

*Willow Creek
Community Development District*

September 15, 2017

Willow Creek

Community Development District

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

September 6, 2017

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 **September 15, 2017 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. Oath of Office for Mr. Maston Crapps
2. Roll Call
3. Audience Comments (*Related to Right to Speak Statute Changes*)
4. Organizational Matters
 - A. Consideration of Appointment of Supervisor to Unexpired Term of Office (Seat #1 - 11/2018)
 - B. Oath of Office for Newly Appointed Supervisor
 - C. Election of Officers
5. Approval of the Minutes of the April 7, 2017 Meeting
6. Consideration of **Resolution #2017-04** Amending Resolution #2017-03 to Reschedule the Budget Public Hearing Date
7. Public Hearing to Adopt the Fiscal Year 2018 Budget
 - A. Motion to Open the Public Hearing
 - B. Public Comment and Discussion
 - C. Consideration of **Resolution #2017-05** Annual Appropriation Resolution
 - D. Consideration of the Fiscal Year 2017-2018 Funding Agreement
 - E. Motion to Close the Public Hearing
8. Staff Reports
 - A. Attorney
 - B. Engineer
 - C. Manager
 - 1) Number of Registered Voters in the District - 0
 - 2) Consideration of Proposed Fiscal Year 2018 Meeting Schedule
 - 3) Discussion of Financial Disclosure Report from Commission on Ethics-*everyone has filed*
9. Supervisors Requests and Audience Comments
10. Financial Reports
 - A. Approval of Funding Requests **#70, #71, #72, & #73**
 - B. Balance Sheet and Income Statement
11. Adjournment

Enclosed for your review is a copy of the minutes of the April 7, 2017 meeting.

The sixth order of business is consideration of **Resolution #2017-04** Amending Resolution #2017-03 to Reschedule the Budget Public Hearing Date; a copy of which is enclosed for your review.

The seventh order of business is the public hearing to adopt the fiscal year 2018 budget. Copies of the budget, **Resolution #2017-05** Annual Appropriation Resolution, and the fiscal year 2017-2018 funding agreement are enclosed for your review.

The eighth order of business is staff reports. Enclosed under the manager's report is a letter showing the number of registered voters in the District is **0**, as well as the proposed fiscal year 2018 meeting schedule, and the report from the Commission on Ethics indicating all of the Supervisors have filed their annual forms.

The financials and funding requests **#70, #71, #72, & #73** 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

Jose Chaves
Amy Hembree

Danny Tyler

John Dekle

**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, April 7, 2017 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
Mikel Denton	Assistant Secretary

Also present were:

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

FIRST ORDER OF BUSINESS

**Oath of Office for Newly Elected
Supervisors elected at the
Landowners Meeting held on
November 4, 2016 - Seat #2, Seat
#3 and Seat #4**

Mr. Hans: The first thing we need to do is administer the oath of office for our newly elected Board, we had a landowners elections back in November and so we need to take Darren's and Derek's oath. So if you would just raise your right hands, state your name for the record and at the end swear or affirm, so "I".

Mr. Citino: "Derek Citino."

Mr. Gowens: "Darren Gowens."

Mr. Hans: A citizen of the State of Florida and of the United States of America, and being employed by or an officer of the Willow Creek Community Development District and a recipient of public funds as such employee or officer, do hereby solemnly

swear or affirm that I will support the Constitution of the United States and of the State of Florida.

Mr. Citino: "I do."

Mr. Gowens: "I do."

Mr. Hans: Alright, so you just need to fill those out and I will notarize those. So now our Board is official and we can move on to the next item.

SECOND ORDER OF BUSINESS Roll Call

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

THIRD ORDER OF BUSINESS Audience Comments (*Related to Right to Speak Statue Changes*)

Mr. Hans: Item No. 3 is audience comments, which obviously we have no audience here yet for any comments.

FOURTH ORDER OF BUSINESS Organizational Matters

A. Consideration of Resolution #2017-01 Canvassing and Certifying the Results of the Landowners Election

Mr. Hans: Moving on to our organizational matters, there's a resolution in the agenda packages, resolution #2017-01 canvassing and certifying the results of the our landowners election, and in your packet that resolution is filled in and Darren Gowens had received 675 votes, Derek Citino 675 votes and Maston Crapps received 674 votes so therefore, Darren and Derek will serve 4 year terms and Maston will serve a 2 year term. So a motion approving that resolution would be in order.

On MOTION by Mr. Citino seconded by Mr. Gowens with all in favor, Resolution #2017-01 canvassing and certifying the results of the landowners election was approved.

B. Consideration of Appointment of Supervisor to Fill Unexpired Term of Office (Seat #1 -11/2018)

C. Oath of Office for Newly Appointed Supervisor

Mr. Hans: There is one vacancy on the Board, seat #1 so if you have anybody you want to put on the Board you can do that.

Mr. Citino: Is Mikel on the Board right now?

Mr. Hans: Yes.

Mr. Citino: So we don't have anybody to put on the Board in the other seat right now, so just 4 seats right?

Mr. Hans: Yes and we only need 3 to get a quorum so with 4 we're good.

Mr. Citino: Ok.

Mr. Hans: If you have someone else to put on we can do that.

Mr. Citino: Ok so we're good right now.

Mr. Hans: Ok so we'll table this item.

D. Consideration of Resolution #2017-02 Electing Officers

Mr. Hans: So whenever we do have an election or appointment of our Supervisors we have to look at our slate of officers. Our current slate is Darren Gowens is chairman, Derek Citino as vice chairman, Maston Crapps is an assistant secretary and Mikel if you want to add him as an assistant secretary, and then we have Patti Powers is treasurer, myself, Rich Hans as secretary and Paul Winkeljohn as an assistant secretary. So if that slate is good with everybody, a motion approving resolution #2017-02 electing that slate of officers would be in order.

On MOTION by Mr. Citino seconded by Mr. Gowens with all in favor, Resolution #2017-02 electing officers keeping the same slate of officers and adding Mikel Denton as an assistant secretary was approved.

FIFTH ORDER OF BUSINESS

Approval of the Minutes of the August 26, 2016 Meeting

Mr. Hans: The next item we have approval of our minutes from our August 26, 2016 meeting. If there are any comments on the minutes we can take those, any corrections, additions or deletions.

Mr. Citino: None.

Mr. Hans: Then a motion approving those minutes would be in order.

On MOTION by Mr. Gowens seconded by Mr. Denton with all in favor, the Minutes of the August 26, 2016 Meeting were approved.

SIXTH ORDER OF BUSINESS

Consideration of Resolution #2017-03 Approving the Proposed Fiscal Year 2018 Budget and Setting the Public Hearing

Mr. Hans: Then the main item of why we're here today is for starting the budget process and as you're familiar we propose a budget and at least 60 days later we come back and have a public hearing for the purposes of adopting the budget. In your packet is the resolution that will set the public hearing date and time and then behind that is a copy of the proposed budget. The budget is basically identical to what we've been operating under.

Mr. Citino: Yes.

Mr. Hans: So the next thing we need to do, just looking at the dates for the hearing so have at be at least 60 days out so our June meeting is too soon, so it's either July 7th or August 4th is our next two meetings. So we could try July 7th is pretty close to the 4th of July holiday.

Mr. Citino: Let's see, the 4th of July falls on a Tuesday, so the 7th would be that Friday, or we could do August you said?

Mr. Hans: August 4th.

Mr. Citino: Ok August 4th, which would be the first week of August. What do you guys think, shoot for August, or is August bad?

Mr. Gowens: Usually the first Fridays of the month are bad, my kids always have something that's going on in the evenings.

Mr. Citino: Ok.

Mr. Gowens: But we could do it, around July 4th is always bad, especially when the 4th is in the middle of the week because you don't know if people are going to take off the week before or the week after.

Mr. Citino: Yes, so you think we should put it to August then?

Mr. Gowens: Yes, we can just do the 4th.

Mr. Cintino: Ok.

Mr. Hans: Perfect so we'll fill in the resolution with August 4th at 11:00 a.m. at this location and that approves the form of the proposed budget that's attached, so by approving resolution #2017-03 will set that public hearing for August 4th at 11:00 a.m.

On MOTION by Mr. Citino seconded by Mr. Denton with all in favor, Resolution #2017-03 approving the proposed Fiscal Year 2018 Budget and setting the Public Hearing on August 4, 2017 at 11:00 a.m. at 4760 Helen Hauser Blvd., Titusville, Florida was approved.

SEVENTH ORDER OF BUSINESS

Acceptance of Audit for Fiscal Year Ending September 30, 2016

Mr. Hans: Next, there's an audit report in your packet so item No. 7 is the acceptance of the audit, no I apologize it's not in your packets.

Mr. Citino: Alright I brought this one actually, it was a separate item.

Mr. Hans: Ok, and the letter coming back from the auditor is basically saying that they didn't find anything that was out of the ordinary or any misconduct or any fraud or anything, so it's a clean audit. So you just need to accept it into the records of the District.

Mr. Citino: Ok.

On MOTION by Mr. Citino seconded by Mr. Gowens with all in favor, the audit for Fiscal Year ending September 30, 2016 was approved.

EIGHTH ORDER OF BUSINESS Staff Reports

Mr. Hans: Moving on to staff reports, under attorney, anything for us today Roy?

A. Attorney

Mr. Van Wyk: No, nothing to report on.

Mr. Hans: Ok, thank you.

B. Engineer

Mr. Hans: Alright, we have no engineer here today for any report.

C. Manager

Mr. Hans: Under the manager, nothing to report, but we will meet on August 4th when we have our public hearing, that should be our next meeting unless something unusual comes up.

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

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

Mr. Citino: No.

Mr. Hans: Ok, and as I mentioned there's no audience here today.

TENTH ORDER OF BUSINESS Financial Reports

A. Approval of Funding Requests #64 & #65, #66, #67, #68 & #69

B. Balance Sheet and Income Statement

Mr. Hans: Item No. 10 we have our financial reports and funding requests and the balance sheet and income statement. If there are any comments or questions we can take those, and if not, a motion accepting those would be in order.

On MOTION by Mr. Citino seconded by Mr. Gowens with all in favor, Funding Requests #64 through #69 and the balance sheet and income statement were approved.

ELEVENTH 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 2017-04

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 2017/2018; AMENDING RESOLUTION 2017-03; AND RATIFYING THE ACTIONS OF THE DISTRICT MANAGER IN RE-SCHEDULING THE PUBLIC HEARING TO SEPTEMBER 15, 2017.

WHEREAS, the District Manager has heretofore prepared and submitted a proposed budget to the Board for Fiscal Year 2017/2018; and

WHEREAS, the Board of Supervisors considered said proposed budget and approved Resolution 2017-03 approving the budget for the Willow Creek Community Development District (the "District") and set the public hearing thereon for August 4, 2017; and

WHEREAS, on August 4, 2017, 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 September 15, 2017, 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 2017-03 is hereby amended to change the date of the public hearing on the adoption of the proposed Fiscal Year 2017/2018 budget to:

Date: September 15, 2017
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 2017/2018 are hereby ratified.

Adopted this 15th day of September, 2017.

**WILLOW CREEK COMMUNITY
DEVELOPMENT DISTRICT**

ATTEST:

Secretary/Assistant Secretary

By: _____
Its: _____

*Proposed Budget
Fiscal Year 2018*

*Willow Creek Community
Development District*

September 15, 2017



**Willow Creek
Community Development District**

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Willow Creek

Community Development District

General Fund

Description	Adopted Budget FY 2017	Actual Thru 7/31/2017	Projected Next 2 Months	Total Projected 9/30/2017	Proposed Budget FY 2018
Revenues					
Developer Contributions	\$31,211	\$20,320	\$4,479	\$24,799	\$30,995
Total Revenues	\$31,211	\$20,320	\$4,479	\$24,799	\$30,995
Expenditures					
<i>Administrative</i>					
Supervisors	\$1,200	\$1,000	\$800	\$1,800	\$1,200
Fica	\$92	\$77	\$61	\$138	\$92
Engineering	\$2,000	\$0	\$1,000	\$1,000	\$2,000
Attorney	\$5,000	\$930	\$373	\$1,302	\$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	\$15	\$15	\$25
Postage	\$500	\$21	\$80	\$101	\$300
Insurance	\$5,794	\$5,457	\$0	\$5,457	\$6,003
Printing & Binding	\$500	\$113	\$100	\$213	\$300
Legal Advertising	\$2,500	\$973	\$250	\$1,223	\$2,500
Other Current Charges	\$350	\$383	\$56	\$439	\$350
Office Supplies	\$50	\$15	\$20	\$35	\$50
Dues, Licenses & Subscriptions	\$175	\$175	\$0	\$175	\$175
Website Compliance	\$500	\$417	\$83	\$500	\$500
Total Administrative	\$31,211	\$20,294	\$4,505	\$24,799	\$30,995
Net Change in Fund Balance	\$0	\$26	(\$26)	\$0	\$0

Willow Creek

COMMUNITY DEVELOPMENT DISTRICT

GENERAL FUND BUDGET
FISCAL YEAR 2018

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 2018

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 2017-05

THE ANNUAL APPROPRIATION RESOLUTION OF THE WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2017, AND ENDING SEPTEMBER 30, 2018; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager has, prior to the fifteenth (15th) day in June, 2017, submitted to the Board of Supervisors (“**Board**”) of the Willow Creek Community Development District (“**District**”) proposed budget (“**Proposed Budget**”) for the fiscal year beginning October 1, 2017 and ending September 30, 2018 (“**Fiscal Year 2017-2018**”) 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 September 15, 2017, 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; and

WHEREAS, Section 190.008(2)(a), *Florida Statutes*, requires that, prior to October 1st 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 WILLOW CREEK 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 Willow Creek Community Development District for the Fiscal Year Ending September 30, 2018.”
- 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 2017-2018, the sum of \$30,995 to be raised by the levy of assessments and otherwise, which sum is deemed by the Board 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	\$30,995
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SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within Fiscal Year 2017-2018 or within 60 days following the end of the Fiscal Year 2017-2018 may amend its Adopted Budget for that fiscal year as follows:

- 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, *Florida Statutes*, among other applicable laws. Among other procedures, the District Manager or Treasurer must ensure that any amendments to budget under subparagraphs c. and d. 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 15TH DAY OF SEPTEMBER, 2017.

ATTEST:

**WILLOW CREEK COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

By: _____

Its: _____

WILLOW CREEK COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2017-2018 FUNDING AGREEMENT

This agreement (“**Agreement**”) is made and entered into this 15th day of September, 2017, by and between:

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

KB Home Jacksonville LLC, a Delaware limited liability company and a landowner in the District (hereinafter "**Developer**") with an address of 10475 Fortune Parkway #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; 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 (“**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 beginning October 1, 2017 and ending September 30, 2018 (“**Fiscal Year 2017/2018 Budget**”); and

WHEREAS, this Fiscal Year 2017/2018 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 Fiscal Year 2017/2018 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 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 Fiscal Year 2017/2018 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 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 Fiscal Year 2017/2018 Budget" in the public records of Brevard County, Florida ("**County**"), 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 Fiscal Year 2017/2018 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 the County. 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, *Florida Statutes*, 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 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 Delaware limited liability company

Witness

By: KB Home Florida LLC
Its: Managing Member

By: KB Home
Its: Managing Member

BY: _____
ITS: _____

EXHIBIT A: Property Description
EXHIBIT B: Fiscal Year 2017/2018 Budget

RECEIVED APR 19 2017



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 17, 2017

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

Dear Ms. McConnell:

I am writing in response to your request of April 3, 2017 requesting the number of registered voters within the afore-mentioned community.

Please be advised our records indicate there are 0 registered voters as of April 15, 2017.

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

**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 2018** 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 06, 2017
November 03, 2017
December 01, 2017
January 05, 2018
February 02, 2018
March 02, 2018
April 06, 2018
May 04, 2018
June 01, 2018
July 06, 2018
August 03, 2018
September 07, 2018

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."

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

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
260451	2016	Citino, Derek	• Willow Creek Community Development District-Board of Supervisors	Form 1 with Nassau County SOE	☑ 07/01/2017	View Filing History
249641	2016	Crapps, Maston	• Glen St. Johns Community Development District-Board of Supervisors • Bannon Lakes Community Development District-Board of Supervisors • Willow Creek Community Development District-Board of Supervisors	Form 1 with Clay County SOE	☑ 07/19/2017	View Filing History
266631	2016	Denton, Mikel	• Willow Creek Community Development District-Board of Supervisors	Form 1 with Bradford County SOE	☑ 09/01/2017	View Filing History
239379	2016	Gowens, Darren	• Willow Creek Community Development District-Board of Supervisors	Form 1 with Saint Johns County SOE	☑ 07/03/2017	View Filing History

[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 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 #70</i>	<i>4/21/2017</i>	<i>\$1,536.59</i>
<i>Funding Request #71</i>	<i>6/13/2017</i>	<i>\$2,729.64</i>
<i>Funding Request #72</i>	<i>7/26/2017</i>	<i>\$911.96</i>
<i>Funding Request #73</i>	<i>8/31/2017</i>	<i>\$6,805.10</i>
<i>Total Funding Request</i>		<i>\$11,983.29</i>

Willow Creek

Community Development District

Funding Request# 71

June 13, 2017

CAPITAL PROJECTS
(1)

PAYEE	GENERAL FUND			
1	Florida Today			
	Inv# 2207470 Legal Advertising	\$	461.52	
2	GMS - So. Florida, LLC			
	Inv# 111 May 2017 Management Services	\$	1,057.32	
	Inv# 112 June 2017 Management Services	\$	877.30	
3	Hopping, Green & Sams			
	Inv# 94145 General Counsel 04/30/2017	\$	333.50	
	TOTAL	\$	2,729.64	\$ -

(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# 72

July 26, 2017

CAPITAL PROJECTS

(1)

PAYEE	GENERAL FUND	
1 <i>GMS - So. Florida, LLC</i> <i>Inv# 113 July 2017 Management Services</i>	\$	875.46
2 <i>Hopping, Green & Sams</i> <i>Inv# 94911 General Counsel 06/30/2017</i>	\$	36.50
TOTAL	\$	911.96
	\$	911.96
	\$	-

(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# 73

August 31, 2017

CAPITAL PROJECTS

(1)

PAYEE	GENERAL FUND			
1 Egis Insurance Advisors, LLC Inv# 6079 FY 2018 Insurance	\$	5,750.00		
2 GMS - So. Florida, LLC Inv# 113 Aug 2017 Management Services	\$	875.60		
3 Hopping, Green & Sams Inv# 95504 General Counsel 07/31/2017	\$	179.50		
TOTAL	\$	6,805.10	\$	6,805.10
			\$	-

(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, 2017

General Fund

ASSETS:

CASH	\$492
DUE FROM CAPITAL	\$20,892
DUE FROM DEVELOPER	\$1,125
TOTAL ASSETS	<u><u>\$22,509</u></u>

LIABILITIES:

ACCOUNTS PAYABLE	\$180
DUE TO DEVELOPER	\$20,892

FUND EQUITY AND OTHER CREDITS:

RETAINED EARNINGS UNRESERVED	\$1,438
TOTAL LIABILITIES & FUND EQUITY & OTHER CREDITS	<u><u>\$22,509</u></u>

WILLOW CREEK
COMMUNITY DEVELOPMENT DISTRICT

General Fund

Statement of Revenues, Expenditures and Changes in Fund Balance

For The Period Ending July 31, 2017

<i>Description</i>	ADOPTED BUDGET	PRORATED BUDGET THRU 07/31/2017	ACTUAL THRU 07/31/2017	VARIANCE
<i>Revenues</i>				
<i>Developer Contributions</i>	\$31,211	\$20,320	\$20,320	\$0
<i>Total Revenues</i>	\$31,211	\$20,320	\$20,320	\$0
<i>Expenditures</i>				
<i>Administrative</i>				
<i>Supervisors</i>	\$1,200	\$1,000	\$1,000	\$0
<i>Fica</i>	\$92	\$77	\$77	\$0
<i>Engineering</i>	\$2,000	\$1,667	\$0	\$1,667
<i>Attorneys Fees</i>	\$5,000	\$4,167	\$930	\$3,237
<i>Auditing</i>	\$2,500	\$2,500	\$2,400	\$100
<i>Management Fees</i>	\$10,000	\$8,333	\$8,333	\$0
<i>Telephone</i>	\$50	\$42	\$0	\$42
<i>Postage</i>	\$500	\$417	\$22	\$395
<i>Insurance</i>	\$5,794	\$5,794	\$5,457	\$337
<i>Printing & Binding</i>	\$500	\$417	\$113	\$304
<i>Legal Advertising</i>	\$2,500	\$2,083	\$973	\$1,110
<i>Other Current Charges</i>	\$350	\$292	\$383	(\$92)
<i>Office Supplies</i>	\$50	\$42	\$15	\$27
<i>Dues, Licenses & Subscriptions</i>	\$175	\$175	\$175	\$0
<i>Website Compliance</i>	\$500	\$417	\$417	\$0
<i>Total Expenditures</i>	\$31,211	\$27,421	\$20,294	\$7,126
<i>Excess Revenues/(Expenditures)</i>	\$0		\$26	
<i>Fund Balance - Beginning</i>	\$0		\$1,413	
<i>Fund Balance - Ending</i>	\$0		\$1,438	