



Rizzetta & Company

Magnolia West Community Development District

**Board of Supervisors' Meeting
January 17, 2023**

**District Office:
2806 N. Fifth Street
Unit 403
St. Augustine, FL 32084**

www.magnoliawestcdd.org

MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT

Magnolia West Amenity Center
3400 Canyon Falls Drive, Green Cove Springs, FL 32043
www.magnoliawestcdd.org

Board of Supervisors	Judith Linde	Chairman
	Arrington Lentz	Vice Chairman
	Douglas Kuhrt	Assistant Secretary
	Cynthia Riegler	Assistant Secretary
	Ferman Lewis	Assistant Secretary
District Manager	Lesley Gallagher	Rizzetta & Company, Inc.
District Counsel	Michelle Rigoni	Kutak Rock, LLP
District Engineer	Ryan Stilwell	Prosser Inc.

All cellular phones must be placed on mute while in the meeting room.

The Audience Comments portion, **on Agenda Items Only**, will be held at the beginning of the meeting. The Audience Comments portion of the agenda, **on General Items**, will be held at the end of the meeting. During these portions of the agenda, audience members may make comments on matters that concern the District (CDD) and will be limited to a total of three (3) minutes to make their comments.

Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at (239) 936-0913. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) 1-800-955-8770 (Voice), who can aid you in contacting the District Office.

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

MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT

District Office · St. Augustine, Florida · (904) 436-6270
Mailing Address – 3434 Colwell Avenue, Suite 200, Tampa, Florida 33614
www.magnoliawestcdd.org

Board of Supervisors
Magnolia West Community
Development District

January 10, 2023

AGENDA

Dear Board Members:

The **special** meeting of the Board of Supervisors of the Magnolia West Community Development District will be held on **January 17, 2023 at 3:30 p.m.** at the Magnolia West Amenity Center located at 3490 Canyon Falls Drive, Green Cove Springs, FL 32043. The following is the tentative agenda for the meeting.

1. **CALL TO ORDER/ROLL CALL**
2. **AUDIENCE COMMENTS ON AGENDA ITEMS**
3. **BUSINESS ADMINISTRATION**
 - A. Consideration of Appointment to Seat #1
 - B. Administration of Oath of Office.....Tab 1
 - C. Consideration of Resolution 2023-02; Redesignating Officers.....Tab 2
 - D. Consideration of Minutes of the Board of Supervisors'
Meeting held October 11, 2022.....Tab 3
 - E. Ratification of Operation and Maintenance Expenditures
for August and September 2022.....Tab 4
4. **STAFF REPORTS**
 - A. District Counsel
 - B. District Engineer
 - C. Amenity Manager Report – First Coast CMS.....Tab 5
 - D. Landscape Report – Brightview.....Tab 6
 - E. District Manager
5. **BUSINESS ITEMS**
 - A. Consideration of Resolution 2023-03; Amending Records
Retention Policy.....Tab 7
 - B. Ratification of Tri-Party Succession Agreement.....Tab 8
 - C. Consideration of Proposal for Annual Engineer's Report
(under separate cover)
 - D. Consideration of Proposal for Public Facilities Report
(under separate cover)
 - E. Consideration of Fitness Pro Rate Increase.....Tab 9
 - F. Consideration of Proposals for Weir Repairs (under separate cover)
6. **AUDIENCE COMMENTS AND SUPERVISOR REQUESTS**
7. **ADJOURNMENT**

I look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to contact me at (904) 436-6270.

Very truly yours,
Lesley Gallagher
Lesley Gallagher

Tab 1

**MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISOR
OATH OF OFFICE**

I, _____, A CITIZEN OF THE STATE OF FLORIDA AND OF THE UNITED STATES OF AMERICA, AND BEING EMPLOYED BY OR AN OFFICER OF THE MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT AND A RECIPIENT OF PUBLIC FUNDS AS SUCH EMPLOYEE OR OFFICER, DO HEREBY SOLEMNLY SWEAR OR AFFIRM THAT I WILL SUPPORT THE CONSTITUTION OF THE UNITED STATES AND THE STATE OF FLORIDA.

SIGNATURE

ACKNOWLEDGMENT OF OATH BEING TAKEN

STATE OF FLORIDA
COUNTY OF CLAY

On this ____ day of _____, 202__, before me, personally appeared _____ to me well known and known to me to be the person described herein and who took the aforementioned oath as a Board Member of the Board of Supervisors of Magnolia West Community Development District and acknowledged to and before me that they took said oath for the purposes therein expressed.

WITNESS my hand and official seal the date aforesaid.

Notary Public
STATE OF FLORIDA

My commission expires on:

Tab 2

RESOLUTION 2023-03

**A RESOLUTION OF THE MAGNOLIA WEST
COMMUNITY DEVELOPMENT DISTRICT DESIGNATING
A CHAIR, A VICE CHAIR, A SECRETARY, ASSISTANT
SECRETARIES, A TREASURER AND AN ASSISTANT
TREASURER OF THE MAGNOLIA WEST COMMUNITY
DEVELOPMENT DISTRICT, AND PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the Board of Supervisors of the Magnolia West Community Development District desires to elect the below recited persons to the offices specified.

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

1. The following persons are elected to the offices shown:

Chair	_____
Vice Chair	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Assistant Secretary	_____
Secretary	_____
Treasurer	_____
Assistant Treasurer	_____

PASSED AND ADOPTED this 17th day of January 2023.

ATTEST:

**MAGNOLIA WEST COMMUNITY
DEVELOPMENT DISTRICT**

Secretary / Assistant Secretary

Chairperson, Board of Supervisors

Tab 3

MINUTES OF MEETING

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

MAGNOLIA WEST
COMMUNITY DEVELOPMENT DISTRICT

The **regular** meeting of the Board of Supervisors of Magnolia West Community Development District was held on **Tuesday, October 11, 2022 at 3:30 p.m.** at the Magnolia West Amenity Center located at 3490 Canyon Falls Drive, Green Cove Springs, Florida 32043. Following is the agenda for the meeting.

Present and constituting a quorum:

Judith Linde	Board Supervisor, Chairman
Arrington Lentz	Board Supervisor, Vice Chairman
Douglas Kuhrt	Board Supervisor, Assistant Secretary
Cynthia Riegler	Board Supervisor, Assistant Secretary
Ferman Lewis	Board Supervisor, Assistant Secretary

Also present were:

Lesley Gallagher	District Manager, Rizzetta & Company, Inc.
Michelle Rigoni	District Counsel, Kutak Rock
	(via speakerphone)
Tony Shiver	President, First Coast CMS
Ryan Stilwell	Prosser Hallock
Willie Perez	Brightview Landscape

Audience present.

FIRST ORDER OF BUSINESS

Call to Order

Ms. Gallagher opened the Board of Supervisors Meeting at 3:30 p.m. and read the roll call.

SECOND ORDER OF BUSINESS

Audience Comments on Agenda Items

There were audience comments on private property concerns.

THIRD ORDER OF BUSINESS

Consideration of the Minutes of the Board of Supervisors' Regular Meeting held August 2, 2022

On a motion by Ms. Riegler, seconded by Ms. Lentz, with all in favor, the Board approved the Minutes of the Board of Supervisors' Regular Meeting held August 2, 2022 for Magnolia West Community Development District.

FOURTH ORDER OF BUSINESS**Ratification of the Operation and
Maintenance Expenditures for June and
July 2022**

On a motion by Ms. Linde, seconded by Ms. Lentz, with all in favor, the Board ratified Operation and Maintenance Expenditures for June 2022 in the amount of \$28,305.76, and July 2022 in the amount of \$10,615.03 for Magnolia West Community Development District.

FIFTH ORDER OF BUSINESS**Staff Reports**

- A. District Counsel
Ms. Rigoni was available to answer questions.

- B. District Engineer

The Board moved to agenda item 5B

SIXTH ORDER OF BUSINESS**Consideration of Proposal for Repairs to
Outflow Structure (under separate cover)**

Mr. Stilwell updated the Board on the breach that occurred on pond 7 and repair required to weir 145. It was noted that the pond numbering system for the District is not the same as the pond numbering system for the pond maintenance vendor. He updated the Board that his firm has reviewed the damage on site, and he notified SJRWMD of the breach and that the CDD is working to get this repaired. It was discussed that the pond maintenance vendor be provided with a map of all outfall structure and be requested to review them and make sure that they are clear of vegetation. It was also discussed that the current meeting be continued to a date early in November to allow proposals to be received based on the scope that the District Engineer created and circulated. (exhibit A)

The Board moved back to agenda item 4C-

SEVENTH ORDER OF BUSINESS**Staff Reports Continued**

- C. Amenity Manager Report – First Coast CMS
Mr. Shiver reviewed his report and noted that the activity feature that had the rebuilt motor installed was continually tripping so he had contacted American Electrical to come out to troubleshoot this. He also updated the Board that he had been made aware of a Labor Day event that was being planned for the Amenity Center that was not authorized so he contacted the resident who was organizing it to explain

the procedures that the CDD requires to be place.

D. Landscape Report

1. Brightview Landscape Report

Mr. Perez was available to answer questions regarding his report. He also updated the Board that there was no damage to CDD landscaping from Hurricane Ian.

Mr. Kurht complimented Brightview on the last annual selection. Mr. Perez noted that they were getting ready to install fall annuals in the near future and he would send over a selection chart to the District Manager. The Board authorized Mr. Kurht to make this selection.

E. District Manager

Ms. Gallagher reviewed her report.

EIGHTH ORDER OF BUSINESS

**Consideration of Proposals from
Brightview for Landscape
Enhancements**

The Board reviewed two proposals from Brightview, one for replacing the Hawthorn at the playground with Podocarpus in the amount of \$2,176.99 and the other for enhancements at the entries/former fountain areas with Blue Daze and Formosa in the amount of \$2,520.14.

On a motion by Mr. Kurht, seconded by Ms. Linde, with all in favor, the Board approved both Brightview proposals for a grand total of \$4,697.13, for Magnolia West Community Development District.

NINTH ORDER OF BUSINESS

**Consideration of Proposal from Oak Wells
for Second Pool Chemical Controller**

Mr. Shiver presented the proposal from Oak Wells to install a second controller and two pumps. He also noted that this controller would have wifi capability and would send a notification should an issue occur.

On a motion by Ms. Linde, seconded by Ms. Lentz, with all in favor, the Board approved the Oak Wells proposal in the amount of \$5,935.17 and requested that counsel prepare a formal work authorization to include a warranty, for Magnolia West Community Development District.

TENTH ORDER OF BUSINESS

**Ratification of FY 2022-2023 District
Insurance Policy Renewal**

On a motion by Ms. Lentz, seconded by Ms. Riegler, with all in favor, the Board ratified the District's Insurance Policy Renewal, for Magnolia West Community Development District.

ELEVENTH ORDER OF BUSINESS**Update on Turner Pest Control Fees**

The Board reviewed the update on Turner Pest Control fees increasing January 1, 2023 and accepted.

TWELFTH ORDER OF BUSINESS**Consideration of Resolution 2023-01;
Declaring Seat Vacant (under separate
cover)**

The Board reviewed the resolution 2023-01 (exhibit B), it was noted that Judith Linde qualified unopposed for seat #3 and Addy Lentz qualified unopposed for seat #2 in the general election so seat #1 would be declared vacant on November 22, 2022.

On a motion by Ms. Lentz, seconded by Ms. Riegler, with all in favor, the Board adopted Resolution 2023-01; Declaring Seat Vacant, for Magnolia West Community Development District.

THIRTEENTH ORDER OF BUSINESS**Supervisors Request and Audience
Comments**

There were no supervisor comments.

Audience members had comments on CDD property next to 3547 Summit Oaks, white fencing and landscaping maintenance beyond the entry to the community on Medinah. It was noted that neither of these are CDD responsibility. Additional comments were heard regarding community events, room rentals, the tennis court being converted to basketball and gating the community. It was noted that the roads are owned and maintained by the City of Green Cove Springs. Comments were then heard on the City of Green Cove Springs becoming a golf cart community and the fountains which had been converted to planters.

FOURTEENTH ORDER OF BUSINESS**Adjournment**

On a motion by Ms. Riegler, seconded by Ms. Linde, with all in favor, the Board of Supervisors continued the meeting to November 2, 2022 at 1:00 p.m., for the Magnolia West Community Development District.

160
161
162
163
164
165
166
167
168
169
170
171

Secretary/Assistant Secretary

Chairman/Vice Chairman

DRAFT

Tab 4

MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · ST. AUGUSTINE, FLORIDA 32084

MAILING ADDRESS · 3434 COLWELL AVENUE, SUITE 200 · TAMPA, FLORIDA 33614

WWW.MAGNOLIAWESTCDD.ORG

Operation and Maintenance Expenditures

August 2022

Presented For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from August 1, 2022 through August 31, 2022. This does not include expenditures previously approved by the Board.

The total items being presented: \$ **19,491.87**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Magnolia West Community Development District

Paid Operation & Maintenance Expenditures

August 1, 2022 Through August 31, 2022

Vendor Name	Check Number	Invoice Number	Invoice Description	Invoice Amount
Arrington Lentz	100001	AL080222	Board of Supervisors Meeting 08/02/22	\$ 200.00
BrightView Landscape Services, Inc.	100002	7955633	Landscape Maintenance 07/22	\$ 2,949.00
BrightView Landscape Services, Inc.	100007	7997404	Landscape Maintenance 08/22	\$ 2,949.00
Clay County Utility Authority	ACH	Clay Water Summary 08/22	Water Services 06/22	\$ 546.72
COMCAST	ACH	8495 74 150 0248350 07/22	Amenity Cable/Phone/Internet 08/22	\$ 288.50
Cynthia R Riegler	100009	CR080222	Board of Supervisors Meeting 08/02/22	\$ 200.00
Douglas Robert Kuhrt	100003	DK080222	Board of Supervisors Meeting 08/02/22	\$ 200.00
First Coast Contract Maintenance Service, LLC	100004	6759	Amenity Staff, Janitorial, Pool & Maintenance Service 07/22	\$ 3,817.35
First Coast Contract Maintenance Service, LLC	100004	6859	Amenity Staff, Janitorial, Pool & Maintenance Service 08/22	\$ 3,817.35
Kutak Rock, LLP	100005	3082860	Legal Services 06/22	\$ 269.50
Republic Services	ACH	0687-001243096 07/22	Waste Disposal Services 08/22	\$ 312.78
Rizzetta & Company, Inc.	100000	INV0000070153	Administrative Services 08/22	\$ 3,868.17
Turner Pest Control, LLC	100006	18210506	Pest Control 07/22	\$ <u>73.50</u>

Magnolia West Community Development District

Paid Operation & Maintenance Expenditures

August 1, 2022 Through August 31, 2022

Vendor Name	Check Number	Invoice Number	Invoice Description	Invoice Amount
-------------	--------------	----------------	---------------------	----------------

Report Total				\$ 19,491.87
--------------	--	--	--	---------------------

MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT

DISTRICT OFFICE · ST. AUGUSTINE, FLORIDA 32084

MAILING ADDRESS · 3434 COLWELL AVENUE, SUITE 200 · TAMPA, FLORIDA 33614

WWW.MAGNOLIAWESTCDD.ORG

Operation and Maintenance Expenditures September 2022 Presented For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from September 1, 2022 through September 30, 2022. This does not include expenditures previously approved by the Board.

The total items being presented: **\$21,290.69**

Approval of Expenditures:

_____Chairperson

_____Vice Chairperson

_____Assistant Secretary

Magnolia West Community Development District

Paid Operation & Maintenance Expenditures

September 1, 2022 Through September 30, 2022

Vendor Name	Check Number	Invoice Number	Invoice Description	Invoice Amount
Ashley Isaacson	100010	Refund Rental Deposit 08/22	Refund Rental Deposit 08/22	\$ 50.00
BrightView Landscape Services, Inc.	100011	8036937	Azalea Replacement 08/22	\$ 1,344.29
BrightView Landscape Services, Inc.	100022	7991588	Summer Flower Installation 07/22	\$ 1,653.89
Clay Electric Cooperative, Inc.	100012	Clay Electric 07/22	Electric Summary 07/22	\$ 939.00
Clay Electric Cooperative, Inc.	100012	Monthly Summary 08/22	Electric Summary 08/22	\$ 840.00
COMCAST	ACH	8495 74 150 0248350 09/22	Amenity Cable/Phone/Internet 09/22	\$ 290.51
Deanna Roy	100019	Deposit Refund 08/22	Deposit Refund 08/22	\$ 50.00
First Coast Contract Maintenance Service, LLC	100013	6963	Reimbursement for Various Purchases 07/22	\$ 1,839.63
Florida Department of Revenue	100014	85-8013371858C-9 2nd quarter	FL Sales And Use Tax 04/22-07/22	\$ 71.31
Florida Pump Service, Inc.	100018	85144	Amenity Pump Repair 08/22	\$ 3,690.00
Florida Pump Service, Inc.	100018	85145	Amenity Pump Repair 08/22	\$ 5,542.00
Kimberly Coultis	100021	Rental Deposit Refund	Rental Deposit Refund 09/22	\$ 50.00
Republic Services	ACH	0687-001250730	Waste Disposal Services 09/22	\$ 391.39

Magnolia West Community Development District

Paid Operation & Maintenance Expenditures

September 1, 2022 Through September 30, 2022

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Rizzetta & Company, Inc.	100015	INV0000070809	District Management Fees 09/22	\$ 3,868.17
The Lake Doctors, Inc.	100016	670636	Lake Management Services 07/22	\$ 597.00
Turner Pest Control, LLC	100017	19062292	Pest Control 08/22	<u>\$ 73.50</u>
Report Total				<u><u>\$ 21,290.69</u></u>

Tab 5



Magnolia West Community Development District

Field Report Jan 2023

**First Coast CMS LLC
01/10/2023**

Swimming Pool

Oak Wells Aquatics has installed the second chemical controller for the pool.

We will have a proposal from Florida Pump Service to replace the current 10hp feature pump with a new motor, with warranty.

Facility

The emergency light in the fitness room was buzzing and needed to be replaced

The facility was prepped by staff for the storm and we did not find any damage.

Three light bulbs in the fitness room needed to be replaced.

The drinking fountain by the gym stopped working and needed to be replaced. The replacement has been ordered and will be installed by staff as soon as it arrives.

Holiday Décor was purchased and installed by staff

A piece of flooring trim came loose by the kitchen area. The vendor who installed it was contacted and the repair made.

The community held the annual holiday event which was very well attended. Staff assisted by purchasing and delivery materials/supplies for the event.

Tab 6

Quality Site Assessment

Prepared for: **Magnolia West CDD**

General Information

DATE: Monday, Jan 09, 2023
NEXT QSA DATE: Monday, Jan 16, 2023
CLIENT ATTENDEES: Lesley Gallagher
BRIGHTVIEW ATTENDEES: Willie Perez Davila

Customer Focus Areas

Quality you can count on.

7

Seven Standards of Excellence

1



Site Cleanliness

2



Weed Free

3



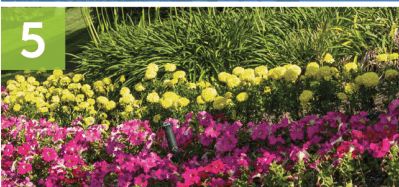
Green Turf

4



Crisp Edges

5



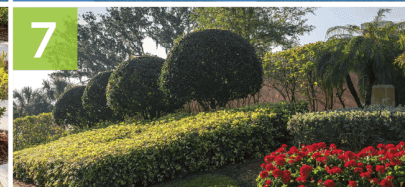
Spectacular Flowers

6



Uniformly Mulched Beds

7



Neatly Pruned Trees & Shrubs

Carryover Items



- 1** Crape Myrtle needs to be trimmed of marque sign.

Maintenance Items



1 The jack frost did not do so well with the freeze. We are going to wait for the weather to warm up before we cut the back because the cold will affect it worst if they cut back.



2 The grasses were cut back throughout the property.

QUALITY SITE ASSESSMENT

Magnolia West CDD

Recommendations for Property Enhancements



- 1** We recommend changing out the annuals with this winter flower rotation in this month.

QUALITY SITE ASSESSMENT

Magnolia West CDD

Notes to Owner / Client



- 1** The Podocarpus held up pretty well in the freeze

Completed Items



- 1** Palm Tree at the pool were trimmed.

Tab 7

MEMORANDUM

TO: MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT
BOARD OF SUPERVISORS

FROM: KATIE BUCHANAN

DATE: JANUARY 17, 2023

RE: PUBLIC RECORDS RETENTION

The purpose of this memorandum is to outline the District's responsibilities in relation to the retention and disposition of its public records ("Records Retention") and to present a choice between two different resolutions for the Board to consider. Historically, most districts have not engaged in the disposition of records and have simply chosen to keep all records. However, current state law provides for the disposition of many records after a specified period of time. In order to devise a Records Retention Policy which makes sense, there are three primary sources for legal requirements that must be considered.

Overview of State Law Records Retention Requirements

Florida Law sets forth a comprehensive scheme governing Records Retention. Section 257.36, *Florida Statutes*, entitled "Records and Information Management" created the Division of Library and Information Services of the Department of State ("DLIS") which is charged with the duty to set forth policies and rules regulating Records Retention. To this end, DLIS has adopted comprehensive rules and policies applicable to community development districts ("CDDs") which are set forth in the Florida Administrative Code sections 1B-24.001, 1B-24.003, 1B-26.0021, and 1B-26.003. DLIS adopts records retention schedules which provide the minimum amount of time that different public records must be kept before they are disposed ("Schedules"). The Schedules typically applicable to CDDs are GS1-SL (General Records Schedule for State and Local Government Agencies), GS3 (General Records Schedule for Election Records), and GS14 (General Records Schedule for Public Utilities). GS1-SL and GS3 will apply to every CDD, while GS14 will apply to just those CDDs operating water and sewer utilities. Each of these three schedules is further broken down into categories of similar documents.

Under Florida law, all documents of a particular type must be retained for the minimum amount of time set forth in the applicable section of the Schedules. In the event a District record

exists that does not fall into one of the specified categories, the District is responsible for requesting that an “Individual Records Schedule” be created by DLIS.

Florida law allows CDDs to adopt policies that extend the amount of time a record must be kept. However, CDDs do not have the power to shorten the time periods in the Schedules.

Overview of Federal Law Records Retention Requirements by Virtue of Tax-Exempt Bond Issuance

If a District has issued tax exempt bonds, there are various requirements imposed by federal law relating to Records Retention. The general principle is that documents in any way related to the issuance of tax-exempt bonds, revenues securing bonds, and the use of the bond proceeds should be kept until at least three (3) years after the bonds are redeemed. If refunding bonds are issued, records for the refunding bonds and the bonds refunded should be kept until at least three (3) years after the refunding bonds are redeemed. The records which must be kept include, but are not limited to:

1. Basic records relating to the bond transaction (including the trust indenture, loan agreements, and bond counsel opinion); and
2. Documentation evidencing the expenditure of bond proceeds; and
3. Documentation evidencing use of bond-financed property by public and private sources (i.e., copies of management contracts and research agreements); and
4. Documentation evidencing all sources of payment or security for the bonds, such as assessments; and
5. Documentation pertaining to any investment of bond proceeds (including the purchase and sale of securities, SLGS subscriptions, yield calculations for each class of investments, actual investment income received from the investment of proceeds, guaranteed investment contracts, and rebate calculations).

Overview of Trust Indenture Requirements to Retain Records

Most, if not all, trust indentures require CDDs that have issued bonds to maintain records which demonstrate that the District has not taken any action to jeopardize the tax-exempt status of the bonds.

Current Responsibilities for District Records Retention

Section 119.021(2)(b), *Florida Statutes*, provides that the District must comply with the DLIS rules establishing retention schedules and disposal processes. Section 119.021(2)(c), *Florida Statutes*, provides that each public official shall systematically dispose of records no longer needed, subject to the consent of DLIS. Although the ultimate responsibility rests with the Secretary, the District needs to formally appoint a Records Management Liaison Officer to interact with DLIS. The attached resolutions appoint a Records Management Liaison Officer and outline such person’s duties.

District Options for Records Retention Policy

At this point in time, the District really has two options to ensure compliance with applicable Records Retention laws.

First, the District can adopt the Florida Records Retention Schedules modified to ensure the District is also retaining the records required by federal law and the trust indenture. This option allows for the timely destruction of records while ensuring that the District's policy is in compliance with state and federal laws. Kutak Rock has prepared a resolution that implements this option, and it is attached hereto as **Option 1**.

Second, a District can adopt the Florida Records Retention Schedules as written and adopt a policy that states that the District will not be destroying any records at this point in time. While this seems like the easiest approach, it has its drawbacks and is inconsistent with the structure intended by Florida law. Not disposing of documents in a timely manner increases the cost of maintaining records thereby shifting valuable financial resources away from core functions. In addition, unnecessary Records Retention may disadvantage a District in future litigation and may be viewed as a lackadaisical approach to records management, thereby undermining the public's confidence in the integrity of the Records Retention system. Despite these concerns, the District could choose to keep all records. Kutak Rock has prepared a resolution that implements this option, and it is attached hereto as **Option 2**.

It is important to note that the District could change its Records Retention policy at a later date so long as the District's amendment was consistent with the notice and hearing provisions found in Chapter 190.

Electronic Recordkeeping

Electronic recordkeeping is one of the many subjects under consideration by the Florida Legislature and our office will circulate an update on any legislative developments that occur. Presently, electronic recordkeeping is authorized by Rule 1B-26.003, Florida Administrative Code, which provides control standards relating to the same. The DLIS recently released the "Electronic Recordkeeping Strategic Plan," which focuses on recording strategies as they relate to electronic records. The Strategic Plan, as well as a multitude of resources for records managers, is made available for review by DLIS at the following address: http://dlis.dos.state.fl.us/index_RecordsManagers.cfm.

OPTION 1

RESOLUTION 2023-03

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR THE APPOINTMENT OF A RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER; ADOPTING A RECORDS RETENTION POLICY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Magnolia West Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated in Clay County, Florida; and

WHEREAS, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, Section 257.36(5), *Florida Statutes*, requires the District to establish and maintain an active and continuing program for the economical and efficient management of records and to provide for the appointment of a records management liaison officer (“Records Management Liaison Officer”); and

WHEREAS, the District desires for the Records Management Liaison Officer to be an employee of the District or an employee of the District Manager; and

WHEREAS, the District desires to authorize the District’s records custodian to appoint a Records Management Liaison Officer, which may or may not be the District’s records custodian; and

WHEREAS, the District desires to prescribe duties of the Records Management Liaison Officer and provide for the assignment of additional duties; and

WHEREAS, the District’s Board of Supervisors (“Board”) finds that it is in the best interests of the District to adopt by resolution a Records Retention Policy (the “Policy”) for immediate use and application; and

WHEREAS, the District desires to provide for future amendment of the Records Retention Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The District hereby authorizes the District’s records custodian to appoint a Records Management Liaison Officer and report such appointment to the appropriate State of Florida agencies. A Records Management Liaison Officer shall be an employee of the District or the District Manager. The Board, and the District’s records custodian, shall each have the individual power to remove the Records Management Liaison Officer at any time for any

reason. Immediately following the removal or resignation of a Records Management Liaison Officer, the District's records custodian shall appoint a replacement Records Management Liaison Officer.

SECTION 2. The duties of the Records Management Liaison Officer shall include the following:

- A. Serve as the District's contact with the Florida Department of State, State Library and Archives of Florida;
- B. Coordinate the District's records inventory;
- C. Maintain records retention and disposition forms;
- D. Coordinate District records management training;
- E. Develop records management procedures consistent with the attached Records Retention Policy, as amended;
- F. Participate in the development of the District's development of electronic record keeping systems;
- G. Submit annual compliance statements;
- H. Work with the Florida Department of State, State Library and Archives of Florida to establish individual retention schedules for the District, from time to time and as may be necessary; and
- I. Such other duties as may be assigned by the Board or the District's records custodian in the future.

SECTION 3. The District hereby adopts as its Records Retention Policy the applicable provisions of Section 257.36(5), *Florida Statutes*, the rules adopted by the Division of Library and Information Services of the Department of State ("Division") pursuant to Section 257.36, *Florida Statutes*, and the General Records Schedules established by the Division. However, the District will retain certain records longer than required by the General Records Schedules established by the Division as set forth in **Exhibit A**. Notwithstanding the foregoing, the District shall retain Transitory Messages until the Transitory Message is obsolete, superseded or administrative value is lost in accordance with the *General Records Schedule for State and Local Government Agencies, Item #146*, as incorporated by reference in Rule 1B-24.003(1)(a), Florida Administrative Code. Additionally, in accordance with section 668.50, Florida Statutes, and section 119.01, Florida Statutes, the Board finds that the electronic record shall be considered the official record and any paper originals are hereby duplicates which may be disposed of unless required to be preserved by any applicable statute, rule or ordinance. To the extent the above statute, rules or schedules are amended or supplemented in the future, the District's Records Retention Policy shall automatically incorporate such amendment or supplement

provided that such automatic amendment shall not reduce the retention times set forth in **Exhibit A**. The Records Retention Policy shall remain in full force and effect until such time as the Board amends the Policy.

SECTION 4. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 5. This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 17th day of January 2023.

ATTEST:

**MAGNOLIA WEST COMMUNITY DEVELOPMENT
DISTRICT**

Secretary / Assistant Secretary

Chairperson, Board of Supervisors

Exhibit A: District Amendments to General Records Schedules Established by the Division

Exhibit A

District Amendments to General Records Schedules established by the Division

ADVERTISEMENTS: LEGAL (Item #25)

The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to proceedings under uniform method of collection of debt assessments permanently. The District shall retain mailed and published legal advertisements, and corresponding affidavits, relating to the levy of assessments securing bonds for five (5) fiscal years provided applicable audits have been released, or until three (3) calendar years after related bonds are redeemed, whichever is later.

AUDITS: INDEPENDENT (Item #56)

The District shall retain the record copy of independent audits for ten (10) fiscal years or until three (3) calendar years after all related bonds are redeemed, whichever is later.

DISBURSEMENT RECORDS: DETAIL (Item #340)

The District shall retain the record copy of disbursement records relating to the use of bonds for five (5) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

DISBURSEMENT RECORDS: SUMMARY (Item #341)

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after related bonds are redeemed, whichever is later.

FINANCIAL REPORTS: LOCAL GOVERNMENT ANNUAL REPORTS (Item #107)

The District shall retain the record copy of disbursement records relating to the use of bonds for ten (10) fiscal years provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

INCIDENT REPORT FILES (Item #241)

The District shall retain incident reports for five (5) anniversary years from the date of the incident.

MINUTES: OFFICIAL MEETINGS (PRELIMINARY/AUDIO RECORDINGS/VIDEO RECORDINGS (Item #4)

The District shall retain audio recordings of board of supervisor meetings for five (5) calendar years after adoption of the official minutes.

PROJECT FILES: CAPITAL IMPROVEMENT (Item #136)

The District shall retain the record copy of project files for projects funded with bonds for ten (10) fiscal years after completion of the project provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later.

REAL PROPERTY RECORDS: CONDEMNATION/DEMOLITION (Item #364)

The District shall retain the record copy of project files for condemnation/demolition projects funded with bonds for five (5) anniversary years after final action or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

REAL PROPERTY RECORDS: PROPERTY ACQUIRED (Item #172)

The District shall retain the record copy of documents related to property acquisitions funded with bonds for three (3) fiscal years after final disposition of the property provided applicable audits have been released or until three (3) calendar years after all related bonds are redeemed, whichever is later. The record copy of deeds and easements shall be kept permanently.

OPTION 2

RESOLUTION 2023-__

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT PROVIDING FOR THE APPOINTMENT OF A RECORDS MANAGEMENT LIAISON OFFICER; PROVIDING THE DUTIES OF THE RECORDS MANAGEMENT LIAISON OFFICER; ADOPTING A RECORDS RETENTION POLICY; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Magnolia West Community Development District (“District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated in Clay County, Florida; and

WHEREAS, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, Section 257.36(5), *Florida Statutes*, requires the District to establish and maintain an active and continuing program for the economical and efficient management of records and to provide for the appointment of a records management liaison officer (“Records Management Liaison Officer”); and

WHEREAS, the District desires for the Records Management Liaison Officer to be an employee of the District or an employee of the District Manager; and

WHEREAS, the District desires to authorize the District’s records custodian to appoint a Records Management Liaison Officer, which may or may not be the District’s records custodian; and

WHEREAS, the District desires to prescribe duties of the Records Management Liaison Officer and provide for the assignment of additional duties; and

WHEREAS, the District’s Board of Supervisors (“Board”) finds that it is in the best interests of the District to adopt by resolution a Records Retention Policy (the “Policy”) for immediate use and application; and

WHEREAS, the District desires to provide for future amendment of the Records Retention Policy.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE MAGNOLIA WEST COMMUNITY DEVELOPMENT DISTRICT:

SECTION 1. The District hereby authorizes the District’s records custodian to appoint a Records Management Liaison Officer and report such appointment to the appropriate State of Florida agencies. A Records Management Liaison Officer shall be an employee of the District or the District Manager. The Board, and the District’s records custodian, shall each have the individual power to remove the Records Management Liaison Officer at any time for any

reason. Immediately following the removal or resignation of a Records Management Liaison Officer, the District's records custodian shall appoint a replacement Records Management Liaison Officer.

SECTION 2. The duties of the Records Management Liaison Officer shall include, but not be limited to, the following:

- A.** Serve as the District's contact with the Florida Department of State, State Library and Archives of Florida;
- B.** Coordinate the District's records inventory;
- C.** Maintain records retention and disposition forms;
- D.** Coordinate District records management training;
- E.** Develop records management procedures consistent with the attached Records Retention Policy, as amended;
- F.** Participate in the District's development of electronic record keeping systems.
- G.** Submit annual compliance statements;
- H.** Work with the Florida Department of State, State Library and Archives of Florida to establish individual retention schedules for the District, from time to time and as may be necessary; and
- I.** Such other duties as may be assigned by the Board or the District's records custodian in the future.

SECTION 3. The District hereby adopts as its Records Retention Policy the applicable provisions of Section 257.36(5), *Florida Statutes*, the rules adopted by the Division of Library and Information Services of the Department of State ("Division") pursuant to Section 257.36, *Florida Statutes*, and the General Records Schedules established by the Division. However, the District hereby extends the minimum retention guidelines contained in the General Records Schedules so that the District will retain all public records relating to District business until the Board of Supervisors amends the Records Retention Policy to address the disposition of the same. Notwithstanding the foregoing, the District shall retain Transitory Messages until the Transitory Message is obsolete, superseded or administrative value is lost in accordance with *the General Records Schedule for State and Local Government Agencies, Item #146*, as incorporated by reference in Rule 1B-24.003(1)(a), Florida Administrative Code. Additionally, in accordance with section 668.50, Florida Statutes, and section 119.01, Florida Statutes, the Board finds that the electronic record shall be considered the official record and any paper originals are hereby duplicates which may be disposed of unless required to be preserved by any applicable statute, rule or ordinance. To the extent the above statute, rules, or schedules are amended or supplemented in the future, the District's Records Retention Policy shall

automatically incorporate such amendment or supplement provided that such automatic change does not permit the disposition of District records without further action of the Board. The Records Retention Policy shall remain in full force and effect until such time as the Board amends the Policy.

SECTION 4. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 5. This resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 17th day of January 2023.

ATTEST:

**MAGNOLIA WEST COMMUNITY DEVELOPMENT
DISTRICT**

Secretary / Assistant Secretary

Chairperson, Board of Supervisors

Composite Exhibit A: General Records Schedules, GS1-SL and GS3

Composite Exhibit A

General Records Schedules Established by the Division (GS1-SL and GS3)

[attach, if Option 2 adopted]

Tab 8

TRI-PARTY SUCCESSION AGREEMENT

This Tri-Party Succession Agreement is dated as of _____, 2022 among Magnolia West Community Development District (the “District”), U.S. Bank National Association, as Trustee (“USB”), and U.S. Bank Trust Company, National Association (“Trust Company”). Reference is made to that certain Master Trust Indenture, dated as of October 1, 2006, as amended and supplemented, (collectively, the “Master Indenture”) between the District and USB as Trustee (“Trustee”) thereunder relating to the District’s \$8,440,000 Special Assessment Bonds, Series 2006. Capitalized terms used herein and not defined are used as defined in the Master Indenture. The parties agree as follows:

A. USB has notified the District that USB has transferred (by contribution) substantially all its corporate trust business to Trust Company (USB’s direct wholly owned subsidiary) and desires to transfer its administration of the Master Indenture from USB to Trust Company such that Trust Company shall be the successor in interest to USB, as Trustee under the Master Indenture. Trust Company hereby represents and certifies to the District that it is a national banking association organized under the laws of the United States of America. Trust Company is qualified to do and does business in one or more states of the United States of America and has an officially reported combined capital, surplus, undivided profits, and reserves aggregating at least \$1,000,000,000. Trust Company is therefore qualified to act as successor Trustee under Section 11.14 of the Master Indenture and successor Registrar and Paying Agent under Section 11.21 of the Master Indenture.

B. USB hereby resigns as Trustee, Registrar and Paying Agent under the Master Indenture. Trust Company hereby accepts such appointment as successor Trustee, Registrar and Paying Agent under the Master Indenture, and the parties hereby agree that Trust Company is fully vested with all the estates, properties, rights, powers, trusts, duties and obligations of USB, its predecessor; and USB hereby transfers to Trust Company all such estates, properties, rights, powers and trusts and is contemporaneously herewith delivering all its records relating to the Master Indenture to Trust Company.

C. The District hereby waives the notice requirements contained in Section 11.11 and Section 11.18 of the Master Indenture.

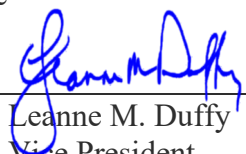
D. The District hereby certifies to Trust Company that no Event of Default or event which, with the giving of notice or the passage of time or both, would become an Event of Default, has occurred, and is continuing under the Master Indenture.

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

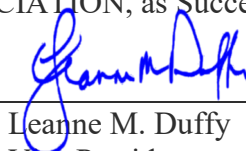
MAGNOLIA WEST COMMUNITY
DEVELOPMENT DISTRICT

By: _____
Name:
Title:

U.S. BANK NATIONAL ASSOCIATION, as
Trustee

By:  _____
Name: Leanne M. Duffy
Title: Vice President

U.S. BANK TRUST COMPANY, NATIONAL
ASSOCIATION, as Successor Trustee

By:  _____
Name: Leanne M. Duffy
Title: Vice President

Tab 9



1400 Village Square Boulevard
#3-293
Tallahassee, FL 32312
www.fitnessproinc.com

Contract: Quarterly Preventative Maintenance

CUSTOMER	BILL TO
Magnolia West Tony Shriver (904) 537-9034 tony@firstcoastcms.com	Magnolia West c/o Rizzetta and Company, Inc 2806 N. 5th St., Unit 403 St. Augustine, FL 32084 St. Augustine, FL 32084

START DATE	EXPIRES	CONTRACT TYPE	P.O. NO.	CONTRACT NO.
Jan 2, 2023	None	Quarterly Preventative Maintenance		Pay Per Visit

CONTRACT LIMIT:	Unlimited
SUBTOTAL:	\$175.00
TAX:	\$13.13
TOTAL:	\$188.13

CONTRACT DESCRIPTION
<p>This Preventative Maintenance Agreement will cover the servicing of the listed equipment at your facility.</p> <p>This service will be as follows:</p> <p>1) Operational Inspection, 2) Visual Inspection, 3) Lubrication, 4) Calibration, 5) Internal inspection & Cleaning as needed, 6) Adjust to manufacturers specifications, 7) Repairs that can be done at time of PM that would not require additional parts or tools, 8) Notation of Service in Logbook (if customer requires and provides the logbook), and 8) Notation of equipment status.</p> <p>Fitness Pro will provide further product support with the following services:</p> <ol style="list-style-type: none">1. An emailed summary of status and work done on equipment listed.2. Access to customers service file online through our service website.3. Will use only factory replacement parts on any repair, unless other specified or approved by customer or manufacturer. We will always let you know what your lowest price option is and let you choose. <p>Preventative Maintenance fee does not include additional repairs. Customer will be notified of any additional repairs that are diagnosed at time of preventative maintenance. We require customer to approve of all additional repairs and fees.</p> <p>This agreement is strictly preventive in nature, intended to keep your facility as operational as possible by drawing attention to its present status. This agreement does not cover abuse, vandalism, normal wear and tear, external cleaning, or any acts of God resulting in failure of equipment, nor does it include the cost of parts, shipping, or labor charges associated with a repair not specified by this agreement. Fitness Pro reserves the right to refuse service on certain manufacturers.</p>

CONTRACT TERMS

Quarterly Terms: \$175.00 per visit, 4 visits per year

This agreement is subject to the fitness equipment located on property at the time the agreement was accepted. Any additions to your fitness center will require a new signed agreement.

Also, if your ownership requires any additional insurance coverage (i.e. waiver of subrogation or to be named an additional insured) or pre qualification these charges will be billed in addition to this estimated total. All compliance fees and/or monitoring fees required by the customer will be invoiced back to the customer.

Prices are subject to change with a 30-day notice.

THIS AGREEMENT MAY BE CANCELED BY EITHER PARTY WITH A 30-DAY WRITTEN NOTICE. Account payment terms will be agreed upon before first visit. A delinquent account will void this agreement.

Please remit payment to: Fitness Pro 1400 Village Square #3-293 Tallahassee, FL 32312

Billing Contact: Tracy Parmer
tracy@wearefitnesspro.com

Signature: _____

Printed Name: _____

Date: _____