

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**August 14, 2024**

**BOARD OF SUPERVISORS  
PUBLIC HEARING AND  
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**

August 7, 2024

**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 Public Hearing and Regular Meeting on August 14, 2024 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 2024/2025 Budget
  - A. Proof/Affidavit of Publication
  - B. Consideration of Resolution 2024-08, Relating to the Annual Appropriations and Adopting the Budget(s) for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date
4. Consideration of Fiscal Year 2024/2025 Budget Funding Agreement
5. Consideration of Goals and Objectives Reporting [HB7013 - Special Districts Performance Measures and Standards Reporting]
6. Consideration of Resolution 2024-03, Designating the Location of the Local District Records Office and Providing an Effective Date
7. Acceptance of Unaudited Financial Statements as of June 30, 2024
8. Approval of May 8, 2024 Regular Meeting Minutes
9. Staff Reports
  - A. District Counsel: *Kutak Rock LLP*
  - B. District Engineer: *Dewberry Engineers, Inc.*

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

- NEXT MEETING DATE: September 11, 2024 at 9:30 AM

- QUORUM CHECK

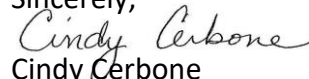
SEAT 1	CHRIS TYREE	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 2	ROGER VAN AUKER	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 3	JC NOWOTNY	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 4	MARY MOULTON	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 5	SHELLEY KAERCHER	<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  
District Manager

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

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

**PARTICIPANT PASSCODE: 867 327 4756**

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

# **3A**

# LOCALiQ

The Gainesville Sun | The Ledger  
Daily Commercial | Ocala StarBanner  
News Chief | Herald-Tribune

PO Box 631244 Cincinnati, OH 45263-1244

## **AFFIDAVIT OF PUBLICATION**

Daphne Gillyard  
Fox Branch Ranch Cdd  
2300 Glades RD # 410W  
Boca Raton FL 33431-8556

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of The Ledger-News Chief, published in Polk County, Florida; that the attached copy of advertisement, being a Public Notices, was published on the publicly accessible website of Polk County, Florida, or in a newspaper by print in the issues of, on:

07/25/2024, 08/01/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 08/01/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$720.50

Tax Amount: \$0.00

Payment Cost: \$720.50

Order No: 10400110

Customer No: 606958

PO #:

# of Copies:

1

**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

KATHLEEN ALLEN  
Notary Public  
State of Wisconsin

FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT  
NOTICE OF PUBLIC HEARING  
TO CONSIDER THE ADOPTION  
OF THE FISCAL YEAR 2024/2025  
BUDGET(S); 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 14, 2024 at 9:30 a.m., and at the Ramada by Wyndham Davenport Orlando South, 43824 Highway 27, Davenport, Florida 33837, for the purpose of hearing comments and objections on the adoption of the proposed budget(s) ("Proposed Budget") of the District for the fiscal year beginning October 1, 2024 and ending September 30, 2025 ("Fiscal Year 2024/2025"). 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 Budget may be obtained at the offices of the District Manager, Wrathell, Hunt and Associates, LLC, 2300 Glades Road #410W, Boca Raton, Florida 33431 ("District Manager's Office"), during normal business hours, or by visiting the District's website at <https://www.foxbranchranchcdd.net/>

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 of 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  
7/25, 8/1/24 10400110

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

# **3B**

## RESOLUTION 2024-08

### [FY 2025 APPROPRIATION RESOLUTION]

**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, 2024, AND ENDING SEPTEMBER 30, 2025; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the District Manager has, prior to the fifteenth (15<sup>th</sup>) day in June, 2024, 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, 2024 and ending September 30, 2025 (“**Fiscal Year 2024/2025**”) 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, 2025."
- 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 2024/2025, 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 2024/2025 or within 60 days following the end of the Fiscal Year 2024/2025 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 14TH DAY OF AUGUST, 2024.**

**ATTEST:**

**FOX BRANCH RANCH COMMUNITY  
DEVELOPMENT DISTRICT**

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

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

Title: \_\_\_\_\_

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

**Exhibit A:** Fiscal Year 2024/2025 Budget(s)

**Exhibit A:** Fiscal Year 2024/2025 Budget(s)

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
PROPOSED BUDGET  
FISCAL YEAR 2025**

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
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**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2025**

	Fiscal Year 2024				Proposed Budget FY 2025
	Adopted Budget FY 2024	Actual through 03/31/2024	Projected through 9/30/2024	Total Actual & Projected	
<b>REVENUES</b>					
Landowner contribution	\$ 103,040	\$ 11,452	\$ 53,530	\$ 64,982	\$ 315,940
Total revenues	103,040	11,452	53,530	64,982	315,940
<b>EXPENDITURES</b>					
<b>Professional &amp; administrative</b>					
Management/accounting/recording**	48,000	12,000	12,000	24,000	48,000
Legal	25,000	488	24,512	25,000	25,000
Engineering	2,000	138	1,862	2,000	3,000
Audit	6,000	-	6,000	6,000	5,500
Arbitrage rebate calculation*	750	-	-	-	500
Dissemination agent*	1,000	-	-	-	1,000
EMMA software service*	-	-	-	-	1,000
Trustee*	5,500	-	-	-	5,500
Telephone	200	100	100	200	200
Postage	500	-	500	500	500
Printing & binding	500	250	250	500	500
Legal advertising	6,500	360	6,140	6,500	6,500
Annual special district fee	175	175	-	175	175
Insurance	5,500	5,200	-	5,200	6,000
Contingencies/bank charges	500	8	492	500	500
Website hosting & maintenance	705	705	-	705	705
Website ADA compliance	210	-	210	210	210
Total professional & administrative	103,040	19,424	52,066	71,490	104,790
<b>Field operations and maintenance</b>					
Field operations manager	-	-	-	-	3,000
Landscaping contract labor	-	-	-	-	40,000
Backflow prevention test	-	-	-	-	350
Irrigation maintenance/repair	-	-	-	-	4,000
Plants, shrubs & mulch	-	-	-	-	50,000
Annuals	-	-	-	-	9,000
Tree trimming	-	-	-	-	3,000
Signage	-	-	-	-	1,500
General maintenance	-	-	-	-	2,500
Fence/wall repair	-	-	-	-	1,000
Irrigation pump maintenance	-	-	-	-	3,000
Aquatic control - ponds	-	-	-	-	15,000
Wetland mitigation	-	-	-	-	25,000
Holiday decorations	-	-	-	-	5,000
Pressure washing	-	-	-	-	3,000
Misc. field operations - contingency	-	-	-	-	20,000
Electric:					
Irrigation	-	-	-	-	6,000
Street lights	-	-	-	-	18,000
Entrance signs	-	-	-	-	1,800
Total field operations	-	-	-	-	211,150

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2025**

	Fiscal Year 2024				Proposed Budget FY 2025
	Adopted Budget FY 2024	Actual through 03/31/2024	Projected through 9/30/2024	Total Actual & Projected	
Total expenditures	103,040	19,424	52,066	71,490	315,940
Excess/(deficiency) of revenues over/(under) expenditures	-	(7,972)	1,464	(6,508)	-
Fund balance - beginning (unaudited)	-	6,508	(1,464)	6,508	-
Fund balance - ending (projected)	-	-	-	-	-
Assigned	-	-	-	-	-
Working capital	-	-	-	-	-
Unassigned	-	(1,464)	-	-	-
Fund balance - ending	<u>\$ -</u>	<u>\$ (1,464)</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.

Anticipated total number of units	607
Total professional & administrative - cost per unit	\$172.64
Total field operations - cost per unit	\$347.86
Total expenditures - cost per unit	<u>\$520.50</u>

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

**EXPENDITURES**

**Professional & administrative**

Management/accounting/recording\*\* \$ 48,000

**Wrathell, Hunt and Associates, LLC** (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.

Legal 25,000

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.

Engineering 3,000

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.

Audit 5,500

Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.

Arbitrage rebate calculation\* 500

To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.

Dissemination agent\* 1,000

The District must annually disseminate financial information in order to comply with the

EMMA software service\* 1,000

Trustee 5,500

Annual fee for the service provided by trustee, paying agent and registrar.

Telephone 200

Telephone and fax machine.

Postage 500

Mailing of agenda packages, overnight deliveries, correspondence, etc.

Printing & binding 500

Letterhead, envelopes, copies, agenda packages

Legal advertising 6,500

The District advertises for monthly meetings, special meetings, public hearings, public

Annual special district fee 175

Annual fee paid to the Florida Department of Economic Opportunity.

Insurance 6,000

The District will obtain public officials and general liability insurance.

Contingencies/bank charges 500

Bank charges and other miscellaneous expenses incurred during the year and

Website hosting & maintenance 705

Website ADA compliance 210

**Field operations and maintenance**

Field operations manager 3,000

Landscaping contract labor 40,000

Backflow prevention test 350

Irrigation maintenance/repair 4,000

Plants, shrubs & mulch 50,000



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

Annuals	9,000
Tree trimming	3,000
Signage	1,500
General maintenance	2,500
Fence/wall repair	1,000
Irrigation pump maintenance	3,000
Aquatic control - ponds	15,000
Wetland mitigation	25,000
Holiday decorations	5,000
Pressure washing	3,000
Misc. field operations - contingency	20,000
Electric:	
Irrigation	6,000
Street lights	18,000
Entrance signs	1,800
Total expenditures	<u><u>\$315,940</u></u>

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**4**

**FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT  
FISCAL YEAR 2024/2025 BUDGET FUNDING AGREEMENT**

This Agreement ("**Agreement**") is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2024, 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 & Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 ("**District**"), and

**Forestar (USA) Real Estate Group Inc.**, a Delaware corporation, and the developer of the lands in the District ("**Developer**") with a mailing address of 1341 Horton Circle, Arlington, Texas 76011.

**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 2024/2025, which year concludes on September 30, 2025; 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 2024/2025 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. As a point of clarification, the District shall only request as part of the Funding Obligation that the Developer fund the actual expenses of the District, and the Developer is not required to fund the total general fund budget in the event that actual expenses are less than the projected total general fund budget set forth in **Exhibit A**. 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**

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

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

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

**Exhibit A:**      Fiscal Year 2024/2025 General Fund Budget

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**5**

## **Memorandum**

**To:** Board of Supervisors

**From:** District Management

**Date:** August 14, 2024

**RE:** HB7013 - Special Districts Performance Measures and Standards Reporting

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To enhance accountability and transparency, new regulations were established for all special districts, by the Florida Legislature, during their 2024 legislative session. Starting on October 1, 2024, or by the end of the first full fiscal year after its creation (whichever comes later), each special district must establish goals and objectives for each program and activity, as well as develop performance measures and standards to assess the achievement of these goals and objectives. Additionally, by December 1 each year (initial report due on December 1, 2025), each special district is required to publish an annual report on its website, detailing the goals and objectives achieved, the performance measures and standards used, and any goals or objectives that were not achieved.

District Management has identified the following key categories to focus on for Fiscal Year 2025 and develop statutorily compliant goals for each:

- Community Communication and Engagement
- Infrastructure and Facilities Maintenance
- Financial Transparency and Accountability

Additionally, special districts must provide an annual reporting form to share with the public that reflects whether the goals & objectives were met for the year. District Management has streamlined these requirements into a single document that meets both the statutory requirements for goal/objective setting and annual reporting.

The proposed goals/objectives and the annual reporting form are attached as exhibit A to this memo. District Management recommends that the Board of Supervisors adopt these goals and objectives to maintain compliance with HB7013 and further enhance their commitment to the accountability and transparency of the District.



## **Exhibit A:** Goals, Objectives and Annual Reporting Form

**FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT**  
**Performance Measures/Standards & Annual Reporting Form**  
**October 1, 2024 – September 30, 2025**

**1. COMMUNITY COMMUNICATION AND ENGAGEMENT**

**Goal 1.1      Public Meetings Compliance**

**Objective:** Hold at least two (2) regular Board of Supervisor meetings per year to conduct CDD related business and discuss community needs.

**Measurement:** Number of public board meetings held annually as evidenced by meeting minutes and legal advertisements.

**Standard:** A minimum of two (2) regular board meetings was held during the fiscal year.

**Achieved:** Yes ☐ No ☐

**Goal 1.2      Notice of Meetings Compliance**

**Objective:** Provide public notice of each meeting at least seven days in advance, as specified in Section 190.007(1), using at least two communication methods.

**Measurement:** Timeliness and method of meeting notices as evidenced by posting to CDD website, publishing in local newspaper and via electronic communication.

**Standard:** 100% of meetings were advertised with 7 days' notice per statute on at least two mediums (i.e., newspaper, CDD website, electronic communications).

**Achieved:** Yes ☐ No ☐

**Goal 1.3      Access to Records Compliance**

**Objective:** Ensure that meeting minutes and other public records are readily available and easily accessible to the public by completing monthly CDD website checks.

**Measurement:** Monthly website reviews will be completed to ensure meeting minutes and other public records are up to date as evidenced by District Management's records.

**Standard:** 100% of monthly website checks were completed by District Management.

**Achieved:** Yes ☐ No ☐

## 2. **INFRASTRUCTURE AND FACILITIES MAINTENANCE**

### **Goal 2.1 District Infrastructure and Facilities Inspections**

**Objective:** District Engineer will conduct an annual inspection of the District's infrastructure and related systems.

**Measurement:** A minimum of one (1) inspection completed per year as evidenced by district engineer's report related to district's infrastructure and related systems.

**Standard:** Minimum of one (1) inspection was completed in the Fiscal Year by the district's engineer.

**Achieved:** Yes ☐ No ☐

## 3. **FINANCIAL TRANSPARENCY AND ACCOUNTABILITY**

### **Goal 3.1 Annual Budget Preparation**

**Objective:** Prepare and approve the annual proposed budget by June 15 and final budget was adopted by September 30 each year.

**Measurement:** Proposed budget was approved by the Board before June 15 and final budget was adopted by September 30 as evidenced by meeting minutes and budget documents listed on CDD website and/or within district records.

**Standard:** 100% of budget approval and adoption were completed by the statutory deadlines and posted to the CDD website.

**Achieved:** Yes ☐ No ☐

### **Goal 3.2      Financial Reports**

**Objective:** Publish to the CDD website the most recent versions of the following documents: annual audit, current fiscal year budget with any amendments, and most recent financials within the latest agenda package.

**Measurement:** Annual audit, previous years' budgets, and financials are accessible to the public as evidenced by corresponding documents on the CDD website.

**Standard:** CDD website contains 100% of the following information: most recent annual audit, most recently adopted/amended fiscal year budget, and most recent agenda package with updated financials.

**Achieved:** Yes ☐ No ☐

### **Goal 3.3      Annual Financial Audit**

**Objective:** Conduct an annual independent financial audit per statutory requirements and publish the results to the CDD website for public inspection and transmit said results to the State of Florida.

**Measurement:** Timeliness of audit completion and publication as evidenced by meeting minutes showing board approval and annual audit is available on the CDD website and transmitted to the State of Florida.

**Standard:** Audit was completed by an independent auditing firm per statutory requirements and results were posted to the CDD website and transmitted to the State of Florida.

**Achieved:** Yes ☐ No ☐

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District Manager

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Chair/Vice Chair, Board of Supervisors

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Print Name

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Print Name

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Date

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Date

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**6**

**RESOLUTION 2024-03**

**A RESOLUTION BY THE BOARD OF SUPERVISORS OF THE FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT DESIGNATING THE LOCATION OF THE  
LOCAL DISTRICT RECORDS OFFICE 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*, being situated within Polk County, Florida; and

**WHEREAS**, the District is statutorily required to designate a local district records office location for the purposes of affording citizens the ability to access the District’s records, promoting the disclosure of matters undertaken by the District, and ensuring that the public is informed of the activities of the District in accordance with Chapter 119 and Section 190.006(7), *Florida Statutes*.

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

**SECTION 1.** The District’s local records office shall be located at: \_\_\_\_\_

\_\_\_\_\_.

**SECTION 2.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2024.

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  
JUNE 30, 2024**

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
JUNE 30, 2024**

	General Fund	Debt Service Fund	Total Governmental Funds
<b>ASSETS</b>			
Cash	\$ 9,549	\$ -	\$ 9,549
Due from Landowner	5,245	-	5,245
Total assets	<u>\$ 14,794</u>	<u>\$ -</u>	<u>\$ 14,794</u>
<b>LIABILITIES AND FUND BALANCES</b>			
Liabilities:			
Accounts payable	\$ 7,303	\$ -	\$ 7,303
Due to Landowner	439	5,608	6,047
Landowner advance	6,000	-	6,000
Total liabilities	<u>13,742</u>	<u>5,608</u>	<u>19,350</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>			
Deferred receipts	5,245	-	5,245
Total deferred inflows of resources	<u>5,245</u>	<u>-</u>	<u>5,245</u>
Fund balances:			
Restricted for:			
Debt service	-	(5,608)	(5,608)
Unassigned	(4,193)	-	(4,193)
Total fund balances	<u>(4,193)</u>	<u>(5,608)</u>	<u>(9,801)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 14,794</u>	<u>\$ -</u>	<u>\$ 14,794</u>

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED JUNE 30, 2024**

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Landowner contribution	\$ 2,058	\$ 16,273	\$ 103,040	16%
Total revenues	<u>2,058</u>	<u>16,273</u>	<u>103,040</u>	16%
<b>EXPENDITURES</b>				
<b>Professional &amp; administrative</b>				
Management/accounting/recording**	2,000	18,000	48,000	38%
Legal	516	1,252	25,000	5%
Engineering	-	137	2,000	7%
Audit	-	-	6,000	0%
Arbitrage rebate calculation*	-	-	750	0%
Dissemination agent*	-	-	1,000	0%
Trustee*	-	-	5,500	0%
Telephone	16	150	200	75%
Postage	-	-	500	0%
Printing & binding	42	375	500	75%
Legal advertising	-	360	6,500	6%
Annual special district fee	-	175	175	100%
Insurance	-	5,200	5,500	95%
Contingencies/bank charges	244	410	500	82%
Website hosting & maintenance	-	705	705	100%
Website ADA compliance	210	210	210	100%
Total professional & administrative	<u>3,028</u>	<u>26,974</u>	<u>103,040</u>	26%
Excess/(deficiency) of revenues over/(under) expenditures	(970)	(10,701)	-	
Fund balances - beginning	(3,223)	6,508	-	
Fund balances - ending	<u>\$ (4,193)</u>	<u>\$ (4,193)</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, 2024**

	Current Month	Year To Date
<b>REVENUES</b>	<u>\$ -</u>	<u>\$ -</u>
Total revenues	<u>-</u>	<u>-</u>
<b>EXPENDITURES</b>	<u>-</u>	<u>-</u>
Total debt service	<u>-</u>	<u>-</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	-
Fund balances - beginning	(5,608)	(5,608)
Fund balances - ending	<u><u>\$ (5,608)</u></u>	<u><u>\$ (5,608)</u></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 Regular Meeting on May 8, 2024 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
John (JC) Nowotny	Assistant Secretary
Shelley Kaercher	Assistant Secretary (appointed at meeting)

**Also present:**

Andrew Kantarzhi	District Manager
Cindy Cerbone (via telephone)	Wrathell, Hunt and Associates, LLC (WHA)
Ashley Ligas (via telephone)	District Counsel
Christopher Allen (via telephone)	District Engineer
Roger Van Auker	Forestar

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Kantarzhi called the meeting to order at 10:08 a.m.

Supervisors Moulton, Kaercher and Nowotny were present. Supervisor Tyree was not present. One seat was vacant.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Acceptance of Resignation of Bill Fife [Seat 2]**

Mr. Kantarzhi presented Mr. Bill Fife's resignation letter.

On MOTION by Ms. Kaercher and seconded by Mr. Nowotny, with all in favor, the resignation of Mr. Bill Fife from Seat 2, was accepted.

**FOURTH ORDER OF BUSINESS**

Consideration of Appointment to Fill  
Unexpired Term of Seat 2; Term Expires  
November 2024

Ms. Moulton nominated Mr. Van Auker to fill Seat 2.

No other nominations were made.

On MOTION by Ms. Moulton and seconded by Ms. Kaercher, with all in favor, appointment of Mr. Roger Lee Van Auker to fill of Seat 2, was approved.

- **Administration of Oath of Office (the following will also be provided in a separate package)**

Mr. Kantarzhi, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Roger Van Auker.

Having served on other Boards, Mr. Van Auker is familiar with the following:

- A. Required Ethics Training and Disclosure Filing**
  - **Sample Form 1 2023/Instructions**
- B. Membership, Obligations and Responsibilities**
- C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- D. Form 8B – Memorandum of Voting Conflict for County, Municipal and other local Public Officers**

**FIFTH ORDER OF BUSINESS**

Consideration of Resolution 2024-04,  
Electing and Removing Officers of the  
District and Providing for an Effective Date

Mr. Kantarzhi presented Resolution 2024-04.

Ms. Moulton nominated the following slate:

Shelley Kaercher

Chair

73 John Nowotny Vice Chair  
74 Mary Moulton Assistant Secretary  
75 Chris Tyree Assistant Secretary  
76 Roger Van Auker Assistant Secretary

77 No other nominations were made.

78 This Resolution removes the following from the Board:

79 Bill Fife Chair

80 The following prior appointments by the Board remain unaffected by this Resolution:

81 Craig Wrathell Secretary  
82 Cindy Cerbone Assistant Secretary  
83 Andrew Kantarzhi Assistant Secretary  
84 Craig Wrathell Treasurer  
85 Jeff Pinder Assistant Treasurer

86

87 **On MOTION by Ms. Moulton and seconded by Ms. Kaercher, with all in favor,**  
88 **Resolution 2024-04, Electing, as nominated, and Removing Officers of the**  
89 **District, as nominated, and Providing for an Effective Date, was adopted.**

90

91

92 **SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2024-05,  
Approving a Proposed Budget for Fiscal  
Year 2024/2025 and Setting a Public  
Hearing Thereon Pursuant to Florida Law;  
Addressing Transmittal, Posting and  
Publication Requirements; Addressing  
Severability; and Providing an Effective  
Date**

100

101 Mr. Kantarzhi presented Resolution 2024-05 and read the title. He reviewed the  
102 proposed Fiscal Year 2025 budget, highlighting any line item increases, decreases and  
103 adjustments, compared to the Fiscal Year 2024 budget, and explained the reasons for any  
104 changes. He noted that this is a Landowner-contribution budget with expenses funded as they  
105 are incurred.

106



On MOTION by Ms. Kaercher and seconded by Mr. Van Auker, with all in favor, Resolution 2024-05, Approving a Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 14, 2024 at 9:30 a.m., at the Ramada by Wyndham Davenport Orlando South, 43824 Highway 27, Davenport, Florida 33837-6808; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

**SEVENTH ORDER OF BUSINESS**

Consideration of Resolution 2024-06, Designating a Date, Time and Location for Landowners' Meeting; Providing for Publication; Providing for an Effective Date

Mr. Kantarzhi presented Resolution 2024-06.

On MOTION by Mr. Van Auker and seconded by Ms. Kaercher, with all in favor, Resolution 2024-06, Designating November 5, 2024 at 10:00 a.m., at the Ramada by Wyndham Davenport Orlando South, 43824 Highway 27, Davenport, Florida 33837-6808 for a Landowners' Meeting; Providing for Publication; Providing for an Effective Date, was adopted.

**EIGHTH ORDER OF BUSINESS**

Consideration of Resolution 2024-07, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date

Mr. Kantarzhi presented Resolution 2024-07.

On MOTION by Mr. Van Auker and seconded by Ms. Kaercher, with all in favor, Resolution 2024-07, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date, was adopted.

**NINTH ORDER OF BUSINESS**

Consideration of Resolution 2024-02, Designating the Primary Administrative

Office and Principal Headquarters of the  
District and Providing an Effective Date

Mr. Kantarzhi presented Resolution 2024-02.

On MOTION by Mr. Van Auker and seconded by Ms. Kaercher, with all in favor, Resolution 2024-02, Designating the offices of Wrathell, Hunt and Associates, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 as the Primary Administrative Office and a location within Polk County, Florida, as the Principal Headquarters of the District and Providing an Effective Date, was adopted.

**TENTH ORDER OF BUSINESS**

Consideration of Resolution 2024-03,  
Designating the Location of the Local  
District Records Office and Providing an  
Effective Date

This item was deferred.

**ELEVENTH ORDER OF BUSINESS**

Acceptance of Unaudited Financial  
Statements as of March 31, 2024

On MOTION by Ms. Moulton and seconded by Mr. Van Auker, with all in favor, the Unaudited Financial Statements as of March 31, 2024, were accepted.

**TWELFTH ORDER OF BUSINESS**

Approval of November 8, 2023 Regular  
Meeting & Audit Committee Meeting  
Minutes

The following change was made:

Line 14: Change "Shelly" to "Shelley"

On MOTION by Ms. Kaercher and seconded by Ms. Moulton, with all in favor, the November 8, 2023 Regular Meeting & Audit Committee Meeting Minutes, as amended, were approved.

**THIRTEENTH ORDER OF BUSINESS****Staff Reports**

**A. District Counsel: Kutak Rock LLP**

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

There were no District Counsel or District Engineer reports.

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

Mr. Kantarzhi reported the following:

➤ The bond timing for the CDD is set for early 2025.

➤ Every Supervisor should have received an email from the Commission on Ethics to file Form 1; the link in the email will expire in 14 days.

Ms. Cerbone stated, if a Supervisor has not received the email, there is a strong likelihood that a second email will be sent to them at the end of May, reminding them that they need to register with the Commission on Ethics and file Form 1 by the July 1, 2024 deadline.

➤ A Board Member recently advised that the CDD is in the final stages of engaging an Operations Management Company. This item will be included as a discussion item on the August agenda.

- **0 Registered Voters in District as of April 15, 2024**

- **NEXT MEETING DATE: June 12, 2024 at 9:30 AM**

- **QUORUM CHECK**

The June 12, 2024 meeting will likely be canceled. Then next meeting will be on August 14, 2024.

**FOURTEENTH ORDER OF BUSINESS****Board Members' Comments/Requests**

There were no Board Members' comments or requests.

**FIFTEENTH ORDER OF BUSINESS****Public Comments**

There were no public comments.

**SIXTEENTH ORDER OF BUSINESS****Adjournment**

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**On MOTION by Ms. Kaercher and seconded by Mr. Nowotny, with all in favor,  
the meeting adjourned at 10:26 a.m.**

[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**

# **STAFF REPORTS**

FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE		
LOCATION		
<i>Ramada by Wyndham Davenport Orlando South 43824 Highway 27, Davenport, Florida 33837-6808</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 11, 2023 <b>CANCELED</b>	Regular Meeting	9:30 AM
November 8, 2023	Regular Meeting	9:30 AM
December 13, 2023 <b>CANCELED</b>	Regular Meeting	9:30 AM
January 10, 2024 <b>CANCELED</b>	Regular Meeting	9:30 AM
February 14, 2024 <b>CANCELED</b>	Regular Meeting	9:30 AM
March 13, 2024 <b>CANCELED</b>	Regular Meeting	9:30 AM
April 10, 2024 <b>CANCELED</b>	Regular Meeting	9:30 AM
May 8, 2024	Regular Meeting	9:30 AM
June 12, 2024 <b>CANCELED</b>	Regular Meeting	9:30 AM
July 10, 2024 <b>CANCELED</b>	Regular Meeting	9:30 AM
August 14, 2024	Regular Meeting	9:30 AM
September 11, 2024	Regular Meeting	9:30 AM