

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**August 10, 2022**

**BOARD OF SUPERVISORS  
PUBLIC HEARING AND  
REGULAR MEETING AGENDA**

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

August 3, 2022

Board of Supervisors  
Fox Branch Ranch Community Development District

Dear Board Members:

The Board of Supervisors of the Fox Branch Ranch Community Development District will hold a Public Hearing and Regular Meeting on August 10, 2022 at 9:30 A.M., at the Ramada by Wyndham Davenport Orlando South, 43824 Highway 27, Davenport, Florida 33837-6808. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Public Hearing on Adoption of Fiscal Year 2022/2023 Budget
  - A. Affidavit of Publication
  - B. Consideration of Resolution 2022-18, Relating to the Annual Appropriations and Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date
4. Consideration for Fiscal Year 2022/2023 Budget Funding Agreement
5. Consideration of Resolution 2022-16, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date
6. Consideration of Resolution 2022-12, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date
7. Update: Stormwater Management Needs Analysis
8. Acceptance of Unaudited Financial Statements as of June 30, 2022
9. Approval of May 11, 2022 Public Hearing and Regular Meeting Minutes

**ATTENDEES:**

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

10. Staff Reports

- A. District Counsel: *KE Law Group, PLLC*
- B. District Engineer: *Dewberry Engineers, Inc.*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
  - NEXT MEETING DATE: September 14, 2022 at 9:30 A.M.

○ QUORUM CHECK

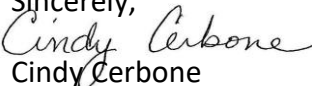
<b>CHRIS TYREE</b>	<input type="checkbox"/>	<b>IN PERSON</b>	<input type="checkbox"/>	<b>PHONE</b>	<input type="checkbox"/>	<b>NO</b>
<b>BILL FIFE</b>	<input type="checkbox"/>	<b>IN PERSON</b>	<input type="checkbox"/>	<b>PHONE</b>	<input type="checkbox"/>	<b>NO</b>
<b>JC NOWOTNY</b>	<input type="checkbox"/>	<b>IN PERSON</b>	<input type="checkbox"/>	<b>PHONE</b>	<input type="checkbox"/>	<b>NO</b>
<b>MARY MOULTON</b>	<input type="checkbox"/>	<b>IN PERSON</b>	<input type="checkbox"/>	<b>PHONE</b>	<input type="checkbox"/>	<b>NO</b>
<b>COURTNEY POTTER</b>	<input type="checkbox"/>	<b>IN PERSON</b>	<input type="checkbox"/>	<b>PHONE</b>	<input type="checkbox"/>	<b>NO</b>

11. Board Members' Comments/Requests

12. Public Comments

13. Adjournment

If you should have any questions or concerns, please do not hesitate to contact me directly at (561) 346-5294.

Sincerely,  
  
Cindy Carbone  
District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE**

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

**PARTICIPANT PASSCODE: 801 901 3513**

**FOX BRANCH  
RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**3A**



## Miscellaneous Notices

Published in The Ledger on July 22, 2022

### Location

Polk County,

### Notice Text

FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT  
NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2022/2023 BUDGET; AND NOTICE OF  
REGULAR BOARD OF SUPERVISORS MEETING.

The Board of Supervisors ( Board ) of the Fox Branch Ranch Community Development District ( District") will hold a public hearing on August 10, 2022 at 9:30 a.m., at the Ramada by Wyndham Davenport Orlando South, 43824 Highway 27, Davenport, Florida 33837-6808 for the purpose of hearing comments and objections on the adoption of the proposed budget ( Proposed Budget ) of the District for the fiscal year beginning October 1, 2022 and ending September 30, 2023 ( Fiscal Year 2022/2023 ). A regular board meeting of the District will also be held at that time where the Board may consider any other business that may properly come before it. A copy of the agenda and Proposed Budgets may be obtained at the offices of the District Manager, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (877) 276-0889 ( District Manager s Office ), during normal business hours.

The public hearing and meeting are open to the public and will be conducted in accordance with the provisions of Florida law. The public hearing and meeting may be continued to a date, time, and place to be specified on the record at the meeting. There may be occasions when Board Supervisors or District Staff may participate by speaker telephone. Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager s Office at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager s Office.

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

District Manager  
July 22, 29, 2022



## Miscellaneous Notices

Published in The Ledger on July 29, 2022

### Location

Polk County,

### Notice Text

FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE FISCAL YEAR 2022/2023 BUDGET; AND NOTICE OF REGULAR BOARD OF SUPERVISORS MEETING.

The Board of Supervisors ( Board ) of the Fox Branch Ranch Community Development District ( District") will hold a public hearing on August 10, 2022 at 9:30 a.m., at the Ramada by Wyndham Davenport Orlando South, 43824 Highway 27, Davenport, Florida 33837-6808 for the purpose of hearing comments and objections on the adoption of the proposed budget ( Proposed Budget ) of the District for the fiscal year beginning October 1, 2022 and ending September 30, 2023 ( Fiscal Year 2022/2023 ). A regular board meeting of the District will also be held at that time where the Board may consider any other business that may properly come before it. A copy of the agenda and Proposed Budgets may be obtained at the offices of the District Manager, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (877) 276-0889 ( District Manager s Office ), during normal business hours.

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

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

District Manager

July 22, 29, 2022

**FOX BRANCH  
RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**3B**

## RESOLUTION 2022-18

### THE ANNUAL APPROPRIATION RESOLUTION OF THE FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET(S) FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the District Manager has, prior to the fifteenth (15<sup>th</sup>) day in June, 2022, submitted to the Board of Supervisors (“**Board**”) of the Fox Branch Ranch Community Development District (“**District**”) proposed budget(s) (“**Proposed Budget**”) for the fiscal year beginning October 1, 2022 and ending September 30, 2023 (“**Fiscal Year 2022/2023**”) along with an explanatory and complete financial plan for each fund of the District, pursuant to the provisions of Section 190.008(2)(a), *Florida Statutes*; and

**WHEREAS**, at least sixty (60) days prior to the adoption of the Proposed Budget, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; and

**WHEREAS**, the Board set a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), *Florida Statutes*; and

**WHEREAS**, the District Manager posted the Proposed Budget on the District’s website at least two days before the public hearing; and

**WHEREAS**, Section 190.008(2)(a), *Florida Statutes*, requires that, prior to October 1<sup>st</sup> of each year, the Board, by passage of the Annual Appropriation Resolution, shall adopt a budget for the ensuing fiscal year and appropriate such sums of money as the Board deems necessary to defray all expenditures of the District during the ensuing fiscal year; and

**WHEREAS**, the District Manager has prepared a Proposed Budget, whereby the budget shall project the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

### **NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT:**

#### **SECTION 1. BUDGET**

- a. The Board has reviewed the Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s Local Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.



- b. The Proposed Budget, attached hereto as **Exhibit "A,"** as amended by the Board, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes ("Adopted Budget")*, and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budget, as amended, shall be maintained in the office of the District Manager and at the District's Local Records Office and identified as "The Budget for the Fox Branch Ranch Community Development District for the Fiscal Year Ending September 30, 2023."
- d. The Adopted Budget shall be posted by the District Manager on the District's official website within thirty (30) days after adoption, and shall remain on the website for at least 2 years.

## **SECTION 2. APPROPRIATIONS**

There is hereby appropriated out of the revenues of the District, for Fiscal Year 2022/2023, the sums set forth in **Exhibit A** to be raised by the levy of assessments, a funding agreement and/or otherwise. Such sums are deemed by the Board to be necessary to defray all expenditures of the District during said budget year, and are to be divided and appropriated in the amounts set forth in **Exhibit A**.

## **SECTION 3. BUDGET AMENDMENTS**

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2022/2023 or within 60 days following the end of the Fiscal Year 2022/2023 may amend its Adopted Budget for that fiscal year as follows:

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

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

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

**PASSED AND ADOPTED THIS 10TH DAY OF AUGUST, 2022.**

**ATTEST:**

**FOX BRANCH RANCH COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

**Exhibit A:** Fiscal Year 2022/2023 Budget(s)

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
PROPOSED BUDGET  
FISCAL YEAR 2023**

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
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**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2023**

	Fiscal Year 2022				Proposed Budget FY 2023
	Proposed Budget FY 2022	Actual through 03/31/2022	Projected through 9/30/2022	Total Actual & Projected	
<b>REVENUES</b>					
Landowner contribution	\$ 83,432	\$ 20,244	67,423	\$ 87,667	\$ 103,040
Total revenues	<u>83,432</u>	<u>20,244</u>	<u>67,423</u>	<u>87,667</u>	<u>103,040</u>
<b>EXPENDITURES</b>					
<b>Professional &amp; administrative</b>					
Management/accounting/recording**	40,000	12,000	28,000	40,000	48,000
Legal	25,000	1,502	23,498	25,000	25,000
Engineering	2,000	-	2,000	2,000	2,000
Audit	-	-	-	-	6,000
Arbitrage rebate calculation*	-	-	-	-	750
Dissemination agent*	667	-	667	667	1,000
Trustee*	-	-	-	-	5,500
Telephone	200	100	100	200	200
Postage	500	-	500	500	500
Printing & binding	500	250	250	500	500
Legal advertising	6,500	4,531	1,969	6,500	6,500
Annual special district fee	175	-	175	175	175
Insurance	5,500	-	5,500	5,500	5,500
Contingencies/bank charges	500	-	500	500	500
Website hosting & maintenance	1,680	1,680	-	1,680	705
Website ADA compliance	210	-	210	210	210
Total professional & administrative	<u>83,432</u>	<u>20,063</u>	<u>63,369</u>	<u>83,432</u>	<u>103,040</u>
Total expenditures	<u>83,432</u>	<u>20,063</u>	<u>63,369</u>	<u>83,432</u>	<u>103,040</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	181	4,054	4,235	-
Fund balance - beginning (unaudited)	-	(4,235)	(4,054)	(4,235)	-
Fund balance - ending (projected)	-	-	-	-	-
Assigned					
Working capital	-	-	-	-	-
Unassigned	-	(4,054)	-	-	-
Fund balance - ending	<u>\$ -</u>	<u>\$ (4,054)</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

\*These items will be realized when bonds are issued

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

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
DEFINITIONS OF GENERAL FUND EXPENDITURES**

**EXPENDITURES**

**Professional & administrative**

Management/accounting/recording**	\$ 48,000
<p><b>Wrathell, Hunt and Associates, LLC</b> (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.</p>	
Legal	25,000
<p>General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.</p>	
Engineering	2,000
<p>The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.</p>	
	-
Audit	6,000
<p>Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.</p>	
Arbitrage rebate calculation*	750
<p>To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.</p>	
Dissemination agent*	1,000
<p>The District must annually disseminate financial information in order to comply with the</p>	
Trustee	5,500
<p>Annual fee for the service provided by trustee, paying agent and registrar.</p>	
Telephone	200
<p>Telephone and fax machine.</p>	
Postage	500
<p>Mailing of agenda packages, overnight deliveries, correspondence, etc.</p>	
Printing & binding	500
<p>Letterhead, envelopes, copies, agenda packages</p>	
Legal advertising	6,500
<p>The District advertises for monthly meetings, special meetings, public hearings, public</p>	
Annual special district fee	175
<p>Annual fee paid to the Florida Department of Economic Opportunity.</p>	
Insurance	5,500
<p>The District will obtain public officials and general liability insurance.</p>	
Contingencies/bank charges	500
<p>Bank charges and other miscellaneous expenses incurred during the year and</p>	
Website hosting & maintenance	705
Website ADA compliance	210
Total expenditures	<u><u>\$103,040</u></u>

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**4**



**FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT  
FISCAL YEAR 2022/2023 BUDGET FUNDING AGREEMENT**

This Agreement ("**Agreement**") is made and entered into this 10th day of August, 2022, by and between:

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

**FORESTAR (USA) REAL ESTATE GROUP INC.**, and whose mailing address is 10700 Pecan Park Blvd, Suite 150, Austin, Texas 78750 ("**Developer**").

**RECITALS**

**WHEREAS**, the District was established for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure; and

**WHEREAS**, the District, pursuant to Chapter 190, Florida Statutes, is authorized to levy such taxes, special assessments, fees and other charges as may be necessary in furtherance of the District's activities and services; and

**WHEREAS**, Developer presently is developing the majority of all real property ("**Property**") within the District, which Property will benefit from the timely construction and acquisition of the District's facilities, activities and services and from the continued operations of the District; and

**WHEREAS**, the District is adopting its general fund budget for Fiscal Year 2022/2023, which year concludes on September 30, 2023; and

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

**WHEREAS**, the District has the option of levying non-ad valorem assessments on all land, including the Property owned by the Developer, that will benefit from the activities, operations and services set forth in the Fiscal Year 2022/2023 budget, or utilizing such other revenue sources as may be available to it; and

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

**WHEREAS**, the Developer agrees that the activities, operations and services provide a special and peculiar benefit equal to or in excess of the costs reflected on **Exhibit A** to the Property; and

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

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

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

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

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

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

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

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

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

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

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

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

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

[SIGNATURES ON NEXT PAGE]

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

**FOX BRANCH RANCH COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Chairperson, Board of Supervisors

**FORESTAR (USA) REAL ESTATE GROUP INC.**

\_\_\_\_\_  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**Exhibit A:** Fiscal Year 2022/2023 General Fund Budget

**Exhibit A**

Fiscal Year 2022/2023 General Fund Budget

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**5**

**RESOLUTION 2022-16**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIMES AND LOCATIONS FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT FOR FISCAL YEAR 2022/2023 AND PROVIDING FOR AN EFFECTIVE DATE**

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

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

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

**WHEREAS**, the Board desires to adopt the Fiscal Year 2022/2023 meeting schedule attached as **Exhibit A**.

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT:**

1. **ADOPTING FISCAL YEAR 2022/2023 ANNUAL MEETING SCHEDULE.** The Fiscal Year 2022/2023 annual meeting schedule attached hereto and incorporated by reference herein as **Exhibit A** is hereby approved and shall be published in accordance with the requirements of Florida law and also provided to applicable governing authorities.

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

**PASSED AND ADOPTED** this 10th day of August, 2022.

ATTEST:

**FOX BRANCH RANCH COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

**EXHIBIT "A"**

<b>FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT</b>		
<b>BOARD OF SUPERVISORS FISCAL YEAR 2022/2023 MEETING SCHEDULE</b>		
<b>LOCATION</b>		
<i>Ramada by Wyndham Davenport Orlando South, 43824 Highway 27 Davenport, Florida 33837-6808</i>		
<b>DATE</b>	<b>POTENTIAL DISCUSSION/FOCUS</b>	<b>TIME</b>
<b>October 12, 2022</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>November 9, 2022</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>December 14, 2022</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>January 11, 2023</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>February 8, 2023</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>March 8, 2023</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>April 12, 2023</b>	<b>Regular Meeting</b> <i>(presentation of FY2023 proposed budget)</i>	<b>9:30 AM</b>
<b>May 10, 2023</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>June 14, 2023</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>July 12, 2023</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>August 9, 2023</b>	<b>Public Hearing and Regular Meeting</b> <i>(adoption of FY2023 budget)</i>	<b>9:30 AM</b>
<b>September 13, 2023</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>



# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**6**

**RESOLUTION 2022-12**

**A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT DESIGNATING THE PRIMARY ADMINISTRATIVE OFFICE AND PRINCIPAL HEADQUARTERS OF THE DISTRICT AND PROVIDING AN EFFECTIVE DATE**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT:**

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

**2. PRINCIPAL HEADQUARTERS.** The District’s principal headquarters for purposes of establishing proper venue shall be located at \_\_\_\_\_ and within Polk County, Florida.

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

**PASSED AND ADOPTED** this 10th day of August, 2022.

ATTEST:

**FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**8**

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
JUNE 30, 2022**

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
JUNE 30, 2022**

	General Fund	Debt Service Fund	Total Governmental Funds
	<u>          </u>	<u>          </u>	<u>          </u>
<b>ASSETS</b>			
Cash	\$ 10,289	\$ -	\$ 10,289
Due from Landowner	2,058	692	2,750
Total assets	<u>\$ 12,347</u>	<u>\$ 692</u>	<u>\$ 13,039</u>
<b>LIABILITIES AND FUND BALANCES</b>			
Liabilities:			
Accounts payable	\$ 4,348	\$ 692	\$ 5,040
Due to Landowner	-	1,704	1,704
Due to other	1,307	-	1,307
Due to debt service fund	692	-	692
Landowner advance	6,000	-	6,000
Total liabilities	<u>12,347</u>	<u>2,396</u>	<u>14,743</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>			
Deferred receipts	2,058	-	2,058
Total deferred inflows of resources	<u>2,058</u>	<u>-</u>	<u>2,058</u>
Fund balances:			
Restricted for:			
Debt service	-	(1,704)	(1,704)
Unassigned	<u>(2,058)</u>	<u>-</u>	<u>(2,058)</u>
Total fund balances	<u>(2,058)</u>	<u>(1,704)</u>	<u>(3,762)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 12,347</u>	<u>\$ 692</u>	<u>\$ 13,039</u>

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED JUNE 30, 2022**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Landowner contribution	\$ 2,289	\$ 33,572	\$ 83,432	40%
Total revenues	<u>2,289</u>	<u>33,572</u>	<u>83,432</u>	40%
<b>EXPENDITURES</b>				
<b>Professional &amp; administrative</b>				
Management/accounting/recording**	2,000	18,000	40,000	45%
Legal	-	2,055	25,000	8%
Engineering	-	-	2,000	0%
Dissemination agent*	-	-	667	0%
Telephone	17	150	200	75%
Postage	-	-	500	0%
Printing & binding	41	375	500	75%
Legal advertising	-	9,135	6,500	141%
Annual special district fee	-	-	175	0%
Insurance	-	-	5,500	0%
Contingencies/bank charges	-	-	500	0%
Website hosting & maintenance	-	1,680	1,680	100%
Website ADA compliance	-	-	210	0%
Total professional & administrative	<u>2,058</u>	<u>31,395</u>	<u>83,432</u>	38%
Excess/(deficiency) of revenues over/(under) expenditures	231	2,177	-	
Fund balances - beginning	(2,289)	(4,235)	-	
Fund balances - ending	<u>\$ (2,058)</u>	<u>\$ (2,058)</u>	<u>\$ -</u>	

\*These items will be realized when bonds are issued

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND  
FOR THE PERIOD ENDED JUNE 30, 2022**

	<u>Current Month</u>	<u>Year To Date</u>
<b>REVENUES</b>	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
 <b>EXPENDITURES</b>		
<b>Debt service</b>		
Cost of issuance	<u>-</u>	<u>1,704</u>
Total debt service	<u>-</u>	<u>1,704</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 -	 (1,704)
 Fund balances - beginning	 (1,704)	 -
Fund balances - ending	<u>\$ (1,704)</u>	<u>\$ (1,704)</u>

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**9**



**DRAFT**

**MINUTES OF MEETING  
FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Fox Branch Ranch Community Development District held a Public Hearing and Regular Meeting on May 11, 2022 at 9:30 A.M., at the Ramada by Wyndham Davenport Orlando South, 43824 Highway 27, Davenport, Florida 33837-6808.

**Present at the meeting were:**

William (Bill) Fife	Chair
Mary Moulton	Vice Chair
Chris Tyree	Assistant Secretary
Courtney Potter	Assistant Secretary
John (JC) Nowotny	Assistant Secretary

**Also present were:**

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Jere Earlywine (via telephone)	District Counsel
Rey Malave (via telephone)	District Engineer

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 9:36 a.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements**

39 • *Hear testimony from the affected property owners as to the propriety and advisability*  
40 *of making the improvements and funding them with special assessments on the*  
41 *property.*

42 • *Thereafter, the governing authority shall meet as an equalizing board to hear any and*  
43 *all complaints as to the special assessments on a basis of justice and right.*

44 These items were addressed below.

45 **A. Affidavit/Proof of Publication**

46 **B. Mailed Notice to Property Owner(s)**

47 The affidavit of publication and Mailed Notice were included for informational purposes.

48 **C. Engineer's Report (*for informational purposes*)**

49 Ms. Cerbone stated a few necessary updates were noted at the last meeting and those  
50 updates were made and are reflected in the Engineer's Report and the Methodology Report.

51 Mr. Earlywine stated that, as part of the assessment process, the Board will make  
52 findings by adoption of Resolution 2022-14, with part of the findings being that project is  
53 feasibly constructed and that the costs are reasonably in line with the market. The Board will  
54 also find that the assessments are supported by sufficient benefit from the project and that  
55 they are fairly and reasonably allocated. Those findings being made are explicitly set forth in  
56 both Reports. The same applies to the assessment Resolutions and Reports for the Hawthorne  
57 Mill North and Harmony of Lake Eloise CDDs.

58 Ms. Cerbone asked if all updates discussed at the last meeting were incorporated into  
59 the Engineer's Report. Mr. Malave replied affirmatively.

60 **D. Master Special Assessment Methodology Report (*for informational purposes*)**

61 The Methodology Report was updated to match the Engineer's Report.

62 **E. Consideration of Resolution 2022-14, Making Certain Findings; Authorizing a Capital**  
63 **Improvement Plan; Adopting an Engineer's Report; Providing an Estimated Cost of**  
64 **Improvements; Adopting an Assessment Report; Equalizing, Approving, Confirming**  
65 **and Levying Debt Assessments; Addressing the Finalization of Special Assessments;**  
66 **Addressing the Payment of Debt Assessments and the Method of Collection; Providing**  
67 **for the Allocation of Debt Assessments and True-Up Payments; Addressing**

68 Government Property, and Transfers of Property to Units of Local, State and Federal  
69 Government; Authorizing an Assessment Notice; and Providing for Severability,  
70 Conflicts and an Effective Date

71

72 On MOTION by Mr. Tyree and seconded by Mr. Fife, with all in favor, the Public  
73 Hearing was opened.

74

75

- 76 • *Hear testimony from the affected property owners as to the propriety and advisability*  
77 *of making the improvements and funding them with special assessments on the*  
78 *property.*

79 No members of the public spoke.

80

81 On MOTION by Mr. Fife and seconded by Mr. Tyree, with all in favor, the Public  
82 Hearing was closed.

83

84

- 85 • *Thereafter, the governing authority shall meet as an equalizing board to hear any and*  
86 *all complaints as to the special assessments on a basis of justice and right.*

87 The Board, sitting as the Equalizing Board, made no changes to the assessments.

88 Ms. Cerbone presented Resolution 2022-14 and read the title.

89

90 On MOTION by Mr. Tyree and seconded by Mr. Nowotny, with all in favor,  
91 Resolution 2022-14, Making Certain Findings; Authorizing a Capital  
92 Improvement Plan; Adopting an Engineer's Report; Providing an Estimated  
93 Cost of Improvements; Adopting an Assessment Report; Equalizing, Approving,  
94 Confirming and Levying Debt Assessments; Addressing the Finalization of  
95 Special Assessments; Addressing the Payment of Debt Assessments and the  
96 Method of Collection; Providing for the Allocation of Debt Assessments and  
97 True-Up Payments; Addressing Government Property, and Transfers of  
98 Property to Units of Local, State and Federal Government; Authorizing an  
99 Assessment Notice; and Providing for Severability, Conflicts and an Effective  
100 Date, was adopted.

101

102

103 Mr. Tyree stated coordination with Polk County is underway to convey some Right-of-  
104 Way (ROW) along Lake Kathleen Road that will eventually take drainage into the CDD's  
105 stormwater ponds, which will be CDD-controlled. He asked if anything needs to be done prior  
106 to that happening, such as transferring deeds to the County. Mr. Earlywine stated if the  
107 Developer wants to be funded for the work, the CDD must acquire it. Mr. Tyree stated that the  
108 County wants the ROW to be deeded but, once the infrastructure is built, the Developer will  
109 convey it to the CDD. He asked if anything needs to be done in the deeds. Mr. Earlywine stated  
110 it would not hurt to have a line in the deed stating that the improvements will be separately  
111 constructed and turned over by the CDD. Mr. Malave stated it would be good to include the  
112 same statement in the plat. When necessary, Mr. Tyree will send the deeds to Mr. Earlywine  
113 and Mr. Malave to review.

114 In response to the question of whether there are impact fee credits from the road, Mr.  
115 Tyree stated that he did not believe so.

116

117 **FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-15,  
Approving the Proposed Budget for Fiscal  
Year 2022/2023 and Setting a Public  
Hearing Thereon Pursuant to Florida Law  
and Providing for an Effective Date**

122

123 Ms. Cerbone presented Resolution 2022-15. She reviewed the proposed Fiscal Year  
124 2023 budget, highlighting any line item increases, decreases and adjustments, compared to the  
125 Fiscal Year 2022 budget, and explained the reasons for any changes. She explained that this is a  
126 Landowner-funded budget with expenses being funded as they are incurred. Field operations  
127 expenses are not expected for Fiscal Year 2023.

128

129 **On MOTION by Mr. Tyree and seconded by Mr. Fife, with all in favor,**  
130 **Resolution 2022-15, Approving the Proposed Budget for Fiscal Year 2022/2023**  
131 **and Setting a Public Hearing Thereon Pursuant to Florida Law for August 10,**  
132 **2022 at 9:30 a.m., at the Ramada by Wyndham Davenport Orlando South,**  
133 **43824 Highway 27, Davenport, Florida 33837-6808 and Providing for an**  
134 **Effective Date, was adopted.**

135

136 **FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-16, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date**

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143 A Board Member asked Mr. Fife to create an operations and maintenance (O&M)  
144 budget for Fiscal Year 2024 to give an idea of amounts.

145 This item was deferred.

146

147 **SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-17, Extending the Terms of Office of All Current Supervisors to Coincide with the General Election Pursuant to Section 190.006, Florida Statutes; Providing for Severability; and Providing an Effective Date**

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155 Ms. Cerbone presented Resolution 2022-17 and read the title. As the CDD was formed  
156 in an odd numbered year, it is necessary to extend the terms to shift them to even numbered  
157 years so that they coincide with the General Election cycle.

158

159 **On MOTION by Mr. Tyree and seconded by Mr. Fife, with all in favor,**  
160 **Resolution 2022-17, Extending the Terms of Office of All Current Supervisors to**  
161 **Coincide with the General Election Pursuant to Section 190.006, Florida**  
162 **Statutes; Providing for Severability; and Providing an Effective Date, was**  
163 **adopted.**

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165

166 **SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-12, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date**

167  
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169  
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171 This item was deferred.

172

173 **EIGHTH ORDER OF BUSINESS** **Acceptance of Unaudited Financial**  
174 **Statements as of March 31, 2022**

175  
176 Ms. Cerbone presented the Unaudited Financial Statements as of March 31, 2022.

177

178 **On MOTION by Mr. Tyree and seconded by Ms. Potter, with all in favor, the**  
179 **Unaudited Financial Statements as of March 31, 2022, were accepted.**

180

181

182 **NINTH ORDER OF BUSINESS** **Approval of March 9, 2022 Regular**  
183 **Meeting Minutes**

184

185 Ms. Cerbone presented the March 9, 2022 Regular Meeting Minutes.

186

187 **On MOTION by Ms. Potter and seconded by Mr. Tyree, with all in favor, the**  
188 **March 9, 2022 Regular Meeting Minutes, as presented, were approved.**

189

190

191 **TENTH ORDER OF BUSINESS** **Staff Reports**

192

193 **A. District Counsel: *KE Law Group, PLLC***

194 Mr. Earlywine stated that the bond validation hearing will be on within the next month  
195 or two. This bond issuance is expected to be late in the year.

196 **B. District Engineer: *Dewberry Engineers, Inc.***

197 Mr. Malave asked if invoices should be sent for attendance at CDD meetings. Ms.  
198 Cerbone noted that Dewberry Engineers, Inc. (Dewberry) was awarded the Engineering Services  
199 contract for this CDD; however, due to timing, Dewberry is still "Interim" District Engineer for  
200 the other two CDDs. Mr. Earlywine explained that, generally, a monthly invoice is sent.

201 Ms. Cerbone recalled the Stormwater Needs Analysis Report requirement and stated  
202 that the CDD will not have any stormwater facilities by the June 30, 2022 submittal due date for  
203 the Report. Mr. Malave stated that a Letter of Exception will be submitted by June 30, 2022.

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

205 • **NEXT MEETING DATE: June 8, 2022 at 9:30 A.M.**

206 ○ **QUORUM CHECK**

207 The next meeting will be June 8, 2022, unless canceled.

208

209 **ELEVENTH ORDER OF BUSINESS**

**Board Members' Comments/Requests**

210

211 There were no Board Members' comments or requests.

212

213 **TWELFTH ORDER OF BUSINESS**

**Public Comments**

214

215 There were no public comments.

216

217 **THIRTEENTH ORDER OF BUSINESS**

**Adjournment**

218

219

220 **On MOTION by Mr. Tyree and seconded by Ms. Potter, with all in favor, the**  
221 **meeting adjourned at 9:53 a.m.**

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

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Chair/Vice Chair



**FOX BRANCH  
RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**10C**

**FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT**

**BOARD OF SUPERVISORS FISCAL YEAR 2021/2022 MEETING SCHEDULE**

**LOCATION**

*Ramada by Wyndham Davenport Orlando South, 43824 Highway 27  
Davenport, Florida 33837-6808*

<b>DATE</b>	<b>POTENTIAL DISCUSSION/FOCUS</b>	<b>TIME</b>
<b>October 13, 2021</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>December 8, 2021</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>January 12, 2022 CANCELED</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>February 9, 2022</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>March 9, 2022</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>April 13, 2022 CANCELED</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>May 11, 2022</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>June 8, 2022 CANCELED</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>July 13, 2022 CANCELED</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>August 10, 2022</b>	<b>Public Hearing and Regular Meeting</b> <i>(adoption of FY2023 budget)</i>	<b>9:30 AM</b>
<b>September 14, 2022</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>