



**BLACK CREEK
COMMUNITY DEVELOPMENT
DISTRICT**

**MIAMI-DADE COUNTY
REGULAR BOARD MEETING
MARCH 18, 2020
10:30 A.M.**

Special District Services, Inc.
6625 Miami Lakes Drive, Suite 374
Miami Lakes, FL 33014

www.blackcreekcdd.org
305.777.0761 Telephone
877.SDS.4922 Toll Free
561.630.4923 Facsimile

AGENDA
BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT
730 NW 107th Avenue,
Third Floor, Suite 300 Meeting Room
Miami, Florida 33172
REGULAR BOARD MEETING
March 18, 2020
10:30 a.m.

- A. Call to Order
- B. Proof of Publication.....Page 1
- C. Establish Quorum
- D. Consider Appointment to Fill Vacancy
- E. Election of Officers
- F. Additions or Deletions to Agenda
- G. Comments from the Public for Items Not on the Agenda
- H. Approval of Minutes
 - 1. December 18, 2019 Regular Board Meeting.....Page 2
- I. Old Business
 - 1. Staff Report: As Required
- J. New Business
 - 1. Consider Resolution No. 2020-01 – Adopting a Fiscal Year 2020/2021 Proposed Budget.....Page 7
- K. Administrative & Operational Matters
 - 1. Staff Report: As Required
- L. Board Member & Staff Closing Comments
- M. Adjourn

MIAMI DAILY BUSINESS REVIEW

Published Daily except Saturday, Sunday and
Legal Holidays
Miami, Miami-Dade County, Florida

STATE OF FLORIDA
COUNTY OF MIAMI-DADE:

Before the undersigned authority personally appeared GUILLERMO GARCIA, who on oath says that he or she is the DIRECTOR OF OPERATIONS, Legal Notices of the Miami Daily Business Review f/k/a Miami Review, a daily (except Saturday, Sunday and Legal Holidays) newspaper, published at Miami in Miami-Dade County, Florida; that the attached copy of advertisement, being a Legal Advertisement of Notice in the matter of

BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT -
FISCAL YEAR 2019/2020 REGULAR MEETING SCHEDULE

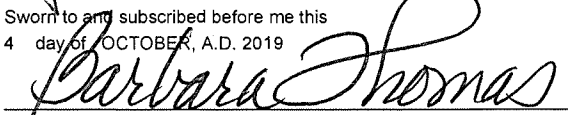
in the XXXX Court,
was published in said newspaper in the issues of

10/04/2019

Affiant further says that the said Miami Daily Business Review is a newspaper published at Miami, in said Miami-Dade County, Florida and that the said newspaper has heretofore been continuously published in said Miami-Dade County, Florida each day (except Saturday, Sunday and Legal Holidays) and has been entered as second class mail matter at the post office in Miami in said Miami-Dade County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

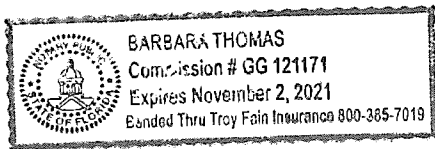


Sworn to and subscribed before me this
4 day of OCTOBER, A.D. 2019



(SEAL)

GUILLERMO GARCIA personally known to me



BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT FISCAL YEAR 2019/2020 REGULAR MEETING SCHEDULE

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the Black Creek Community Development District will hold Regular Meetings at Lerner Homes, LLC located at 730 NW 107th Avenue, 3rd Floor, Suite 300 Meeting Room, Miami, Florida 33172 at 10:30 a.m. on the following dates:

October 16, 2019
November 20, 2019
December 18, 2019
January 15, 2020
February 19, 2020
March 18, 2020
April 15, 2020
May 20, 2020
June 17, 2020
July 15, 2020
August 19, 2020
September 16, 2020

The purpose of the meetings is for the Board to consider District business which may lawfully and properly come before the Board. Meetings are open to the public and will be conducted in accordance with the provisions of Florida law. Copies of the Agenda for any of the meetings may be obtained from the District's website or by contacting the District Manager at 305-777-0761 and/or toll free at 1-877-737-4822, prior to the date of the particular meeting.

From time to time one or two Supervisors may participate by telephone; therefore, a speaker telephone will be present at the meeting location so that Supervisors may be fully informed of the discussions taking place. Said meetings may be continued as found necessary to a time and place specified on the record.

If any person decides to appeal any decision made with respect to any matter considered at these meetings, such person will need a record of the proceedings and such person may need to insure that a verbatim record of the proceedings is made at his or her own expense and which record includes the testimony and evidence on which the appeal is based.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations or an interpreter to participate at any of these meetings should contact the District Manager at 305-777-0761 and/or toll free at 1-877-737-4822 at least seven (7) days prior to the date of the particular meeting.

Meetings may be canceled from time to time without advertised notice.

BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT

www.blackcreekdcd.org

10/4

19-33/0000429395M

**BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT
REGULAR BOARD MEETING
DECEMBER 18, 2019**

A. CALL TO ORDER

District Manager Armando Silva called the December 18, 2019, Regular Board Meeting of the Black Creek Community Development District (the “District”) to order at 10:33 a.m. in the Suite 300 Meeting Room of 730 NW 107th Avenue, Miami, Florida 33172.

B. PROOF OF PUBLICATION

Mr. Silva presented proof of publication that notice of the Regular Board Meeting had been published in the *Miami Daily Business Review* on October 4, 2019, as part of the District’s Fiscal Year 2019/2020 Regular Meeting Schedule, as legally required.

C. ESTABLISH A QUORUM

Mr. Silva determined that the attendance of the following Board Members constituted a quorum and it was in order to proceed with the meeting: Supervisors Carmen Herrera, Alexi Haas and Vanessa Perez.

Staff in attendance included: District Manager Armando Silva of Special District Services, Inc.; and District Counsel Michael Pawelczyk of Billing, Cochran, Lyles, Mauro & Ramsey, P.A.

D. CONSIDER RESIGNATION AND APPOINTMENT TO FILL VACANCY

This item was tabled.

E. ADMINISTER OATH OF OFFICE AND REVIEW DUTIES & RESPONSIBILITIES

This item was tabled.

F. ELECTION OF OFFICERS

This item was tabled.

G. ADDITIONS OR DELETIONS TO THE AGENDA

There were no additions or deletions to the agenda.

H. COMMENTS FROM THE PUBLIC FOR ITEMS NOT ON THE AGENDA

There were no comments from the public for items not on the agenda.

I. APPROVAL OF MINUTES

1. October 16, 2019, Regular Board Meeting

Mr. Silva presented the October 16, 2019, Regular Board Meeting minutes and asked if there were any comments and/or changes. There being no comments or changes, a **motion** was made by Ms. Herrera, seconded by Ms. Haas and unanimously passed approving the October 16, 2019, Regular Board Meeting minutes, *as presented*.

J. OLD BUSINESS

1. Staff Report, as Required

There was no Staff Report at this time.

K. NEW BUSINESS

1. Consider Resolution No. 2019-23 – Authorizing District Counsel and District Staff to File Petition with Miami-Dade County to Expand the Boundaries of the District

Mr. Silva presented Resolution No. 2019-23, entitled:

RESOLUTION NO. 2019-23

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING DISTRICT COUNSEL AND DISTRICT STAFF TO FILE A PETITION WITH MIAMI-DADE COUNTY, FLORIDA TO EXPAND THE BOUNDARIES OF THE DISTRICT; AND PROVIDE AN EFFECTIVE DATE.

Mr. Silva read the title of the resolution into the record and provided an explanation for the document. A discussion ensued after which;

A **motion** was made by Ms. Haas, seconded by Ms. Herrera and unanimously passed to approve and adopt Resolution No. 2019-23, *as presented*.

2. Consider Following Agreements in Substantially Final Form

a. Acquisition Agreement

Mr. Pawelczyk presented the Acquisition Agreement between the District and Lennar Homes, LLC (the “Developer”) and provided an explanation for the document. A discussion ensued after which;

A **motion** was made by Ms. Haas, seconded by Ms. Herrera and unanimously passed to approve, in substantially final form, the Acquisition Agreement, subject to final approval by District Counsel, and further authorizes District officials to execute the documents, as required.

b. Collateral Assignment and Assumption

Mr. Pawelczyk presented the Collateral Assignment & Assumption of Development Rights Agreement (the “Agreement”) between Lennar Homes, LLC (the “Developer” or “Assignor”) and the District (the “Assignee”) and provided an explanation for the document, describing the District’s rights and ability regarding assignment of certain Development Rights to complete the Project to the

extent that such Development Rights have not been previously assigned, transferred, or otherwise conveyed to Miami-Dade County, Florida, the District, any utility provider, or other homebuilder, etc. A discussion ensued after which;

A **motion** was made by Ms. Haas, seconded by Ms. Herrera and unanimously passed to approve, in substantially final form, the Collateral Assignment and Assumption of Developer Rights Agreement, subject to final approval by District Counsel, and further authorizes District officials to execute the documents, as required.

c. Completion Agreement

Mr. Pawelczyk presented the Completion Agreement between Lennar Homes, LLC (the “Developer”) and the District and explained that the District would be obligated to issue only the Bonds to fund a portion of the cost of the 2020 Project and the Developer would cause the 2020 Project to be completed and conveyed to the District, or otherwise provide funds to the District to cause the 2020 Project to be completed. The Completion Agreement fully sets forth the parameters for completion of the public improvements, as outlined in the Engineer’s Report dated May 1, 2019, as revised. A discussion ensued after which;

A **motion** was made by Ms. Haas, seconded by Ms. Herrera and unanimously passed to approve, in substantially final form, the Completion Agreement, subject to final approval by District Counsel, and further authorizes District officials to execute the documents, as required.

d. Declaration of Consent

Mr. Pawelczyk presented the Declaration of Consent to Jurisdiction of the District and outlined the purpose for the document. The Declaration explains that the Developer acknowledges that the District has been created and validly exists under the provisions of Chapter 190, Florida Statutes, as amended, and that the District has followed statutory procedures to levy and impose Special Assessments that are legal, valid and binding first liens upon the property in the District. Furthermore, the Declaration shall represent a lien of record for the purposes of Chapter 197, Florida Statutes.

e. Lien of Record

Mr. Pawelczyk presented the Lien of Record of the District and explained that the document, when finalized, will be recorded in the Miami-Dade County Public Records. The document will define the amount of the Special Assessments, Series 2020 and that the District’s lien secures the payment of special assessments levied for the purpose of funding the District’s operating and maintenance expenses, and to pay the District’s bond indebtedness for the purpose of funding various improvements incurred by the District in connection with the 2020 Project. A discussion ensued after which;

A **motion** was made by Ms. Haas, seconded by Ms. Herrera and unanimously passed to approve, in substantially final form, Lien of Record, subject to final approval by District Counsel, and further authorizes District officials to execute the documents, as required.

f. True-Up Agreement

Mr. Pawelczyk presented the True-Up Agreement (the “Agreement”) between the Developer and the District. Mr. Pawelczyk explained the purpose of the Agreement and indicated that the allocation of costs and benefit for the Improvements is based upon an estimated number and type of dwelling units within the District. Should the number of dwelling units change, then a true-up test will be performed to ensure that the total annual debt service assessment revenues from the levied Special Assessments is equal to or exceeds the Maximum Annual Debt Service, as outlined in the Master Special Assessment Methodology Report dated May 1, 2019, as revised. A discussion ensued after which:

A **motion** was made by Ms. Haas, seconded by Ms. Herrera and unanimously passed to approve, in substantially final form, True-Up Agreement, subject to final approval by District Counsel, and further authorizes District officials to execute the documents, as required.

L. ADMINISTRATIVE & OPERATIONAL MATTERS

1. Staff Report, as Required

Since Chairperson Maria C. Herrera and Vice Chairperson Teresa Baluja were not present at the meeting, Mr. Silva recommended that the Board elect a Chairperson for the purpose of executing District documents. A discussion ensued after which:

A **motion** was made by Ms. Haas, seconded by Ms. Herrera and unanimously passed appointing Vanessa Perez as Chairperson for today’s meeting for the purpose of executing District documents required for recordkeeping purposes.

Mr. Silva presented the resignation of Alexi Haas and stated that it would be in order to consider the resignation with an effective date of December 18, 2019 (at the conclusion of the meeting). A discussion ensued after which;

A **motion** was made by Ms. Herrera, seconded by Ms. Perez and unanimously passed to accept the resignation of Alexi Haas with an effective date of December 18, 2019 (at the conclusion of the meeting).

M. BOARD MEMBER & STAFF CLOSING COMMENTS

Mr. Silva stated that unless an emergency were to arise this Board would not have to meet until after the New Year.

N. ADJOURNMENT

There being no further business to come before the Board, a **motion** was made by Ms. Perez, seconded by Ms. Herrera and passed unanimously to adjourn the Regular Board Meeting at approximately 10:50 a.m.

Secretary/Assistant Secretary

Chairperson/Vice-Chairperson

RESOLUTION 2020-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT APPROVING A PROPOSED BUDGET FOR FISCAL YEAR 2020/2021 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Black Creek Community Development District (“District”) was recently established by Ordinance No. 19-28 approved by the Miami-Dade County Board of County Commissioners, Miami-Dade County, Florida, effective April 19, 2019; and

WHEREAS, the District Manager has prepared and submitted to the Board of Supervisors of the Black Creek Community Development District (the “Board”) the proposed operating fund budget for Fiscal Year 2020/2021; and

WHEREAS, the Board has considered the proposed operating fund budget and desires to set the required public hearing thereon.

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

1. The operating fund budget proposed by the District Manager for Fiscal Year 2020/2021 attached hereto as **Exhibit “A”** is hereby approved as the basis for conducting a public hearing to adopt said budget.
2. The public hearing on said approved operating fund budget is hereby declared and set for the following date, hour and location:

DATE: _____, **2020**

HOUR: _____ **10:30 a.m.**

LOCATION: _____ Lennar Homes, LLC
_____ 730 N. W. 107th Avenue
_____ 3rd Floor, Suite 300 Meeting Room
_____ Miami, Florida 33172

3. The District Manager is hereby directed to submit a copy of the proposed budget to the Miami-Dade County at least sixty (60) days prior to the hearing set above.
4. In accordance with Section 189.016, *Florida Statutes*, the District's Secretary is further directed to post the approved budget on the District's website at least two (2) days before the budget hearing date as set forth in Section 2. If the District does not have its own website, the District's Secretary is directed to transmit the approved budget to the managers or administrators of the Miami-Dade County for posting on their website.

5. Notice of this public hearing shall be published in the manner prescribed in Florida law.
6. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 18th day of March, 2020.

ATTEST:

**BLACK CREEK COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chairperson/Vice Chairperson

Attachment: **Exhibit “A”** Fiscal Year 2020/2021 Budget

EXHIBIT A

Black Creek
Community Development District

**Proposed Budget For
Fiscal Year 2020/2021
October 1, 2020 - September 30, 2021**

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- II DETAILED PROPOSED BUDGET**
- III DETAILED PROPOSED DEBT SERVICE FUND BUDGET**
- IV ASSESSMENT COMPARISON**

PROPOSED BUDGET
BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2020/2021
OCTOBER 1, 2020 - SEPTEMBER 30, 2021

	FISCAL YEAR 2020/2021 BUDGET
REVENUES	
Administrative Assessments	72,982
Maintenance Assessments	17,879
Debt Assessments	263,617
Developer Contribution	0
Interest Income	120
TOTAL REVENUES	\$ 354,598
EXPENDITURES	
Maintenance Expenditures	
Annual Engineer's Report & Inspections	1,800
Field Operations Management	0
Street/Roadway Maintenance/Signage	3,000
Miscellaneous Maintenance	3,000
Wall Feature Maintenance/Upkeep	6,900
Maintenance Contingency	2,106
TOTAL MAINTENANCE EXPENDITURES	\$ 16,806
Administrative Expenditures	
Supervisor Fees	0
Management	26,448
Legal	12,000
Assessment Roll	6,000
Audit Fees	3,900
Arbitrage Rebate Fee	0
Insurance	6,000
Legal Advertisements	2,500
Miscellaneous	1,000
Postage	550
Office Supplies	900
Dues & Subscriptions	175
Trustee Fees	4,250
Continuing Disclosure Fee	1,000
Website Management	2,000
Administrative Contingency	2,000
TOTAL ADMINISTRATIVE EXPENDITURES	\$ 68,723
TOTAL EXPENDITURES	\$ 85,529
REVENUES LESS EXPENDITURES	\$ 269,069
Bond Payments	(247,800)
BALANCE	\$ 21,269
County Appraiser & Tax Collector Fee	(4,254)
Discounts For Early Payments	(17,015)
EXCESS/ (SHORTFALL)	\$ -

DETAILED PROPOSED BUDGET
BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2020/2021
OCTOBER 1, 2020 - SEPTEMBER 30, 2021

	FISCAL YEAR 2018/2019 ACTUAL	FISCAL YEAR 2019/2020 BUDGET	FISCAL YEAR 2020/2021 BUDGET	COMMENTS
REVENUES				
Administrative Assessments	0	0	72,982	Expenditures Less Interest /.94
Maintenance Assessments	0	0	17,879	Expenditures/.94
Debt Assessments	0	0	263,617	Bond Payments/.94
Developer Contribution	30,000	91,400	0	
Interest Income	3	0	120	Projected At \$10 Per Month
TOTAL REVENUES	\$ 30,003	\$ 91,400	\$ 354,598	
EXPENDITURES				
Maintenance Expenditures				
Annual Engineer's Report & Inspections	0	1,800	1,800	No Change From 2019/2020 Budget
Field Operations Management	0	0	0	No Change From 2019/2020 Budget
Street/Roadway Maintenance/Signage	0	3,000	3,000	No Change From 2019/2020 Budget
Miscellaneous Maintenance	0	3,000	3,000	No Change From 2019/2020 Budget
Wall Feature Maintenance/Upkeep	0	6,900	6,900	No Change From 2019/2020 Budget
Maintenance Contingency	0	6,000	2,106	Maintenance Contingency
TOTAL MAINTENANCE EXPENDITURES	\$ -	\$ 20,700	\$ 16,806	
Administrative Expenditures				
Supervisor Fees	0	0	0	
Management	10,775	25,860	26,448	CPI Adjustment
Legal	6,518	12,000	12,000	No Change From 2019/2020 Budget
Assessment Roll	0	6,000	6,000	Assessment Roll
Audit Fees	0	3,900	3,900	Audit Fees
Arbitrage Rebate Fee	0	650	0	Bond Issue Qualifies For Small User Exception
Insurance	2,096	6,750	6,000	Insurance Estimate
Legal Advertisements	2,806	3,600	2,500	\$1,100 Decrease From 2019/2020 Budget
Miscellaneous	162	1,015	1,000	\$15 Decrease From 2019/2020 Budget
Postage	37	600	550	\$50 Decrease From 2019/2020 Budget
Office Supplies	503	900	900	No Change From 2019/2020 Budget
Dues & Subscriptions	0	175	175	No Change From 2019/2020 Budget
Trustee Fees	0	4,250	4,250	No Change From 2019/2020 Budget
Continuing Disclosure Fee	0	1,000	1,000	No Change From 2019/2020 Budget
Website Management	625	2,000	2,000	No Change From 2019/2020 Budget
Administrative Contingency	0	2,000	2,000	No Change From 2019/2020 Budget
TOTAL ADMINISTRATIVE EXPENDITURES	\$ 23,522	\$ 70,700	\$ 68,723	
TOTAL EXPENDITURES	\$ 23,522	\$ 91,400	\$ 85,529	
REVENUES LESS EXPENDITURES	\$ 6,481	\$ -	\$ 269,069	
Bond Payments	0	0	(247,800)	2021 P & I Payments
BALANCE	\$ 6,481	\$ -	\$ 21,269	
County Appraiser & Tax Collector Fee	0	0	(4,254)	Two Percent Of Total Assessment Roll
Discounts For Early Payments	0	0	(17,015)	Four Percent Of Total Assessment Roll
EXCESS/ (SHORTFALL)	\$ 6,481	\$ -	\$ -	

DETAILED PROPOSED DEBT SERVICE FUND BUDGET

BLACK CREEK COMMUNITY DEVELOPMENT DISTRICT

FISCAL YEAR 2020/2021

OCTOBER 1, 2020 - SEPTEMBER 30, 2021

	FISCAL YEAR 2018/2019 ACTUAL	FISCAL YEAR 2019/2020 BUDGET	FISCAL YEAR 2020/2021 BUDGET	COMMENTS
REVENUES				
Interest Income	0	0	0	Projected Interest For FY 2020/2021
NAV Tax Collection	0	0	247,800	2021 P & I Payments Less Earned Interest
Total Revenues	\$ -	\$ -	\$ 247,800	
EXPENDITURES				
Principal Payments	0	0	85,000	Principal Payment Due In 2021
Interest Payments	0	0	161,500	Interest Payments Due In 2021
Bond Redemption	0	0	1,300	Estimated Excess Debt Collections
Total Expenditures	\$ -	\$ -	\$ 247,800	
Excess/ (Shortfall)	\$ -	\$ -	\$ -	

Series 2020 Bond Information

Original Par Amount =	\$4,365,000	Annual Principal Payments Due =	June 15th
Interest Rate =	3.00% - 4.00%	Annual Interest Payments Due =	June 15th & December 15th
Issue Date =	January 2020		
Maturity Date =	June 2050		
Par Amount As Of 2/1/20 =	\$4,365,000		

Black Creek Community Development District Assessment Comparison

	Fiscal Year 2018/2019 Assessment*	Fiscal Year 2019/2020 Assessment*	Fiscal Year 2020/2021 Projected Assessment*
Administrative Assessment For Townhomes	\$ -	\$ -	\$ 333.25
Maintenance Assessment For Townhomes	\$ -	\$ -	\$ 81.64
<u>Debt Assessment For Townhomes</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,156.63</u>
Total	\$ -	\$ -	\$ 1,571.52
Administrative Assessment For Single Family Homes	\$ -	\$ -	\$ 333.25
Maintenance Assessments For Single Family Homes	\$ -	\$ -	\$ 81.64
<u>Debt Assessment For Single Family Homes</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 1,260.83</u>
Total	\$ -	\$ -	\$ 1,675.72

* Assessments Include the Following :

4% Discount for Early Payments
1% County Tax Collector Fee
1% County Property Appraiser Fee

Note

Net Per Unit O&M Covenant amount is \$390.00
Gross Per Unit O&M Covenant amount is \$414.89

Community Information:

Townhomes	120
<u>Single Family Units</u>	<u>99</u>
Total Units	219