, Gainesville, Florida; 1988
Bachelor of Science, Civil Engineering

PROFESSIONAL REGISTRATIONS/AFFILIATIONS

Professional Engineer, State of Florida
License Number 47029

CONTACT INFORMATION

Phone: 239-939-5490
Fax: 239-939-2523
Email: dunderhill@bankseng.com

PROJECT EXPERIENCE

RESIDENTIAL AND MIXED-USE DEVELOPMENTS:

- **Bonita National - Bonita Springs, Florida**
486-acre, 1,459-unit, single-family and multi-family residential development in Bonita Springs, Florida. The project includes the easterly 2 miles of Bonita Beach Road. Two roundabouts are present, one internal and one external to the Bonita National Project.
- **Preserve at Corkscrew - Lee County, Florida**
300-acre, 450-unit residential development on Corkscrew Road. The project includes a turn lane at the project entrance and approximately 1/2 mile of multi-use path along Corkscrew Road that was constructed and dedicated to Lee County.

PUBLIC PRIVATE PARTNERSHIP:

- **Bonita Beach Road - Bonita Springs, Florida**
Responsible for the design, permitting and construction coordination for the eastern 4 miles of Bonita Beach Road from Worthington to Bonita National. The roadway was originally designed as a 2 lane corridor and later converted to 4 lanes. This roadway was constructed by the various developments fronting the roadway.
- **Logan Road - Collier County, Florida**
Responsible for the design, permitting and construction coordination for the northern 1.7 miles of Logan Blvd. north of Immokalee Road. The roadway is completed and owned and maintained by Collier County.
- **Bonita Fire Station #23 - Bonita Springs, Florida**
Design, permitting and construction of a new fire station on Bonita Beach Road.

COMMERCIAL AND MIXED-USE:

- **Liberty Health Park - Cape Coral, Florida**
28-acre mixed use development including 3 commercial parcels and 280 apartment units. The project includes widening and turn lanes on NE 23rd Terrace at the Pine Island Road intersection and at the project entrance. Also included are turn lanes and intersection improvements on Pine Island Road along with the signalization of the intersection by FDOT. The project is a partnership between the developer, FDOT and the City of Cape Coral.
- **Grand Central - Fort Myers, Florida**
25-acre mixed use development with 280 apartments and 3 commercial out parcels. Design, permitting and construction coordination for the development of the project. The project included the re-spacing of the existing driveways with left and right turn lane improvements on US 41.

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BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

SAMUEL W. MARSHALL, P.E.

Vice President

PROFESSIONAL SUMMARY

Mr. Marshall is a Civil Engineer with Banks Engineering and has over thirty (30) years of experience in Southwest Florida. He received a Bachelor of Science Degree in Civil Engineering from the University of Florida and is a registered Professional Engineer in the State of Florida. Mr. Marshall has comprehensive experience in the design, permitting, and construction of a large range of land development projects. His diverse portfolio includes industrial, commercial, multi-family and single-family residential, and mixed-use projects. His clients include government agencies and private developers. As a Civil Engineer and a Vice President of Banks Engineering, Mr. Marshall is responsible for managing the design, production, permitting, and client coordination from preliminary project planning through completion of the project. In addition, his contributions include managing the project budget and ensuring adherence to the project schedule.

ACADEMIC EDUCATION

University of Florida, Gainesville, Florida; 1990
Bachelor of Science; Civil Engineering

PROFESSIONAL REGISTRATIONS/AFFILIATIONS

Professional Engineer, State of Florida
License Number 48881

CONTACT INFORMATION

Phone: 239-939-5490
Fax: 239-939-2523
Email: smarshall@bankseng.com

PROJECT EXPERIENCE

DRAINAGE STUDIES AND DEVELOPMENT DESIGN

- **Drainage Study and Design for 1200+ Acre Miromar Lakes Property bounded by I-75 and bisected by Ben Hill Griffin Parkway -**
Banks Engineering completed the conceptual storm water design and permitted it through the SFWMD, and completed the backbone water management system and first several phases of construction from design and permitting through construction certification. The storm water system flowed through the Ben Hill Griffin Parkway right-of-way and ultimately discharged into the I-75 right-of-way. Banks Engineering was also the Engineer of Record for the Chapter 190 Community Development District responsible for developing and certifying construction costs used to obtain bonds to fund infrastructure development.
- **Popash Creek and Bayshore Creek Drainage Study -**
Banks Engineering performed a study of the twelve (12) square mile Popash and Bayshore Creek drainage basins including Pritchett Parkway (Lee County Collector Road), privately maintained paved and unpaved roads and agricultural lands. Banks Engineering utilized both ICPR and HEC-RAS drainage modeling programs to determine that proposed County drainage improvements to the creeks would not cause adverse impacts on upstream or downstream lands. Banks Engineering partnered with Lee County to file a protest with FEMA during the re-mapping of Floodways over Popash and Bayshore Creeks. The Banks Engineering hydraulic models were approved by FEMA's consultant and the floodway mapping generated by Banks Engineering was adopted by FEMA. For each agency (County, SFWMD and FEMA) the modeling criteria were different. Banks Engineering was able to work with and meet each agency's criteria to gain their approval.
- **Drainage Study and Design for 1,600+ Acre Heritage Lakes Property within the Six Mile Slough, Billy's Creek and Orange River Drainage Basins -**
Drainage study of this property adjacent to I-75 and SR-82 to facilitate drainage discharges to those facilities and to allow access connection of a mixed-use development to SR-82. The 1,600+ acre property is within three difference drainage basins, including being the headwater tributary to the Six Mile Slough Preserve. Banks Engineering participated in the annexation of the site into the City of Fort Myers, a large scale comprehensive plan amendment and design and approval of the water management system through the SFWMD.
- **Drainage, Water, Sewer & Roadway Master Planning, Engineering Design, Permitting and Construction Services for Multi-Phase Developments -**
Including Heritage Palms, a 820 acre residential community located in the City of Fort Myers and North Brook, a 745 acre residential community located in North Fort Myers.

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ENGINEERING SERVICES AGREEMENT

THIS AGREEMENT (this “Agreement”) is made and entered into as of this 12th day of January, 2021 by and between **TERN BAY COMMUNITY DEVELOPMENT DISTRICT**, a local unit of special purpose government established and existing pursuant to Chapter 190, Florida Statutes, and the laws of the State of Florida (“District”) and **BANKS ENGINEERING, INC. (BEI)**, a Florida corporation (“Engineer”).

WHEREAS, the District solicited for proposals to serve as the Engineer for the District in accordance with Sections 190.033 and 287.055, Florida Statutes; and

WHEREAS, the Engineer submitted a proposal to serve in this capacity; and

WHEREAS, the District’s Board of Supervisors ranked the Engineer as the number one most qualified firm to serve as the Engineer for the District and authorized negotiation of a contract; and

WHEREAS, the District intends to employ the Engineer to perform engineering, surveying, planning, landscaping, environmental management and permitting, and such other services as deemed necessary by the District, as defined in separate work authorizations; and

WHEREAS, the Engineer shall serve as the District’s professional representative in each service or project to which this Agreement applies and will provide the required services defined in separate work authorizations to the District during the performance of his services.

NOW THEREFORE, for and in consideration of the premises, the mutual covenants herein contained, the act and deeds to be performed by the parties, the receipt and sufficiency of which are hereby acknowledged, it is mutually covenanted and agreed as follows:

ARTICLE 1. SCOPE OF SERVICES

A. The Engineer will provide general engineering services, as authorized by the Board of Supervisors and supervised by the District’s Manager or directed by the District Manager, including:

- 1.** Prepare any necessary reports and attend meetings of the District’s Board of Supervisors; and
- 2.** Assistance in meeting with necessary parties pertaining to bond issues, special reports, feasibility studies or other tasks; and
- 3.** Performance of any other duties related to the provision of infrastructure and services.

B. The Engineer shall prepare construction drawings and specifications for the type of work as authorized by the Board of Supervisors of the District and directed by the District’s Manager. This may include rendering assistance in the drafting of forms,

ENGINEERING SERVICES AGREEMENT

proposals and contracts, issuance of certificates of construction and payment, assisting and supervising the bidding processes, and any other activity required by the District.

C. The Engineer shall provide general services during the construction phase of a project as authorized by the District and supervised by the District's Manager which may include the following:

1. Periodic visits to the site, or full-time services, as directed by the District; and
2. Processing of contractors' pay estimates; and
3. Final inspection and requested certificates for construction including the final certification of construction; and
4. Consultation and advice during construction, including performing all roles and actions required of any construction contract between the District and any contractor(s) in which the Engineer is named as owner's representative or "Engineer"; and
5. Any other activity related to construction as authorized by the District.
6. Land surveying;
7. Topographic surveying;
8. Staking and layout work for construction;
9. Tests of material and underground explorations; and
10. Aerial photographs.

D. The Engineer will assign a project manager to the District, notifying the District in writing, which project manager shall be the primary contact person for the Engineer.

E. In those instances where the Engineer believes that a task, work or project requires additional personnel, the Engineer shall obtain the prior written approval of the District. The Engineer shall optimize the resources available through the District staff before utilizing additional Engineer personnel.

F. Each project shall utilize standard project management methodology.

G. The District retains the right to at any time, without penalty or charge, suspend any previously authorized work, task or project, by providing written notice to the Engineer, provided however that the District shall be responsible to pay the Engineer for all authorized work performed prior to receipt by Engineer of the notice of suspension.

H. The District retains the right to obtain other engineering services.

I. The professional services to be provided by Engineer shall comply with all applicable laws, statutes, ordinances, codes, orders (including, without limitation, the PUD Ordinance), rules and regulations, and shall be performed with the degree of care

ENGINEERING SERVICES AGREEMENT

and diligence and in accordance with the professional standards of professional engineers practicing in the State of Florida. The services shall be performed within the standards of the industry. In the event of any conflict between the rules, regulations and ordinances promulgated by the various governmental authorities controlling construction of improvements, Engineer covenants and agrees that it will design such improvements in accordance with the standards of the industry.

ARTICLE 2. METHOD OF AUTHORIZATION/SCHEDULE

A. Each service or project shall be authorized in writing by the District. The written authorization shall be incorporated in a Work Authorization that shall include the scope of work, compensation, and special provisions or conditions specific to the service or project being authorized. Authorization of services or projects under the contract shall be at the sole option of the District and as agreed to by the Engineer.

B. Engineer shall perform its obligations under this Agreement as expeditiously and efficiently as are consistent with professional skill and care and the orderly progress of the construction of the District's facilities and improvements and meet such project schedules as may be developed by District and consistent with information provided to Engineer by District and applicable government agencies. Engineer agrees that all services shall be provided in such a manner as to meet District's reasonable expectation and to provide Engineer's best efforts to ensure the timely progression of the work being performed by the District.

ARTICLE 3. COMPENSATION

It is understood and agreed that the payment of compensation for services under this contract shall be stipulated in each Work Authorization. One of the following methods shall be utilized:

Lump Sum Amount. For services or projects where the District and Engineer mutually agree to a maximum lump sum amount for the services to be rendered payable monthly in direct proportion to the work accomplished.

Hourly Personnel Rates. For services or projects where the scope of services is not capable of being clearly defined or recurring services or other projects where the District desires the use of the hourly compensation rates, the services shall be charged at the Engineer's current and best rates, a current copy of which is outlined in Schedule A, attached hereto and made a part hereof. If requested by the District, Engineer shall provide the District with written updates of said rate schedule.

ENGINEERING SERVICES AGREEMENT

ARTICLE 4. REIMBURSABLE EXPENSES

Reimbursable expenses consist of actual expenditures made by the Engineer, its employees, or its consultants in the interest of District authorized work for the incidental expenses listed as follows:

- A.** Expenses of transportation and living when traveling in connection with the project, for long distance calls and facsimiles, and fees paid for securing approval of authorities having jurisdiction over the Project. Requests for reimbursements for all such Expenditures shall be made in accordance with Chapter 112, Florida Statutes and with the District's travel policy.
- B.** Actual expense of reproduction, postage and handling of drawings, and specifications except those use for in-house purposes by Engineer.

ARTICLE 5. SPECIAL CONSULTANTS

When authorized in writing by the District, additional special consulting services shall be paid for at the actual cost of the special consultant without any markup by the Engineer.

ARTICLE 6. BILLING AND ACCOUNTING RECORDS

Bills for fees or other compensation for services or expenses shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof. The Engineer, when billing based upon an hourly basis shall record the time expended in increments not less than two-tenths (.2) of an hour, with an accompanying detailed explanation for each time entry. Records of the Engineer pertaining to the services provided hereunder shall be kept on a basis of generally accepted accounting principles and shall be available to the District or its authorized representative for observation or audit at mutually agreeable times. The Engineer shall not charge for time expended in billing preparation or review or for internal administration of this Agreement. The Engineer acknowledges that the provisions of Article 14 of this Agreement may apply to such records.

ARTICLE 7. OWNERSHIP OF PLANS

All plans produced by the Engineer shall immediately become property of the District.

ARTICLE 8. REUSE OF DOCUMENTS

All documents including drawings and specifications furnished by the Engineer pursuant to this Agreement are instruments of service. They are not intended or represented to be suitable for reuse by the District or others on extensions of the work for which they were provided or on any other project. Any reuse without specific written consent by the Engineer will be at the District's sole risk and without liability or legal exposure to the Engineer.

ENGINEERING SERVICES AGREEMENT

ARTICLE 9. ESTIMATE OF COST

Since the Engineer has no control over the cost of labor, materials or equipment, a contractor's(s') methods of determining prices, competitive bidding or market conditions, any opinions of probable cost provided as a service hereunder are to be made on the basis of his experience and qualifications and represent his best judgment as a design professional familiar with the construction industry, but the Engineer cannot and does not guarantee that proposals, bids, or the construction costs will not vary from opinion of probable cost prepared by the contractor. If the District wishes greater assurance as to the construction costs, it shall employ an independent cost estimator at its own expense. Services to modify approved documents to bring the construction cost within any limitation established by the District will be considered additional services and may justify additional fees.

ARTICLE 10. INSURANCE

The Engineer shall, at its own expense, maintain insurance during the performance of its services under this Agreement, with limits of liability not less than the following:

Workers Compensation	Statutory
General Liability <ul style="list-style-type: none">• Bodily Injury (including Contractual)• Property Damage (including Contractual)	\$1,000,000/ \$2,000,000 \$1,000,000/ \$2,000,000
Automobile Liability (if Applicable) <ul style="list-style-type: none">• Bodily Injury• Property Damage	\$1,000,000/ \$1,000,000 \$1,000,000
Professional Liability for Errors and Omissions	\$1,000,000/\$3,000,000

The Engineer shall provide the District with a certificate evidencing compliance with the above terms and naming the District as an additional insured on general and automobile liability policies. The Engineer shall require that the insurer provide the District with thirty (30) days notice of cancellation and provide written certification thereof. At no time shall the Engineer be without insurance in the above amounts.

ARTICLE 11. CONTINGENT FEE

The Engineer warrants that it has not employed or retained any company or person, other than a bona fide employee working solely for the Engineer, to solicit or secure this Agreement, and that it has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the Engineer, any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this Agreement.

ENGINEERING SERVICES AGREEMENT

ARTICLE 12. AUDIT

The Engineer agrees that the District or any of its duly authorized representatives shall, until the expiration of five years after expenditure of funds under this Agreement, have access to and the right to examine any books, documents, papers, and records of the Engineer involving transactions related to the Agreement. The Engineer agrees that payment made under this Agreement shall be subject to reduction for amounts charged thereto that are found on the basis of audit examination not to constitute allowable costs. All required records shall be maintained until an audit is completed and all questions arising therefrom are resolved, or five years after completion of all work under the Agreement. At the end of said time period, the Engineer shall turn over District records to the District and will be reimbursed for the actual costs to do so.

ARTICLE 13. INDEMNIFICATION

The Engineer agrees, to the fullest extent permitted by law, to indemnify, defend, and hold the District, its Board members, officers, agents, employees harmless of and from any and all liabilities, claims, costs, expenses, causes of action, demands, suits, or losses (including attorneys' fees and costs) arising from the negligent or wrongful acts, errors, or omissions, or the misconduct, of the Engineer, the Engineer's agents, or its employees, in the performance of professional services under this Agreement. The Engineer agrees and covenants that nothing herein shall constitute or be construed as a waiver of the District's sovereign immunity pursuant to section 768.28, F.S. The terms and provisions of this Article shall survive the expiration or termination of this Agreement.

ARTICLE 14. PUBLIC RECORDS

The Engineer agrees and understands that Chapter 119, Florida Statutes, may be applicable to documents prepared in connection with the work provided to the District by Engineer. The Engineer shall allow access to all documents, papers, letters, or other materials subject to the provisions of Chapter 119, F.S. The District shall have the right to unilaterally cancel this Agreement for refusal by the Engineer to allow public access to all documents, papers, letters, or other materials that are subject to the provisions of Chapter 119, F.S. and made or received by the Engineer in conjunction with this Agreement.

ARTICLE 15. EMPLOYMENT VERIFICATION

The Engineer agrees that it shall bear the responsibility for verifying the employment status, under the Immigration Reform and Control Act of 1986, of all persons it employs in the performance of this Agreement.

ENGINEERING SERVICES AGREEMENT

ARTICLE 16. CONTROLLING LAW

The Engineer and the District agree that this Agreement shall be controlled and governed by the laws of the State of Florida. The parties to this Agreement acknowledge venue as lying in Lee County, Florida and further agree that all litigation arising out of this Agreement or the services provided hereunder shall be in the Florida state court of appropriate jurisdiction in Lee County, Florida.

ARTICLE 17. ASSIGNMENT AND AMENDMENT

Neither the District nor the Engineer shall assign, sublet, or transfer any rights under or interest in this Agreement without the express written consent of the other. Nothing in this paragraph shall prevent the Engineer from employing such independent professional associates and consultants, as the Engineer deems appropriate, pursuant to Article 5 herein. 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.

ARTICLE 18. TERMINATION

This Agreement shall commence upon execution of this Agreement by both parties and shall continue until terminated in accordance with the provisions herein. The District may terminate this Agreement, in whole or in part, for non-performance by the Engineer or for convenience and without cause, at the District's discretion, by providing thirty (30) days written notice to the Engineer of the District's intent to terminate. The Engineer may terminate this Agreement without cause upon ninety (90) days written notice. At such time as the Engineer receives notification of the intent of the District to terminate the Agreement, the Engineer shall not perform any further services unless directed to do so by the Board of Supervisors. In the event of any termination, the Engineer will be paid for services rendered to the date of termination and all reimbursable expenses incurred to the date of termination.

ARTICLE 19. RECOVERY OF COSTS AND FEES

In the event either party is required to enforce this Agreement by court proceedings or otherwise, to the extent permitted by law, the prevailing party shall be entitled to recover from the other party its reasonable attorneys' fees and costs, including those associated with any appeal.

ARTICLE 20. INDEPENDENT CONTRACTOR

In all matters relating to this Agreement, the Engineer shall be acting as an independent contractor. Neither the Engineer nor employees of the Engineer, if any, are employees of the District under the meaning or application of any federal or state Unemployment or Insurance Laws or Old Age Laws or otherwise. The Engineer agrees to assume all liabilities or obligations

ENGINEERING SERVICES AGREEMENT

imposed by anyone or more of such laws with respect to employees of the Engineer, if any, in the performance of this Agreement. The Engineer shall not have any authority to assume or create any obligation, expressed or implied, on behalf of the District and the Engineer shall have no authority to represent as agent, employee, or in any other capacity the District unless set forth differently herein.

ARTICLE 21. NOTICES

Any notice provided by this Agreement to be served in writing upon either of the parties shall be deemed sufficient if hand delivered, sent by commercial overnight courier, or mailed by registered or certified mail, return receipt requested, to the authorized representative of the other party at the addresses below or to such other addresses as the parties hereto may hereafter designate in writing. Any such notice or demand shall be deemed to have been given or made as of the time of actual delivery, or, in the case of certified mailing, such notice shall be effective from the date the same is deposited in the mail with postage prepaid. The addresses for notice purposes are as follows:

IF TO ENGINEER: Banks Engineering, Inc. (BEI)
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966
Attention: Mr. David Underhill, Vice-President

IF TO DISTRICT: Tern Bay Community Development District
2301 NE 37th Street
Fort Lauderdale, Florida 33308
Phone: 954-658-4900
E-Mail: JimWard@JimWardAssociates.com
Fax: Not Applicable
Attention: Mr. James P. Ward

WITH A COPY TO: Coleman, Yovanovich & Koester
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103
Phone: 239-435-3535
Attention: Mr. Greg Urbancic

ARTICLE 21. OBJECTIVE CONSTRUCTION AND ACCEPTANCE

This Agreement reflects the negotiated agreement of the parties, each represented by competent legal counsel. Accordingly, this Agreement shall be construed as if both parties jointly prepared it, and no presumption against one party or the other shall govern the interpretation or construction of any of the provisions of this Agreement. Acceptance of this Agreement is indicated by the signature of the authorized representative of the District and the Engineer in the spaces provided below.

ENGINEERING SERVICES AGREEMENT

ARTICLE 22. SEVERABILITY

Should any clause, paragraph, or other part of this Agreement be held or declared void or illegal, for any reason, by any court having competent jurisdiction, all other clauses, paragraphs or parts of this Agreement shall nevertheless remain in full force and effect.

ARTICLE 23. ACCEPTANCE

Acceptance of this Agreement is indicated by the signature of the authorized representative of the District and the Engineer in the spaces provided below.

{Signatures appear on the following page}

ENGINEERING SERVICES AGREEMENT

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

DISTRICT:

Attest:

TERN BAY COMMUNITY DEVELOPMENT DISTRICT

James P. Ward, Secretary

Russell Smith, Chairman

ENGINEER:

BANKS ENGINEERING, INC., (BEI)
a Florida corporation

By: _____
David Underhill, Vice-President

ENGINEERING SERVICES AGREEMENT

SCHEDULE A

FEE SCHEDULE

Principal Engineer	\$185.00
Professional Engineer I	\$110.00
Professional Engineer II	\$125.00
Professional Engineer III	\$150.00
Project Manager I	\$ 85.00
Project Manager II	\$100.00
Project Manager III	\$125.00
Project Manager IV	\$150.00
Project Manager V	\$185.00
Engineer Intern I	\$ 85.00
Engineer Intern II	\$100.00
Engineer Technician I	\$ 55.00
Engineer Technician II	\$ 65.00
Engineer Technician III	\$ 75.00
Engineer Technician IV	\$ 85.00
Professional Land Surveyor I	\$110.00
Professional Land Surveyor II	\$125.00
Professional Land Surveyor III	\$150.00
Principal Surveyor	\$185.00
Survey Technician I	\$ 55.00
Survey Technician II	\$ 65.00
Survey Technician III	\$ 75.00
Survey Technician IV	\$ 85.00
4-Man Survey Crew	\$160.00
3-Man Survey Crew	\$125.00
2-Man Survey Crew	\$100.00
1-Man Survey Crew	\$ 80.00
Administrative Assistant I	\$ 40.00
Administrative Assistant II	\$ 50.00
Administrative Assistant III	\$ 60.00
Planner I	\$ 65.00
Planner II	\$ 75.00
Planner III	\$ 85.00
Planner IV	\$100.00
Planner V	\$125.00
Principal Planner	\$150.00
 Reimbursables:	
Mileage (Based on IRS published rates)	\$ 0.575
Copies:	
Letter	\$ 0.15
Legal	\$ 0.25
Ledger	\$ 0.30
Digital Plan Copies (Black & White)	\$ 1.25
Digital Plan Copies (Color)	\$ 2.25
Mylar Copies	\$ 5.50

RESOLUTION NO. 2021-4

A RESOLUTION OF THE BOARD OF SUPERVISORS OF TERN BAY COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING THE ACQUISITION OF CERTAIN POTABLE WATER AND WASTEWATER UTILITY FACILITIES FROM THE DEVELOPER, LENNAR HOMES, LLC, AND AUTHORIZING THE CONVEYANCE OF SUCH POTABLE WATER AND WASTEWATER UTILITY FACILITIES TO CHARLOTTE COUNTY; AUTHORIZING THE CHAIRMAN OR THE VICE CHAIRMAN (IN THE CHAIRMAN'S ABSENCE) TO EXECUTE SUCH CONVEYANCE DOCUMENTS TO THE EXTENT NECESSARY TO EVIDENCE THE DISTRICT'S ACCEPTANCE AND CONVEYANCE; PROVIDING FOR SEVERABILITY, PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Tern Bay Community Development District (the "District") is a local unit of special purpose government created and existing pursuant to Chapter 190, Florida Statutes, and situated within Charlotte County, Florida; and

WHEREAS, the District is organized for the purposes of providing community development services and facilities benefiting the development known as Heritage Landing; and

WHEREAS, Chapter 190, Florida Statutes, authorizes the District to construct, install, operate, finance and/or maintain systems and facilities for certain basic infrastructure including, but not limited to, district roads, sanitary sewer collection system, potable water distribution system, stormwater/floodplain management, off-site improvements, landscape and hardscape, irrigation system, street lighting, conservation areas, mitigation areas, and wildlife habitat, and other public improvements; and

WHEREAS, the applicable Charlotte County development orders, approvals, codes, ordinances and regulations generally require or contemplate the conveyance of various on-site potable water and wastewater utility systems being constructed or acquired by the District to Charlotte County; and

WHEREAS, the acquisition by the District of potable water and wastewater utility systems and thereafter the conveyance of such potable water and sanitary sewer systems to Charlotte County requires the Chairman or Vice Chairman (in the Chairman's absence) to sign or execute certain documents on behalf of the District; and

WHEREAS, the District desires to acquire certain potable water and wastewater utility facilities related to Pod I ("Utility Facilities") from Lennar Homes, LLC, a Florida corporation ("Lennar Homes") pursuant to that certain Agreement Regarding The Acquisition of Certain Work Product, Infrastructure and Real Property between the District and Lennar Homes and thereafter convey such Utility Facilities to Charlotte County.

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

SECTION 1. FINDINGS. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. ACQUISITION OF UTILITY FACILITIES AND CONVEYANCE TO CHARLOTTE COUNTY. The District hereby desires to acquire the Utility Facilities from Lennar Homes and desires to convey the Utility Facilities to Charlotte County pursuant to the utility acceptance and conveyance package attached hereto and made a part hereof as **Exhibit "A"** ("**Acquisition and Conveyance Documents**").

SECTION 3. DELEGATION OF AUTHORITY. The Chairman or the Vice Chairman (in the Chairman's absence) of the District's Board of Supervisors is hereby authorized to execute the Acquisition and Conveyance Documents as necessary to evidence the District's acquisition of the Utility Facilities. The Chairman or the Vice Chairman (in the Chairman's absence) of the District's Board of Supervisors is hereby authorized to execute the Acquisition and Conveyance Documents and such other ancillary requisition documents as necessary to convey the Utility Facilities to Charlotte County. The Secretary and any Assistant Secretary of the District is hereby authorized to countersign any Acquisition and Conveyance Documents signed by the Chairman or Vice Chairman (in the Chairman's absence), if necessary or required.

SECTION 4. SEVERABILITY. If any section or part of a section of this Resolution be declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional, it being expressly found and declared that the remainder of this Resolution would have been adopted despite the invalidity of such section or part of such section.

SECTION 5. CONFLICTS. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

SECTION 6. EFFECTIVE DATE. This Resolution shall be effective immediately upon its adoption.

{Remainder of the page intentionally left blank. Signatures begin on the next page.}

PASSED AND ADOPTED at a meeting of the Board of Supervisors of Tern Bay Community Development District this 9th day of February, 2021.

Attest:

**TERN BAY COMMUNITY
DEVELOPMENT DISTRICT**

James P. Ward, Secretary

Russell Smith, Chairman

Exhibit "A"
Acquisition and Conveyance Documents

BILL OF SALE, ABSOLUTE

POD I

Lennar Homes, LLC

On-Site Potable Water and Waste Water Utilities

On this 11th day of December, 2020, **LENNAR HOMES, LLC**, a Florida limited liability company, authorized to conduct its affairs in the State of Florida ("**Grantor**"), in consideration of the sum of TEN and NO/100 DOLLARS (\$10.00), lawful money of the United States, and other good and valuable consideration, to be paid by **TERN BAY COMMUNITY DEVELOPMENT DISTRICT**, a community development district established and existing pursuant to Chapter 190, Florida Statutes ("**Grantee**"), the receipt of which is acknowledged, grants, bargains, sells, transfers, and delivers unto Grantee, its successors and assigns, the following goods and chattels:

On-site potable water and waste water utilities and improvements all as more particularly identified and depicted on Exhibit "A" attached (the "Transferred Improvements"), lying within or on the land, more particularly described on Exhibit "B" attached (the "Property").

Grantor, for itself and its successors and assigns, covenants to Grantee, its successors and assigns, that (1) it is the lawful owner of the goods and chattels, which are free and clear from all encumbrances; (2) it has good right, title and authority to sell and convey the same, and (3) Grantor will warrant and defend the sale and conveyance of the Property, goods, and chattels made, unto Grantee, its successors and assigns, against the lawful claims and demands of all persons and entities.

In addition, Grantor warrants to Grantee that the Transferred Improvements are fit for their intended purpose for which they will be used by Grantee and are free from any defect, whether patent or latent, in design, manufacture, construction, installation, workmanship, and materials. This warranty shall expire twelve (12) months from the date of this Bill of Sale.

Further, Grantor assigns to Grantee any and all of Assignor's right, title and interest in and to any manufacturer, contractor, building or other warranties pertaining to the Transferred Improvements to the extent assignable.

{Remainder of page intentionally left blank. Signatures appear on next page.}

Grantor has executed this Bill of Sale on the day and year written above.

GRANTOR:

LENNAR HOMES, LLC,
a Florida limited liability company

Witnesses:



Signature
Printed Name: Scott Edwards



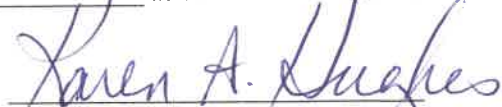
Signature
Printed Name: Chase Kollmann

By: _____
Darin McMurray, Vice President

STATE OF FLORIDA)
) ss.
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization, this 11th of DECEMBER, 2020, by Darin McMurray, as Vice President of Lennar Homes, LLC, a Florida limited liability company, on behalf of the company, who is (x) personally known to me or () has produced _____ as evidence of identification.

(SEAL)



NOTARY PUBLIC

Name: _____

(Type or Print)

My Commission Expires:

Karen A. Hughes
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG288290
Expires 2/13/2023



EXHIBIT "A"
TRANSFERRED IMPROVEMENTS
POD I
Lennar Homes, LLC
On-Site Potable Water and Waste Water Utilities

Project Name: Heritage Landing POD I (CCU # 19-1025)
Location: 14040 Heritage Landing Blvd., Punta Gorda, FL 33955
Type Utility System: Water
(list water, sewer, and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES
Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

<i>Item</i>	<i>Size</i>	<i>Qty</i>	<i>Unit</i>	<i>Cost</i>	<i>Total</i>
CUT IN CONNECTION	12" x 8"	1	EA	2,100.00	\$ 2,100.00
DR-18 PVC WATERMAIN	12"	23	LF	45.00	\$ 1,035.00
DR-18 PVC WATERMAIN	8"	909	LF	35.00	\$ 31,815.00
DR-18 PVC WATERMAIN	4"	60	LF	15.00	\$ 760.00
POLYTUBE WATER SERVICE	2"	120	LF	5.00	\$ 600.00
TEE	12" x 8"	2	EA	2,400.00	\$ 4,800.00
GATE VALVE	8"	1	EA	1,800.00	\$ 1,800.00
GATE VALVE	4"	2	EA	750.00	\$ 1,500.00
GATE VALVE	2"	4	EA	250.00	\$ 1,000.00
FIRE HYDRANT ASSEMBLY	6"	2	EA	4,500.00	\$ 9,000.00
SERVICE (METER / BFP)	1.5"	4	EA	1,750.00	\$ 7,000.00
					\$ 0.00
				TOTAL AMOUNT	\$ 81,400.00

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Charlotte County and corresponds with the record drawings.



Brian R. Penner, President

Name & Title of Certifying Agent

of: **Mitchell & Stark Construction Co., Inc.**

Firm or Corporation

Address: **6001 Shirley Street**

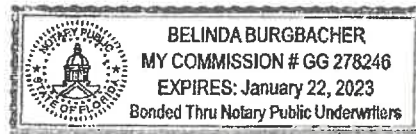
Naples, FL 34109

STATE OF Florida)

COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 10th day of August, 2020 by Brian Penner as identification, and who did/did not take an oath.


Notary Public Signature



[Notary Seal]

Belinda Burgbacher

Printed Name of Notary Public

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Charlotte County and corresponds with the record drawings.



Brian R. Penner, President

Name & Title of Certifying Agent

Of: **Mitchell & Stark Construction Co., Inc.**

Firm or Corporation

Address: **6001 Shirley Street**

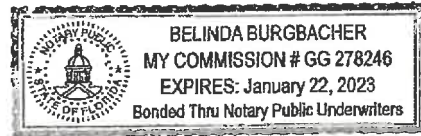
Naples, FL 34109

STATE OF Florida)

COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 10th day of August
2020, by Brian Penner as identification, and who did/did not
take an oath.

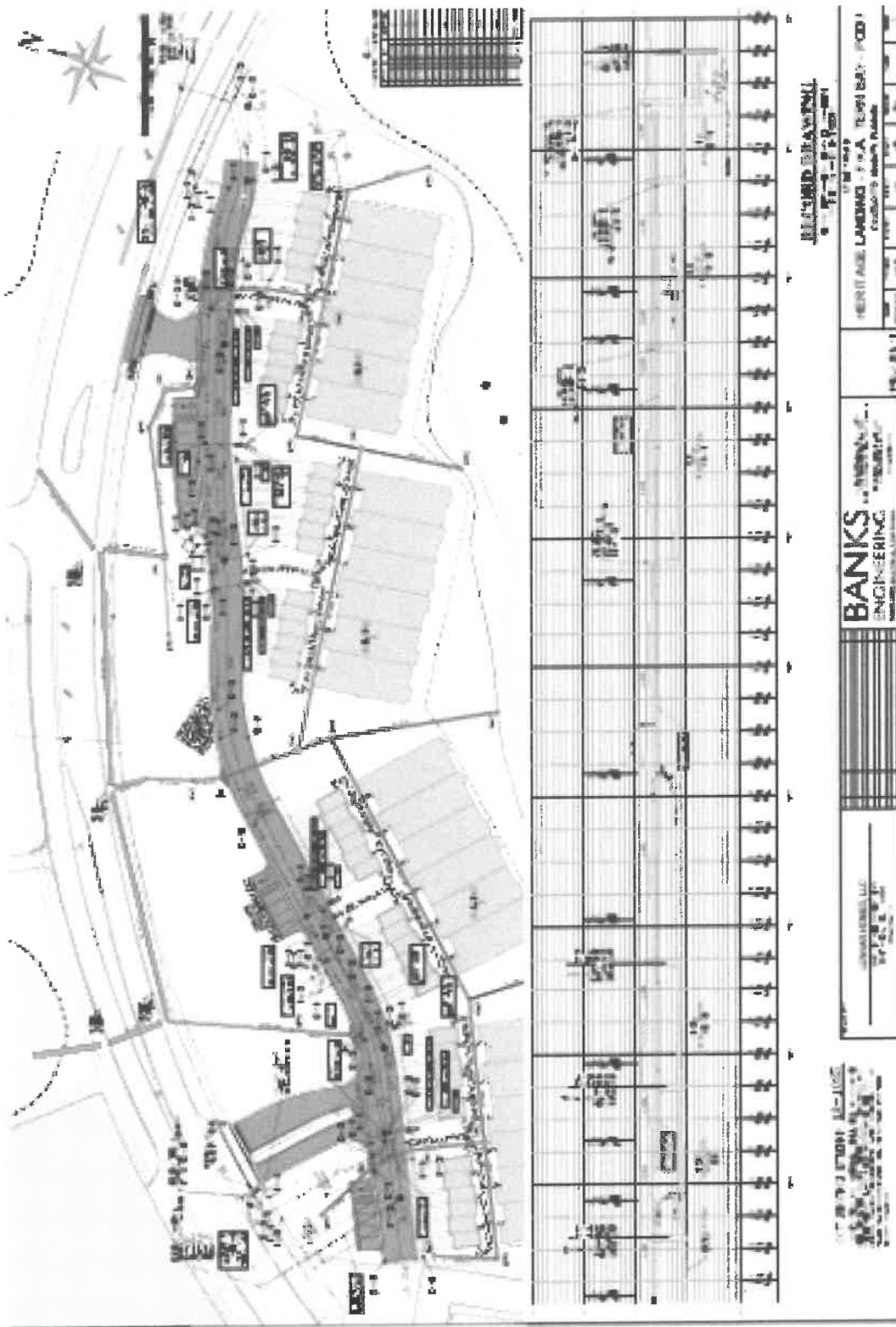

Notary Public Signature



[Notary Seal]

Belinda Burgbacher

Printed Name of Notary Public



The infrastructure and/or improvements are shown in the Utility Record Drawings for POD I prepared by Banks Engineering, an excerpt of which is shown above, and located within that real property more particularly described on Exhibit "B" attached and incorporated by reference.

EXHIBIT "B"
LEGAL DESCRIPTION
POD I
Lennar Homes, LLC
On-Site Potable Water and Waste Water Utilities



Professional Engineers, Planners & Land Surveyors

A UTILITY EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 17 TOWNSHIP 42 SOUTH, RANGE 23 EAST, BEING OVER, UNDER AND ACROSS A PORTION OF TRACT "I", HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC, AS RECORDED IN PLAT BOOK 23, PAGES 21A THROUGH 21H, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

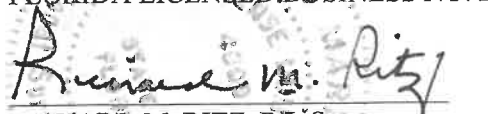
COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "I", HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC; SAID POINT BEING A POINT ON THE NORTHERLY LINE OF SAID TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 01°26'18", A CHORD BEARING OF N.85°08'52"W., AND A CHORD DISTANCE OF 22.59 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 22.59 FEET TO THE POINT OF BEGINNING; THENCE S.55°35'25"W. FOR 66.61 FEET; THENCE S.75°21'47"W. FOR 61.22 FEET; THENCE S.69°17'42"W. FOR 153.98 FEET; THENCE S.61°11'00"W. FOR 102.79 FEET; THENCE S.69°17'42"W. FOR 112.91 FEET; THENCE S.40°12'21"W. FOR 249.77 FEET; THENCE S.61°33'29"W. FOR 182.29 FEET; THENCE N.28°26'31"W. FOR 30.00 FEET; THENCE N.61°33'29"E. FOR 70.48 FEET; THENCE N.49°51'04"W. FOR 80.00 FEET; TO A POINT ON THE NORTHERLY LINE OF TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 01°16'30", A CHORD BEARING OF N.37°04'42"E., AND A CHORD DISTANCE OF 20.03 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 20.03 FEET; THENCE S.49°51'04"E. FOR 88.91 FEET; THENCE N.61°33'29"E. FOR 84.67 FEET; THENCE N.40°12'21"E. FOR 55.98 FEET; THENCE N.49°47'39"W. FOR 12.00 FEET; THENCE N.40°12'21"E. FOR 10.00 FEET; THENCE S.49°47'39"E. FOR 12.00 FEET; THENCE N.40°12'21"E. FOR 185.92 FEET; THENCE N.69°17'42"E. FOR 118.57 FEET; THENCE N.61°11'00"E. FOR 33.75 FEET; THENCE N.28°49'00"W. FOR 12.00 FEET; THENCE N.61°11'00"E. FOR 10.00 FEET; THENCE S.28°49'00"E. FOR 12.00 FEET; THENCE N.61°11'00"E. FOR 59.04 FEET; THENCE N.69°17'06"E. FOR 207.41 FEET; THENCE N.02°47'16"E. FOR 9.15 FEET TO THE NORTHERLY LINE OF SAID TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 04°51'55", A CHORD BEARING OF S.88°17'59"E., AND A CHORD DISTANCE OF 76.40 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 76.43 FEET TO THE POINT OF BEGINNING,

CONTAINS 0.68 ACRES, MORE OR LESS.

SHEET 1 OF 2

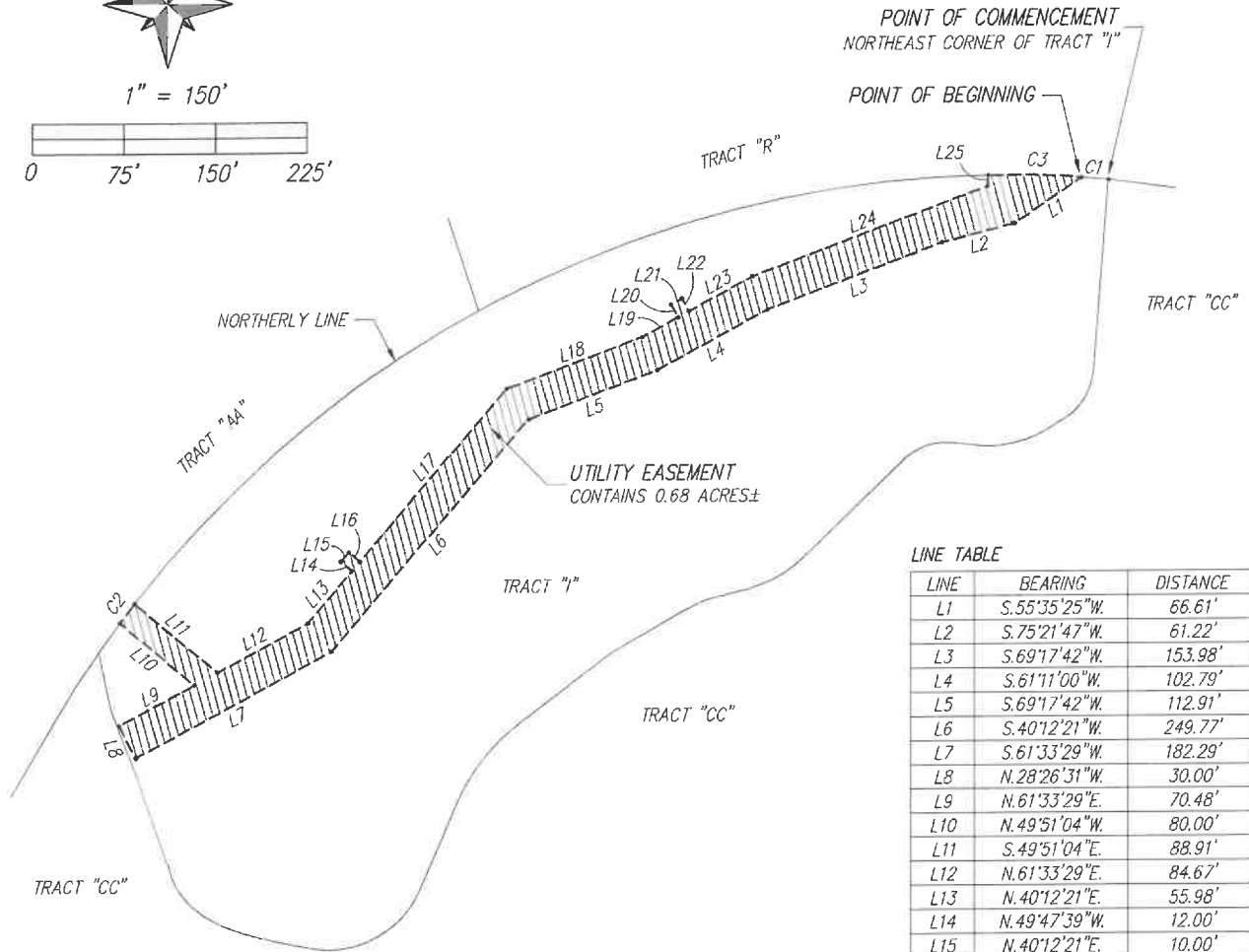
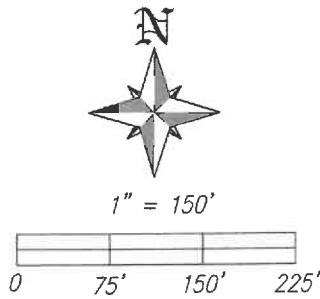
BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

SEPTEMBER 24, 2020


RICHARD M. RITZ, R.L.S.
REGISTERED LICENSED SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SERVING THE STATE OF FLORIDA

NOTE:
 BEARINGS BASED ON THE PLAT OF HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC, WHEREIN
 THE WEST LINE OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 23 EAST BEARS N00°35'30"E.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S.55°35'25"W.	66.61'
L2	S.75°21'47"W.	61.22'
L3	S.69°17'42"W.	153.98'
L4	S.61°11'00"W.	102.79'
L5	S.69°17'42"W.	112.91'
L6	S.40°12'21"W.	249.77'
L7	S.61°33'29"W.	182.29'
L8	N.28°26'31"W.	30.00'
L9	N.61°33'29"E.	70.48'
L10	N.49°51'04"W.	80.00'
L11	S.49°51'04"E.	88.91'
L12	N.61°33'29"E.	84.67'
L13	N.40°12'21"E.	55.98'
L14	N.49°47'39"W.	12.00'
L15	N.40°12'21"E.	10.00'
L16	S.49°47'39"E.	12.00'
L17	N.40°12'21"E.	185.92'
L18	N.69°17'42"E.	118.57'
L19	N.61°11'00"E.	33.75'
L20	N.28°49'00"W.	12.00'
L21	N.61°11'00"E.	10.00'
L22	S.28°49'00"E.	12.00'
L23	N.61°11'00"E.	59.04'
L24	N.69°17'06"E.	207.41'
L25	N.02°47'16"E.	9.15'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	900.00'	22.59'	22.59'	N.85°08'52"W.	1°26'18"
C2	900.00'	20.03'	20.03'	N.37°04'42"E.	1°16'30"
C3	900.00'	76.43'	76.40'	S.88°17'59"E.	4°51'55"

LEGEND

- ± MORE OR LESS
- C1 CURVE 1 OF CURVE TABLE
- L1 LINE 1 OF LINE TABLE

NOT A BOUNDARY SURVEY

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
 Serving The State Of Florida

4161 TAMMAM TOWER - BLDG 5 UNIT 501
 PORT CHARLOTTE, FLORIDA 33682
 PHONE: (941) 825-1140 FAX: (941) 825-1149
 ENGINEERING LICENSE # 23 6438
 SURVEY LICENSE # 12 4890
 WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
UTILITY EASEMENT
 CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-F-R)
09/22/20	2292L	SK-OVERALL	JS	BAC	1"=120'	20F2	17-42-23

OWNER'S AFFIDAVIT
POD I
Lennar Homes, LLC
On-Site Potable Water and Waste Water Utilities

STATE OF FLORIDA
COUNTY OF LEE

Before me, the undersigned authority, personally appeared Darrin McMurray, who to me is well known, and having been sworn under oath, deposes and states:

1. My name is Darrin McMurray and I am the Vice President of Lennar Homes, LLC, a Florida limited liability company (the "**Company**"). I am over the age of twenty-one (21) years, and have personal current knowledge of the facts asserted in this Affidavit.

2. The Company is the owner of certain on-site potable water and waste water utilities and improvements and certain Charlotte County on-site potable water and waste water connection and capacity fees all as more particularly described in the support documentation for POD I prepared by Banks Engineering, Inc. as further identified and depicted on **Exhibit "A"** (the "**Transferred Improvements**") located within, through, and/or on the real property legally described on the attached **Exhibit "B"** (the "**Property**"), which are being conveyed to Tern Bay Community Development District (the "**District**").

3. All persons, firms, and corporations, including the general contractor, all laborers, subcontractors, sub-subcontractors, materialmen, and suppliers who have furnished services, labor or materials in the construction and installation of the Transferred Improvements on the Property within the scope of this requisition have been paid in full and that such portion of the work has been fully completed and unconditionally accepted by the Company. If, however, that if it is subsequently discovered that any amount(s) related to the subject improvements is due and owing, then the Company agrees to timely make payment for all remaining amounts owed, and to ensure that no liens are placed on the improvements or the real property upon which the improvements are located.

4. No claims have been made to the Company, nor is any suit now pending on behalf of any contractor, subcontractor, sub-subcontractors supplier, laborer or materialman, and no chattel mortgages or conditional bills of sale have been given or are now outstanding as to the Transferred Improvements. All of the work performed on the Transferred Improvements is free and clear of all liens or claims and there are no judgments, claims, disputes, demands or other matters pending against the Company that could attach to the Property or the Transferred Improvements.

5. The Transferred Improvements are not included in, encumbered by, or subject to any real property mortgage, chattel mortgage, security agreement, Uniform Commercial Code Financing Statement, or other encumbrance.

6. The Company, as the legal owner of the Transferred Improvements, and for valuable consideration shall hold Tern Bay Community Development District harmless against any lien, claim or suit by any general contractor, subcontractor, sub-subcontractor, supplier, mechanic or materialman, and against chattel mortgages, mortgages, liens, security interests or other encumbrances affecting the Transferred Improvements.

7. In making this Affidavit, I understand that the District intends to rely on this Affidavit for purposes of acquiring the infrastructure improvements identified herein.

DATED this 11th day of December, 2020.

Darin McMurray, Vice President of
Lennar Homes, LLC, a Florida limited
liability company

STATE OF FLORIDA
COUNTY OF LEE

SWORN TO AND SUBSCRIBED before me by means of () physical presence or () online
notarization, on this 11th day of DECEMBER, 2020, by Darin McMurray, as Vice President of
Lennar Homes, LLC, a Florida limited liability company, who () is personally known to me or () has
produced _____ as evidence of identification.

(SEAL)

Karen A. Hughes

NOTARY PUBLIC

Name: _____

(Type or Print)

My Commission Expires:



Karen A. Hughes
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG288290
Expires 2/13/2023

EXHIBIT "A"
TRANSFERRED IMPROVEMENTS
POD I
Lennar Homes, LLC
On-Site Potable Water and Waste Water Utilities

Project Name: Heritage Landing POD I (CCU # 19-1025)

Location: 14040 Heritage Landing Blvd., Punta Gorda, FL 33855

Type Utility System: Water
 (list water, sewer, and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

Item	Size	Qty	Unit	Cost	Total
CUT IN CONNECTION	12" x 8"	1	EA	2,100.00	\$ 2,100.00
DR-18 PVC WATERMAIN	12"	23	LF	45.00	\$ 1,035.00
DR-18 PVC WATERMAIN	8"	909	LF	35.00	\$ 31,815.00
DR-18 PVC WATERMAIN	4"	50	LF	15.00	\$ 750.00
POLYUBE WATER SERVICE	2"	120	LF	5.00	\$ 600.00
TEE	12" x 8"	2	EA	2,400.00	\$ 4,800.00
GATE VALVE	8"	1	EA	1,800.00	\$ 1,800.00
GATE VALVE	4"	2	EA	750.00	\$ 1,500.00
GATE VALVE	2"	4	EA	250.00	\$ 1,000.00
FIRE HYDRANT ASSEMBLY	6"	2	EA	4,500.00	\$ 9,000.00
SERVICE (METER / BFP)	1.5"	4	EA	1,750.00	\$ 7,000.00
					\$ 0.00
			TOTAL AMOUNT		\$ 81,400.00

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Charlotte County and corresponds with the record drawings.



Brian R. Penner, President
Name & Title of Certifying Agent

Of: **Mitchell & Stark Construction Co., Inc.**
Firm or Corporation

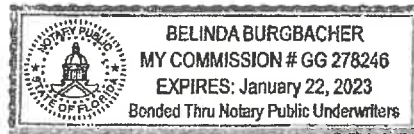
Address: **6001 Shirley Street**
Naples, FL 34109

STATE OF Florida)

COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 10th day of August
2020, by Brian Penner as identification, and who did/did not
take an oath.


Notary Public Signature



[Notary Seal]

Belinda Burgbacher
Printed Name of Notary Public

CERTIFICATION OF DETAILED COST OF CONTRIBUTORY ASSETS

Project Name: Heritage Landing POD I (CCU # 19-1025)

Location: 14040 Heritage Landing Blvd., Punta Gorda, FL 33955

Type Utility System: Sewer
(list water, sewer, and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

Item	Size	Qty	Unit	Cost	Total
SDR-26 PVC MAIN (6'-8" DEEP)	8"	381	LF	42.00	\$ 16,022.00
SDR-26 PVC MAIN (8'-10" DEEP)	8"	185	LF	53.00	\$ 9,805.00
MANHOLE (6'-8" DEEP)	8"	4	EA	4,800.00	\$ 19,200.00
MANHOLE (8'-10" DEEP)	8"	2	EA	6,000.00	\$ 12,000.00
MANHOLE (10'-12" DEEP)	8"	1	EA	7,300.00	\$ 7,300.00
SINGLE SEWER SERVICE	6"	4	EA	2,100.00	\$ 8,400.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
				TOTAL AMOUNT	\$ 72,707.00

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Charlotte County and corresponds with the record drawings.



Brian R. Penner, President

Name & Title of Certifying Agent

Of: **Mitchell & Stark Construction Co., Inc.**

Firm or Corporation

Address: **6001 Shirley Street**

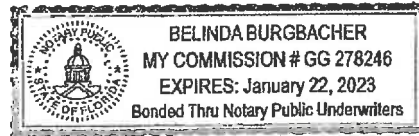
Naples, FL 34109

STATE OF Florida)

COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 10th day of August, 2020 by Brian Penner as identification, and who did/did not take an oath.

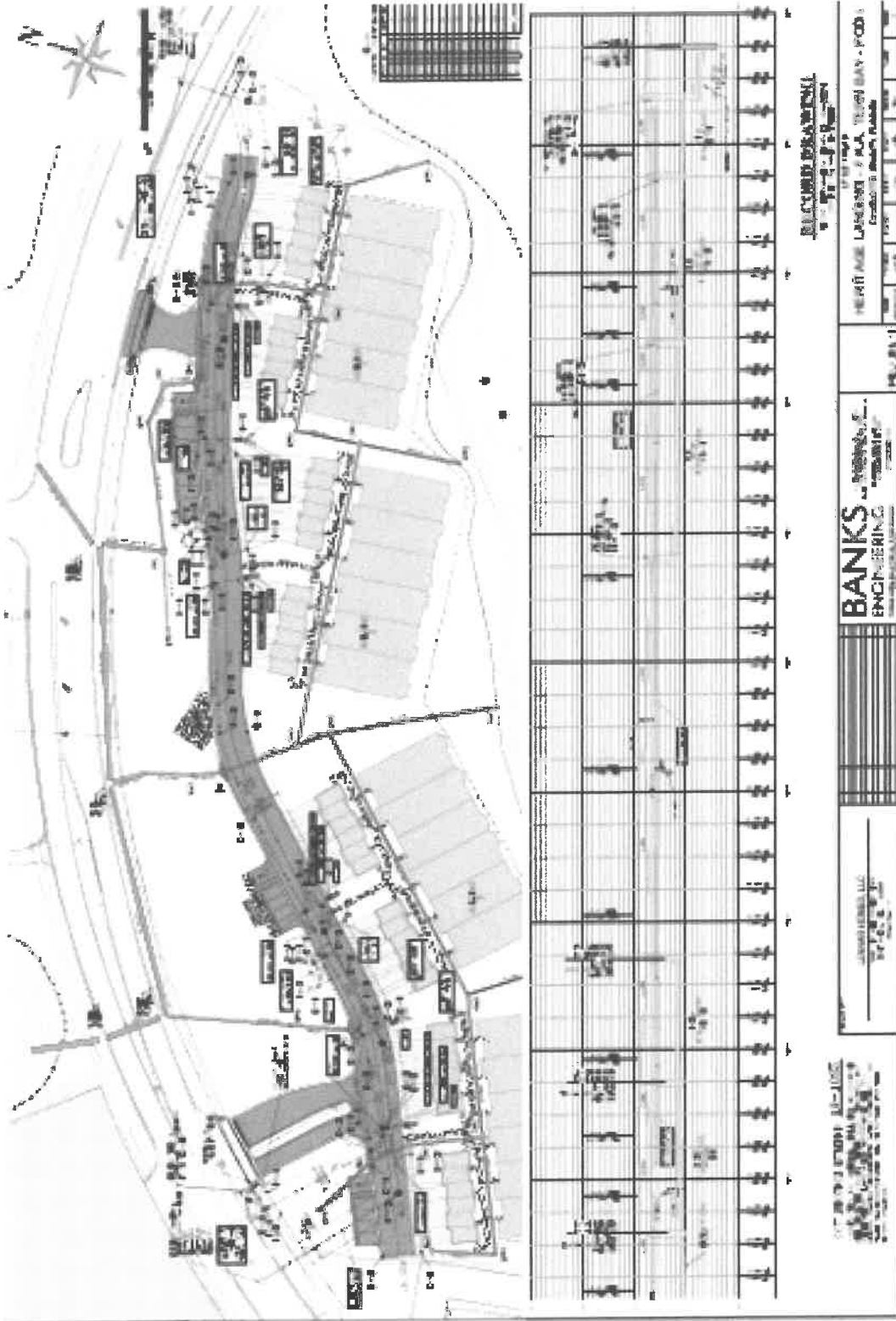

Notary Public Signature



[Notary Seal]

Belinda Burgbacher

Printed Name of Notary Public



The infrastructure and/or improvements are shown in the Utility Record Drawings for POD I prepared by Banks Engineering, an excerpt of which is shown above, and located within that real property more particularly described on Exhibit "B" attached and incorporated by reference.

EXHIBIT "B"
LEGAL DESCRIPTION
POD I
Lennar Homes, LLC
On-Site Potable Water and Waste Water Utilities



Professional Engineers, Planners & Land Surveyors

A UTILITY EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 17 TOWNSHIP 42 SOUTH, RANGE 23 EAST, BEING OVER, UNDER AND ACROSS A PORTION OF TRACT "I", HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC, AS RECORDED IN PLAT BOOK 23, PAGES 21A THROUGH 21H, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

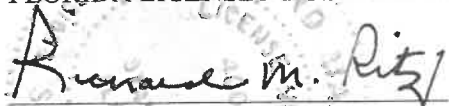
COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "I", HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC; SAID POINT BEING A POINT ON THE NORTHERLY LINE OF SAID TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 01°26'18", A CHORD BEARING OF N.85°08'52"W., AND A CHORD DISTANCE OF 22.59 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 22.59 FEET TO THE POINT OF BEGINNING; THENCE S.55°35'25"W. FOR 66.61 FEET; THENCE S.75°21'47"W. FOR 61.22 FEET; THENCE S.69°17'42"W. FOR 153.98 FEET; THENCE S.61°11'00"W. FOR 102.79 FEET; THENCE S.69°17'42"W. FOR 112.91 FEET; THENCE S.40°12'21"W. FOR 249.77 FEET; THENCE S.61°33'29"W. FOR 182.29 FEET; THENCE N.28°26'31"W. FOR 30.00 FEET; THENCE N.61°33'29"E. FOR 70.48 FEET; THENCE N.49°51'04"W. FOR 80.00 FEET; TO A POINT ON THE NORTHERLY LINE OF TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 01°16'30", A CHORD BEARING OF N.37°04'42"E., AND A CHORD DISTANCE OF 20.03 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 20.03 FEET; THENCE S.49°51'04"E. FOR 88.91 FEET; THENCE N.61°33'29"E. FOR 84.67 FEET; THENCE N.40°12'21"E. FOR 55.98 FEET; THENCE N.49°47'39"W. FOR 12.00 FEET; THENCE N.40°12'21"E. FOR 10.00 FEET; THENCE S.49°47'39"E. FOR 12.00 FEET; THENCE N.40°12'21"E. FOR 185.92 FEET; THENCE N.69°17'42"E. FOR 118.57 FEET; THENCE N.61°11'00"E. FOR 33.75 FEET; THENCE N.28°49'00"W. FOR 12.00 FEET; THENCE N.61°11'00"E. FOR 10.00 FEET; THENCE S.28°49'00"E. FOR 12.00 FEET; THENCE N.61°11'00"E. FOR 59.04 FEET; THENCE N.69°17'06"E. FOR 207.41 FEET; THENCE N.02°47'16"E. FOR 9.15 FEET TO THE NORTHERLY LINE OF SAID TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 04°51'55", A CHORD BEARING OF S.88°17'59"E., AND A CHORD DISTANCE OF 76.40 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 76.43 FEET TO THE POINT OF BEGINNING,

CONTAINS 0.68 ACRES, MORE OR LESS.

SHEET 1 OF 2

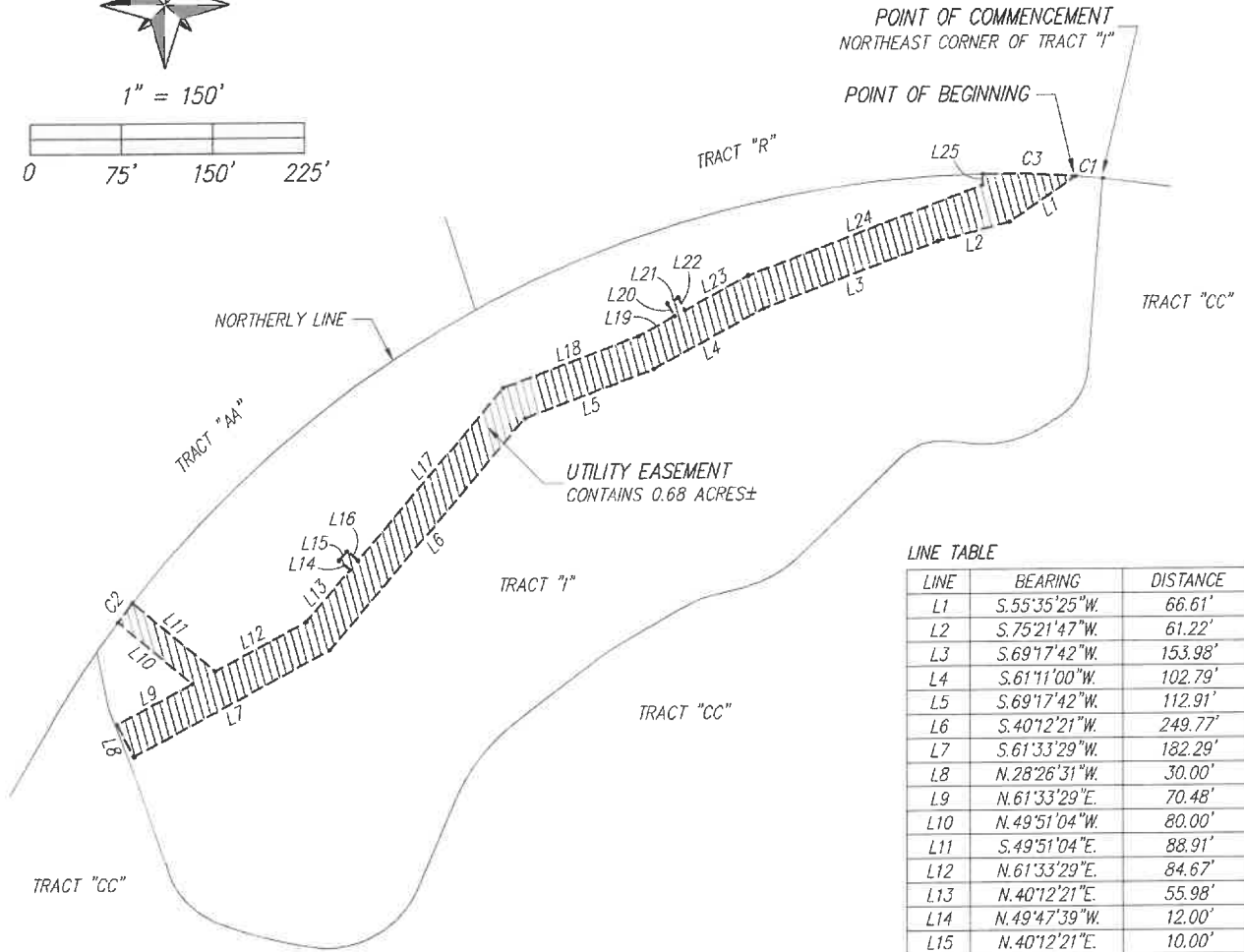
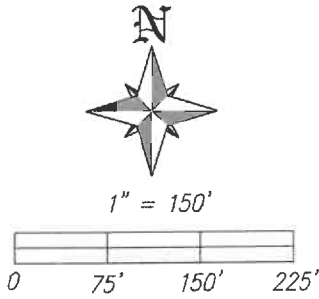
BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

SEPTEMBER 24, 2020


RICHARD M. RITZ, R.L.S.
REGISTERED LICENSED SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SERVING THE STATE OF FLORIDA

NOTE:
 BEARINGS BASED ON THE PLAT OF HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC, WHEREIN
 THE WEST LINE OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 23 EAST BEARS N00°35'30"E.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S.55°35'25"W.	66.61'
L2	S.75°21'47"W.	61.22'
L3	S.69°17'42"W.	153.98'
L4	S.61°11'00"W.	102.79'
L5	S.69°17'42"W.	112.91'
L6	S.40°12'21"W.	249.77'
L7	S.61°33'29"W.	182.29'
L8	N.28°26'31"W.	30.00'
L9	N.61°33'29"E.	70.48'
L10	N.49°51'04"W.	80.00'
L11	S.49°51'04"E.	88.91'
L12	N.61°33'29"E.	84.67'
L13	N.40°12'21"E.	55.98'
L14	N.49°47'39"W.	12.00'
L15	N.40°12'21"E.	10.00'
L16	S.49°47'39"E.	12.00'
L17	N.40°12'21"E.	185.92'
L18	N.69°17'42"E.	118.57'
L19	N.61°11'00"E.	33.75'
L20	N.28°49'00"W.	12.00'
L21	N.61°11'00"E.	10.00'
L22	S.28°49'00"E.	12.00'
L23	N.61°11'00"E.	59.04'
L24	N.69°17'06"E.	207.41'
L25	N.02°47'16"E.	9.15'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	900.00'	22.59'	22.59'	N.85°08'52"W.	1°26'18"
C2	900.00'	20.03'	20.03'	N.37°04'42"E.	1°16'30"
C3	900.00'	76.43'	76.40'	S.88°17'59"E.	4°51'55"

LEGEND

- ± MORE OR LESS
- C1 CURVE 1 OF CURVE TABLE
- L1 LINE 1 OF LINE TABLE

NOT A BOUNDARY SURVEY

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
 Serving The State Of Florida

4161 TAMMAM TRAIL - BLDG 5 UNIT 501
 PORT CHARLOTTE, FLORIDA 33852
 PHONE: (941) 636-1163 FAX: (941) 636-1149
 ENGINEERING LICENSE # ES 8489
 SURVEY LICENSE # 19 8890
 WWW.BANKSINC.COM

SKETCH TO ACCOMPANY DESCRIPTION
UTILITY EASEMENT
 CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
08/22/20	2292L	SK-OVERALL	JS	B/C	1"=120'	20F2	17-42-23

This instrument was prepared
without an opinion of title and
after recording return to:
Gregory L. Urbancic, Esq.
Coleman, Yovanovich & Koester, P.A.
4001 Tamiami Trail North, Suite 300
Naples, Florida 34103
(239) 435-3535

(space above this line for recording data)

UTILITY EASEMENT

THIS UTILITY EASEMENT (this "**Easement**") is made and executed as of this ____ day of _____, 2020 by **LENNAR HOMES, LLC**, a Florida limited liability company ("**Grantor**") and **TERN BAY COMMUNITY DEVELOPMENT DISTRICT**, a community development district established and existing pursuant to Chapter 190, Florida Statutes, its successors and assigns ("**Grantee**").

WITNESSETH:

Grantor hereby conveys, grants, bargains and sells unto Grantee a perpetual, non-exclusive easement, license and privilege for public utility purposes including, without limitation, operating and maintaining potable water and sanity sewer utility lines, facilities, structures or improvements (collectively, the "**Utility Facilities**") as may be, from time to time, located upon or within that certain real property in Lee County, Florida legally described on **Exhibit "A"** attached hereto and made a part hereof (the "**Easement Area**"), together with an easement for ingress and egress over, in, upon and across the Easement Area as may be reasonably necessary to effectively utilize the easement rights granted herein (the "**Easement Activity**"). The term "Easement Activity" shall also include the right to enter upon and construct, install, operate, maintain, repair, replace or reconstruct the Utility Facilities. Grantor grants to Grantee the right to enter upon the Easement Area, place, excavate, and take materials for the purpose of conducting the Easement Activity pursuant to the terms of this Easement.

This Easement shall be a covenant running with the land and shall be binding upon and inure to the benefit of the parties hereto.

Grantor warrants that it is lawfully seized in fee simple of the land upon which this Easement is situated and it has good and lawful authority to convey this Easement.

{Remainder of page intentionally left blank. Signatures appear on next page.}

IN WITNESSES WHEREOF, Grantor hereby executes this Easement as of the date first written above.

GRANTOR:

LENNAR HOMES, LLC,
a Florida limited liability company

By: _____
Darin McMurray, Vice President

Witnesses:

Signature: _____
Printed Name: Scott Edwards

Signature: _____
Printed Name: Chase Kollmann

STATE OF FLORIDA)
) ss.
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization, this 11th of DECEMBER, 2020, by Darin McMurray, a Florida limited liability company, on behalf of the company, who is () personally known to me or () has produced _____ as evidence of identification.

(SEAL)

Signature: Karen A. Hughes

NOTARY PUBLIC

Name: _____

(Type or Print)

My Commission Expires: _____



Karen A. Hughes
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG288290
Expires 2/13/2023

Exhibit "A"
Easement Area



Professional Engineers, Planners & Land Surveyors

A UTILITY EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 17 TOWNSHIP 42 SOUTH, RANGE 23 EAST, BEING OVER, UNDER AND ACROSS A PORTION OF TRACT "I", HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC, AS RECORDED IN PLAT BOOK 23, PAGES 21A THROUGH 21H, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:


COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "I", HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC; SAID POINT BEING A POINT ON THE NORTHERLY LINE OF SAID TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 01°26'18", A CHORD BEARING OF N.85°08'52"W., AND A CHORD DISTANCE OF 22.59 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 22.59 FEET TO THE POINT OF BEGINNING; THENCE S.55°35'25"W. FOR 66.61 FEET; THENCE S.75°21'47"W. FOR 61.22 FEET; THENCE S.69°17'42"W. FOR 153.98 FEET; THENCE S.61°11'00"W. FOR 102.79 FEET; THENCE S.69°17'42"W. FOR 112.91 FEET; THENCE S.40°12'21"W. FOR 249.77 FEET; THENCE S.61°33'29"W. FOR 182.29 FEET; THENCE N.28°26'31"W. FOR 30.00 FEET; THENCE N.61°33'29"E. FOR 70.48 FEET; THENCE N.49°51'04"W. FOR 80.00 FEET; TO A POINT ON THE NORTHERLY LINE OF TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 01°16'30", A CHORD BEARING OF N.37°04'42"E., AND A CHORD DISTANCE OF 20.03 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 20.03 FEET; THENCE S.49°51'04"E. FOR 88.91 FEET; THENCE N.61°33'29"E. FOR 84.67 FEET; THENCE N.40°12'21"E. FOR 55.98 FEET; THENCE N.49°47'39"W. FOR 12.00 FEET; THENCE N.40°12'21"E. FOR 10.00 FEET; THENCE S.49°47'39"E. FOR 12.00 FEET; THENCE N.40°12'21"E. FOR 185.92 FEET; THENCE N.69°17'42"E. FOR 118.57 FEET; THENCE N.61°11'00"E. FOR 33.75 FEET; THENCE N.28°49'00"W. FOR 12.00 FEET; THENCE N.61°11'00"E. FOR 10.00 FEET; THENCE S.28°49'00"E. FOR 12.00 FEET; THENCE N.61°11'00"E. FOR 59.04 FEET; THENCE N.69°17'06"E. FOR 207.41 FEET; THENCE N.02°47'16"E. FOR 9.15 FEET TO THE NORTHERLY LINE OF SAID TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 04°51'55", A CHORD BEARING OF S.88°17'59"E., AND A CHORD DISTANCE OF 76.40 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 76.43 FEET TO THE POINT OF BEGINNING,

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SHEET 1 OF 2

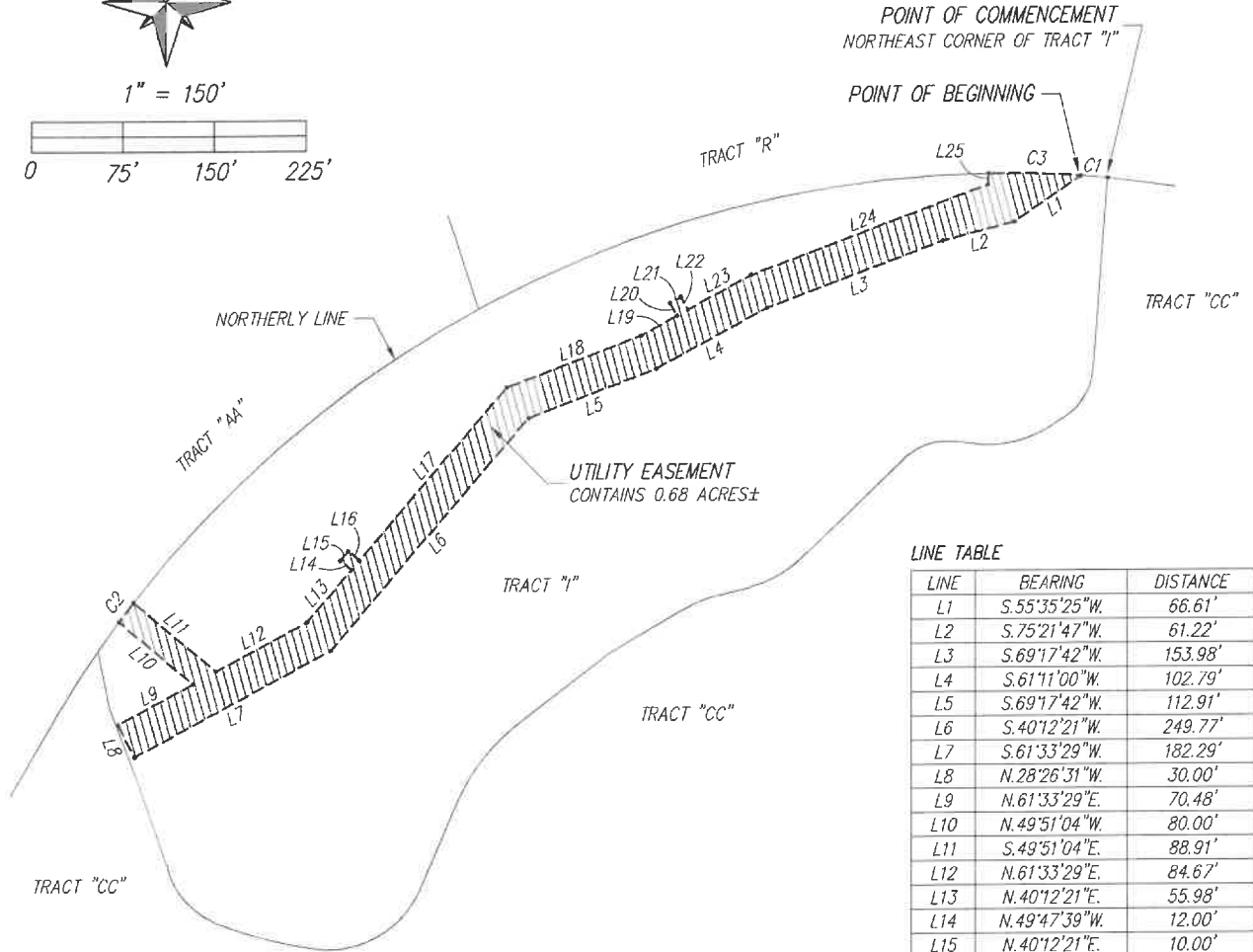
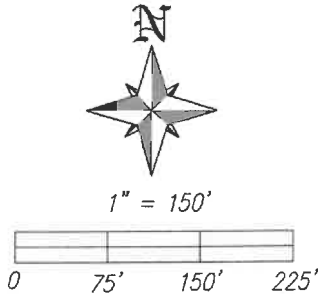
BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

SEPTEMBER 24, 2020


RICHARD M. RITZ, R.L.S.
REGISTERED LICENSED SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SERVING THE STATE OF FLORIDA

NOTE:
 BEARINGS BASED ON THE PLAT OF HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC, WHEREIN
 THE WEST LINE OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 23 EAST BEARS N00°35'30"E.



LINE TABLE

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L3	S.69°17'42"W.	153.98'
L4	S.61°11'00"W.	102.79'
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LEGEND

- ± MORE OR LESS
- C1 CURVE 1 OF CURVE TABLE
- L1 LINE 1 OF LINE TABLE

NOT A BOUNDARY SURVEY

BANKS
ENGINEERING

Professional Engineers, Planners, & Land Surveyors
 Serving The State Of Florida

4161 TAMMARA HAVEN - BLDG 5 UNIT 501
 PORT CHARLOTTE, FLORIDA 33652
 PHONE: (941) 855-1188 FAX: (941) 855-1149
 ENGINEERING LICENSE # EB 6480
 SURVEY LICENSE # LD 6890
 WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
UTILITY EASEMENT
 CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-F-R)
09/22/20	2282L	SK-OVERALL	JS	BUC	1"=120'	20F2	17-42-23

CLOSING TRANSFER LETTER AGREEMENT

October 23, 2020

Tern Bay Community Development District
c/o James P. Ward, District Manager
JP Ward & Associates, LLC
2900 Northeast 12th Terrace, Suite 1
Oakland Park, Florida 33334

Re: Closing Transfer Letter Agreement
Acquisition of Public Utility Infrastructure Improvements, POD I

Dear Jim,

Pursuant to the Agreement Regarding The Acquisition of Certain Work Product, Infrastructure And Real Property between the District and the Developer, dated as of October 13, 2020 ("**Acquisition Agreement**"), you are hereby notified that Lennar Homes, LLC ("**Developer**") has completed and desires to sell ("**Sale**") to Tern Bay Community Development District ("**District**") certain potable water and sanitary sewer utility improvements ("**Improvements**"), related to what is known as POD I, and all as described on **Exhibit "A"** attached hereto and made a part hereof. The Improvement are located in or within the real property on **Exhibit "B"** attached hereto and made a part hereof (the "**Property**"). The specific location of the Improvements within the Property are shown on **Exhibit "C"**. Subject to the terms of the Acquisition Agreement, the following terms govern the proposed Sale:

- It is recognized that the District has not yet issued special assessment bonds to be able to pay for infrastructure improvements. As such, the transfer of the Improvements are being made pursuant to Section 5 of the Acquisition Agreement as Advanced Improvements thereunder. As consideration for the Sale and subject to the provisions of the Acquisition Agreement, the District agrees to pay from future special assessment bond proceeds the amount of \$134,107.00, which amount represents the actual cost of constructing and/or creating the Improvements. If requested by either party, the parties may memorialize this amount via a promissory note, which note would be surrendered and cancelled when payment pursuant to the Acquisition Agreement is made.

- The Developer agrees, at the direction of the District, to assist with the transfer of any permits or similar approvals necessary for the operation of the Improvements.

- The Developer agrees, at the direction of the District, to assist the District with the turnover from the District and to Charlotte County all of the District's rights, title and interest in the Improvements, including but not limited to completing any agreed upon punch list items at the Developer's expense, warranting any such Improvements to the extent required by Charlotte County, and posting and maintaining any required maintenance bonds.

If the District is in agreement with the terms stated herein, please execute this letter agreement in the space below and proceed with the necessary steps to effect the Sale.

Sincerely,

LENNAR HOMES, LLC,
a Florida limited liability company

By: _____
Darin McMurray, Vice President

Date: 12-14-20

AGREED TO BY THE DISTRICT:

**TERN BAY COMMUNITY
DEVELOPMENT DISTRICT**

ATTEST:

James P. Ward, Secretary

By: _____
Russell Smith, Chairman

Date: 12/14/20

Exhibit "A"
Description of Improvements

Project Name: Heritage Landing POD I (CCU # 19-1025)
 Location: 14040 Heritage Landing Blvd., Punta Gorda, FL 33955
 Type Utility System: Water
 (list water, sewer, and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

<i>Item</i>	<i>Size</i>	<i>Qty</i>	<i>Unit</i>	<i>Cost</i>	<i>Total</i>
CUT IN CONNECTION	12" x 8"	1	EA	2,100.00	\$ 2,100.00
DR-18 PVC WATERMAIN	12"	23	LF	45.00	\$ 1,035.00
DR-18 PVC WATERMAIN	8"	909	LF	35.00	\$ 31,815.00
DR-18 PVC WATERMAIN	4"	50	LF	15.00	\$ 750.00
POLYUBE WATER SERVICE	2"	120	LF	5.00	\$ 600.00
TEE	12" x 8"	2	EA	2,400.00	\$ 4,800.00
GATE VALVE	8"	1	EA	1,800.00	\$ 1,800.00
GATE VALVE	4"	2	EA	750.00	\$ 1,500.00
GATE VALVE	2"	4	EA	250.00	\$ 1,000.00
FIRE HYDRANT ASSEMBLY	6"	2	EA	4,500.00	\$ 9,000.00
SERVICE (METER / BFP)	1.5"	4	EA	1,750.00	\$ 7,000.00
					\$ 0.00
			TOTAL AMOUNT		\$ 61,400.00

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Charlotte County and corresponds with the record drawings.



Brian R. Penner, President

Name & Title of Certifying Agent

of: **Mitchell & Stark Construction Co., Inc.**

Firm or Corporation

Address: **6001 Shirley Street**

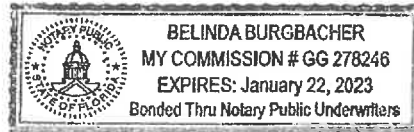
Naples, FL 34109

STATE OF Florida)

COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 10th day of August, 2020, by Brian Penner as identification, and who did/did not take an oath.


Notary Public Signature



[Notary Seal]

Belinda Burgbacher

Printed Name of Notary Public

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Charlotte County and corresponds with the record drawings.



Brian R. Penner, President

Name & Title of Certifying Agent

Of: **Mitchell & Stark Construction Co., Inc.**

Firm or Corporation

Address: **6001 Shirley Street**

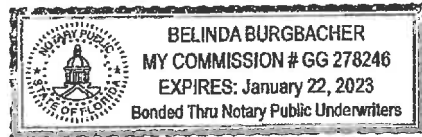
Naples, FL 34109

STATE OF Florida)

COUNTY OF Collier)

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2020 by Brian Penner as identification, and who did/did not
take an oath.


Notary Public Signature

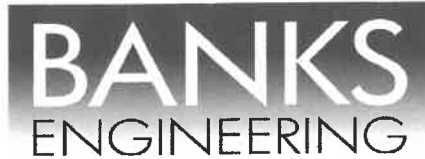


[Notary Seal]

Belinda Burgbacher

Printed Name of Notary Public

Exhibit "B"
Property



Professional Engineers, Planners & Land Surveyors

A UTILITY EASEMENT SITUATED IN THE STATE OF FLORIDA, COUNTY OF CHARLOTTE, LYING IN SECTION 17 TOWNSHIP 42 SOUTH, RANGE 23 EAST, BEING OVER, UNDER AND ACROSS A PORTION OF TRACT "I", HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC, AS RECORDED IN PLAT BOOK 23, PAGES 21A THROUGH 21H, PUBLIC RECORDS OF CHARLOTTE COUNTY, FLORIDA, BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

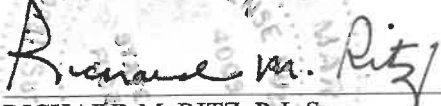
COMMENCING AT THE NORTHEAST CORNER OF SAID TRACT "I", HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC; SAID POINT BEING A POINT ON THE NORTHERLY LINE OF SAID TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 01°26'18", A CHORD BEARING OF N.85°08'52"W., AND A CHORD DISTANCE OF 22.59 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 22.59 FEET TO THE POINT OF BEGINNING; THENCE S.55°35'25"W. FOR 66.61 FEET; THENCE S.75°21'47"W. FOR 61.22 FEET; THENCE S.69°17'42"W. FOR 153.98 FEET; THENCE S.61°11'00"W. FOR 102.79 FEET; THENCE S.69°17'42"W. FOR 112.91 FEET; THENCE S.40°12'21"W. FOR 249.77 FEET; THENCE S.61°33'29"W. FOR 182.29 FEET; THENCE N.28°26'31"W. FOR 30.00 FEET; THENCE N.61°33'29"E. FOR 70.48 FEET; THENCE N.49°51'04"W. FOR 80.00 FEET; TO A POINT ON THE NORTHERLY LINE OF TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 01°16'30", A CHORD BEARING OF N.37°04'42"E., AND A CHORD DISTANCE OF 20.03 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 20.03 FEET; THENCE S.49°51'04"E. FOR 88.91 FEET; THENCE N.61°33'29"E. FOR 84.67 FEET; THENCE N.40°12'21"E. FOR 55.98 FEET; THENCE N.49°47'39"W. FOR 12.00 FEET; THENCE N.40°12'21"E. FOR 10.00 FEET; THENCE S.49°47'39"E. FOR 12.00 FEET; THENCE N.40°12'21"E. FOR 185.92 FEET; THENCE N.69°17'42"E. FOR 118.57 FEET; THENCE N.61°11'00"E. FOR 33.75 FEET; THENCE N.28°49'00"W. FOR 12.00 FEET; THENCE N.61°11'00"E. FOR 10.00 FEET; THENCE S.28°49'00"E. FOR 12.00 FEET; THENCE N.61°11'00"E. FOR 59.04 FEET; THENCE N.69°17'06"E. FOR 207.41 FEET; THENCE N.02°47'16"E. FOR 9.15 FEET TO THE NORTHERLY LINE OF SAID TRACT "I" AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 900.00 FEET, A DELTA ANGLE OF 04°51'55", A CHORD BEARING OF S.88°17'59"E., AND A CHORD DISTANCE OF 76.40 FEET; THENCE ALONG THE ARC OF SAID CURVE, FOR 76.43 FEET TO THE POINT OF BEGINNING,

CONTAINS 0.68 ACRES, MORE OR LESS.

SHEET 1 OF 2

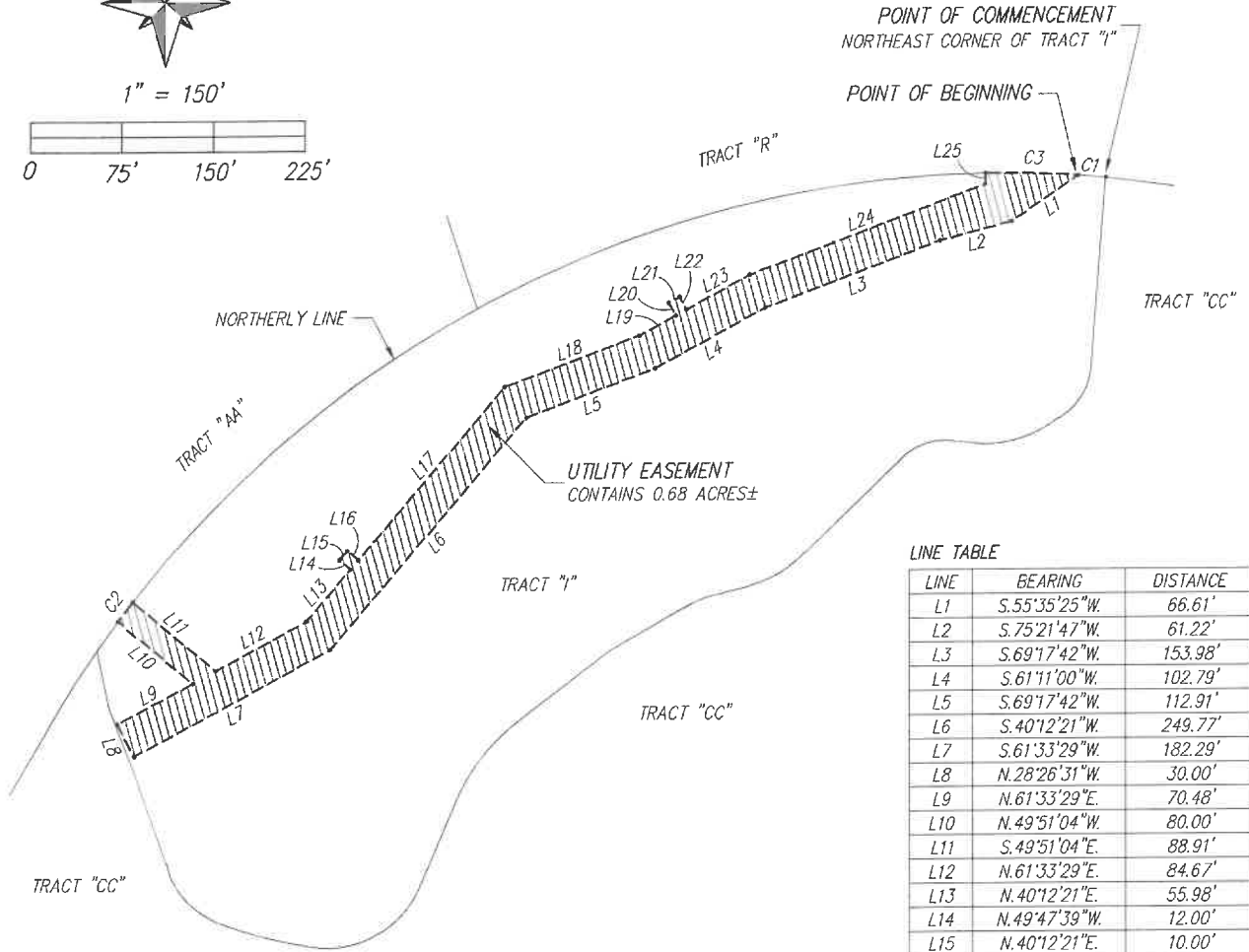
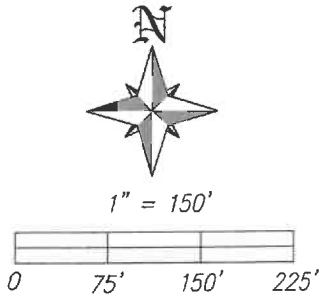
BANKS ENGINEERING
FLORIDA LICENSED BUSINESS NO. LB6690

SEPTEMBER 24, 2020


RICHARD M. RITZ, R.L.S.
REGISTERED LICENSED SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SERVING THE STATE OF FLORIDA

NOTE:
 BEARINGS BASED ON THE PLAT OF HERITAGE LANDING TRACTS A-1, F, G, H, I, AA AND CC, WHEREIN
 THE WEST LINE OF SECTION 17, TOWNSHIP 42 SOUTH, RANGE 23 EAST BEARS N00°35'30"E.



LINE TABLE

LINE	BEARING	DISTANCE
L1	S.55°35'25"W.	66.61'
L2	S.75°21'47"W.	61.22'
L3	S.69°17'42"W.	153.98'
L4	S.61°11'00"W.	102.79'
L5	S.69°17'42"W.	112.91'
L6	S.40°12'21"W.	249.77'
L7	S.61°33'29"W.	182.29'
L8	N.28°26'31"W.	30.00'
L9	N.61°33'29"E.	70.48'
L10	N.49°51'04"W.	80.00'
L11	S.49°51'04"E.	88.91'
L12	N.61°33'29"E.	84.67'
L13	N.40°12'21"E.	55.98'
L14	N.49°47'39"W.	12.00'
L15	N.40°12'21"E.	10.00'
L16	S.49°47'39"E.	12.00'
L17	N.40°12'21"E.	185.92'
L18	N.69°17'42"E.	118.57'
L19	N.61°11'00"E.	33.75'
L20	N.28°49'00"W.	12.00'
L21	N.61°11'00"E.	10.00'
L22	S.28°49'00"E.	12.00'
L23	N.61°11'00"E.	59.04'
L24	N.69°17'06"E.	207.41'
L25	N.02°47'16"E.	9.15'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	900.00'	22.59'	22.59'	N.85°08'52"W.	1°26'18"
C2	900.00'	20.03'	20.03'	N.37°04'42"E.	1°16'30"
C3	900.00'	76.43'	76.40'	S.88°17'59"E.	4°51'55"

LEGEND

- ± MORE OR LESS
- C1 CURVE 1 OF CURVE TABLE
- L1 LINE 1 OF LINE TABLE

NOT A BOUNDARY SURVEY

BANKS
ENGINEERING

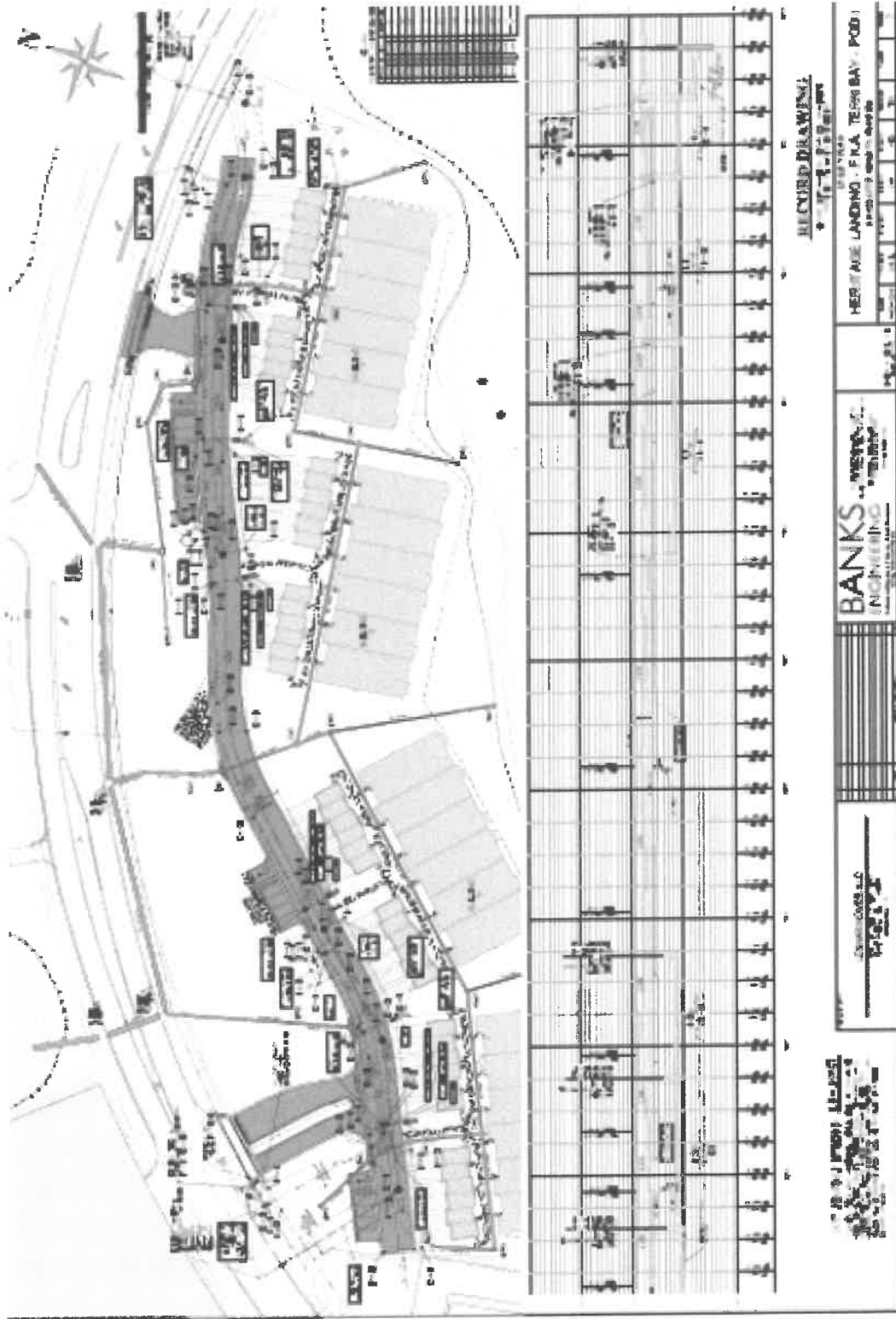
Professional Engineers, Planners, & Land Surveyors
 Serving The State Of Florida

4101 DANHAM ROAD - BLDG. 5 UNIT 501
 FORT CHARLOTTE, FLORIDA 33852
 PHONE: (941) 825-1188 FAX: (941) 825-1140
 ENGINEERING LICENSE # ES 4480
 SURVEY LICENSE # LS 8880
 WWW.BANKSENG.COM

SKETCH TO ACCOMPANY DESCRIPTION
UTILITY EASEMENT
 CHARLOTTE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	FILE NO. (S-T-R)
09/22/20	2292L	SK-OVERALL	JS	B/C	1"=120'	20F2	17-42-23

Exhibit "C"
Location of Improvements



BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, that Tern Bay Community Development District, a community development district established and existing pursuant to Chapter 190, Florida Statutes, hereinafter called District, for and in consideration of the payment of the sum of ten dollars (\$10.00) by Charlotte County Utilities, agency of Charlotte County, hereinafter referred to as Utilities, the receipt of which is hereby acknowledged, and other good and valuable consideration set out in the Utility Agreement entered into between Lennar Homes, LLC and Charlotte County on October 8, 2019, the provisions of said agreement to be specifically incorporated herein by reference, has remised, released and quit claim and by these presents does remise, release and quit claim unto the said Utilities, its successors and assigns, all those certain properties located in the County of Charlotte, State of Florida, more particularly described as follows:

Exhibit A (Certification of Detailed Cost of Contributory Assets)

TOGETHER with all of the rights of the District arising out of any and all guarantees, performances bonds, contracts, and agreements of the District in connection with said water and/or sewer system.

TOGETHER with every right, privilege, permit and easement of every kind and nature of the District, and in connection with the property or properties herein described, as the same are now located, all such rights pertaining only to the property or properties herein described.

TO HAVE AND TO HOLD the same unto Utilities, its successors and assigns, forever.

And said District does for itself and its successors covenant to and with the said Utilities, its successors and assigns, that it is the lawful owner of the property herein described and that this property is free from all encumbrances or if encumbered District has properly notified the Utility of any

encumbrance. District further covenants that they have the right to sell the goods and will warrant and defend the right against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the District has caused these presents to be signed in its name this 14th day of December, 2020.

WITNESSES:

[Signature]
[Signature]

TERN BAY COMMUNITY
DEVELOPMENT DISTRICT:

By: [Signature]
Russell Smith, Chairman

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was acknowledged before me by means of () physical presence or () online notarization, this 14th day of December, 2020, by Russell Smith, as Chairman of Tern Bay Community Development District, who is () personally known to me or () has presented N/A as identification and did/did not take an oath.

My Commission expires:



Karen A. Hughes
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG288290
Expires 2/13/2023

[Signature]
Notary Public

Printed Name of Notary

Serial or Commission Number

BILL OF SALE

Exhibit "A"

CERTIFICATION OF DETAILED COST OF CONTRIBUTORY ASSETS

Project Name: Heritage Landing POD I (CCU # 19-1025)

Location: 14040 Heritage Landing Blvd., Punta Gorda, FL 33955

Type Utility System: Sewer
(list water, sewer, and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

<i>Item</i>	<i>Size</i>	<i>Qty</i>	<i>Unit</i>	<i>Cost</i>	<i>Total</i>
SDR-26 PVC MAIN (6'-8' DEEP)	8"	381	LF	42.00	\$ 16,002.00
SDR-26 PVC MAIN (8'-10' DEEP)	8"	185	LF	53.00	\$ 9,805.00
MANHOLE (6'-8' DEEP)	8"	4	EA	4,800.00	\$ 19,200.00
MANHOLE (8'-10' DEEP)	8"	2	EA	6,000.00	\$ 12,000.00
MANHOLE (10'-12' DEEP)	8"	1	EA	7,300.00	\$ 7,300.00
SINGLE SEWER SERVICE	6"	4	EA	2,100.00	\$ 8,400.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
					\$ 0.00
TOTAL AMOUNT					\$ 72,707.00

(If more space if required, use additional pages. Number each page and include the name of the project.)

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Charlotte County and corresponds with the record drawings.

Brian R. Penner, President

Name & Title of Certifying Agent

Of: **Mitchell & Stark Construction Co., Inc.**

Firm or Corporation

Address: **6001 Shirley Street**

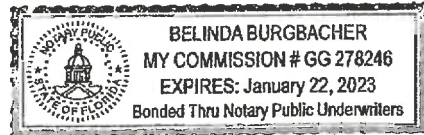
Naples, FL 34109

STATE OF Florida)

COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 10th day of August, 2020, by Brian Penner as identification, and who did/did not take an oath.

Notary Public Signature



[Notary Seal]

Belinda Burgbacher

Printed Name of Notary Public

CERTIFICATION OF DETAILED COST OF CONTRIBUTORY ASSETS

Project Name: Heritage Landing POD I (CCU # 19-1025)

Location: 14040 Heritage Landing Blvd., Punta Gorda, FL 33955

Type Utility System: Water
 (list water, sewer, and effluent reuse separately)

DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

Please list each element of the system, e.g., pipe, manholes, lift stations, meters, valves, fittings, etc.

<i>Item</i>	<i>Size</i>	<i>Qty</i>	<i>Unit</i>	<i>Cost</i>	<i>Total</i>
CUT IN CONNECTION	12" x 8"	1	EA	2,100.00	\$ 2,100.00
DR-18 PVC WATERMAIN	12"	23	LF	45.00	\$ 1,035.00
DR-18 PVC WATERMAIN	8"	909	LF	35.00	\$ 31,815.00
DR-18 PVC WATERMAIN	4"	50	LF	15.00	\$ 750.00
POLYTUBE WATER SERVICE	2"	120	LF	5.00	\$ 600.00
TEE	12" x 8"	2	EA	2,400.00	\$ 4,800.00
GATE VALVE	8"	1	EA	1,800.00	\$ 1,800.00
GATE VALVE	4"	2	EA	750.00	\$ 1,500.00
GATE VALVE	2"	4	EA	250.00	\$ 1,000.00
FIRE HYDRANT ASSEMBLY	6"	2	EA	4,500.00	\$ 9,000.00
SERVICE (METER / BFP)	1.5"	4	EA	1,750.00	\$ 7,000.00
					\$ 0.00
				TOTAL AMOUNT	\$ 61,400.00

(If more space is required, use additional pages. Number each page and include the name of the project.)

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Charlotte County and corresponds with the record drawings.



Brian R. Penner, President

Name & Title of Certifying Agent

Of: **Mitchell & Stark Construction Co., Inc.**

Firm or Corporation

Address: **6001 Shirley Street**

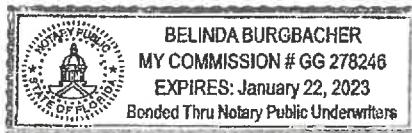
Naples, FL 34109

STATE OF Florida)

COUNTY OF Collier)

The foregoing instrument was signed and acknowledged before me this 10th day of August
2020, by Brian Penner as identification, and who did/did not
take an oath.


Notary Public Signature



[Notary Seal]

Belinda Burgbacher

Printed Name of Notary Public

EASEMENT FOR WATER AND/OR WASTEWATER UTILITIES

STATE OF Florida

COUNTY OF Lee

Lennar Homes, LLC, herein referred to as Grantor, in consideration of ten dollars (\$10.00) by Charlotte County Utilities, a department of Charlotte County, a political subdivision of the State of Florida, herein referred to as Grantee, the receipt of which is hereby acknowledged, and other good and valuable consideration set out in the Utility Agreement entered between said parties on the 8th day of October, 20 19, the provisions of said Agreement to be specifically incorporated herein by reference, have granted, bargained, sold, and conveyed, and by these presents, do grant, bargain, sell, and convey, to Grantee and to its successors and assigns, a non-exclusive perpetual utility easement and rights-of-way for the purpose of constructing, laying, maintaining, and operating pipelines and all necessary laterals thereto to be used for wastewater and water in addition to any ingress and egress necessary to enter and depart over and upon that portion of land to effect the purposes of the easement. The rights-of-way and easement may be varied in width on and through the Grantor's land located in Charlotte County, State of Florida, and described as follows:

See Exhibit "A" attached.

It is the intent of the Grantor by the provisions in this easement to convey to the Grantee a non-exclusive utility easement for as long as the Grantee shall require the easement.

IN WITNESS WHEREOF, said Grantor has caused these presents to be signed in its name this 14th day of December, 20 20.

WITNESS:

[Handwritten Signature]
[Handwritten Signature]

Lennar Homes, LLC

[Handwritten Signature]

Signature

Russell R. Smith

Print Name

Director of Land Development

Title

The foregoing instrument was acknowledge before me this 14th day of December, 20 20, by Russell R. Smith, who is personally known to me or has presented as identification [Signature] and did/did not take an oath.

My commission expires:

[Handwritten Signature]
Notary Public Signature

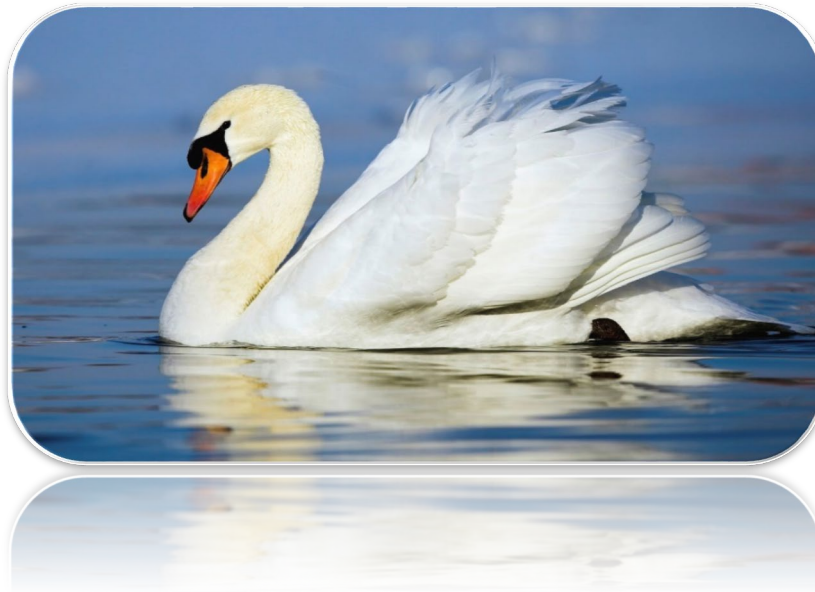
Printed Name of Notary



Karen A. Hughes
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG288290
Expires 2/13/2023

Serial or Commission Number

TERN BAY COMMUNITY DEVELOPMENT DISTRICT



FINANCIAL STATEMENTS - OCTOBER 2020

FISCAL YEAR 2021

PREPARED BY:

JPWARD & ASSOCIATES, LLC, 2900 NORTHEAST 12TH TERRACE, SUITE 1, OAKLAND PARK, FL 33334

T: 954-658-4900 E: JimWard@JPWardAssociates.com

Tern Bay Community Development District

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<i>Statement of Revenue, Expenditures and Changes in Fund Balance</i>	
<i>General Fund</i>	<i>3-6</i>
<i>Debt Service Fund—Series 2005 Bonds</i>	<i>7</i>

JPWard & Associates LLC

2900 Northeast 12th Terrace

Suite 1

Oakland Park, Florida 33334

Phone: (954) 658-4900

**Tern Bay Community Development District
Balance Sheet
for the Period Ending October 31, 2020**

Description	Governmental Funds				Totals	(Memorandum Only)
	Series 2005 Bonds		Account Groups			
	General Fund	Debt Service Fund	General Long Term Debt	General Fixed Assets		
Assets						
Cash and Investments						
General Fund - Invested Cash	\$ 39,007	\$ -	\$ -	\$ -	\$	39,007
Capital Project Fund - Series 2007						
Construction Account	-	-	-	-		-
Working Capital Account	-	-	-	-		-
Debt Service Fund						
Interest Account	-	-	-	-		-
Sinking Account	-	-	-	-		-
Reserve Account A	-	51,462	-	-		51,462
Reserve Account B	-	-	-	-		-
Revenue	-	66,594	-	-		66,594
Prepayment Account	-	-	-	-		-
Due from Other Funds						
General Fund	-	460	-	-		460
Debt Service Fund	-	-	-	-		-
Capital Project Fund	-	-	-	-		-
Accounts Receivable-Bond Holder Funding	-	-	-	-		-
Accrued Interest Receivable	-	-	-	-		-
Assessments Receivable	-	-	-	-		-
Prepaid Expenses	-	-	-	-		-
Amount Available in Debt Service Funds	-	-	118,516	-		118,516
Amount to be Provided by Debt Service Funds	-	-	936,484	-		936,484
Investment in General Fixed Assets (net of depreciation)	-	-	-	45,419,499		45,419,499
Total Assets	\$ 39,007	\$ 118,516	\$ 1,055,000	\$ 45,419,499	\$	46,632,022

**Tern Bay Community Development District
Balance Sheet
for the Period Ending October 31, 2020**

Description	Governmental Funds				Totals	(Memorandum Only)
	Series 2005 Bonds		Account Groups			
	General Fund	Debt Service Fund	General Long Term Debt	General Fixed Assets		
Liabilities						
Accounts Payable & Payroll Liabilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Notes and Loans Payable - Current Portion						
Note Payable-Oppenheimer Funds	-	-	-	-	-	-
Due to Other Funds						
General Fund	-	-	-	-	-	-
Debt Service Fund	460	-	-	-	-	460
Capital Projects Fund	-	-	-	-	-	-
Deferred Revenue	-	-	-	-	-	-
Due to Other Governments	-	-	-	-	-	-
Bonds Payable						
Current Portion	-	-	40,000	-	-	40,000
Long Term	-	-	1,015,000	-	-	1,015,000
Total Liabilities	<u>\$ 460</u>	<u>\$ -</u>	<u>\$ 1,055,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,055,460</u>
Fund Equity and Other Credits						
Investment in General Fixed Assets	-	-	-	45,419,499	-	45,419,499
Fund Balance						
Restricted						
Beginning: October 1, 2020 (Unaudited)		118,055	-	-	-	118,055
Results from Current Operations		461	-	-	-	461
Unassigned						
Beginning: October 1, 2020 (Unaudited)	68,543	-	-	-	-	68,543
Results from Current Operations	(29,995)	-	-	-	-	(29,995)
Total Fund Equity and Other Credits	<u>\$ 38,548</u>	<u>\$ 118,516</u>	<u>\$ -</u>	<u>\$ 45,419,499</u>	<u>\$ -</u>	<u>\$ 45,576,562</u>
Total Liabilities, Fund Equity and Other Credits	<u>\$ 39,007</u>	<u>\$ 118,516</u>	<u>\$ 1,055,000</u>	<u>\$ 45,419,499</u>	<u>\$ -</u>	<u>\$ 46,632,022</u>

Prepared by:

JPWARD and Associates, LLC

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through October 31, 2020**

Description	October	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources				
Carryforward	\$ -	-	\$ -	N/A
Interest				
Interest - General Checking	-	-	-	N/A
Miscellaneous Revenue	-	-	-	N/A
Special Assessment Revenue				
Special Assessments - On-Roll	3,026	3,026	764,640	0%
Special Assessments - Off-Roll	-	-	-	N/A
Interfund Group Transfers In	-	-	-	N/A
Total Revenue and Other Sources:	\$ 3,026	\$ 3,026	\$ 764,640	0%
Expenditures and Other Uses				
Legislative				
Board of Supervisor's - Fees	-	-	\$ -	N/A
Executive				
Professional Management	2,875	2,875	34,500	8%
Financial and Administrative				
Audit Services	-	-	6,000	0%
Accounting Services	1,333	1,333	16,000	8%
Assessment Roll Services	1,083	1,083	13,000	8%
Arbitrage Rebate Services	-	-	500	0%
Real Estate Advisor	-	-	-	N/A
Other Contractual Services				
Recording and Transcription	-	-	-	N/A
Legal Advertising	237	237	2,500	9%
Property Appraiser & Tax Collector Fees	-	-	-	N/A
Trustee Services	-	-	10,500	0%
Dissemination Agent Services	1,000	1,000	6,000	17%
Bank Services	5	5	500	1%
Travel and Per Diem	-	-	-	N/A
Communications & Freight Services				
Telephone	-	-	-	N/A
Postage, Freight & Messenger	36	36	400	9%

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through October 31, 2020**

Description	October	Year to Date	Total Annual Budget	% of Budget
Insurance	9,453	9,453	9,500	100%
Meeting Room Rental	-	-	400	0%
Printing & Binding	129	129	500	26%
Web Site Development	50	50	2,000	3%
Subscription & Memberships	175	175	175	100%
Legal Services				
Legal - General Counsel	-	-	5,000	0%
Legal - Foreclosure Counsel	-	-	-	N/A
Legal - Trustee Counsel	-	-	-	N/A
Legal - Ryan Golf Counsel	-	-	-	N/A
DRI NOPC	-	-	-	N/A
Legal - TB LLC Counsel	-	-	-	N/A
Eminent Domain Counsel	-	-	-	N/A
Comprehensive Planning Services	-	-	-	N/A
Other General Government Services				
Engineering Services - General Fund	-	-	5,000	0%
Engineering Services - Traffic	-	-	-	N/A
NOPC Fees	-	-	-	N/A
Contingencies	-	-	-	N/A
Other Public Safety				
Professional Services				
Charlotte County Sheriff's Patrol	-	-	-	N/A
Guardhouse Operations				
Professional - Roving Patrol	-	-	57,300	0%
Professional - Gate Attendant	5,550	5,550	190,000	3%
Hosting Resident Access	375	375	-	N/A
Utilities				
Electric	-	-	2,400	0%
Water & Wastewater	-	-	2,400	0%
Repairs & Maintenance				
Guardhouse Janitorial	-	-	4,200	0%
Gate	-	-	6,500	0%
Wastewater Services				

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through October 31, 2020**

Description	October	Year to Date	Total Annual Budget	% of Budget
Utility Services				
Electric Service	-	-	2,000	0%
Stormwater Management System				
Repairs & Maintenance				
Lake Banks/Outfall Control Structures	-	-	5,000	0%
Aquatic Weed Control				
Lake Spraying	10,720	10,720	5,000	214%
Lake Vegetation Removal	-	-	-	N/A
Upland Monitoring & Maintenance	-	-	30,000	0%
Other Physical Environment				
Professional Services				
Field Manager Services	-	-	2,500	0%
Insurance	-	-	-	N/A
Contingencies	-	-	-	N/A
Assessments - Charlotte County	-	-	-	N/A
Assessments -Charlotte County	-	-	-	N/A
Road & Street Facilities				
Professional Services	-	-	-	N/A
Street Lights				
Electric Service				
Electric Service	-	-	12,000	0%
Repairs & Maintenance	-	-	-	N/A
Economic Environment				
Professional Services - Appraisal	-	-	-	N/A
Landscaping Services				
Electric Service	-	-	48,000	0%
Repairs & Maintenance				
Common Area Maintenance				
Routine Maintenance	-	-	119,200	0%
Tree Trimming	-	-	15,000	0%
Sod Replacement	-	-	3,000	0%
Material Replacement	-	-	12,000	0%
Mulch Installation	-	-	40,000	0%

Prepared by:

JPWARD and Associates, LLC

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through October 31, 2020**

Description	October	Year to Date	Total Annual Budget	% of Budget
Landscape Lighting	-	-	-	N/A
Annuals	-	-	21,000	0%
Holiday Decorations	-	-	16,000	0%
Pumps & Wells				
Routine Maintenance	-	-	16,000	0%
Well Testing/Meter Reading	-	-	-	N/A
Line Distribution System				
Routine Maintenance	-	-	-	N/A
Routine Maintenance	-	-	42,665	0%
Contingencies	\$ 33,021	33,021	\$ 764,640	4%
Net Increase/ (Decrease) in Fund Balance	(29,995)	(29,995)	-	
Fund Balance - Beginning	68,543	68,543	68,543	
Fund Balance - Ending	\$ 38,548	38,548	\$ 68,543	

Tern Bay Community Development District
Debt Service Fund - Series 2005 Bonds
Statement of Revenues, Expenditures and Changes in Fund Balance
Through October 31, 2020

Description	October	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources				
Carryforward	\$ -	\$ -	\$ -	N/A
Miscellaneous Revenue	-	-		
Interest Income				
Reserve Account	0	0	-	N/A
Prepayment Account	-	-	-	N/A
Revenue Account	1	1	-	N/A
Special Assessment Revenue				
Special Assessments - On-Roll	460	460	101,875	0%
Special Assessments - Off-Roll	-	-	-	N/A
Extraordinary Items (Gain)	-	-		
Operating Transfers In (From Other Funds)	-	-	-	N/A
Total Revenue and Other Sources:	\$ 461	\$ 461	\$ 101,875	0%
Expenditures and Other Uses				
Debt Service				
Principal Debt Service - Mandatory				
Series 2005 Bonds	\$ -	\$ -	\$ 40,000	0%
Principal Debt Service - Early Redemptions				
Series 2005 Bonds	-	-	-	N/A
Interest Expense				
Series 2005A Bonds	-	-	58,856	0%
Series 2005B Bonds	-	-	-	N/A
Trustee Services	-	-		
Operating Transfers Out (To Other Funds)	-	-	-	N/A
Total Expenditures and Other Uses:	\$0	\$0	\$ 98,856	0%
Net Increase/ (Decrease) in Fund Balance	461	461	3,019	
Fund Balance - Beginning	118,055	118,055	118,055	
Fund Balance - Ending	\$ 118,516	\$ 118,516	\$ 121,074	

Statement Notes:

1. Bonds in Default since end of capitalized interest period.
2. Bondholder's have directed Trustee to transfer funds received from on-roll assessments to pay on-
3. Operating Transfers Out are funds transferred directly to the Capital Projects Fund to pay on-going
3. Off-Roll Assessments were billed on or before November 15, 2014, however, the District does not expect those property owner's to pay these assessments.

TERN BAY COMMUNITY DEVELOPMENT DISTRICT



FINANCIAL STATEMENTS - NOVEMBER 2020

FISCAL YEAR 2021

PREPARED BY:

JPWARD & ASSOCIATES, LLC, 2900 NORTHEAST 12TH TERRACE, SUITE 1, OAKLAND PARK, FL 33334

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Tern Bay Community Development District

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JPWard & Associates LLC

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Phone: (954) 658-4900

**Tern Bay Community Development District
Balance Sheet
for the Period Ending November 30, 2020**

Description	Governmental Funds				Totals	(Memorandum Only)
	Series 2005 Bonds		Account Groups			
	General Fund	Debt Service Fund	General Long Term Debt	General Fixed Assets		
Assets						
Cash and Investments						
General Fund - Invested Cash	\$ 35,615	\$ -	\$ -	\$ -	\$	35,615
Capital Project Fund - Series 2007						
Construction Account	-	-	-	-		-
Working Capital Account	-	-	-	-		-
Debt Service Fund						
Interest Account	-	-	-	-		-
Sinking Account	-	-	-	-		-
Reserve Account A	-	51,462	-	-		51,462
Reserve Account B	-	-	-	-		-
Revenue	-	40,829	-	-		40,829
Prepayment Account	-	-	-	-		-
Due from Other Funds						
General Fund	-	-	-	-		-
Debt Service Fund	-	-	-	-		-
Capital Project Fund	-	-	-	-		-
Accounts Receivable-Bond Holder Funding	-	-	-	-		-
Accrued Interest Receivable	-	-	-	-		-
Assessments Receivable	-	-	-	-		-
Prepaid Expenses	-	-	-	-		-
Amount Available in Debt Service Funds	-	-	92,291	-		92,291
Amount to be Provided by Debt Service Funds	-	-	962,709	-		962,709
Investment in General Fixed Assets (net of depreciation)	-	-	-	45,419,499		45,419,499
Total Assets	\$ 35,615	\$ 92,291	\$ 1,055,000	\$ 45,419,499	\$	46,602,405

**Tern Bay Community Development District
Balance Sheet
for the Period Ending November 30, 2020**

Description	Governmental Funds				Totals	(Memorandum Only)
	Series 2005 Bonds		Account Groups			
	General Fund	Debt Service Fund	General Long Term Debt	General Fixed Assets		
Liabilities						
Accounts Payable & Payroll Liabilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Notes and Loans Payable - Current Portion						
Note Payable-Oppenheimer Funds	-	-	-	-	-	-
Due to Other Funds						
General Fund	-	-	-	-	-	-
Debt Service Fund	-	-	-	-	-	-
Capital Projects Fund	-	-	-	-	-	-
Deferred Revenue	-	-	-	-	-	-
Due to Other Governments	-	-	-	-	-	-
Bonds Payable						
Current Portion	-	-	40,000	-	-	40,000
Long Term	-	-	1,015,000	-	-	1,015,000
Total Liabilities	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,055,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,055,000</u>
Fund Equity and Other Credits						
Investment in General Fixed Assets	-	-	-	45,419,499	-	45,419,499
Fund Balance						
Restricted						
Beginning: October 1, 2020 (Unaudited)		118,055	-	-		118,055
Results from Current Operations		(25,764)	-	-		(25,764)
Unassigned						
Beginning: October 1, 2020 (Unaudited)	68,543	-	-	-		68,543
Results from Current Operations	(32,928)	-	-	-		(32,928)
Total Fund Equity and Other Credits	<u>\$ 35,615</u>	<u>\$ 92,291</u>	<u>\$ -</u>	<u>\$ 45,419,499</u>	<u>\$ -</u>	<u>\$ 45,547,405</u>
Total Liabilities, Fund Equity and Other Credits	<u>\$ 35,615</u>	<u>\$ 92,291</u>	<u>\$ 1,055,000</u>	<u>\$ 45,419,499</u>	<u>\$ -</u>	<u>\$ 46,602,405</u>

Prepared by:

JPWARD and Associates, LLC

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through November 30, 2020**

Description	October	November	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources					
Carryforward	\$ -	\$ -	-	\$ -	N/A
Interest					
Interest - General Checking	-	-	-	-	N/A
Miscellaneous Revenue	-	-	-	-	N/A
Special Assessment Revenue					
Special Assessments - On-Roll	2,390	5,597	7,987	764,640	1%
Special Assessments - Off-Roll	-	-	-	-	N/A
Interfund Group Transfers In	-	-	-	-	N/A
Total Revenue and Other Sources:	\$ 2,390	\$ 5,597	\$ 7,987	\$ 764,640	1%
Expenditures and Other Uses					
Legislative					
Board of Supervisor's - Fees	-	-	-	\$ -	N/A
Executive					
Professional Management	2,875	2,875	5,750	34,500	17%
Financial and Administrative					
Audit Services	-	-	-	6,000	0%
Accounting Services	1,333	1,333	2,667	16,000	17%
Assessment Roll Services	1,083	1,083	2,167	13,000	17%
Arbitrage Rebate Services	-	-	-	500	0%
Real Estate Advisor	-	-	-	-	N/A
Other Contractual Services					
Recording and Transcription	-	-	-	-	N/A
Legal Advertising	237	100	337	2,500	13%
Property Appraiser & Tax Collector Fees	-	-	-	-	N/A
Trustee Services	-	-	-	10,500	0%
Dissemination Agent Services	1,000	-	1,000	6,000	17%
Bank Services	5	37	42	500	8%
Travel and Per Diem	-	-	-	-	N/A
Communications & Freight Services					
Telephone	-	-	-	-	N/A
Postage, Freight & Messenger	36	44	80	400	20%

Prepared by:

JPWARD and Associates, LLC

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through November 30, 2020**

Description	October	November	Year to Date	Total Annual Budget	% of Budget
Insurance	9,453	-	9,453	9,500	100%
Meeting Room Rental	-	-	-	400	0%
Printing & Binding	129	72	201	500	40%
Web Site Development	50	50	100	2,000	5%
Subscription & Memberships	175	-	175	175	100%
Legal Services					
Legal - General Counsel	-	-	-	5,000	0%
Legal - Foreclosure Counsel	-	-	-	-	N/A
Legal - Trustee Counsel	-	-	-	-	N/A
Legal - Ryan Golf Counsel	-	-	-	-	N/A
DRI NOPC	-	-	-	-	N/A
Legal - TB LLC Counsel	-	-	-	-	N/A
Eminent Domain Counsel	-	-	-	-	N/A
Comprehensive Planning Services	-	-	-	-	N/A
Other General Government Services					
Engineering Services - General Fund	-	-	-	5,000	0%
Engineering Services - Traffic	-	-	-	-	N/A
NOPC Fees	-	-	-	-	N/A
Contingencies	-	-	-	-	N/A
Other Public Safety					
Professional Services					
Charlotte County Sheriff's Patrol	-	-	-	-	N/A
Guardhouse Operations					
Professional - Roving Patrol	-	-	-	57,300	0%
Professional - Gate Attendant	5,550	-	5,550	190,000	3%
Hosting Resident Access	375	-	375	-	N/A
Utilities					
Electric	-	36	36	2,400	2%
Water & Wastewater	-	-	-	2,400	0%
Repairs & Maintenance					
Guardhouse Janitorial	-	-	-	4,200	0%
Gate	-	-	-	6,500	0%
Wastewater Services					

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through November 30, 2020**

Description	October	November	Year to Date	Total Annual Budget	% of Budget
Utility Services					
Electric Service	-	84	84	2,000	4%
Stormwater Management System					
Repairs & Maintenance					
Lake Banks/Outfall Control Structures	-	-	-	5,000	0%
Aquatic Weed Control					
Lake Spraying	10,720	-	10,720	5,000	214%
Lake Vegetation Removal	-	-	-	-	N/A
Upland Monitoring & Maintenance	-	-	-	30,000	0%
Other Physical Environment					
Professional Services					
Field Manager Services	-	-	-	2,500	0%
Insurance	-	-	-	-	N/A
Contingencies	-	-	-	-	N/A
Assessments -Charlotte County	-	37	37	-	N/A
Road & Street Facilities					
Professional Services	-	-	-	-	N/A
Street Lights					
Electric Service					
Electric Service	-	694	694	12,000	6%
Repairs & Maintenance	-	-	-	-	N/A
Economic Environment					
Professional Services - Appraisal	-	-	-	-	N/A
Landscaping Services					
Electric Service	-	1,447	1,447	48,000	3%
Repairs & Maintenance					
Common Area Maintenance					
Routine Maintenance	-	-	-	119,200	0%
Tree Trimming	-	-	-	15,000	0%
Sod Replacement	-	-	-	3,000	0%
Material Replacement	-	-	-	12,000	0%
Mulch Installation	-	-	-	40,000	0%
Landscape Lighting	-	-	-	-	N/A

Prepared by:

JPWARD and Associates, LLC

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through November 30, 2020**

Description	October	November	Year to Date	Total Annual Budget	% of Budget
Annuals	-	-	-	21,000	0%
Holiday Decorations	-	-	-	16,000	0%
Pumps & Wells					
Routine Maintenance	-	-	-	16,000	0%
Well Testing/Meter Reading	-	-	-	-	N/A
Line Distribution System					
Routine Maintenance	-	-	-	-	N/A
Routine Maintenance	-	-	-	42,665	0%
Contingencies	\$ 33,021	\$ 7,894	40,915	\$ 764,640	5%
Net Increase/ (Decrease) in Fund Balance	(30,631)	(2,297)	(32,928)	-	
Fund Balance - Beginning	68,543	37,912	68,543	68,543	
Fund Balance - Ending	\$ 37,912	\$ 35,615	35,615	\$ 68,543	

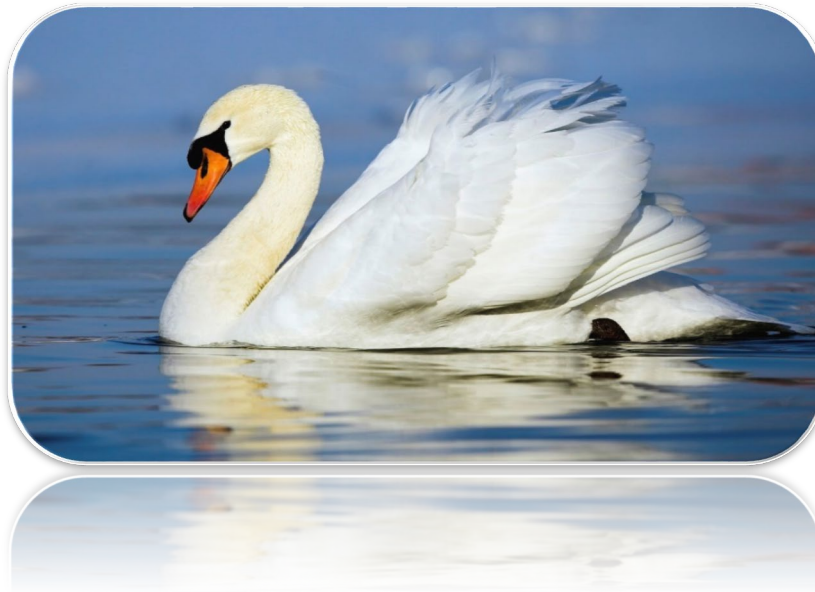
**Tern Bay Community Development District
Debt Service Fund - Series 2005 Bonds
Statement of Revenues, Expenditures and Changes in Fund Balance
Through November 30, 2020**

Description	October	November	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources					
Carryforward	\$ -	\$ -	\$ -	\$ -	N/A
Miscellaneous Revenue	-	-	-	-	
Interest Income					
Reserve Account	0	0	1	-	N/A
Prepayment Account	-	-	-	-	N/A
Revenue Account	1	1	1	-	N/A
Special Assessment Revenue					
Special Assessments - On-Roll	1,096	2,567	3,663	101,875	4%
Special Assessments - Off-Roll	-	-	-	-	N/A
Extraordinary Items (Gain)					
Operating Transfers In (From Other Funds)	-	-	-	-	N/A
Total Revenue and Other Sources:	\$ 1,097	\$ 2,568	\$ 3,664	\$ 101,875	4%
Expenditures and Other Uses					
Debt Service					
Principal Debt Service - Mandatory					
Series 2005 Bonds	\$ -	\$ -	\$ -	\$ 40,000	0%
Principal Debt Service - Early Redemptions					
Series 2005 Bonds	-	-	-	-	N/A
Interest Expense					
Series 2005A Bonds	-	29,428	29,428	58,856	50%
Series 2005B Bonds	-	-	-	-	N/A
Trustee Services					
Operating Transfers Out (To Other Funds)	-	-	-	-	N/A
Total Expenditures and Other Uses:	\$0	\$29,428	\$29,428	\$ 98,856	30%
Net Increase/ (Decrease) in Fund Balance	1,097	(26,860)	(25,764)	3,019	
Fund Balance - Beginning	118,055	119,152	118,055	118,055	
Fund Balance - Ending	\$ 119,152	\$ 92,291	\$ 92,291	\$ 121,074	

Statement Notes:

1. Bonds in Default since end of capitalized interest period.
2. Bondholder's have directed Trustee to transfer funds received from on-roll assessments to pay on-going operating
3. Operating Transfers Out are funds transferred directly to the Capital Projects Fund to pay on-going operating and
3. Off-Roll Assessments were billed on or before November 15, 2014, however, the District does not expect those property owner's to pay these assessments.

TERN BAY COMMUNITY DEVELOPMENT DISTRICT



FINANCIAL STATEMENTS - DECEMBER 2020

FISCAL YEAR 2021

PREPARED BY:

JPWARD & ASSOCIATES, LLC, 2900 NORTHEAST 12TH TERRACE, SUITE 1, OAKLAND PARK, FL 33334

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Tern Bay Community Development District

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Phone: (954) 658-4900

**Tern Bay Community Development District
Balance Sheet
for the Period Ending December 31, 2020**

Description	Governmental Funds				Totals	(Memorandum Only)
	Series 2005 Bonds		Account Groups			
	General Fund	Debt Service Fund	General Long Term Debt	General Fixed Assets		
Assets						
Cash and Investments						
General Fund - Invested Cash	\$ 182,968	\$ -	\$ -	\$ -	\$	182,968
Capital Project Fund - Series 2007						
Construction Account	-	-	-	-		-
Working Capital Account	-	-	-	-		-
Debt Service Fund						
Interest Account	-	-	-	-		-
Sinking Account	-	-	-	-		-
Reserve Account A	-	51,463	-	-		51,463
Reserve Account B	-	-	-	-		-
Revenue	-	120,075	-	-		120,075
Prepayment Account	-	-	-	-		-
Due from Other Funds						
General Fund	-	-	-	-		-
Debt Service Fund	-	-	-	-		-
Capital Project Fund	-	-	-	-		-
Accounts Receivable-Bond Holder Funding	-	-	-	-		-
Accrued Interest Receivable	-	-	-	-		-
Assessments Receivable	-	-	-	-		-
Prepaid Expenses	-	-	-	-		-
Amount Available in Debt Service Funds	-	-	171,537	-		171,537
Amount to be Provided by Debt Service Funds	-	-	883,463	-		883,463
Investment in General Fixed Assets (net of depreciation)	-	-	-	45,419,499		45,419,499
Total Assets	\$ 182,968	\$ 171,537	\$ 1,055,000	\$ 45,419,499	\$	46,829,004

**Tern Bay Community Development District
Balance Sheet
for the Period Ending December 31, 2020**

Description	Governmental Funds				Totals	(Memorandum Only)
	Series 2005 Bonds		Account Groups			
	General Fund	Debt Service Fund	General Long Term Debt	General Fixed Assets		
Liabilities						
Accounts Payable & Payroll Liabilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Notes and Loans Payable - Current Portion						
Note Payable-Oppenheimer Funds	-	-	-	-	-	-
Due to Other Funds						
General Fund	-	-	-	-	-	-
Debt Service Fund	-	-	-	-	-	-
Capital Projects Fund	-	-	-	-	-	-
Deferred Revenue	-	-	-	-	-	-
Due to Other Governments	-	-	-	-	-	-
Bonds Payable						
Current Portion	-	-	40,000	-	-	40,000
Long Term	-	-	1,015,000	-	-	1,015,000
Total Liabilities	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,055,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,055,000</u>
Fund Equity and Other Credits						
Investment in General Fixed Assets	-	-	-	45,419,499	-	45,419,499
Fund Balance						
Restricted						
Beginning: October 1, 2020 (Unaudited)		118,055	-	-		118,055
Results from Current Operations		53,482	-	-		53,482
Unassigned						
Beginning: October 1, 2020 (Unaudited)	68,543	-	-	-		68,543
Results from Current Operations	114,425	-	-	-		114,425
Total Fund Equity and Other Credits	<u>\$ 182,968</u>	<u>\$ 171,537</u>	<u>\$ -</u>	<u>\$ 45,419,499</u>	<u>\$ -</u>	<u>\$ 45,774,004</u>
Total Liabilities, Fund Equity and Other Credits	<u>\$ 182,968</u>	<u>\$ 171,537</u>	<u>\$ 1,055,000</u>	<u>\$ 45,419,499</u>	<u>\$ -</u>	<u>\$ 46,829,004</u>

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through December 31, 2020**

Description	October	November	December	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources						
Carryforward	\$ -	\$ -	\$ -	-	\$ -	N/A
Interest						
Interest - General Checking	-	-	-	-	-	N/A
Miscellaneous Revenue						
Miscellaneous Revenue	-	-	-	-	-	N/A
Special Assessment Revenue						
Special Assessments - On-Roll	2,390	5,597	172,807	180,794	764,640	24%
Special Assessments - Off-Roll	-	-	-	-	-	N/A
Interfund Group Transfers In	-	-	-	-	-	N/A
Total Revenue and Other Sources:	\$ 2,390	\$ 5,597	\$ 172,807	\$ 180,794	\$ 764,640	24%
Expenditures and Other Uses						
Legislative						
Board of Supervisor's - Fees	-	-	-	-	\$ -	N/A
Executive						
Professional Management	2,875	2,875	2,875	8,625	34,500	25%
Financial and Administrative						
Audit Services	-	-	-	-	6,000	0%
Accounting Services	1,333	1,333	1,333	4,000	16,000	25%
Assessment Roll Services	1,083	1,083	1,083	3,250	13,000	25%
Arbitrage Rebate Services	-	-	-	-	500	0%
Real Estate Advisor	-	-	-	-	-	N/A
Other Contractual Services						
Recording and Transcription	-	-	-	-	-	N/A
Legal Advertising	237	100	1,270	1,608	2,500	64%
Property Appraiser & Tax Collector Fees	-	-	-	-	-	N/A
Trustee Services	-	-	-	-	10,500	0%
Dissemination Agent Services	1,000	-	-	1,000	6,000	17%
Bank Services	5	37	41	83	500	17%
Travel and Per Diem						
Travel and Per Diem	-	-	-	-	-	N/A
Communications & Freight Services						
Telephone	-	-	-	-	-	N/A
Postage, Freight & Messenger	36	44	9	89	400	22%

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through December 31, 2020**

Description	October	November	December	Year to Date	Total Annual Budget	% of Budget
Insurance	9,453	-	-	9,453	9,500	100%
Meeting Room Rental	-	-	168	168	400	42%
Printing & Binding	129	72	-	201	500	40%
Web Site Development	50	50	50	150	2,000	8%
Subscription & Memberships	175	-	-	175	175	100%
Legal Services						
Legal - General Counsel	-	-	455	455	5,000	9%
Legal - Foreclosure Counsel	-	-	-	-	-	N/A
Legal - Trustee Counsel	-	-	-	-	-	N/A
Legal - Bond Counsel	-	-	1,235	1,235	-	N/A
Legal - Ryan Golf Counsel	-	-	-	-	-	N/A
DRI NOPC	-	-	-	-	-	N/A
Legal - TB LLC Counsel	-	-	-	-	-	N/A
Eminent Domain Counsel	-	-	-	-	-	N/A
Comprehensive Planning Services	-	-	-	-	-	N/A
Other General Government Services						
Engineering Services - General Fund	-	-	-	-	5,000	0%
Engineering Services - Traffic	-	-	-	-	-	N/A
NOPC Fees	-	-	-	-	-	N/A
Contingencies	-	-	-	-	-	N/A
Other Public Safety						
Professional Services						
Charlotte County Sheriff's Patrol	-	-	-	-	-	N/A
Guardhouse Operations						
Professional - Roving Patrol	-	-	-	-	57,300	0%
Professional - Gate Attendant	5,550	-	10,989	16,539	190,000	9%
Hosting Resident Access	375	-	875	1,250	-	N/A
Utilities						
Electric	-	36	-	36	2,400	2%
Water & Wastewater	-	-	-	-	2,400	0%
Repairs & Maintenance						
Guardhouse Janitorial	-	-	-	-	4,200	0%
Gate	-	-	-	-	6,500	0%

Prepared by:

JPWARD and Associates, LLC

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through December 31, 2020**

Description	October	November	December	Year to Date	Total Annual Budget	% of Budget
Wastewater Services						
Utility Services						
Electric Service	-	84	87	171	2,000	9%
Stormwater Management System						
Repairs & Maintenance						
Lake Banks/Outfall Control Structures	-	-	-	-	5,000	0%
Aquatic Weed Control						
Lake Spraying	10,720	-	-	10,720	5,000	214%
Lake Vegetation Removal	-	-	-	-	-	N/A
Upland Monitoring & Maintenance	-	-	-	-	30,000	0%
Other Physical Environment						
Professional Services						
Field Manager Services	-	-	-	-	2,500	0%
Insurance	-	-	-	-	-	N/A
Contingencies	-	-	-	-	-	N/A
Assessments -Charlotte County	-	37	-	37	-	N/A
Road & Street Facilities						
Professional Services	-	-	1,900	1,900	-	N/A
Street Lights						
Electric Service						
Electric Service	-	694	1,205	1,898	12,000	16%
Repairs & Maintenance	-	-	-	-	-	N/A
Economic Environment						
Professional Services - Appraisal	-	-	-	-	-	N/A
Landscaping Services						
Electric Service	-	1,447	1,878	3,325	48,000	7%
Repairs & Maintenance						
Common Area Maintenance						
Routine Maintenance	-	-	-	-	119,200	0%
Tree Trimming	-	-	-	-	15,000	0%
Sod Replacement	-	-	-	-	3,000	0%
Material Replacement	-	-	-	-	12,000	0%
Mulch Installation	-	-	-	-	40,000	0%

Prepared by:

JPWARD and Associates, LLC

**Tern Bay Community Development District
General Fund
Statement of Revenues, Expenditures and Changes in Fund Balance
Through December 31, 2020**

Description	October	November	December	Year to Date	Total Annual Budget	% of Budget
Landscape Lighting	-	-	-	-	-	N/A
Annuals	-	-	-	-	21,000	0%
Holiday Decorations	-	-	-	-	16,000	0%
Pumps & Wells						
Routine Maintenance	-	-	-	-	16,000	0%
Well Testing/Meter Reading	-	-	-	-	-	N/A
Line Distribution System						
Routine Maintenance	-	-	-	-	-	N/A
Routine Maintenance	-	-	-	-	42,665	0%
Contingencies	\$ 33,021	\$ 7,894	\$ 25,454	66,369	\$ 764,640	9%
Net Increase/ (Decrease) in Fund Balance	(30,631)	(2,297)	147,353	114,425	-	
Fund Balance - Beginning	68,543	37,912	35,615	68,543	68,543	
Fund Balance - Ending	\$ 37,912	\$ 35,615	\$ 182,968	182,968	\$ 68,543	

**Tern Bay Community Development District
Debt Service Fund - Series 2005 Bonds
Statement of Revenues, Expenditures and Changes in Fund Balance
Through December 31, 2020**

Description	October	November	December	Year to Date	Total Annual Budget	% of Budget
Revenue and Other Sources						
Carryforward	\$ -	\$ -	\$ -	\$ -	\$ -	N/A
Miscellaneous Revenue	-	-	-	-	-	
Interest Income						
Reserve Account	0	0	0	1	-	N/A
Prepayment Account	-	-	-	-	-	N/A
Revenue Account	1	1	0	1	-	N/A
Special Assessment Revenue						
Special Assessments - On-Roll	1,096	2,567	79,245	82,908	101,875	81%
Special Assessments - Off-Roll	-	-	-	-	-	N/A
Extraordinary Items (Gain)						
Operating Transfers In (From Other Funds)	-	-	-	-	-	N/A
Total Revenue and Other Sources:	\$ 1,097	\$ 2,568	\$ 79,246	\$ 82,910	\$ 101,875	81%
Expenditures and Other Uses						
Debt Service						
Principal Debt Service - Mandatory						
Series 2005 Bonds	\$ -	\$ -	\$ -	\$ -	\$ 40,000	0%
Principal Debt Service - Early Redemptions						
Series 2005 Bonds	-	-	-	-	-	N/A
Interest Expense						
Series 2005A Bonds	-	29,428	-	29,428	58,856	50%
Series 2005B Bonds	-	-	-	-	-	N/A
Trustee Services						
Operating Transfers Out (To Other Funds)	-	-	-	-	-	N/A
Total Expenditures and Other Uses:	\$0	\$29,428	\$0	\$29,428	\$ 98,856	30%
Net Increase/ (Decrease) in Fund Balance	1,097	(26,860)	79,246	53,482	3,019	
Fund Balance - Beginning	118,055	119,152	92,291	118,055	118,055	
Fund Balance - Ending	\$ 119,152	\$ 92,291	\$ 171,537	\$ 171,537	\$ 121,074	

Statement Notes:

1. Bonds in Default since end of capitalized interest period.
2. Bondholder's have directed Trustee to transfer funds received from on-roll assessments to pay on-going operating and
3. Operating Transfers Out are funds transferred directly to the Capital Projects Fund to pay on-going operating and maintenance
3. Off-Roll Assessments were billed on or before November 15, 2014, however, the District does not expect those property owner's to pay these assessments.