

*Willow Creek  
Community Development District*

*August 26, 2016*

# Willow Creek

## Community Development District

5385 N. Nob Hill Road, Sunrise, Florida 33351  
Phone: 954-721-8681 - Fax: 954-721-9202

August 19, 2016

**Board of Supervisors**  
**Willow Creek**  
**Community Development District**

Dear Board Members:

A *special* meeting of the Board of Supervisors of **Willow Creek Community Development District** is scheduled for **August 26, 2016 at 11:00 a.m. at the Hampton Inn, 4760 Helen Hauser Blvd., Titusville, Florida 32780**. Following is the advance agenda for the meeting:

1. Roll Call
2. Audience Comments (*Related to Right to Speak Statute Changes*)
3. Organizational Matters
  - A. Consideration of Appointment of Supervisor(s) to Unexpired Term(s) of Office (Seat #1 - 11/2018 & Seat #5 - 11/2018)
  - B. Oath of Office for Newly Appointed Supervisor(s)
  - C. Election of Officers
4. Approval of the Minutes of the March 4, 2016 Meeting
5. Consideration of **Resolution #2016-02** Approving the Proposed Fiscal Year 2017 Budget and Re-Setting the Public Hearing
6. Public Hearing to Adopt the Fiscal Year 2017 Budget
  - A. Motion to Open the Public Hearing
  - B. Public Comment and Discussion
  - C. Consideration of **Resolution #2016-03** Annual Appropriation Resolution
  - D. Consideration of the Fiscal Year 2016-2017 Funding Agreement
  - E. Motion to Close the Public Hearing
7. Staff Reports
  - A. Attorney
  - B. Engineer
  - C. Manager
    - 1) Number of Registered Voters in the District - **0**
    - 2) Consideration of Proposed Fiscal Year 2017 Meeting Schedule
    - 3) Discussion of Financial Disclosure Report from the Commission on Ethics - *everyone has filed*
8. Supervisors Requests and Audience Comments
9. Financial Reports
  - A. Approval of Funding Requests **#60, #61, #62, & #63**
  - B. Balance Sheet and Income Statement
10. Adjournment

Enclosed for your review is a copy of the minutes of the March 4, 2016 meeting.

The fifth order of business is consideration of **Resolution #2016-02** Approving the Proposed Fiscal Year 2017 Budget and Re-Setting the Public Hearing. A copy of the resolution is enclosed for your review.

The sixth order of business is the public hearing to adopt the fiscal year 2017 budget. Copies of the budget, **Resolution #2016-03** Annual Appropriation Resolution, and the fiscal year 2016-2017 funding agreement are enclosed for your review.

The seventh order of business is staff reports. Enclosed under the manager's report is a letter indicating that the number of registered voters in the district is currently 0, as well as the proposed fiscal year 2017 meeting schedule, and the report from the Commission on Ethics indicating that all of the supervisors have filed their annual forms.

The financials and funding requests #60, #61, #62, & #63 are also enclosed for your review. The balance of the agenda is routine in nature and staff will present their reports at the meeting. I look forward to seeing you at the meeting, and in the meantime if you have any questions, please contact me.

Sincerely,



Rich Hans  
Manager

CC: Roy Van Wyk  
LouAnn Kuehlke

John Kelly  
Amy Hembree

Danny Tyler

John T. Deckle

**MINUTES OF MEETING  
WILLOW CREEK  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Willow Creek Community Development District was held on Friday, March 4, 2016 at 11:00 a.m. at the Hampton Inn, 4760 Helen Hauser Blvd., Titusville, Florida.

Present and constituting a quorum were:

Darren Gowens	Chairman
Derek Citino	Vice Chairman
Maston Crapps	Assistant Secretary

Also present were:

Rich Hans	District Manager
Roy Van Wyk	District Counsel (by phone)

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Hans called the meeting to order and called the roll.

**SECOND ORDER OF BUSINESS**

***Audience Comments (Related to  
Right to Speak Statue Changes)***

Mr. Hans: Item No. 2 is audience comments, and we don't have any audience here today for any comments so we can move on to the next item.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

- A. Acceptance of Resignation Letter from Mr. Jim Carraway
- B. Consideration of Appointment of Supervisor(s) to Fill Unexpired Term(s) of Office (Seat #1 -11/2018 & Seat #5 - 11/2018))
- C. Oath of Office for Newly Appointed Supervisor(s)
- D. Election of Officers

Mr. Hans: Moving on to our organizational matters, we do have a resignation letter from Jim Carraway which is in your packets, and what we're looking for then is an acceptance of Jim's resignation.

On MOTION by Mr. Crapps seconded by Mr. Gowens with all in favor, accepting the resignation of Jim Carraway was approved.

Mr. Hans: Then we do have two vacancies on the board, and if you have anybody you'd like to appoint you can do that now and if not, we can just hold off on that item and bring it up at our next meeting.

Mr. Gowens: Bring it up at the next meeting.

Mr. Hans: Ok.

**FOURTH ORDER OF BUSINESS**

**Approval of the Minutes of the  
September 11, 2015 Meeting**

Mr. Hans: Item No. 4 is the approval of our minutes of the September 11, 2015 meeting. If anyone has any comments on those we'll take those, if not a motion to approve would be in order.

On MOTION by Mr. Gowens seconded by Mr. Citino with all in favor, the Minutes of the September 11, 2015 Meeting were approved.

**FIFTH ORDER OF BUSINESS**

**Consideration of Resolution  
#2016-01 Approving the Proposed  
Fiscal Year 2017 Budget and  
Setting the Public Hearing**

Mr. Hans: Alright, item No. 5 is resolution #2016-01 approving the proposed fiscal year 2017 budget and setting the public hearing. So in your packet is that resolution and as you're familiar with the CDD process, we need to propose a budget sometime before June 15th and we're way before that date now, and we can't have our hearing until at least 60 days out from today. So the budget is behind your resolution and it's roughly an identical budget, it's developer funding, and it's just funded as we actually incur costs, so we tend to be under what we're budgeted, and really the biggest difference is supervisors fees. We used to budget \$6,000 but being that we're only

meeting twice, and not having 5 board members for all our meetings, it was just dropped down to \$1,200 and that's really the only change from the prior year. Actually, there is one other change, there's a website compliance with a \$500 fee for that, and there's a statute for that, and I don't know if you're familiar with other Districts but the Florida Statutes have required more of an active website with all sorts of information as far as the District and the board of supervisors contact information, so that's pretty much our basic fee for hosting a site and putting that up there. So that's it, so if there are no questions or discussion on the proposed budget, the next thing we need to do is we approve the resolution and that approves the form of the budget but it also sets our public hearing date. So we basically need to look at what our hearing dates are, and I suggest we probably should just push it out as late as we can. We do have an August 5th meeting.

Mr. Crapps: Yes, that's what I was thinking August.

Mr. Hans: So just spread it out.

Mr. Crapps: Yes.

Mr. Hans: Ok so we'll use August 5th for the public hearing date in that resolution.

On MOTION by Mr. Crapps seconded by Mr. Citino with all in favor, Resolution #2016-01 approving the proposed Fiscal Year 2017 Budget and setting the Public Hearing on August 5, 2016 at 11:00 a.m. at 4760 Helen Hauser Blvd., Titusville, Florida was approved.

## **SIXTH ORDER OF BUSINESS**

### **Ratification of Engagement Letter with Berger, Toombs, Elam, Gaines & Frank to perform the Audit for Fiscal Year Ending September 30, 2015**

Mr. Hans: The next item is a ratification of the engagement letter with Berger, Toombs to perform the audit for this fiscal year that just ended September 30, 2015.

We're required to have an audit each year by statute and we had previously ranked and selected Berger, Toombs as our auditor.

Mr. Crapps: Do you have to do that every year or once you pick somebody you can stay with them?

Mr. Hans: We can go out up to 5 years on the selection process and I think that's what we did with this District.

Mr. Crapps: Ok.

Mr. Hans: And we're even under the threshold for the requirements, we're just under the Florida Statutes Chapter 190, which just says you do an audit, so they're at \$2,400 that's what they came in at that price and that's a decent price even though the District is minimal.

Mr. Crapps: Right and what was last year?

Mr. Hans: The same price.

Mr. Crapps: Ok, so I make a motion to approve proposal.

Mr. Hans: Actually you're ratifying it because we already had them do the audit, because we have to get these done before the deadline.

On MOTION by Mr. Crapps seconded by Mr. Gowens with all in favor, ratifying the engagement letter with Berger, Toombs, Elam Gaines & Frank to perform the audit for Fiscal Year ending September 30, 2015 was approved.

## **SEVENTH ORDER OF BUSINESS**

### **Acceptance of Audit for Fiscal Year Ending September 30, 2015**

Mr. Hans: And now that you ratified the engagement with them, right behind that is their actual audit for the year. Actually it's in a separate loose copy, so it's not in the packet but there are loose copies here, and it was very minimal. I usually just look at the management letter at the end of the audit, it talks about the financial conditions, and there were no findings, no recommendations, no inappropriate spending of any of the funds and so forth. So it would just be a motion to accept the audit.



On MOTION by Mr. Crapps seconded by Mr. Citino with all in favor, accepting the audit for Fiscal Year ending September 30, 2015 was approved.

**EIGHTH ORDER OF BUSINESS**

**Discussion of Procedures for the Landowners Election - November 4, 2016**

Mr. Hans: Then the other item on our agenda is the discussion of procedures for our landowners election. Every two years we do have a landowners election and the statute requires at least 90 days prior to that election that we announce it at a public meeting, and knowing that the August 5th meeting might be too late to do it, we're doing it way ahead of time, but we're meeting the statutory requirements. So in your packet is an example of the agenda, and a proxy which is one acre, one vote, and we'll send out the proxy to the appropriate people as we get closer to the election, and we'll meet one more time before that meeting also. So if you have any questions on that we can address those now, and if not, we can just move to the next item.

Mr. Crapps: No.

**NINTH ORDER OF BUSINESS**

**Staff Reports**

Mr. Hans: Moving on to item No. 9 which is our Staff Reports, Roy anything for us today?

**A. Attorney**

Mr. Van Wyk: No report, thank you.

Mr. Hans: Alright, thank you.

**B. Engineer**

There not being any report, the next item followed.

**C. Manager**

Mr. Hans: As for the manager, it's been real quiet, so I have nothing special to report on.



**TENTH ORDER OF BUSINESS                      Supervisors       Requests       and  
   Audience Comments**

Mr. Hans: Are there any requests from our supervisors today?

Mr. Crapps: No.

Mr. Hans: Ok, and we have no audience here for any comments.

**ELEVENTH ORDER OF BUSINESS       Financial Reports**

**A. Approval of Funding Requests #58 & #59**

**B. Balance Sheet and Income Statement**

Mr. Hans: Next we have funding requests #58 and #59 in your packets, and I think we're not sending these to the right people, I think it was Chris Ward.

Mr. Gowens: Chris Ward has been gone for a while.

Mr. Hans: Right.

Mr. Citino: Is it Goodin?

Mr. Hans: I'm not sure, let me just see, I had one of my girls tell me who they sent it to, and we switched their accounts around, so let me just check who she said she sent it to, but anyway, one is recent, one was just sent in February, and the other one was for November, 2015 which we haven't received funding for, but who should we be sending it to?

Mr. Citino: Send it to me.

Mr. Hans: Ok, so I'll have her resend it to, we'll take care of that. So then just a motion approving those two funding requests would be in order.

On MOTION by Mr. Citino seconded by Mr. Crapps with all in favor, Funding Requests #58 & #59 were approved.

Mr. Hans: Then we have the balance sheet and income statement, if there are any questions or discussion on that we can take those, but it's minimal since we do very minimal work on this District.

Mr. Crapps: It looks fine, do we need a motion on that?

Mr. Hans: Just a motion accepting it would be in order.

On MOTION by Mr. Crapps seconded by Mr. Citino with all in favor, the Balance Sheet and Income Statement was approved.

**TWELVETH ORDER OF BUSINESS    Adjournment**

Mr. Hans: And if there is no other District business, a motion to adjourn would be in order.

On MOTION by Mr. Gowens seconded by Mr. Citino with all in favor the meeting was adjourned.

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

\_\_\_\_\_  
Chairman / Vice Chairman

**RESOLUTION 2016-02**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT RE-SCHEDULING THE PUBLIC HEARING ON THE PROPOSED BUDGET FOR FISCAL YEAR 2016/2017; AMENDING RESOLUTION 2016-01; AND RATIFYING THE ACTIONS OF THE DISTRICT MANAGER IN RE-SCHEDULING THE PUBLIC HEARING TO AUGUST 26, 2016.**

**WHEREAS**, the District Manager has heretofore prepared and submitted a proposed budget to the Board for Fiscal Year 2016/2017; and

**WHEREAS**, the Board of Supervisors considered said proposed budget and approved Resolution 2016-01 approving the budget for the Willow Creek Community Development District (the "District") and set the public hearing thereon for August 5, 2016; and

**WHEREAS**, on August 5, 2016, the District's Board of Supervisors was unable to obtain a quorum for the public hearing and regular scheduled meeting; and

**WHEREAS**, the District Manager rescheduled the public hearing to August 26, 2016, at 11:00 a.m., and caused notice of such hearing to be provided as required by law.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT;**

1. Resolution 2016-01 is hereby amended to change the date of the public hearing on the adoption of the proposed Fiscal Year 2016/2017 budget to:

**Date: August 26, 2016**  
**Hour: 11:00 AM**  
**Place: Hampton Inn**  
**4760 Helen Hauser Blvd.**  
**Titusville, Florida 32780**

2. The actions of the District Manager in re-scheduling the hearing on the proposed District budget for Fiscal Year 2016/2017 are hereby ratified.

Adopted this 26<sup>th</sup> day of August, 2016.

**WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT**

**ATTEST:**

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

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

***Proposed Budget  
Fiscal Year 2017***

***Willow Creek Community  
Development District***

***August 26, 2016***



**Willow Creek  
Community Development District**

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# Willow Creek

## Community Development District

## General Fund

Description	Adopted Budget FY 2016	Actual Thru 7/31/2016	Projected Next 2 Months	Total Projected 9/30/2016	Proposed Budget FY 2017
<b>Revenues</b>					
Developer Contributions	\$34,678	\$19,263	\$5,429	\$24,692	\$31,211
<b>Total Revenues</b>	<b>\$34,678</b>	<b>\$19,263</b>	<b>\$5,429</b>	<b>\$24,692</b>	<b>\$31,211</b>
<b>Expenditures</b>					
<b>Administrative</b>					
Supervisors	\$6,000	\$0	\$1,200	\$1,200	\$1,200
Fica	\$459	\$0	\$92	\$92	\$92
Engineering	\$2,000	\$0	\$700	\$700	\$2,000
Attorney	\$5,000	\$1,537	\$1,245	\$2,782	\$5,000
Annual Audit	\$2,500	\$2,400	\$0	\$2,400	\$2,500
Management Fees	\$10,000	\$8,333	\$1,667	\$10,000	\$10,000
Telephone	\$50	\$0	\$25	\$25	\$50
Postage	\$500	\$167	\$150	\$317	\$500
Insurance	\$5,794	\$5,350	\$0	\$5,350	\$5,794
Printing & Binding	\$500	\$98	\$50	\$148	\$500
Legal Advertising	\$1,300	\$411	\$250	\$661	\$2,500
Other Current Charges	\$350	\$240	\$54	\$294	\$350
Office Supplies	\$50	\$33	\$15	\$48	\$50
Dues, Licenses & Subscriptions	\$175	\$175	\$0	\$175	\$175
Website Compliance	\$0	\$417	\$83	\$500	\$500
<b>Total Administrative</b>	<b>\$34,678</b>	<b>\$19,161</b>	<b>\$5,531</b>	<b>\$24,692</b>	<b>\$31,211</b>
<b>Net Change in Fund Balance</b>	<b>\$0</b>	<b>\$102</b>	<b>(\$102)</b>	<b>\$0</b>	<b>\$0</b>

# **Willow Creek**

## **COMMUNITY DEVELOPMENT DISTRICT**

GENERAL FUND BUDGET  
FISCAL YEAR 2017

### **REVENUES:**

#### **Developer Contributions**

*It is presently anticipated that the District will enter into a Funding Agreement with the Developer to Fund all General Operating Expenditures for the Fiscal Year.*

### **EXPENDITURES:**

#### **Administrative:**

##### **Supervisor Fees**

*The Florida Statutes allows each board member to receive \$200 per meeting no to exceed \$4,800 in one year. The amount for the fiscal year is based upon all five supervisors attending the estimated 12 annual meetings.*

##### **FICA Expense**

*Represents the Employer's share of Social Security and Medicare taxes withheld from Board of Supervisors checks.*

##### **Engineering Fees**

*The District's engineer will be providing general engineering services to the District including attendance and preparation for board meetings, etc.*

##### **Attorney**

*The District's legal counsel will be providing general legal services to the District, i.e., attendance and preparation for monthly meetings, review operating and maintenance contracts, etc.*

##### **Annual Audit**

*The District is required annually to conduct an audit of its financial records by an Independent Certified Public Accounting Firm.*

##### **Management Fees**

*The District receives Management, Accounting and Administrative services as part of a Management Agreement with Governmental Management Services. These services are further outlined in Exhibit "A" of the Management Agreement.*



**Willow Creek**  
**COMMUNITY DEVELOPMENT DISTRICT**  
GENERAL FUND BUDGET  
FISCAL YEAR 2017

**Telephone**

Telephone and fax machine.

**Postage**

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

**Insurance**

The District's General Liability & Public Officials Liability Insurance policy is with Florida Insurance Alliance. Florida Insurance Alliance specializes in providing insurance coverage to governmental agencies.

**Printing & Binding**

Printing and Binding agenda packages for board meetings, printing of computerized checks, stationary, envelopes etc.

**Legal Advertising**

The District is required to advertise various notices for monthly Board meetings, public hearings, etc. in a newspaper of general circulation.

**Other Current Charges**

Bank charges and any other miscellaneous expenses that are incurred during the year.

**Office Supplies**

Miscellaneous office supplies.

**Dues, Licenses & Subscriptions**

The District is required to pay an annual fee to the Department of Economic Opportunity for \$175. This is the only expense under this category for the District.

**Website Compliance**

Per section 189.069 F.S, all Districts must have a website by October 1, 2015 to provide detailed information on the CDD as well as links to useful websites regarding Compliance issues. This website will be maintained by GMS-SF, LLC and updated as required by the statute.

**RESOLUTION 2016-03**

**THE ANNUAL APPROPRIATION RESOLUTION OF THE WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT (THE "DISTRICT") RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2016, AND ENDING SEPTEMBER 30, 2017**

**WHEREAS**, the District Manager has, prior to the fifteenth (15<sup>th</sup>) day in June, 2016, submitted to the Board of Supervisors (the "Board") a proposed budget for the next ensuing budget year along with an explanatory and complete financial plan for each fund of the Willow Creek Community Development 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 annual budget (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 August 26, 2016, as the date for 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 or transmitted the Proposed Budget to the managers or administrators of the City of Titusville and Brevard County for posting on their websites; and

**WHEREAS**, Section 190.008(2)(a), Florida Statutes, requires that, prior to October 1<sup>st</sup> of each year, the District 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 WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT:**

**Section 1. Budget**

- a. That the Board of Supervisors has reviewed the District Manager's Proposed Budget, a copy of which is on file with the office of the District Manager and at the District's

Records Office, and hereby approves certain amendments thereto, as shown in Section 2 below.

- b. That the District Manager's 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, 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 for Fiscal Year 2016 and/or revised projections for Fiscal Year 2017.
- c. That the adopted budget, as amended, shall be maintained in the office of the District Manager and at the District's Records Office and identified as "The Budget for the Willow Creek Community Development District for the Fiscal Year Ending September 30, 2017," as adopted by the Board of Supervisors on August 26, 2016.
- d. The final adopted budget shall be posted by the District Manager on the District's official website within thirty (30) days after adoption or shall be transmitted to the manager or administrator of the City of Titusville and Brevard County for posting on their websites.

**Section 2. Appropriations**

There is hereby appropriated out of the revenues of the Willow Creek Community Development District, for the fiscal year beginning October 1, 2016, and ending September 30, 2017, the sum of \$31,211 to be raised by the levy of assessments and otherwise, which sum is deemed by the Board of Supervisors to be necessary to defray all expenditures of the District during said budget year, to be divided and appropriated in the following fashion:

TOTAL GENERAL FUND	<u>\$ 31,211</u>
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**Section 3. Supplemental Appropriations**

Pursuant to Section 189.016, Florida Statutes, the following provisions govern amendments to the budget(s) for any particular fund(s) listed above:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.

- c. By resolution, the Board may increase any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.
- d. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this Section 3 and Section 189.016 of the Florida Statutes, among other applicable laws.

Introduced, considered favorably, and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

**WILLOW CREEK COMMUNITY  
DEVELOPMENT DISTRICT**

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

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

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

**WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT  
FISCAL YEAR 2016-2017 FUNDING AGREEMENT**

This agreement ("Agreement"), is made and entered into this 5th day of August, 2016, by and between:

The Willow Creek Community Development District, a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes, and located in Brevard County, Florida (hereinafter "District"),

and

KB Home Jacksonville, LLC, a Florida limited liability corporation and a landowner in the District (hereinafter "Developer") with an address of 10475 Fortune Parkway, Suite 100, Jacksonville, Florida 32256.

Recitals

**WHEREAS**, the District was established by an ordinance adopted by the City Council of the City of Titusville, Florida, for the purpose of planning, financing, constructing, operating and/or maintaining certain infrastructure, including roadways, drainage, sanitary sewer, water; and infrastructure improvements as authorized by Chapter 190, Florida Statutes; 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 owns and/or is developing the majority of all real property described in **Exhibit A**, attached hereto and incorporated herein, (the "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 the Fiscal Year 2016-2017, (the "Budget"), which year commences on October 1, 2016, and concludes on September 30, 2017; and

**WHEREAS**, The Budget, which both 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 B**; and

**WHEREAS**, the District has the option of levying non ad valorem assessments on all land, including the Property, that will benefit from the activities, operations and

services set forth in the 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 B**; 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 B** 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 B**; and

**WHEREAS**, Developer and District desire to secure such Budget funding through the imposition of a continuing lien against the Property described in **Exhibit A** and as otherwise as provided herein.

**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 necessary for the operation of the District as called for in the budget attached hereto as **Exhibit B**, as may be amended from time to time in the District's sole discretion, within fifteen (15) days of written request by the District. Amendments to the District's Budget as shown on **Exhibit B** adopted by the District at a duly noticed meeting shall have the effect of amending this Agreement without further action of the parties. Funds provided hereunder 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.

2. **CONTINUING LIEN**. District shall have the right to file a continuing lien upon the Property described in **Exhibit A** for all payments due and owing under the terms of this Agreement and for interest thereon, and for reasonable attorneys' fees, paralegals' fees, expenses and court costs incurred by the District incident to the collection of funds under this Agreement or for enforcement of this lien, and all sums advanced and paid by the District for taxes and payment on account of superior interests, liens and encumbrances in order to preserve and protect the District's lien. The lien shall be effective as of the date and time of the recording of a "Notice of Lien for FY 2016/2017 Budget" in the public records of Brevard County, Florida, stating among other things, the description of the real property and the amount due as of the recording of the Notice, and the existence of this Agreement. The District Manager, in its sole discretion, is hereby authorized by the District to file the Notice of Lien for FY 2016/2017 Budget

on behalf of the District, without the need of further Board action authorizing or directing such filing. At the District Manager's direction, the District may also bring an action at law against the record title holder to the Property to pay the amount due under this Agreement, or may foreclose the lien against the Property in any manner authorized by law. The District may partially release any filed lien for portions of the Property subject to a plat if and when the Developer has demonstrated, in the District's sole discretion, such release will not materially impair the ability of the District to enforce the collection of funds hereunder. In the event the Developer sells any of the Property described in **Exhibit A** after the execution of this Agreement, the Developer's rights and obligations under this Agreement shall remain the same, provided however that the District shall only have the right to file a lien upon the remaining Property owned by the Developer.

3. **ALTERNATIVE COLLECTION METHODS.**

a. In the alternative or in addition to the collection method set forth in Paragraph 2 above, the District may enforce the collection of funds due under this Agreement by action against the Developer in the appropriate judicial forum in and for Brevard County, Florida. The enforcement of the collection of funds in this manner shall be in the sole discretion of the District Manager on behalf of the District. In the event that either 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.

b. The District hereby finds that the activities, operations and services set forth in **Exhibit B** provide a special and peculiar benefit to the Property, which benefit is initially allocated on an equal developable acreage basis. The Developer agrees that the activities, operations and services set forth in **Exhibit B** provide a special and peculiar benefit to the Property equal to or in excess of the costs set forth in **Exhibit B**, on an equal developable acreage basis. Therefore, in the alternative or in addition to the other methods of collection set forth in this Agreement, the District, in its sole discretion, may choose to certify amounts due hereunder as a non-ad valorem assessment on all or any part of the Property for collection, either through the Uniform Method of Collection set forth in Chapter 197 or under any method of direct bill and collection authorized by Florida law. Such assessment, if imposed, may be certified on the next available tax roll of the Brevard County property appraiser.

4. **AGREEMENT; AMENDMENTS.** This instrument shall constitute the final and complete expression of the agreement between 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.

5. **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 the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.

6. **ASSIGNMENT.** This Agreement may be assigned, in whole or in part, by either party only upon the written consent of the other, which consent shall not be unreasonably withheld.

7. **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 and specifically including the ability of the District to enforce any and all payment obligations under this Agreement in the manner described herein in Paragraphs 2 and 3 above.

8. **THIRD PARTY RIGHTS; TRANSFER OF PROPERTY.** 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. In the event the Developer sells or otherwise disposes of its business or of all or substantially all of its assets relating to improvements, work product, or lands within the District, the Developer shall continue to be bound by the terms of this Agreement and additionally shall expressly require that the purchaser agree to be bound by the terms of this Agreement. The Developer shall give 90 days prior written notice to the District under this Agreement of any such sale or disposition.

9. **FLORIDA LAW GOVERNS.** This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida.

10. **ARM'S LENGTH TRANSACTION.** This Agreement has been negotiated fully between 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.

11. **EFFECTIVE DATE.** The Agreement shall be effective after execution by both parties hereto. The enforcement provisions of this Agreement shall survive its termination, until all payments due under this Agreement are paid in full.

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

Attest:

**WILLOW CREEK COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_

\_\_\_\_\_

Secretary/Assistant Secretary

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

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

**KB HOME JACKSONVILLE, LLC  
a Florida limited liability corporation**

\_\_\_\_\_

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

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

Witness

Witness

\_\_\_\_\_

\_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Exhibit "A" Property Description  
Exhibit "B" Fiscal Year 2016-2017 General Fund Budget



**Reply To:**

**Government Center North**  
400 South Street 1F  
Post Office Box 1119  
Titusville, FL 32781-1119  
Telephone 321 264-6740  
Fax 321 264-6741

**Viera Government Center**  
2725 Judge Fran Jamieson Way  
Building C, Level 1  
Post Office Box 410819  
Melbourne, FL 32941-0819  
Telephone 321 633-2124  
Fax 321 633-2130

**South Brevard**  
**Service Complex**  
1515 Sarno Road  
Melbourne, FL 32935  
Telephone 321 255-4455  
Fax 321 255-4401

**Palm Bay**  
**Service Complex**  
450 Cogan Drive, SE  
Palm Bay, FL 32909  
Telephone 321 952-6328  
Fax 321 952-6332

**TDD**  
321-454-6608

**VOTER FRAUD HOTLINE**  
1-877-868-3737

April 15, 2016

Ms. Jennifer McConnell  
WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT  
5385 N. Nob Hill Road  
Sunrise, Florida 33351

RE: Willow Creek Community Development District

Dear Ms. McConnell:

I am writing in response to your letter of April 1, 2016 requesting the number of registered voters within the aforementioned community.

Please be advised our records indicate there are no registered voters as of April 15, 2016.

If you need any additional information, or have any questions, please feel free to contact me at 321/690-6833.

Kind regards,

*Lori Scott*

Lori Scott

LS/jem

RECEIVED APR 18 2016

**NOTICE OF MEETING DATES  
WILLOW CREEK  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the **Willow Creek Community Development District** will hold their regularly scheduled public meetings for **Fiscal Year 2017** at **11:00 AM** at the **Hampton Inn, 4760 Helen Hauser Blvd., Titusville Florida 32780**, on the first Friday of each month as follows:

October 07, 2016  
November 04, 2016 (Landowners meeting)  
December 02, 2016  
January 06, 2017  
February 03, 2017  
March 03, 2017  
April 07, 2017  
May 05, 2017  
June 02, 2017  
July 07, 2017  
August 04, 2017  
September 01, 2017

There may be occasions when one or more Supervisors will participate by telephone. At the above location there will be present a speaker telephone so that any interested person can attend the meeting at the above location and be fully informed of the discussions taking place either in person or by telephone communication.

These meetings are open to the public and maybe continued to a time, date and place certain. Supervisors may attend the meeting by telephone as long as there is a quorum present at the meeting place. Any person wishing to receive a copy of the minutes of the meeting may contact Rich Hans at (954) 721-8681.

Each person who decides to appeal any action taken at these meetings is advised that person will need a record of the proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

Rich Hans  
Manager



## Search for Financial Disclosure Filers

Everyone has filed!

### Search Results

In the table below, organization names are linked to coordinator contact information. Supervisor of Election and Commission on Ethics links display the relevant contact information.

If you filed a form and no date appears in the "Filing Requirement Fulfilled" column, then the Supervisor of Elections or Commission on Ethics has not yet recorded receipt of your form. Generally, forms are recorded within a few days of receipt. If you are concerned about the status of your form, please use the contact information under "Statutory Filing Requirement."

Section 112.31445, Florida Statutes, requires that all CE Form 6 Full and Public Disclosure of Financial Interests, other than those of judges and judges of compensation claims, be posted online. Before being posted online, any information required by law to be maintained as confidential must be redacted. For persons other than those who have filed as candidates with the Department of State, this process may take up to 5 business days. Processing times for Form 6 disclosures filed with the Department of State at qualifying may exceed 5 business days. Those forms may be available for viewing on the [Department of State website](#) before they are available here.

Once we have logged in a Form 6, the status will contain the date received and the message "Form Available Soon!" When the Form 6 becomes available online, the Filing Requirement Fulfilled status will have a link to "View Form."

Show filers for previous form years

Your Search for "Willow Creek Community Development District - Board of Supervisors" returned the following results:

**Coordinator:**

Rich Hans

Governmental Management Services

5385 N. Nob Hill Rd

Sunrise, FL, 33351

(954) 721-8681

[rhans@gmssf.com](mailto:rhans@gmssf.com)




**Narrow results to a particular suborg:**

- [All Suborganizations](#)
- [Board of Supervisors](#)
- [Employees](#)

Filer ID	Form Year	Full Name	Organizations	Statutory Filing Requirement	Filing Requirement Fulfilled	Filing History
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260451	2015	Citino, Derek				
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[View Filing History](#)

			<ul style="list-style-type: none"> <li>Willow Creek Community Development District- Board of Supervisors</li> </ul>	Form 1 with <u>Nassau County SOE</u>	 07/26/2016	
249641	2015	Crapps, Maston	<ul style="list-style-type: none"> <li>Willow Creek Community Development District- Board of Supervisors</li> <li>Glen St. Johns Community Development District- Board of Supervisors</li> </ul>	Form 1 with <u>Duval County SOE</u>	 06/29/2016	<a href="#">View Filing History</a>
239379	2015	Gowens, Darren	<ul style="list-style-type: none"> <li>Willow Creek Community Development District- Board of Supervisors</li> </ul>	Form 1 with <u>Saint Johns County SOE</u>	 06/28/2016	<a href="#">View Filing History</a>

[Search Again](#)

## General Information about Filing Financial Disclosure

- [Brochure: A Guide to the Sunshine Amendment and Code of Ethics \(PDF\)](#)
- [Financial Disclosure Laws](#)
- [The Commission on Ethics Rules on Financial Disclosure](#)
- [Forms and Detailed Instructions](#)

For assistance with financial disclosure, you may wish to contact the Commission's Financial Disclosure Coordinator, Kimberly Holmes, at [disclosure@leg.state.fl.us](mailto:disclosure@leg.state.fl.us) or (850) 488-7864. Address correspondence to P.O. Drawer 15709 Tallahassee, FL 32317-5709.

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**Willow Creek**  
**Community Development District**  
*Approval Summary Funding Requests*

<i>Funding Requests</i>	<i>Date</i>	<i>Amount</i>
<i>Funding Request #60</i>	<i>4/8/2016</i>	<i>\$2,579.28</i>
<i>Funding Request #61</i>	<i>6/20/2016</i>	<i>\$2,167.73</i>
<i>Funding Request #62</i>	<i>8/3/2016</i>	<i>\$1,804.90</i>
<i>Funding Request #63</i>	<i>8/16/2016</i>	<i>\$215.40</i>
<i>Total Funding Request</i>		<i>\$6,767.31</i>



# Willow Creek

Community Development District

Funding Request# 60

April 8, 2016

CAPITAL PROJECTS

(1)

PAYEE	GENERAL FUND	
1	<b>GMS - So. Florida, LLC</b>	
	Inv# 97 March 2016 Management Services	\$ 880.35
	Inv# 98 April 2016 Management Services	\$ 997.94
2	<b>Hopping, Green &amp; Sams</b>	
	Inv# 86326 General Counsel 01/31/2016	\$ 364.99
	Inv# 87004 General Counsel 02/29/2016	\$ 336.00
	<b>TOTAL</b>	<b>\$ 2,579.28</b>
		<b>\$ 2,579.28</b>
		<b>\$ -</b>

(1) The Developer will be reimbursed for all capital related invoices upon the issuance of Bonds.

Please make check payable to:

**Willow Creek CDD**  
5385 N Nob Hill Road  
Sunrise, FL 33351

# Willow Creek

Community Development District

Funding Request# 61

June 20, 2016

CAPITAL PROJECTS

(1)

PAYEE	GENERAL FUND			
1	<b>GMS - So. Florida, LLC</b>			
	Inv# 99 May 2016 Management Services	\$	883.61	
	Inv# 100 June 2016 Management Services	\$	875.62	
2	<b>Hopping, Green &amp; Sams</b>			
	Inv# 87411 General Counsel 03/31/2016	\$	408.50	
	<b>TOTAL</b>	\$	<b>2,167.73</b>	\$
				\$ -

(1) The Developer will be reimbursed for all capital related invoices upon the issuance of Bonds.

Please make check payable to:

**Willow Creek CDD**  
5385 N Nob Hill Road  
Sunrise, FL 33351

# Willow Creek

Community Development District

Funding Request# 62

August 3, 2016

**CAPITAL PROJECTS**  
(1)

<b>PAYEE</b>	<b>GENERAL FUND</b>	
<b>1</b>	<b>GMS - So. Florida, LLC</b>	
	Inv# 101 July 2016 Management Services	\$ 876.50
	Inv# 102 August 2016 Management Services	\$ 877.72
<b>2</b>	<b>Hopping, Green &amp; Sams</b>	
	Inv# 88982 General Counsel 06/30/2016	\$ 50.68
		\$ -
<b>TOTAL</b>	<b>\$ 1,804.90</b>	<b>\$ 1,804.90</b> \$ -

(1) The Developer will be reimbursed for all capital related invoices upon the issuance of Bonds.

Please make check payable to:

**Willow Creek CDD**  
5385 N Nob Hill Road  
Sunrise, FL 33351

# Willow Creek

Community Development District

Funding Request# 63

August 16, 2016

CAPITAL PROJECTS  
(1)

PAYEE		GENERAL FUND		
1	Florida Today Inv# 8199242 - Legal Advertising	\$	215.40	
<b>TOTAL</b>		\$	<b>215.40</b>	\$ -

(1) The Developer will be reimbursed for all capital related invoices upon the issuance of Bonds.

Please make check payable to:

**Willow Creek CDD**  
5385 N Nob Hill Road  
Sunrise, FL 33351

**WILLOW CREEK**  
**COMMUNITY DEVELOPMENT DISTRICT**

**BALANCE SHEET**  
**July 31, 2016**

**General Fund**

**ASSETS:**

CASH	\$606
DUE FROM CAPITAL	\$20,892
DUE FROM DEVELOPER	\$1,698
<b>TOTAL ASSETS</b>	<u><u>\$23,196</u></u>

**LIABILITIES:**

ACCOUNTS PAYABLE	\$1,143
DUE TO DEVELOPER	\$20,892

**FUND EQUITY AND OTHER CREDITS:**

RETAINED EARNINGS UNRESERVED	\$1,162
<b>TOTAL LIABILITIES &amp; FUND EQUITY &amp; OTHER CREDITS</b>	<u><u>\$23,196</u></u>

**WILLOW CREEK**  
**COMMUNITY DEVELOPMENT DISTRICT**

**General Fund**

Statement of Revenues, Expenditures and Changes in Fund Balance  
For The Period Ending July 31, 2016

Description	ADOPTED BUDGET	PRORATED BUDGET THRU 07/31/2016	ACTUAL THRU 07/31/2016	VARIANCE
<b>Revenues</b>				
Developer Contributions	\$34,678	\$19,263	\$19,263	\$0
<b>Total Revenues</b>	<b>\$34,678</b>	<b>\$19,263</b>	<b>\$19,263</b>	<b>\$0</b>
<b>Expenditures</b>				
<b>Administrative</b>				
Supervisors	\$6,000	\$5,000	\$0	\$5,000
Fica	\$459	\$383	\$0	\$383
Engineering	\$2,000	\$1,667	\$0	\$1,667
Attorneys Fees	\$5,000	\$4,167	\$1,537	\$2,630
Auditing	\$2,500	\$2,500	\$2,400	\$100
Management Fees	\$10,000	\$8,333	\$8,333	\$0
Telephone	\$50	\$42	\$0	\$42
Postage	\$500	\$417	\$167	\$249
Insurance	\$5,794	\$5,794	\$5,350	\$444
Printing & Binding	\$500	\$417	\$98	\$319
Legal Advertising	\$1,300	\$1,083	\$411	\$672
Other Current Charges	\$350	\$292	\$240	\$51
Office Supplies	\$50	\$42	\$33	\$9
Dues, Licenses & Subscriptions	\$175	\$175	\$175	\$0
Website Compliance	\$0	\$0	\$417	(\$417)
<b>Total Expenditures</b>	<b>\$34,678</b>	<b>\$30,310</b>	<b>\$19,161</b>	<b>\$11,148</b>
<b>Excess Revenues/Expenditures</b>	<b>\$0</b>		<b>\$102</b>	
<b>Fund Balance - Beginning</b>	<b>\$0</b>		<b>\$1,060</b>	
<b>Fund Balance - Ending</b>	<b>\$0</b>		<b>\$1,162</b>	