

FOX BRANCH RANCH

**COMMUNITY DEVELOPMENT
DISTRICT**

October 12, 2022

**BOARD OF SUPERVISORS
REGULAR MEETING AGENDA**

**FOX BRANCH
RANCH**

COMMUNITY DEVELOPMENT DISTRICT

**AGENDA
LETTER**

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

October 5, 2022

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

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 Regular Meeting on October 12, 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. Acceptance of Resignation of Courtney Potter, SEAT 5 (*Term Expires November 2024*)
4. Consideration of Appointment to Fill Unexpired Term of Seat 5
 - Administration of Oath of Office to Newly Appointed Supervisor (*the following to be provided in a separate package*)
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 - B. Membership, Obligations and Responsibilities
 - C. Financial Disclosure Forms
 - I. Form 1: Statement of Financial Interests
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - III. Form 1F: Final Statement of Financial Interests
 - D. Form 8B – Memorandum of Voting Conflict
5. Consideration of Resolution 2023-01, Designating Certain Officers of the District, and Providing for an Effective Date
6. Consideration of Resolution 2023-02, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date
7. Acceptance of Unaudited Financial Statements as of August 31, 2022

8. Approval of August 10, 2022 Public Hearing and Regular Meeting Minutes

9. 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: November 9, 2022 at 9:30 A.M.

○ QUORUM CHECK

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

10. Board Members' Comments/Requests

11. Public Comments

12. Adjournment

If you should have any questions or concerns, please do not hesitate to contact me directly at (561) 346-5294 or Andrew Kantarzhi at (415) 516-2161.

Sincerely,

Cindy Cerbone
Cindy Cerbone
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

3

NOTICE OF TENDER OF RESIGNATION

To: Board of Supervisors
Fox Branch Ranch Community Development District
Attn: Cindy Cerbone District Manager
2300 Glades Road, Suite 410W
Boca Raton, Florida 33431

From: Courtney Potter
Printed Name

Date: 8/23/22
Date

I hereby tender my resignation as a member of the Board of Supervisors of the *Fox Branch Ranch Community Development District*. My tendered resignation will be deemed to be effective as of the time a quorum of the remaining members of the Board of Supervisors accepts it at a duly noticed meeting of the Board of Supervisors.

I certify that this Notice of Tender of Resignation has been executed by me and personally presented at a duly noticed meeting of the Board of Supervisors, scanned and electronically transmitted to gillyardd@whhassociates.com or faxed to 561-571-0013 and agree that the executed original shall be binding and enforceable and the fax or email copy shall be binding and enforceable as an original.

Courtney Potter
Signature

FOX BRANCH RANCH

COMMUNITY DEVELOPMENT DISTRICT

5

RESOLUTION 2023-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT DESIGNATING CERTAIN OFFICERS OF THE DISTRICT, 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 Board of Supervisors of the District desires to designate certain Officers of the District.

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

SECTION 1. _____ is appointed Chair.

SECTION 2. _____ is appointed Vice Chair.

SECTION 3. **Craig Wrathell** is appointed Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

_____ is appointed Assistant Secretary.

Cindy Cerbone is appointed Assistant Secretary.

Andrew Kantarzhi is appointed Assistant Secretary.

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

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

PASSED AND ADOPTED this 12th day of October, 2022.

ATTEST:

**FOX BRANCH RANCH COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

FOX BRANCH RANCH

COMMUNITY DEVELOPMENT DISTRICT

6

RESOLUTION 2023-02

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 12th day of October, 2022.

ATTEST:

FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

FOX BRANCH RANCH

COMMUNITY DEVELOPMENT DISTRICT

UNAUDITED FINANCIAL STATEMENTS

**FOX BRANCH RANCH
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
AUGUST 31, 2022**

**FOX BRANCH RANCH
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
AUGUST 31, 2022**

	General Fund	Debt Service Fund	Total Governmental Funds
	<u> </u>	<u> </u>	<u> </u>
ASSETS			
Cash	\$ 16,787	\$ -	\$ 16,787
Due from Landowner	2,058	-	2,058
Due from other	4,170	-	4,170
Due from general fund	-	1,543	1,543
Total assets	<u>\$ 23,015</u>	<u>\$ 1,543</u>	<u>\$ 24,558</u>
LIABILITIES AND FUND BALANCES			
Liabilities:			
Accounts payable	\$ 9,556	\$ 1,543	\$ 11,099
Due to Landowner	439	1,543	1,982
Due to other	6,227	-	6,227
Due to debt service fund	1,543	-	1,543
Landowner advance	6,000	-	6,000
Total liabilities	<u>23,765</u>	<u>3,086</u>	<u>26,851</u>
DEFERRED INFLOWS OF RESOURCES			
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	-	(1,543)	(1,543)
Unassigned	(2,808)	-	(2,808)
Total fund balances	<u>(2,808)</u>	<u>(1,543)</u>	<u>(4,351)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 23,015</u>	<u>\$ 1,543</u>	<u>\$ 24,558</u>

**FOX BRANCH RANCH
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
FOR THE PERIOD ENDED AUGUST 31, 2022**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
REVENUES				
Landowner contribution	\$ 4,716	\$ 38,288	\$ 83,432	46%
Total revenues	<u>4,716</u>	<u>38,288</u>	<u>83,432</u>	46%
EXPENDITURES				
Professional & administrative				
Management/accounting/recording**	2,000	22,000	40,000	55%
Legal	-	2,639	25,000	11%
Engineering	-	-	2,000	0%
Dissemination agent*	-	-	667	0%
Telephone	17	183	200	92%
Postage	-	16	500	3%
Printing & binding	41	458	500	92%
Legal advertising	750	9,885	6,500	152%
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>2,808</u>	<u>36,861</u>	<u>83,432</u>	44%
Excess/(deficiency) of revenues over/(under) expenditures	1,908	1,427	-	
Fund balances - beginning	(4,716)	(4,235)	-	
Fund balances - ending	<u>\$ (2,808)</u>	<u>\$ (2,808)</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 AUGUST 31, 2022**

	<u>Current Month</u>	<u>Year To Date</u>
REVENUES	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
 EXPENDITURES		
Debt service		
Cost of issuance	<u>(438)</u>	<u>1,543</u>
Total debt service	<u>(438)</u>	<u>1,543</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 438	 (1,543)
 Fund balances - beginning	 <u>(1,981)</u>	 <u>-</u>
Fund balances - ending	<u>\$ (1,543)</u>	<u>\$ (1,543)</u>

FOX BRANCH RANCH

COMMUNITY DEVELOPMENT DISTRICT

MINUTES

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 August 10 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:

Mary Moulton	Vice Chair
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

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 9:38 a.m.

Supervisors Moulton, Potter and Nowotny were present. Supervisors Tyree and Fife were not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

**Public Hearing on Adoption of Fiscal Year
2022/2023 Budget**

A. Affidavit of Publication

The proof of publication was included for informational purposes.

37 **B. Consideration of Resolution 2022-18, Relating to the Annual Appropriations and**
 38 **Adopting the Budgets for the Fiscal Year Beginning October 1, 2022, and Ending**
 39 **September 30, 2022; Authorizing Budget Amendments; and Providing an Effective**
 40 **Date**

41 Ms. Cerbone stated that the proposed Fiscal Year 2023 budget was unchanged since last
 42 presented. This is a Landowner-funded budget with expenses being funded as incurred.

43

44 **On MOTION by Ms. Potter and seconded by Mr. Nowotny, with all in favor, the**
 45 **Public Hearing was opened.**

46

47

48 No members of the public spoke.

49

50 **On MOTION by Ms. Potter and seconded by Mr. Nowotny, with all in favor, the**
 51 **Public Hearing was closed.**

52

53

54 Ms. Cerbone presented Resolution 2022-18 and read the title.

55

56 **On MOTION by Ms. Potter and seconded by Mr. Nowotny, with all in favor,**
 57 **Resolution 2022-18, Relating to the Annual Appropriations and Adopting the**
 58 **Budgets for the Fiscal Year Beginning October 1, 2022, and Ending September**
 59 **30, 2022; Authorizing Budget Amendments; and Providing an Effective Date,**
 60 **was adopted.**

61

62

63 **FOURTH ORDER OF BUSINESS**

63 **Consideration of Fiscal Year 2022/2023**
 64 **Budget Funding Agreement**

64

65

66 Ms. Cerbone presented the Budget Funding Agreement.

67

68 **On MOTION by Ms. Potter and seconded by Mr. Nowotny, with all in favor, the**
 69 **Fiscal Year 2022/2023 Budget Funding Agreement, was approved.**

70

71

72 **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

73
74
75
76
77
78
79

Ms. Cerbone presented Resolution 2022-16.

80

On MOTION by Ms. Potter and seconded by Mr. Nowotny, with all in favor, 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, was adopted.

81
82
83
84

85
86

87 **SIXTH ORDER OF BUSINESS**

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

88
89
90
91

This item was deferred.

92
93

94 **SEVENTH ORDER OF BUSINESS**

Update: Stormwater Management Needs Analysis

95
96
97

Ms. Cerbone stated that the District Engineer submitted a letter to the County indicating that the CDD does not have a stormwater system yet and that the Report will be submitted when necessary.

100

101 **EIGHTH ORDER OF BUSINESS**

Acceptance of Unaudited Financial Statements as of June 30, 2022

102
103
104

Ms. Cerbone presented the Unaudited Financial Statements as of June 30, 2022.

105

On MOTION by Ms. Potter and seconded by Mr. Nowotny, with all in favor, the Unaudited Financial Statements as of June 30, 2022, were accepted.

106
107
108
109

110 **NINTH ORDER OF BUSINESS****Approval of May 11, 2022 Public Hearing
and Regular Meeting Minutes**

111

112

113 Ms. Cerbone presented the May 11, 2022 Public Hearing and Regular Meeting Minutes.

114

115

116

117

**On MOTION by Ms. Potter and seconded by Mr. Nowotny, with all in favor, the
May 11, 2022 Public Hearing and Regular Meeting Minutes, as presented, were
approved.**

118

119

120 **TENTH ORDER OF BUSINESS****Staff Reports**

121

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

123 There was no report.

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

125 There was no report.

126 **C. District Manager: *Wrathell, Hunt and Associates, LLC***127 • **NEXT MEETING DATE: September 14, 2022 at 9:30 A.M.**128 ○ **QUORUM CHECK**

129 The next meeting will be September 14, 2022, unless canceled.

130 Ms. Cerbone distributed and asked the Board Members to complete Form 8B, which is

131 the Memorandum of Voting Conflict to disclose that they are a CDD Board Member and an

132 employee or business affiliate of a Landowner or Developer of the CDD. This is necessary

133 because decisions potentially affecting the Landowner and/or Developer might come before

134 the Board.

135 Mr. Earlywine stated that Form 8B for each Supervisor with a potential conflict should

136 be attached to each set of meeting minutes.

137

138 **ELEVENTH ORDER OF BUSINESS****Board Members' Comments/Requests**

139

140 There were no Board Members' comments or requests.

141

142

143 **TWELFTH ORDER OF BUSINESS**

Public Comments

144

145 There were no public comments.

146

147 **THIRTEENTH ORDER OF BUSINESS**

Adjournment

148

149

150 **On MOTION by Ms. Moulton and seconded by Mr. Nowotny, with all in favor,**
151 **the meeting adjourned at 9:47 a.m.**

152

153

154

155

156

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

157
158
159
160
161
162

Secretary/Assistant Secretary

Chair/Vice Chair

**FOX BRANCH
RANCH**

COMMUNITY DEVELOPMENT DISTRICT

**STAFF
REPORTS**

FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT

BOARD OF SUPERVISORS FISCAL YEAR 2022/2023 MEETING SCHEDULE

LOCATION

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

DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 12, 2022	Regular Meeting	9:30 AM
November 9, 2022	Regular Meeting	9:30 AM
December 14, 2022	Regular Meeting	9:30 AM
January 11, 2023	Regular Meeting	9:30 AM
February 8, 2023	Regular Meeting	9:30 AM
March 8, 2023	Regular Meeting	9:30 AM
April 12, 2023	Regular Meeting	9:30 AM
May 10, 2023	Regular Meeting	9:30 AM
June 14, 2023	Regular Meeting	9:30 AM
July 12, 2023	Regular Meeting	9:30 AM
August 9, 2023	Regular Meeting	9:30 AM
September 13, 2023	Regular Meeting	9:30 AM