

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**April 12, 2023**

**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**

April 5, 2023

<p><b><u>ATTENDEES:</u></b> Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.</p>
---

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 April 12, 2023 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 of Lauren Martin to Fill Unexpired Term of Seat 5
  - Administration of Oath of Office to 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 2023-03, Approving the Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date

7. Ratification of Engagement with Jere Earlywine at Kutak Rock LLP
  - Consideration of Retention and Fee Agreement
8. Consideration of Resolution 2023-02, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date
9. Acceptance of Unaudited Financial Statements as of February 28, 2023
10. Approval of August 10, 2022 Public Hearing and Regular Meeting Minutes
11. 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: May 10, 2023 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	BILL FIFE	<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	LAUREN MARTIN	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

12. Board Members' Comments/Requests
13. Public Comments
14. 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 Carbone*  
 Cindy Carbone  
 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**

**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:

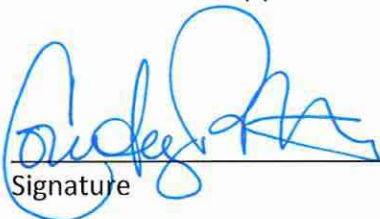
Courtney Potter  
Printed Name

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](mailto: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.

  
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.** \_\_\_\_\_ 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 and Assistant Secretaries; however, prior appointments by the Board for Secretary, 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 April, 2023.

ATTEST:

**FOX BRANCH RANCH COMMUNITY  
DEVELOPMENT DISTRICT**

---

Secretary/Assistant Secretary

---

Chair/Vice Chair, Board of Supervisors

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**6**

**RESOLUTION 2023-03**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE FOX BRANCH RANCH COMMUNITY DEVELOPMENT DISTRICT APPROVING THE PROPOSED BUDGET FOR FISCAL YEAR 2023/2024 AND SETTING A PUBLIC HEARING THEREON PURSUANT TO FLORIDA LAW; ADDRESSING TRANSMITTAL, POSTING AND PUBLICATION REQUIREMENTS; ADDRESSING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the District Manager has heretofore prepared and submitted to the Board of Supervisors (“**Board**”) of the Fox Branch Ranch Community Development District (“**District**”) prior to June 15, 2023, a proposed budget (“**Proposed Budget**”) for the fiscal year beginning October 1, 2023 and ending September 30, 2024 (“**Fiscal Year 2023/2024**”); and

**WHEREAS**, the Board has considered the Proposed Budget and desires to set the required public hearing thereon.

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

1. **PROPOSED BUDGET APPROVED.** The Proposed Budget prepared by the District Manager for Fiscal Year 2023/2024 attached hereto as **Exhibit A** is hereby approved as the basis for conducting a public hearing to adopt said Proposed Budget.

2. **SETTING A PUBLIC HEARING.** A public hearing on said approved Proposed Budget is hereby declared and set as follows:

DATE: \_\_\_\_\_

HOUR: \_\_\_\_\_

LOCATION: Ramada by Wyndham Davenport Orlando South  
43824 Highway 27  
Davenport, Florida 33837

3. **TRANSMITTAL; POSTING; NOTICE.** The District Manager is hereby directed to submit a copy of the proposed budget to the local general purpose unit(s) of government at least sixty (60) days prior to the hearing set above. In accordance with Section 189.016, *Florida Statutes*, the District’s Secretary is further directed to post the approved budget on the District’s website at least two (2) days before the budget hearing date as set forth in Section 2. If the District does not have its own website, the District’s Secretary is directed to transmit the approved budget to the manager or administrator of the local general purpose unit(s) of government for posting on the applicable website(s). Notice of this public hearing shall be published in the manner prescribed in Florida law.

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

**PASSED AND ADOPTED THIS 12TH DAY OF APRIL, 2023.**

ATTEST:

**FOX BRANCH RANCH COMMUNITY  
DEVELOPMENT DISTRICT**

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

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

**Exhibit A:** Fiscal Year 2023/2024 Proposed Budget

**Exhibit A: Fiscal Year 2023/2024 Proposed Budget**

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
PROPOSED BUDGET  
FISCAL YEAR 2024**

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
TABLE OF CONTENTS**

<u>Description</u>	<u>Page Number(s)</u>
General Fund Budget	1
Definitions of General Fund Expenditures	2

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2024**

	Fiscal Year 2023				Proposed Budget FY 2024
	Adopted Budget FY 2023	Actual through 02/28/2023	Projected through 9/30/2023	Total Actual & Projected	
<b>REVENUES</b>					
Landowner contribution	\$ 103,040	\$ 22,648	\$ 87,347	\$ 109,995	\$ 103,040
Total revenues	<u>103,040</u>	<u>22,648</u>	<u>87,347</u>	<u>109,995</u>	<u>103,040</u>
<b>EXPENDITURES</b>					
<b>Professional &amp; administrative</b>					
Management/accounting/recording**	48,000	10,000	38,000	48,000	48,000
Legal	25,000	478	24,522	25,000	25,000
Engineering	2,000	-	2,000	2,000	2,000
Audit	6,000	-	6,000	6,000	6,000
Arbitrage rebate calculation*	750	-	750	750	750
Dissemination agent*	1,000	-	1,000	1,000	1,000
Trustee*	5,500	-	5,500	5,500	5,500
Telephone	200	83	117	200	200
Postage	500	-	500	500	500
Printing & binding	500	208	292	500	500
Legal advertising	6,500	-	6,500	6,500	6,500
Annual special district fee	175	175	-	175	175
Insurance	5,500	5,000	-	5,000	5,500
Contingencies/bank charges	500	-	500	500	500
Website hosting & maintenance	705	-	705	705	705
Website ADA compliance	210	-	210	210	210
Total expenditures	<u>103,040</u>	<u>15,944</u>	<u>86,596</u>	<u>102,540</u>	<u>103,040</u>
Excess/(deficiency) of revenues over/(under) expenditures	-	6,704	751	7,455	-
Fund balance - beginning (unaudited)	-	(7,455)	(751)	(7,455)	-
Fund balance - ending (projected)	-	-	-	-	-
Assigned					
Working capital	-	-	-	-	-
Unassigned	-	(751)	-	-	-
Fund balance - ending	<u>\$ -</u>	<u>\$ (751)</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
Professional & administrative costs per unit	\$ 169.75



**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**

**7**

Fox Branch Ranch Community Development District  
c/o Craig Wrathell and  
Chris Tyree  
Wrathell, Hunt & Associates, LLC  
2300 Glades Road Suite 410W  
Boca Raton, Florida 33431  
wrathellc@whhassociates.com  
christyree@forestar.com

RE: District Counsel Matter

Dear Sirs or Madams,

Effective February 6, 2023, Jere Earlywine will resign from KE LAW GROUP PLLC to join the law firm of KUTAK ROCK LLP.

Mr. Earlywine was providing services to you on the above-referenced matter. Therefore, this letter is to inform you that you have the option to choose to have Mr. Earlywine continue to represent you in this matter at his new law firm, or you may have KE LAW GROUP PLLC continue to represent you, in which case representation will be handled by Meredith Hammock and Lauren Gentry in KE LAW GROUP PLLC's Tampa Office. Alternatively, you can choose to retain an entirely new lawyer.

If you wish to have Jere Earlywine or a new lawyer continue to represent you, please be aware that you remain liable for fees and costs for services already provided by members of KE LAW GROUP PLLC through the date of this letter. Further, given the manner in which legal fees for open financing matters are structured, no fee has been paid to date. Should you elect to have this matter go with Mr. Earlywine, the fee may be apportioned between KE LAW GROUP PLLC and KUTAK ROCK LLP.

Please advise Jere Earlywine and KE Law Group PLLC in writing, as quickly as possible, of the District's decision so that continuity in your representation is assured. You may do so by indicating your choice below and returning a signed and dated copy. Please retain the additional copy of this designation letter for your records.

Yours truly,

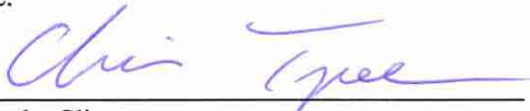
/s/ Jere Earlywine

**Instructions**

I wish my file to stay with KE LAW GROUP PLLC.

I wish my file and trust account balance to be transferred to Jere Earlywine at KUTAK ROCK LLP.

I will retain new counsel and have them contact KE LAW GROUP PLLC to coordinate transfer of my file.



For the Client

**KUTAK ROCK LLP  
FEE AGREEMENT FOR  
FOX BRANCH RANCH CDD**

**I. PARTIES**

THIS FEE AGREEMENT ("Fee Agreement") is made and entered into by and between the following parties, and supersedes on a going forward basis any prior fee agreement between the parties:

- A. Fox Branch Ranch Community Development District ("Client")  
c/o Wrathell, Hunt and Associates LLC  
2300 Glades Road, Suite 410W  
Boca Raton, Florida 33431

and

- B. Kutak Rock LLP ("KUTAK")  
107 West College Avenue (32301)  
P.O. Box 10230  
Tallahassee, Florida 32302

**II. SCOPE OF SERVICES**

In consideration of the mutual agreements contained herein, the parties agree as follows:

- A. The Client agrees to employ and retain KUTAK as its attorney and legal representative for all legal matters involving the District.
- B. KUTAK accepts such employment and agrees to serve as attorney for and provide legal representation to the Client in connection with those matters referenced above.

**III. FEES**

The Client agrees to compensate KUTAK for services rendered regarding any matters covered by this Fee Agreement according to the hourly billing rates for individual KUTAK lawyers set forth herein, plus actual expenses incurred by KUTAK in accordance with the attached standard Expense Reimbursement Policy (Attachment A, incorporated herein by reference). For Calendar Year 2023, hourly rates will be \$295 per hour for shareholders, \$265 per hour associates, \$235 per hour for contract attorneys and \$190 per hour for paralegals. All hourly rates will be increased annually by \$10 per hour. To the extent that the District issues bonds during Calendar Year 2023, KUTAK will provide issuer's counsel services under a flat fee of \$38,000 per bond issuance. This flat fee will be increased annually by \$1,000 per year.

**IV. CLIENT FILES**

The files and work product materials ("Client File") of the Client generated or received by KUTAK will be maintained confidentially to the extent permitted by law and in accordance with the Florida Bar rules. At the conclusion of the representation, the Client File will be stored by KUTAK for a minimum of five (5) years. After the five (5) year storage period, the Client hereby acknowledges and consents that KUTAK may

confidentially destroy or shred the Client File, unless KUTAK is provided a written request from the Client requesting return of the Client File, to which KUTAK will return the Client File at Client's expense.

**V. DEFAULT**

In the event of a dispute arising under this Fee Agreement, whether or not a lawsuit or other proceeding is filed, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs, including attorneys' fees and costs incurred in litigating entitlement to attorneys' fees and costs, as well as in determining or quantifying the amount of recoverable attorneys' fees and costs. The reasonable costs to which the prevailing party is entitled shall include costs that are taxable under any applicable statute, rule, or guideline, as well as non-taxable costs, including, but not limited to, costs of investigation, telephone charges, mailing and delivery charges, information technology support charges, consultant and expert witness fees, travel expenses, court reporter fees, and mediator fees, regardless of whether such costs are otherwise taxable. Venue of any such action shall be exclusive in the state courts of the Second Judicial Circuit in and for Leon County, Florida.

**VI. TERMINATION**

Either party may terminate this Fee Agreement upon providing prior written notice to the other party at its regular place of business.

**VII. EXECUTION OF FEE AGREEMENT**

This Fee Agreement shall be deemed fully executed upon its signing by KUTAK and the Client. The contract formed between KUTAK and the Client shall be the operational contract between the parties.

**VIII. ENTIRE CONTRACT**

This Fee Agreement constitutes the entire agreement between the parties.

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT**

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

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

Date: \_\_\_\_\_

**KUTAK ROCK LLP**



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

Jere L. Earlywine

Date: \_\_\_\_\_

## ATTACHMENT A

### KUTAK ROCK LLP EXPENSE REIMBURSEMENT POLICY

The following is the expense reimbursement policy for the Fee Agreement. All expenses are billed monthly. Billings ordinarily reflect expenses for the most recent month, except where there are delays in receiving bills from third party vendors.

Telephone. All telephone charges are billed at an amount approximating actual cost.

Photocopying and Printing. In-house photocopying and printing is charged at \$0.05 per page, which is less than actual cost.

Facsimile. There are no charges for faxes.

Postage. Postage is billed at actual cost.

Overnight Delivery. Overnight delivery is billed at actual cost.

Computerized Legal Research. Charges for computerized legal research are billed at an amount approximating actual cost.

Travel. Travel (including air fare, rental cars, taxicabs, hotel, meals, tips, etc.) is billed at actual cost. Where air travel is required, coach class is used wherever feasible. Out-of-town mileage is billed at the State of Florida approved reimbursement rate (i.e., pursuant to Chapter 112, Florida Statutes).

Consultants. Unless prior arrangements are made, consultants are ordinarily employed directly by the Client. Where consultants are employed by the firm, their charges are passed-through with no mark-up. The Client is responsible for notifying the firm of any particular billing arrangements or procedures which the Client requires of the consultant.

Other Expenses. Other outside expenses, such as court reporters, agency copies, etc. are billed at actual cost.

Word Processing and Secretarial Overtime. No charge is made for word processing. No charge is made for secretarial overtime except in major litigation matters where unusual overtime demands are imposed.

# **FOX BRANCH RANCH**

**COMMUNITY DEVELOPMENT DISTRICT**

**8**

**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 April, 2023.

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  
FEBRUARY 28, 2023**

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
FEBRUARY 28, 2023**

	General Fund	Debt Service Fund	Total Governmental Funds
	<u>          </u>	<u>          </u>	<u>          </u>
<b>ASSETS</b>			
Cash	\$ 12,666	\$ -	\$ 12,666
Undeposited funds	2,359	-	2,359
Due from Landowner	2,058	-	2,058
Total assets	<u>\$ 17,083</u>	<u>\$ -</u>	<u>\$ 17,083</u>
<b>LIABILITIES AND FUND BALANCES</b>			
Liabilities:			
Accounts payable	\$ 9,337	\$ -	\$ 9,337
Due to Landowner	439	5,373	5,812
Landowner advance	6,000	-	6,000
Total liabilities	<u>15,776</u>	<u>5,373</u>	<u>21,149</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	-	(5,373)	(5,373)
Unassigned	(751)	-	(751)
Total fund balances	<u>(751)</u>	<u>(5,373)</u>	<u>(6,124)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 17,083</u>	<u>\$ -</u>	<u>\$ 17,083</u>

**FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED FEBRUARY 28, 2023**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Landowner contribution	\$ 2,359	\$ 22,648	\$ 103,040	22%
Total revenues	<u>2,359</u>	<u>22,648</u>	<u>103,040</u>	22%
<b>EXPENDITURES</b>				
<b>Professional &amp; administrative</b>				
Management/accounting/recording**	2,000	10,000	48,000	21%
Legal	-	478	25,000	2%
Engineering	-	-	2,000	0%
Audit	-	-	6,000	0%
Arbitrage rebate calculation*	-	-	750	0%
Dissemination agent*	-	-	1,000	0%
Trustee*	-	-	5,500	0%
Telephone	17	83	200	42%
Postage	-	-	500	0%
Printing & binding	41	208	500	42%
Legal advertising	-	-	6,500	0%
Annual special district fee	-	175	175	100%
Insurance	-	5,000	5,500	91%
Contingencies/bank charges	-	-	500	0%
Website hosting & maintenance	-	-	705	0%
Website ADA compliance	-	-	210	0%
Total professional & administrative	<u>2,058</u>	<u>15,944</u>	<u>103,040</u>	15%
Excess/(deficiency) of revenues over/(under) expenditures	301	6,704	-	
Fund balances - beginning	<u>(1,052)</u>	<u>(7,455)</u>	-	
Fund balances - ending	<u>\$ (751)</u>	<u>\$ (751)</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 FEBRUARY 28, 2023**

	<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>	<u>-</u>	<u>-</u>
Total debt service	<u>-</u>	<u>-</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 - -	 - -
 Fund balances - beginning	 (5,373)	 (5,373)
Fund balances - ending	<u><u>\$ (5,373)</u></u>	<u><u>\$ (5,373)</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 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  
81 **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.**

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  
92 This item was deferred.

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  
98 that the CDD does not have a stormwater system yet and that the Report will be submitted  
99 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  
106 **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.**

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*

<b>DATE</b>	<b>POTENTIAL DISCUSSION/FOCUS</b>	<b>TIME</b>
<b>October 12, 2022 CANCELED</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>November 9, 2022 CANCELED</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>December 14, 2022 CANCELED</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>January 11, 2023 CANCELED</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>February 8, 2023 CANCELED</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>March 8, 2023 CANCELED</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>
<b>April 12, 2023</b>	<b>Regular Meeting</b>	<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>Regular Meeting</b>	<b>9:30 AM</b>
<b>September 13, 2023</b>	<b>Regular Meeting</b>	<b>9:30 AM</b>