

ORANGE BRANCH

**COMMUNITY DEVELOPMENT
DISTRICT**

June 17, 2024

**BOARD OF SUPERVISORS
PUBLIC HEARINGS
AND REGULAR
MEETING AGENDA**

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

AGENDA

LETTER

Orange Branch Community Development District
OFFICE OF THE DISTRICT MANAGER
2300 Glades Road, Suite 410W•Boca Raton, Florida 33431
Phone: (561) 571-0010•Toll-free: (877) 276-0889•Fax: (561) 571-0013

June 10, 2024

Board of Supervisors
Orange Branch Community Development District

Dear Board Members:

The Board of Supervisors of the Orange Branch Community Development District will hold Public Hearings and a Regular Meeting on June 17, 2024 at 11:00 a.m., at the St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Public Hearing Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District's Jurisdictional Boundaries that May or Shall Be Subject to the Levy of District Non-Ad Valorem Assessments; Providing for Severability; Providing for Conflict and Providing for an Effective Date
 - A. Affidavit/Proof of Publication
 - B. Consideration of Resolution 2024-35, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Orange Branch Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date
4. Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements
 - *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*

ATTENDEES:

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

- *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.*
 - A. Affidavit/Proof of Publication
 - B. Mailed Notice to Property Owner(s)
 - C. Engineer's Report *(for informational purposes)*
 - D. Master Special Assessment Methodology Report *(for informational purposes)*
 - E. Consideration of Resolution 2024-36, Authorizing District Projects for Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming, and Levying Special Assessments on Property Specially Benefited by Such Projects to Pay the Cost Thereof; Providing for the Payment and the Collection of Such Special Assessments by the Methods Provided for by Chapters 170, 190, and 197, Florida Statutes; Confirming the District's Intention to Issue Special Assessment Bonds; Making Provisions for Transfers of Real Property to Governmental Bodies; Providing for the Recording of an Assessment Notice; Providing for Severability, Conflicts and an Effective Date
5. Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Amenity Rules, Amenity Rates, and Disciplinary Rule Pursuant to Sections 120.54 and 190.035, Florida Statutes
- A. Affidavits of Publication
 - B. Consideration of Resolution 2024-37, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date
 - C. Consideration of Resolution 2024-38, Adopting a Suspension and Termination Rule; Adopting Rates, Fees and Charges; Providing a Severability Clause; and Providing an Effective Date
6. Public Hearing on Adoption of Fiscal Year 2023/2024 and Fiscal Year 2024/2025 Budgets
- A. Affidavit of Publication
 - B. Consideration of Resolution 2024-39, Relating to the Annual Appropriations and Adopting the Budget for the Remainder of the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Adopting the Budget for the Fiscal Year Beginning October 1, 2024, and Ending September 30, 2025; Authorizing Budget Amendments; and Providing an Effective Date
7. Acceptance of Unaudited Financial Statements as of April 30, 2024

8. Approval of Minutes

- A. April 10, 2024 Landowners Meeting
- B. April 10, 2024 Organizational Meeting

9. Staff Reports

- A. District Counsel: *Kilinski | Van Wyk PLLC*
- B. District Engineer (Interim): *England-Thims & Miller, Inc.*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*

- NEXT MEETING DATE: July 15, 2024 at 11:00 AM

○ QUORUM CHECK

SEAT 1	JUSTIN DUDLEY	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 2	C AUSTEN ROBERTS	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 3	TAYLOR LARZA	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 4	ZACH DECKER	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No
SEAT 5		<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> No

10. Board Members' Comments/Requests

11. Public Comments

12. Adjournment

If you should have any questions or concerns, please do not hesitate to contact me directly at (561) 719-8675 or Ernesto Torres at (904) 295-5714.

Sincerely,



Craig Wrathell
District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE

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

PARTICIPANT PASSCODE: 413 553 5047

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

3A

LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Daphne Gillyard
Orange Branch CDD C/O District Manager
2300 Glades RD # 410
Boca Raton FL 33431-7386

STATE OF WISCONSIN, COUNTY OF BROWN

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

05/20/2024, 05/28/2024, 06/03/2024, 06/10/2024

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

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 06/10/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$497.04

Tax Amount: \$0.00

Payment Cost: \$497.04

Order No: 10190418

Customer No: 1403114

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT NOTICE OF THE DISTRICT'S INTENT TO USE THE UNIFORM METHOD OF COLLECTION OF NON-AD VALOREM SPECIAL ASSESSMENTS

Notice is hereby given that the Orange Branch Community Development District ("District") intends to use the uniform method of collecting non-ad valorem special assessments to be levied by the District pursuant to Section 197.3632, Florida Statutes. The Board of Supervisors of the District will conduct a public hearing on June 17, 2024, at 11:00 a.m., at the St. Johns County Service Center, Julianston Creek Branch Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259.

The purpose of the public hearing is to consider the adoption of a resolution authorizing the District to use the uniform method of collecting non-ad valorem special assessments ("Uniform Method") to be levied by the District on properties located on land included within the District.

The District may levy non-ad valorem special assessments for the purpose of financing, acquiring, maintaining and/or operating community development facilities, services and improvements within and without the boundaries of the District, which may consist of, among other things, recreational facilities, stormwater management improvements, roadways, irrigation, landscape, roadways, and other lawful improvements or services within or without the boundaries of the District.

Owners of the properties to be assessed and other interested parties may appear at the public hearing and be heard regarding the use of the Uniform Method. This hearing is open to the public and will be conducted in accordance with the provisions of Florida law. The public hearing may be continued to a date, time, and location to be specified on the record at the hearing.

There may be occasions when Supervisors or District Staff may participate by speaker telephone. Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Office, c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida, 33431, (561) 571-0010, at least three (3) business days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Office.

A person who decides to appeal any decision made at the hearing with respect to any matter considered at the hearing 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.

Craig Wrathell
District Manager
Pub: 5/20, 5/28, 6/3, 6/10/24: #10190418

RYAN SPELLER
Notary Public
State of Wisconsin

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

3B

RESOLUTION 2024-35

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT EXPRESSING ITS INTENT TO UTILIZE THE UNIFORM METHOD OF LEVYING, COLLECTING, AND ENFORCING NON-AD VALOREM ASSESSMENTS WHICH MAY BE LEVIED BY THE ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT IN ACCORDANCE WITH SECTION 197.3632, *FLORIDA STATUTES*; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Orange Branch Community Development District (“**District**”) was established pursuant to the provisions of Chapter 190, *Florida Statutes*, which authorizes the District to levy certain assessments which include benefit and maintenance assessments and further authorizes the District to levy special assessments pursuant to Chapters 170 and 197, *Florida Statutes*, for the acquisition, maintenance, construction, or reconstruction of assessable improvements authorized by Chapter 190, *Florida Statutes*; and

WHEREAS, the above referenced assessments are non-ad valorem in nature and, therefore, may be levied and collected under the provisions of Section 197.3632, *Florida Statutes*, in which the State of Florida has provided a uniform method for the levying, collecting, and enforcing such non-ad valorem assessments (the “**Uniform Method**”); and

WHEREAS, the Board has previously adopted a resolution declaring the intent to use the Uniform Method for the levy, collection and enforcement of non-ad valorem special assessments authorized by Section 197.3632, *Florida Statutes*, over certain lands within the District as described therein; and

WHEREAS, pursuant to Section 197.3632, *Florida Statutes*, the District has caused notice of a public hearing on the District’s intent to use the Uniform Method to be advertised weekly in a newspaper of general circulation within St. Johns County for four (4) consecutive weeks prior to such hearing; and

WHEREAS, the District has held a public hearing pursuant to Section 197.3632, *Florida Statutes*, where public and landowners were allowed to give testimony regarding the use of the Uniform Method; and

WHEREAS, the District desires to use the Uniform Method for the levy, collection and enforcement of non-ad valorem special assessments authorized by Section 197.3632, *Florida Statutes*, for special assessments, including benefit and maintenance assessments, over all the lands in the District as further described in **Exhibit A**.

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

SECTION 1. The Orange Branch Community Development District upon conducting its public hearing as required by Section 197.3632, *Florida Statutes*, hereby expresses its need and intent to use the Uniform Method of collecting assessments imposed by the District over the lands described in **Exhibit A**, as provided in Chapters 170 and 190, *Florida Statutes*, each of which are non-ad valorem assessments may be collected annually pursuant to the provisions of Chapter 190, *Florida Statutes*, for the purpose of paying principal and interest on any and all of its indebtedness and for the purpose of paying the cost of operating and maintaining its assessable improvements. The legal description of the boundaries of the real property subject to a levy of assessments is attached and made a part of this Resolution as **Exhibit A**. The non-ad valorem assessments and the District's use of the Uniform Method of collecting its non-ad valorem assessment(s) may continue in any given year when the Board of Supervisors determines that use of the uniform method for that year is in the best interests of the District.

SECTION 2. The District's Secretary is authorized to provide the Property Appraiser and Tax Collector of St. Johns County and the Department of Revenue of the State of Florida with a copy of this Resolution and enter into any agreements with the Property Appraiser and/or Tax Collector necessary to carry out the provisions of this Resolution.

SECTION 3. If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 4. This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 17th day of June, 2024.

ATTEST:

**ORANGE BRANCH COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Legal Description of Orange Branch Community Development District

EXHIBIT A
Legal Description of Orange Branch Community Development District

A portion of Section 44 of the Francis P. Fatio Grant, Township 5 South, Range 26 East, together with a portion of Section 39 of the Francis P. Fatio Grant, Township 5 South, Range 27 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the Southwesterly corner of Lot 60, as depicted on Greenbriar Section One, a plat recorded in Map Book 14, pages 57 and 58, of the Public Records of said county, said corner lying on the Westerly line of said Greenbriar Section One; thence South 00°00'19" West, along said Westerly line, 2196.01 feet to the Southwesterly corner thereof and the Point of Beginning.

From said Point of Beginning, thence Easterly along the Southerly line of said Greenbriar Section One the following 4 courses: Course 1, thence North 81°27'44" East, departing said Westerly line, 265.83 feet; Course 2, thence North 71°08'42" East, 576.79 feet; Course 3, thence North 68°03'47" East, 705.28 feet; Course 4, thence South 76°29'16" East, 385.65 feet to the Southeasterly corner thereof; thence South 76°27'59" East, along the Southerly line of Bartram Ranch-Phase 2, a plat recorded in Map Book 103, pages 73 through 79, of said Public Records, a distance of 666.42 feet; thence South 06°02'36" West, continuing along said Southerly line of Bartram Ranch-Phase 2 and along the boundary line of those lands described in School Concurrency Proportionate Share Mitigation Agreement, recorded in Official Records Book 3293, page 1236, of the Public Records of said county, 701.43 feet; thence along the boundary line of said School Concurrency Proportionate Share Mitigation Agreement the following 6 courses: Course 1, thence South 12°30'53" West, 346.83 feet; Course 2, thence South 03°10'59" West, 708.00 feet; Course 3, thence South 03°09'59" East, 112.14 feet; Course 4, thence South 87°26'15" East, 2542.66 feet; Course 5, thence North 06°30'08" West, 1167.26 feet to the point of curvature of a curve concave Easterly having a radius of 310.00 feet; Course 6, thence Northerly along the arc of said curve, through a central angle of 19°28'59", an arc length of 105.41 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 03°14'22" East, 104.91 feet; thence North 12°58'51" East, continuing along said boundary line and along the Easterly line of those lands described and recorded in Official Records Book 4689, page 1620, of said Public Records, 1265.91 feet to the point of curvature of a curve concave Southwesterly having a radius of 315.00 feet; thence Northwesterly, continuing along said Easterly line and along the arc of said curve, through a central angle of 90°00'00", an arc length of 494.80 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 32°01'09" West, 445.48 feet; thence North 77°01'09" West, continuing along said Easterly line, 315.00 feet to a point lying on the Easterly line of Bartram Ranch-Phase 1A and 1B, a plat recorded in Map Book 99, pages 52 through 62, of said Public Records; thence North 12°58'51" East, departing said Easterly line of Official Records Book 4689, page 1620, and along said Easterly line of Bartram Ranch-Phase 1A and 1B, a distance of 1127.10 feet to its intersection with the Southerly right of way line of Greenbriar Road (County Road No. 11), a variable width right of way as presently established; thence Easterly along said Southerly right of way line the following 3 courses: Course 1, thence South 77°11'27" East, departing said Easterly line, 571.02 feet; Course 2, thence North

12°48'33" East, 17.00 feet; Course 3, thence South 77°11'27" East, 703.15 feet to the Northwestern corner of those lands described and recorded in Official Records Book 3350, page 580, of said Public Records; thence along the boundary line of said Official Records Book 3350, page 580, the following 26 courses: Course 1, thence South 13°53'42" West, departing said Southerly right of way line, 766.61 feet; Course 2, thence North 47°42'40" East, 64.29 feet; Course 3, thence North 38°52'53" East, 51.64 feet; Course 4, thence North 48°20'37" East, 157.06 feet; Course 5, thence North 83°30'42" East, 69.02 feet; Course 6, thence South 81°01'57" East, 53.04 feet; Course 7, thence South 40°22'47" East, 74.35 feet; Course 8, thence South 11°32'49" East, 98.86 feet; Course 9, thence South 25°14'18" West, 66.75 feet; Course 10, thence South 55°13'46" West, 49.22 feet; Course 11, thence North 79°46'14" West, 69.61 feet; Course 12, thence North 75°44'32" West, 66.50 feet; Course 13, thence North 89°46'43" West, 76.62 feet; Course 14, thence South 58°36'50" West, 61.55 feet; Course 15, thence South 48°14'03" West, 54.25 feet; Course 16, thence South 78°07'36" West, 40.91 feet; Course 17, thence South 13°53'42" West, 89.54 feet; Course 18, thence South 76°42'29" East, 750.95 feet; Course 19, thence North 13°17'31" East, 13.86 feet; Course 20, thence North 39°30'39" East, 110.52 feet; Course 21, thence North 59°05'53" East, 107.59 feet; Course 22, thence North 69°59'48" East, 66.45 feet; Course 23, thence North 64°19'06" East, 104.92 feet; Course 24, thence North 41°22'33" East, 165.79 feet; Course 25, thence North 43°27'00" East, 225.21 feet; Course 26, thence North 00°13'17" East, 9.11 feet to a point lying on the Southerly line of Parcel 5B, as described and recorded in Official Records Book 1389, page 1335, of said Public Records; thence South 77°11'27" East, departing said boundary line and along said Southerly line, 73.27 feet to the Southeasterly corner of said Parcel 5B; thence North 12°48'33" East, along the Easterly line of said Parcel 5B, 331.00 feet to the Northeasterly corner thereof, said corner lying on said Southerly right of way line of Greenbriar Road; thence South 77°11'27" East, along said Southerly right of way line, 2453.77 feet to the Northwestern corner of Parcel G, as described and recorded in Official Records Book 807, page 564, of said Public Records; thence South 12°48'12" West, departing said Southerly right of way line, along the Westerly line of said Parcel G, along the Westerly line of those lands described and recorded in Official Records Book 2471, page 683, along the boundary line of Parcel "A", as described and recorded in Official Records Book 3863, page 1633, and along the Westerly line of Tract "C-1", as depicted on Enclave at Rivertown-Phase Two-A, a plat recorded in Map Book 83, pages 10 through 31, all of said Public Records, a distance of 5247.50 feet to an angle point on said Westerly line of Tract "C-1"; thence South 75°55'11" West, continuing along said Westerly line of Tract "C-1", along the Northerly line of Arbors at Rivertown-Phase One, a plat recorded in Map Book 101, pages 52 through 68, of said Public Records, and along said boundary line of Parcel "A", a distance of 3755.76 feet; thence North 77°09'43" West, continuing along said boundary line, 4900.05 feet; thence North 00°00'19" East, continuing along said boundary line, 3712.61 feet to the Point of Beginning.

Containing 963.43 acres, more or less.

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

4A

LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Daphne Gillyard
Daphne Gillyard
Orange Branch CDD C/O District Manager
2300 Glades RD # 410
Boca Raton FL 33431-7386

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the St Augustine Record, published in St Johns County, Florida; that the attached copy of advertisement, being a Classified Legal CLEGL, was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

05/23/2024, 05/30/2024

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

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 05/30/2024

Legal Clerk

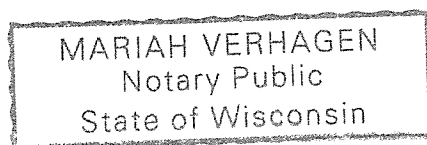
Notary, State of WI, County of Brown

My commission expires

Publication Cost:	\$1960.40	
Order No:	10201540	# of Copies:
Customer No:	1403114	1
PO #:		

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ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT



**ORANGE BRANCH COMMUNITY
DEVELOPMENT DISTRICT**
/s/ Justin Dudley
Chair/Vice Chair, Board of Supervisors

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

4B

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

AFFIDAVIT OF MAILING

BEFORE ME, the undersigned authority, this day personally appeared Curtis Marcoux, who by me first being duly sworn and deposed says:

1. I am over eighteen (18) years of age and am competent to testify as to the matters contained herein. I have personal knowledge of the matters stated herein.
2. I, Curtis Marcoux, am employed by Wrathell, Hunt and Associates, LLC, and, in the course of that employment, serve as Financial Analyst for the Orange Branch Community Development District.
3. Among other things, my duties include preparing and transmitting correspondence relating to the Orange Branch Community Development District.
4. I do hereby certify that on May 16, 2024, and in the regular course of business, I caused letters, in the forms attached hereto as **Exhibit A**, to be sent via United States Mail notifying affected landowner(s) in the Orange Branch Community Development District of their rights under Chapter 170, 190 and 197, *Florida Statutes*, with respect to the District's anticipated imposition of assessments. I further certify that the letters were sent to the addressees identified in **Exhibit B** and in the manner identified in **Exhibit A**.
5. I have personal knowledge of having sent the letters to the addressees, and those records are kept in the course of the regular business activity for my office.

FURTHER AFFIANT SAYETH NOT.


By: Curtis Marcoux, Financial Analyst

SWORN AND SUBSCRIBED before me by means of ☒ physical presence or ☐ online notarization this 16th day of May 2024, by Curtis Marcoux, for Wrathell, Hunt and Associates, LLC, who ☒ is personally known to me or ☐ has provided _____ as identification, and who ☐ did or ☒ did not take an oath.



DAPHNE GILLYARD
Notary Public
State of Florida
Comm# HH390392
Expires 8/20/2027

NOTARY PUBLIC



Print Name: Daphne Gillyard
Notary Public, State of Florida
Commission No.: HH390392
My Commission Expires: 8/20/2027

EXHIBIT A: Mailed Notice
EXHIBIT B: List of Addressees

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

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PS Form

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 MAY 16 2024
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Jacksonville, FL 32258-0000

9589 0710 5270 0163 1248 48

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Pos \$

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 MAY 16 2024
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GREENBRIAR LAND HOLDINGS, LLC
PO BOX 238
LAKE BUTLER, FL 32054-0000

9589 0710 5270 0163 1248 31

Orange Branch Community Development District

OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone: (561) 571-0010 • Toll-free: (877) 276-0889 • Fax: (561) 571-0013

Via First Class U.S. Mail and Email

May 16, 2024

Greenbriar Land Holdings, LLC
PO BOX 238
Lake Butler, FL 32054-0000

**RE: *Orange Branch Community Development District
Notice of Hearing on Assessments to Property
See attached Legal Description (Exhibit A)***

Dear Property Owner:

You are receiving this notice because St. Johns County records indicate that you are a property owner within the Orange Branch Community Development District ("**District**"). The District is a special-purpose unit of local government that was established pursuant to Chapter 190, *Florida Statutes*. The property that you own that is the subject of this notice is identified in the description attached as **Exhibit A**.

At the April 10, 2024, meeting of the District's Board of Supervisors ("**Board**"), the District approved the *Engineer's Report – Orange Branch Community Development District*, dated April 10, 2024 ("**Engineer's Report**"). A copy of the Engineer's Report is attached hereto as **Exhibit B**. The Engineer's Report describes various infrastructure improvements being considered by the Board which may be built or acquired by the District that benefit lands within the District, including but not limited to roadways, utilities, earthwork/demolition, stormwater management, landscaping/pedestrian improvements, signage/lighting, conservation, and Professional Fees as more specifically described in the Engineer's Report ("**Improvements**"). The Engineer's Report estimates that the total cost of the Improvements for the District's entire CIP, including contingency, is **\$127,535,000**.

As a property owner of assessable land within the District, the District is considering assessing your property to fund the Improvements in the manner set forth in the District's *Master Assessment Methodology for Orange Branch Community Development District*, dated April 10, 2024, a copy of which is attached hereto as **Exhibit C ("Assessment Report")**. The Assessments will defray up to approximately **\$174,840,000**, which includes the cost of the Improvements, plus financing-related costs, capitalized interest and a debt service reserve.

The purpose of any such assessment is to secure the bonds anticipated to be issued to finance the Improvements. As described in more detail in the Assessment Report, the District's assessments will ultimately be levied against all benefitted lands within the District. The Assessment Report identifies the physical area contained within the District and assessment for the property that is expected to be assessed. Initially, the allocation of assessments for the Improvements to be funded by the District will be determined on an equal pro-rata gross acre basis. As land is platted, the allocation of assessments will be determined on a first-platted, first-

assessed basis within the District, which will be assigned to those properties at the per-unit amounts as follows, based on each property type's Equivalent Residential Unit ("ERU") factor, and as explained in more detail in the Assessment Report ("**Maximum Assessments**"):

Land Use	Total # of Units/Acres	ERU Factor	Proposed Maximum Principal Per Unit/Acre	Proposed Maximum Annual Assessment Per Unit*
SF 30'	61	0.70	\$84,639.00	\$7,998.15
SF 50'	682	1.00	\$120,912.86	\$11,425.94
SF 60'	223	1.20	\$145,095.44	\$13,711.12
SF 65'	349	1.30	\$157,186.72	\$14,853.72

** Includes costs of collection and early payment discounts when collected on the County tax bill. All amounts stated herein are subject to change and/or final determination at the public hearings and meeting identified above. Specific maximum amounts expected per parcel or product type are as set forth in the Assessment Report.*

The total maximum assessment amount to be levied against each parcel, and the number of units contained within each parcel, is detailed in the Assessment Report, as such Assessment Report may be amended at the below referenced hearing. The total revenue that the District will collect by these assessments is anticipated to be **\$174,840,000**, exclusive of anticipated fees and costs of collection and enforcement, discounts for early payment, and the annual interest costs of the debt issued to finance the Improvements. The maximum annual revenue that the District will collect by these assessments is anticipated to be **\$16,521,906.27**, inclusive of anticipated fees and costs of collection and enforcement, discounts for early payment, and the annual interest costs, to be collected in not more than thirty (30) annual installments. The total assessment amount to be levied against property that you own is reflected on the preliminary assessment roll attached to the Assessment Report.


The assessments may appear on your regular tax bill issued by the Charlotte County Tax Collector. However, the District may in its discretion at any time choose instead to directly collect these assessments. As provided in the Assessment Report, the assessments will constitute a lien against your property that may be prepaid in accordance with Chapter 170, *Florida Statutes*, or may be paid in not more than thirty (30) annual installments. The failure to pay any assessments collected on the tax roll will cause a tax certificate to be issued against your property within the District which may result in a loss of title. Alternatively, if the assessments are directly collected, the failure to pay such direct bill invoice may result in the District pursuing a foreclosure action, which may result in a loss of title.

Notwithstanding the description of the Maximum Assessments herein, landowners will not have a payment obligation until the issuance of bonds, at which time the fixed assessment amounts securing those bonds, as well as a collection protocol, will be determined. The fixed assessment amounts will be determined at a public meeting, pursuant to a supplemental assessment resolution, engineer's report and methodology but will in no event exceed the Maximum Assessments noticed herein. Please note that the preceding statement only applies to capital (debt) assessments and shall have no effect on the ability of the District to levy assessments and collect payments related to the operation and maintenance of the District.

In accordance with Chapters 170, 190 and 197, *Florida Statutes*, this letter is to notify you that a public hearing for the above-mentioned assessments will be held on **June 17, 2024 at 11:00 a.m., or as soon thereafter as the matter may be heard, at the St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259**. At this hearing, the Board will sit as an equalizing board to hear and consider testimony from any interested property owners as to the propriety and advisability of making the Improvements, or some phase thereof, as to the cost thereof, as to the manner of payment thereof, and as to the amount thereof to be assessed against each property so improved. All affected property owners have a right to appear at the hearing and to file written objections with the Board within twenty (20) days of this notice.

Information concerning the assessments and copies of applicable documents are on file and available during normal business hours at the District Manager's Office: Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010. You may appear at the hearing or submit your comments in advance to the attention of the District Manager at its address above.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Wrathell", is written over a horizontal line.

Craig Wrathell
District Manager

Enclosures:

Exhibit A: Legal description of the Property

Exhibit B: Engineer's Report – Orange Branch Community Development District, dated April 10, 2024

Exhibit C: Master Assessment Methodology for Orange Branch Community Development District, dated April 10, 2024

Orange Branch Community Development District

OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone: (561) 571-0010 • Toll-free: (877) 276-0889 • Fax: (561) 571-0013

Via First Class U.S. Mail and Email

May 16, 2024

Pulte Home Company, LLC
12724 Gran Bay PKWY W STE 200
Jacksonville, FL 32258-0000

**RE: *Orange Branch Community Development District
Notice of Hearing on Assessments to Property
See attached Legal Description (Exhibit A)***

Dear Property Owner:

You are receiving this notice because St. Johns County records indicate that you are a property owner within the Orange Branch Community Development District (“**District**”). The District is a special-purpose unit of local government that was established pursuant to Chapter 190, *Florida Statutes*. The property that you own that is the subject of this notice is identified in the description attached as **Exhibit A**.

At the April 10, 2024, meeting of the District’s Board of Supervisors (“**Board**”), the District approved the *Engineer’s Report – Orange Branch Community Development District*, dated April 10, 2024 (“**Engineer’s Report**”). A copy of the Engineer’s Report is attached hereto as **Exhibit B**. The Engineer’s Report describes various infrastructure improvements being considered by the Board which may be built or acquired by the District that benefit lands within the District, including but not limited to roadways, utilities, earthwork/demolition, stormwater management, landscaping/pedestrian improvements, signage/lighting, conservation, and Professional Fees as more specifically described in the Engineer’s Report (“**Improvements**”). The Engineer’s Report estimates that the total cost of the Improvements for the District’s entire CIP, including contingency, is **\$127,535,000**.

As a property owner of assessable land within the District, the District is considering assessing your property to fund the Improvements in the manner set forth in the District’s *Master Assessment Methodology for Orange Branch Community Development District*, dated April 10, 2024, a copy of which is attached hereto as **Exhibit C (“Assessment Report”)**. The Assessments will defray up to approximately **\$174,840,000**, which includes the cost of the Improvements, plus financing-related costs, capitalized interest and a debt service reserve.

The purpose of any such assessment is to secure the bonds anticipated to be issued to finance the Improvements. As described in more detail in the Assessment Report, the District’s assessments will ultimately be levied against all benefitted lands within the District. The Assessment Report identifies the physical area contained within the District and assessment for the property that is expected to be assessed. Initially, the allocation of assessments for the Improvements to be funded by the District will be determined on an equal pro-rata gross acre basis. As land is platted, the allocation of assessments will be determined on a first-platted, first-

assessed basis within the District, which will be assigned to those properties at the per-unit amounts as follows, based on each property type's Equivalent Residential Unit ("ERU") factor, and as explained in more detail in the Assessment Report ("**Maximum Assessments**"):

Land Use	Total # of Units/Acres	ERU Factor	Proposed Maximum Principal Per Unit/Acre	Proposed Maximum Annual Assessment Per Unit*
SF 30'	61	0.70	\$84,639.00	\$7,998.15
SF 50'	682	1.00	\$120,912.86	\$11,425.94
SF 60'	223	1.20	\$145,095.44	\$13,711.12
SF 65'	349	1.30	\$157,186.72	\$14,853.72

** Includes costs of collection and early payment discounts when collected on the County tax bill. All amounts stated herein are subject to change and/or final determination at the public hearings and meeting identified above. Specific maximum amounts expected per parcel or product type are as set forth in the Assessment Report.*

The total maximum assessment amount to be levied against each parcel, and the number of units contained within each parcel, is detailed in the Assessment Report, as such Assessment Report may be amended at the below referenced hearing. The total revenue that the District will collect by these assessments is anticipated to be **\$174,840,000**, exclusive of anticipated fees and costs of collection and enforcement, discounts for early payment, and the annual interest costs of the debt issued to finance the Improvements. The maximum annual revenue that the District will collect by these assessments is anticipated to be **\$16,521,906.27**, inclusive of anticipated fees and costs of collection and enforcement, discounts for early payment, and the annual interest costs, to be collected in not more than thirty (30) annual installments. The total assessment amount to be levied against property that you own is reflected on the preliminary assessment roll attached to the Assessment Report.

The assessments may appear on your regular tax bill issued by the Charlotte County Tax Collector. However, the District may in its discretion at any time choose instead to directly collect these assessments. As provided in the Assessment Report, the assessments will constitute a lien against your property that may be prepaid in accordance with Chapter 170, *Florida Statutes*, or may be paid in not more than thirty (30) annual installments. The failure to pay any assessments collected on the tax roll will cause a tax certificate to be issued against your property within the District which may result in a loss of title. Alternatively, if the assessments are directly collected, the failure to pay such direct bill invoice may result in the District pursuing a foreclosure action, which may result in a loss of title.

Notwithstanding the description of the Maximum Assessments herein, landowners will not have a payment obligation until the issuance of bonds, at which time the fixed assessment amounts securing those bonds, as well as a collection protocol, will be determined. The fixed assessment amounts will be determined at a public meeting, pursuant to a supplemental assessment resolution, engineer's report and methodology but will in no event exceed the Maximum Assessments noticed herein. Please note that the preceding statement only applies to capital (debt) assessments and shall have no effect on the ability of the District to levy assessments and collect payments related to the operation and maintenance of the District.

In accordance with Chapters 170, 190 and 197, *Florida Statutes*, this letter is to notify you that a public hearing for the above-mentioned assessments will be held on **June 17, 2024 at 11:00 a.m., or as soon thereafter as the matter may be heard, at the St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259**. At this hearing, the Board will sit as an equalizing board to hear and consider testimony from any interested property owners as to the propriety and advisability of making the Improvements, or some phase thereof, as to the cost thereof, as to the manner of payment thereof, and as to the amount thereof to be assessed against each property so improved. All affected property owners have a right to appear at the hearing and to file written objections with the Board within twenty (20) days of this notice.

Information concerning the assessments and copies of applicable documents are on file and available during normal business hours at the District Manager's Office: Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, (561) 571-0010. You may appear at the hearing or submit your comments in advance to the attention of the District Manager at its address above.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Wrathell", is written over a horizontal line.

Craig Wrathell
District Manager

Enclosures:

Exhibit A: Legal description of the Property

Exhibit B: Engineer's Report – Orange Branch Community Development District, dated April 10, 2024

Exhibit C: Master Assessment Methodology for Orange Branch Community Development District, dated April 10, 2024

Exhibit “A”

Bond Assessments in the estimated amount of \$174,840,000.00 are proposed to be levied over the area as described below:

Greenbriar Land Holdings Parcel

A portion of Section 44 of the Francis P. Fatio Grant, Township 5 South, Range 26 East, together with a portion of Section 39 of the Francis P. Fatio Grant, Township 5 South, Range 27 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the Southwesterly corner of Lot 60, as depicted on Greenbriar Section One, a plat recorded in Map Book 14, pages 57 and 58, of the Public Records of said county, said corner lying on the Westerly line of said Greenbriar Section One; thence South 00°00'19" West, along said Westerly line, 2196.01 feet to the Southwesterly corner thereof and the Point of Beginning.

From said Point of Beginning, thence Easterly along the Southerly line of said Greenbriar Section One the following 4 courses: Course 1, thence North 81°27'44" East, departing said Westerly line, 265.83 feet; Course 2, thence North 71°08'42" East, 576.79 feet; Course 3, thence North 68°03'47" East, 705.28 feet; Course 4, thence South 76°29'16" East, 385.65 feet to the Southeasterly corner thereof; thence South 76°27'59" East, along the Southerly line of Bartram Ranch-Phase 2, a plat recorded in Map Book 103, pages 73 through 79, of said Public Records, a distance of 666.42 feet; thence South 06°02'36" West, continuing along said Southerly line of Bartram Ranch-Phase 2 and along the boundary line of those lands described in School Concurrency Proportionate Share Mitigation Agreement, recorded in Official Records Book 3293, page 1236, of the Public Records of said county, 701.43 feet; thence along the boundary line of said School Concurrency Proportionate Share Mitigation Agreement the following 6 courses: Course 1, thence South 12°30'53" West, 346.83 feet; Course 2, thence South 03°10'59" West, 708.00 feet; Course 3, thence South 03°09'59" East, 112.14 feet; Course 4, thence South 87°26'15" East, 2542.66 feet; Course 5, thence North 06°30'08" West, 1167.26 feet to the point of curvature of a curve concave Easterly having a radius of 310.00 feet; Course 6, thence Northerly along the arc of said curve, through a central angle of 19°28'59", an arc length of 105.41 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 03°14'22" East, 104.91 feet; thence North 12°58'51" East, continuing along said boundary line and along the Easterly line of those lands described and recorded in Official Records Book 4689, page 1620, of said Public Records, 1265.91 feet to the point of curvature of a curve concave Southwesterly having a radius of 315.00 feet; thence Northwesterly, continuing along said Easterly line and along the arc of said curve, through a central angle of 90°00'00", an arc length of 494.80 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 32°01'09" West, 445.48 feet; thence North 77°01'09" West, continuing along said Easterly line, 315.00 feet to a point lying on the Easterly line of Bartram Ranch-Phase 1A and 1B, a plat recorded in Map Book 99, pages 52 through 62, of said Public Records; thence North 12°58'51" East, departing said Easterly line of Official Records Book 4689, page 1620, and along said Easterly line of Bartram Ranch-Phase 1A and 1B, a distance of 1127.10 feet to its intersection with the Southerly right of way line of Greenbriar Road (County Road No. 11), a variable width right of way as presently established; thence Easterly along said Southerly right of way line the

following 3 courses: Course 1, thence South 77°11'27" East, departing said Easterly line, 571.02 feet; Course 2, thence North 12°48'33" East, 17.00 feet; Course 3, thence South 77°11'27" East, 703.15 feet to the Northwesterly corner of those lands described and recorded in Official Records Book 3350, page 580, of said Public Records; thence along the boundary line of said Official Records Book 3350, page 580, the following 26 courses: Course 1, thence South 13°53'42" West, departing said Southerly right of way line, 766.61 feet; Course 2, thence North 47°42'40" East, 64.29 feet; Course 3, thence North 38°52'53" East, 51.64 feet; Course 4, thence North 48°20'37" East, 157.06 feet; Course 5, thence North 83°30'42" East, 69.02 feet; Course 6, thence South 81°01'57" East, 53.04 feet; Course 7, thence South 40°22'47" East, 74.35 feet; Course 8, thence South 11°32'49" East, 98.86 feet; Course 9, thence South 25°14'18" West,

66.75 feet; Course 10, thence South 55°13'46" West, 49.22 feet; Course 11, thence North 79°46'14" West, 69.61 feet; Course 12, thence North 75°44'32" West, 66.50 feet; Course 13, thence North 89°46'43" West, 76.62 feet; Course 14, thence South 58°36'50" West, 61.55 feet; Course 15, thence South 48°14'03" West, 54.25 feet; Course 16, thence South 78°07'36" West, 40.91 feet; Course 17, thence South 13°53'42" West, 89.54 feet; Course 18, thence South 76°42'29" East, 750.95 feet; Course 19, thence North 13°17'31" East, 13.86 feet; Course 20, thence North 39°30'39" East, 110.52 feet; Course 21, thence North 59°05'53" East, 107.59 feet; Course 22, thence North 69°59'48" East, 66.45 feet; Course 23, thence North 64°19'06" East, 104.92 feet; Course 24, thence North 41°22'33" East, 165.79 feet; Course 25, thence North 43°27'00" East, 225.21 feet; Course 26, thence North 00°13'17" East, 9.11 feet to a point lying on the Southerly line of Parcel 5B, as described and recorded in Official Records Book 1389, page 1335, of said Public Records; thence South 77°11'27" East, departing said boundary line and along said Southerly line, 73.27 feet to the Southeasterly corner of said Parcel 5B; thence North 12°48'33" East, along the Easterly line of said Parcel 5B, 331.00 feet to the Northeasterly corner thereof, said corner lying on said Southerly right of way line of Greenbriar Road; thence South 77°11'27" East, along said Southerly right of way line, 2453.77 feet to the Northwesterly corner of Parcel G, as described and recorded in Official Records Book 807, page 564, of said Public Records; thence South 12°48'12" West, departing said Southerly right of way line, along the Westerly line of said Parcel G, along the Westerly line of those lands described and recorded in Official Records Book 2471, page 683, along the boundary line of Parcel "A", as described and recorded in Official Records Book 3863, page 1633, and along the Westerly line of Tract "C-1", as depicted on Enclave at Rivertown-Phase Two-A, a plat recorded in Map Book 83, pages 10 through 31, all of said Public Records, a distance of 5247.50 feet to an angle point on said Westerly line of Tract "C-1"; thence South 75°55'11" West, continuing along said Westerly line of Tract "C-1", along the Northerly line of Arbors at Rivertown-Phase One, a plat recorded in Map Book 101, pages 52 through 68, of said Public Records, and along said boundary line of Parcel "A", a distance of 3755.76 feet; thence North 77°09'43" West, continuing along said boundary line, 4900.05 feet; thence North 00°00'19" East, continuing along said boundary line, 3712.61 feet to the Point of Beginning.

LESS AND EXCEPT:

A portion of Section 44 of the Francis P. Fatio Grant, Township 5 South, Range 26 East, together with a portion of Section 39 of the Francis P. Fatio Grant, Township 5 South, Range 27 East, St. Johns County, Florida, being a portion of Parcel A, as described and recorded in Official Records Book 5420, page 845, of the Public Records of said county, being more particularly described as follows: For a Point of Reference, commence at the Westerly most Northwest corner of Enclave at Rivertown-Phase Two-A, a plat recorded in Map Book 83, page 10, of said Public Records; thence North 75°55'11" East, along the boundary line of said Enclave at Rivertown-Phase Two-A, 400.11 feet; thence North 12°48'12" East, continuing along said boundary line and along the boundary line of Parcel "A", as described and recorded in Official Records Book 3863, page 1633, of said Public Records, 1339.01 feet; thence North 88°40'53" West, departing said boundary line of Parcel "A", 756.95 feet to the Point of Beginning. From said Point of Beginning, thence South 12°52'23" West, 705.17 feet; thence South 80°44'05" West, 4935.95 feet; thence North 14°05'16" West, 524.35 feet; thence South 67°43'34" West, 50.62 feet; thence North 29°49'49" West, 269.19 feet; thence North 00°26'47" East, 488.07 feet; thence North 03°16' 14" East, 50.00 feet; thence North 32°12'17" West, 389.79 feet to a point on a non-tangent curve concave Northerly having a radius of 115.00 feet; thence Westerly along the arc of said curve, through a central angle of 24°09'58", an arc length of 48.50 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 68°52'40" West, 48.15 feet; thence North 43°38'54" West, along a non-tangent line, 53.02 feet; thence North 12°38'36" West, 28.21 feet; thence North 33°05'46" West, 60.34 feet; thence North 66°13'59" West, 105.96 feet; thence North 57°50'00" West, 7.51 feet; thence North 38°39'35" West,

44.17 feet; thence North 26°20'38" West, 11.87 feet; thence North 03°21'59" East, 30.11 feet; thence North 09°28'13" West, 83.26 feet to the point of curvature of a curve concave Southwesterly having a radius of 30.00 feet; thence Northwesterly along the arc of said curve, through a central angle of 65°49'42", an arc length of 34.47 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 42°23'04" West, 32.60 feet; thence North 75°17'55" West, 161.21 feet to the point of curvature of a curve concave Southerly having a radius of 80.00 feet; thence Westerly along the arc of said curve, through a central angle of 17°50'37", an arc length of 24.91 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 84°13'13" West, 24.81 feet; thence South 86°51'28" West, 7.90 feet; thence South 89°31'58" West, 10.45 feet; thence North 85°04'23" West, 45.75 feet to the point of curvature of a curve concave Southerly having a radius of 15.00 feet; thence Westerly along the arc of said curve, through a central angle of 13°56'26", an arc length of 3.65 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 87°57'24" West, 3.64 feet; thence South 80°59'11" West, 43.75 feet to the point of curvature of a curve concave Southerly having a radius of 15.00 feet; thence Westerly along the arc of said curve, through a central angle of 10°32'22", an arc length of 2.76 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 75°43'00" West, 2.76 feet; thence South 70°26'48" West, 6.98 feet; thence South 86°51'28" West, 101.87 feet to the point of curvature of a curve concave Easterly having a radius of 70.00 feet; thence Northerly along the arc of said curve, through a central angle of 141°48'52", an arc length of 173.26 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 22°14'06" West, 132.30 feet; thence North 48°40'20" East, 183.51 feet; thence North 69°20'06" East, 14.00 feet to the point of curvature of a curve concave Northwesterly having a radius of 15.00 feet; thence Northeasterly along the arc of said curve, through a central angle of 07°18'47", an arc length of 1.91 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 65°40'43" East, 1.91 feet; thence North 62°01'19" East, 20.34 feet to the point of curvature of a curve concave Westerly having a radius of 15.00 feet; thence Northerly along the arc of said curve, through a central angle of 86°08'16", an arc length of 22.55 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 18°57'11" East, 20.49 feet; thence North 48°40'54" East, along a non-tangent line, 66.09 feet to the point of curvature of a curve concave Southerly having a radius of 79.60 feet; thence Easterly along the arc of said curve, through a central angle of 54°45'48", an arc length of 76.08 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 76°03'48" East, 73.22 feet; thence Southerly along the arc of a non-tangent curve concave Easterly having a radius of 350.00 feet, through a central angle of 03°55'21", an arc length of 23.96 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 20°45'56" East, 23.96 feet; thence North 67°16'23" East, along a non-tangent line, 175.00 feet to a point on a non-tangent curve concave Northeasterly having a radius of 175.00 feet; thence Southeasterly along the arc of said curve, through a central angle of 24°57'15", an arc length of 76.22 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 35°12'14" East, 75.62 feet; thence North 42°19'09" East, along a non-tangent line, 122.23 feet; thence North 39°25'40" East, 48.94 feet to an angle point on the Northerly line of said Parcel A, of said Official Records Book 5420, page 845; thence South 87°26'15" East, along said Northerly line, 2542.66 feet to an angle point on said Northerly line; thence South 87°25'44" East, departing said Northerly line, 892.78 feet; thence North 24°55'11" East, 719.40 feet to the point of curvature of a curve concave Westerly having a radius of 150.00 feet; thence Northerly along the arc of said curve, through a central angle of 06°56'08", an arc length of 18.16 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 21°27'07" East, 18.15 feet; thence South 65°04'49" East, along a non-tangent line, 102.20 feet to a point on a non-tangent curve concave Southeasterly having a radius of 150.00 feet; thence Northeasterly along the arc of said curve, through a central angle of 39°23'13", an arc length of 103.12 feet to a point on said curve, said arc being

subtended by a chord bearing and distance of North 51°32'55" East, 101.10 feet; thence Easterly along the arc of a non-tangent curve concave Northerly having a radius of 310.00 feet, through a central angle of 19°11'26", an arc length of 103.83 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 87°12'17" East, 103.35 feet; thence South 29°45'19" East, along a non-tangent line, 39.94 feet; thence South 25°36'22" East, 17.77 feet; thence North 82°43'45" East, 28.19 feet; thence North 50°20'45" East, 13.69 feet; thence South 46°59'47" East, 25.21 feet; thence South 57°20'35" East, 60.00 feet; thence North 84°06'57" East, 25.00 feet; thence South 05°53'03" East, 21.64 feet; thence South 34°42'45" East, 28.72 feet; thence South 34°28'17" East, 20.18 feet; thence South 68°06'43" East, 25.77 feet; thence South 39°58'24" East, 58.55 feet; thence South 04°03'55" West, 46.08 feet; thence South 06°07'15" West, 40.41 feet; thence South 11°33'47" West, 39.60 feet; thence South 06°28'26" West, 18.16 feet; thence South 17°34'58" West, 17.49 feet; thence South 04°43'27" West, 12.40 feet; thence South 89°51'38" East, 30.13 feet; thence South 02°55'10" East, 121.29 feet; thence South 19°27'06" West, 39.41 feet; thence South 12°42'17" West, 202.49 feet; thence South 87°28'25" East, 437.80 feet; thence South 22°09'33" West, 771.78 feet; thence South 88°40'53" East, 1287.55 feet to the Point of Beginning.

TOGETHER WITH:
TLGB — Phase 1A:

A portion of Section 39 of the Francis P. Fatio Grant, Township 5 South, Range 27 East, St. Johns County, Florida, being a portion of Parcel A, as described and recorded in Official Records Book 5420, page 845, of the Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the Easterly line of said Section 39 with the Southerly right of way line of Greenbriar Road (County Road No. 11), a variable width right of way as presently established; thence North 77°11'27" West, along said Southerly right of way line, 12,694.32 feet to the Point of Beginning. From said Point of Beginning, thence South 12°48'33" West, departing said Southerly right of way line of Greenbriar Road, 1267.32 feet; thence South 19°53'16" East, 109.44 feet; thence South 14°07'18" West, 1580.08 feet; thence South 38°10'39" West, 90.00 feet; thence South 51°06'48" West, 680.29 feet; thence North 87°28'25" West, 437.80 feet; thence North 12°42'17" East, 202.49 feet; thence North 19°27'06" East, 39.41 feet; thence North 02°55'10" West, 121.29 feet; thence North 89°51'38" West, 30.13 feet; thence North 04°43'27" East, 12.40 feet; thence North 17°34'58" East, 17.49 feet; thence North 06°28'26" East, 18.16 feet; thence North 11°33'47" East, 39.60 feet; thence North 06°07'15" East, 40.41 feet; thence North 04°03'55" East, 46.08 feet; thence North 39°58'24" West, 58.55 feet; thence North 68°06'43" West, 25.77 feet; thence North 34°28'17" West, 20.18 feet; thence North 34°42'45" West, 28.72 feet; thence North 05°53'03" West, 21.64 feet; thence South 84°06'57" West, 25.00 feet; thence North 57°20'35" West, 60.00 feet; thence North 46°59'47" West, 25.21 feet; thence South 50°20'45" West, 13.69 feet; thence South 82°43'45" West, 28.19 feet; thence North 25°36'22" West, 17.77 feet; thence North 29°45'19" West, 39.94 feet to a point on a non-tangent curve concave Northerly having a radius of 310.00 feet; thence Westerly along the arc of said curve, through a central angle of 19°11'26", an arc length of 103.83 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 87°12'17" West, 103.35 feet; thence Southwesterly along the arc of a non-tangent curve concave Southeasterly having a radius of 150.00 feet, through a central angle of 39°23'13", an arc length of 103.12 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 51°32'55" West, 101.10 feet; thence North 65°04'49" West, along a non-tangent line, 102.20 feet to a point on a non-tangent curve concave Westerly having a radius of 150.00 feet; thence Northerly along the arc of said curve, through a central angle of 39°23'13", an arc length of 103.12 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 01°42'34" West, 101.10 feet; thence Northwesterly along the arc of a non-tangent curve concave

Northeasterly having a radius of 310.00 feet, through a central angle of $46^{\circ}01'13''$, an arc length of 248.99 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $23^{\circ}57'03''$ West, 242.35 feet; thence Northwesterly along the arc of a curve concave Southwesterly having a radius of 140.00 feet, through a central angle of $54^{\circ}40'52''$, an arc length of 133.61 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $28^{\circ}16'52''$ West, 128.60 feet; thence North $34^{\circ}22'42''$ East, along a non-tangent line, 10.00 feet; thence North $24^{\circ}02'04''$ East, 95.05 feet to a point on a non-tangent curve concave Northerly having a radius of 140.00 feet; thence Easterly along the arc of said curve, through a central angle of $53^{\circ}56'00''$, an arc length of 131.78 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $75^{\circ}58'33''$ East, 126.97 feet; thence Northeasterly along the arc of a curve concave Southeasterly having a radius of 310.00 feet, through a central angle of $04^{\circ}53'24''$, an arc length of 26.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $51^{\circ}27'16''$ East, 26.45 feet; thence Northeasterly along the arc of a curve concave Northwesterly having a radius of 140.00 feet, through a central angle of $57^{\circ}37'22''$, an arc length of 140.80 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $25^{\circ}05'17''$ East, 134.94 feet; thence North $03^{\circ}43'24''$ West, 79.63 feet to a point on a non-tangent curve concave Easterly having a radius of 1539.67 feet; thence Northerly along the arc of said curve, through a central angle of $12^{\circ}29'39''$, an arc length of 335.75 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $02^{\circ}31'51''$ West, 335.08 feet; thence North $03^{\circ}41'34''$ East, along a nontangent line, 123.98 feet to the point of curvature of a curve concave Southeasterly having a radius of 1196.00 feet; thence Northeasterly along the arc of said curve, through a central angle of $40^{\circ}29'31''$, an arc length of 845.23 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $23^{\circ}56'19''$ East, 827.75 feet; thence North $06^{\circ}38'36''$ East, along a non-tangent line, 49.29 feet to the Southeasterly corner of those lands described and recorded in Official Records Book 3350, page 580, of the Public Records of said county; thence Northeasterly along the Easterly line of said Official Records Book 3350, page 580, the following 8 courses: Course 1, thence North $13^{\circ}17'31''$ East, 13.86 feet; Course 2, thence North $39^{\circ}30'39''$ East, 110.52 feet; Course 3, thence North $59^{\circ}05'53''$ East, 107.59 feet; Course 4, thence North $69^{\circ}59'48''$ East, 66.45 feet; Course 5, thence North $64^{\circ}19'06''$ East, 104.9 feet; Course 6, thence North $41^{\circ}22'33''$ East, 165.79 feet; Course 7, thence North $43^{\circ}27'00''$ East, 225.21 feet; Course 8, thence North $00^{\circ}13'17''$ East, 9.11 feet to a point lying on the Southerly line of Parcel 5B, as described and recorded in Official Records Book 1389, page 1335, of said Public Records; thence South $77^{\circ}11'27''$ East, departing said Easterly line and along said Southerly line, 73.27 feet to the Southeasterly corner of said Parcel 5B; thence North $12^{\circ}48'33''$ East, along the Easterly line of said Parcel 5B, 331.00 feet to the Northeasterly corner thereof, said corner lying on said Southerly right of way line of Greenbriar Road; thence South $77^{\circ}11'27''$ East, along said Southerly right of way line, 1013.35 feet to the Point of Beginning.

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

4C

ENGINEER'S REPORT

PREPARED FOR:

BOARD OF SUPERVISORS
ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT

ENGINEER:

ENGLAND-THIMS & MILLER, INC.

APRIL 10, 2024

**ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT
ENGINEER'S REPORT**

1. INTRODUCTION

The purpose of this Report is to provide a description of the capital improvement plan ("CIP"), and estimated costs of the CIP, for the Orange Branch Community Development District.

2. GENERAL SITE DESCRIPTION

The proposed District is located entirely within St. Johns County, and covers approximately 963.43 acres of land, more or less. The site is generally located south of Greenbriar Road, north and east of State Road 13, and west of Longleaf Pine Parkway.

3. PROPOSED CAPITAL IMPROVEMENT PLAN

The CIP is intended to provide public infrastructure improvements for the lands within the District, which are planned for 1,315 residential units. The following table shows the planned product types and land uses for the District:

PRODUCT TYPES

Product Type	Total Units
35' Ft Lots	61
50' Ft Lots	682
60' Ft Lots	223
65' Ft Lots	349
TOTAL	1315

The CIP infrastructure includes:

Roadway Improvements:

The CIP includes subdivision roads within the District. Generally, all internal neighborhood roads will be 2-lane un-divided roads. The spine road, Greenbriar Landing Parkway, will be a 2-lane road with 5' bike lanes and 5' sidewalks on each side. Greenbriar Landing Parkway will also include the construction of a large traffic circle including raised crosswalks, splitter islands, and 8' wide sidewalk along the interior of the traffic circle. Such roads include the roadway asphalt, base, and subgrade, roadway curb and gutter, striping and signage and sidewalks within rights-of-way abutting non-lot lands. Sidewalks abutting lots will be constructed by the homebuilders. All roads will be designed in accordance with applicable County standards.

All internal roadways may be financed by the District, and dedicated to the County for ownership, operation, and maintenance. Alternatively, the developer may elect to finance a portion of the internal roads, gate them, and turn them over to a homeowner's association for ownership, operation and maintenance (in such an event, the District would be limited to financing only utilities, conservation/mitigation and stormwater improvements behind such gated areas).

Stormwater Management System:

The stormwater collection and outfall system are a combination of roadway curbs, curb inlets, pipe, control structures and open lakes designed to treat and attenuate stormwater runoff from District lands. The stormwater system will be designed consistent with the criteria established by the SJRWMD and the County for stormwater/floodplain management systems. The District will finance, own, operate and maintain the stormwater system, with the exception that the County will own, operate and maintain the inlets and storm sewer systems within County dedicated right-of-way.

Water, Wastewater and Reclaim Utilities:

As part of the CIP, the District intends to construct and/or acquire potable water, wastewater and reclaim water infrastructure. In particular, the on-site water supply improvements include water mains that will be located within rights-of-way and used for potable water service and fire protection.

Wastewater improvements for the project will include an onsite gravity collection system and onsite force main and onsite lift stations.

Similarly, the reclaim water distribution system will be constructed to provide service for irrigation throughout the community.

The potable water, reclaim distribution and wastewater collection systems for all phases will be completed by the District and then dedicated to JEA for operation and maintenance.

Hardscape, Landscape, and Irrigation:

The District will construct and/or install landscaping, irrigation and hardscaping within District common areas and rights-of-way. The County has distinct design criteria requirements for planting and irrigation design. Therefore, this project will at a minimum meet those requirements but, in most cases, exceed the requirements with enhancements for the benefit of the community.

All such landscaping, irrigation and hardscaping will be owned, maintained and funded by the District. Such infrastructure, to the extent that it is located in rights-of-way owned by the County will be maintained pursuant to a right-of-way agreement to be entered into with the County.

Streetlights / Underground Electrical System

The District intends to lease streetlights through an agreement with FP&L in which case the District would fund the streetlights through an annual operations and maintenance assessment. As such, streetlights are not included as part of the CIP.

The CIP does however include the incremental cost of installation of the site electrical utility system within right-of-way or utility easements throughout the community. Any lines and transformers located in such areas would be owned by FP&L and not paid for by the District as part of the CIP.

Recreational Amenities:

In conjunction with the construction of the CIP, the District intends to construct parks, trails, common areas, neighborhood parks and other passive amenities. These improvements will be funded, owned and maintained by the District. All such improvements will be open to the general public.

The District is also anticipated to construct and finance an amenity clubhouse and other amenity facilities. All such improvements will be open to the general public, subject to a reasonable fee.

Environmental Conservation/Mitigation

The District is anticipated to be responsible for the design, permitting, construction, maintenance, and government reporting of any on-site environmental conservation areas. These include tree mitigation for onsite impacts and wetland mitigation for onsite impacts (estimated to be forty acres).

Off-Site Improvements

Offsite improvements will consist of roadway and utility extension to serve the community. The following offsite improvements are proposed:

- The widening of Greenbriar Road from two lanes to four-lanes (including utility adjustments and entry signage adjustments) from Longleaf Pine Parkway to the project entrance
- Extension of 20" reclaimed water main from Longleaf Pine Parkway to project entrance
- Turn lane extensions at Bartram Trail High School and Switzerland Point Middle School
- Traffic Signalization adjustments at Greenbriar Road and Longleaf Pine Parkway

Professional Services

The CIP also includes various professional services. These include but are not limited to: (i) engineering, surveying and architectural fees, (ii) permitting and plan review costs, and (iii) development/construction management services fees that are required for the design, permitting, construction, and maintenance acceptance of the public improvements and community facilities.

NOTE: In the event that impact fee credits are generated from any roadway, utilities or other improvements funded by the District, any such credits, if any, will be the subject of a separate agreement between the applicable developer and the District. Pursuant to such an agreement, and without intending to alter the terms of such an agreement, the applicable developer may elect to retain such credits if the developer provides consideration equal to the market value of the credits in the form of work product, improvements and/or land (based on the lesser of appraised value or the developer's cost basis as it relates to land), or in the form of a cash paydown of certain debt assessments or a reduction in the acquisition cost to the District equal to the value of the credits.

4. PERMITTING/CONSTRUCTION COMMENCEMENT

All necessary permits for the construction of the CIP have either been obtained or are currently under review by respective governmental authorities, and include the following:

Agency	Permit Description	Permit Status
SJRWMD	Landings at Greenbriar (Mass Grading)	Issued
JEA	Landings at Greenbriar Phase 1	Issued
FDEP (Wastewater)	Landings at Greenbriar Phase 1	Issued
FDEP (Water)	Landings at Greenbriar Phase 1	Issued
St. Johns County	Landings at Greenbriar – Phase 1A	Approved
St. Johns County	Landings at Greenbriar – SMADJ Phase 1	Approved
St. Johns County	Landings at Greenbriar (Mass Grading)	Approved
SJRWMD	Landings at Greenbriar Phase 1 ERP	Pending
SJRWMD	Landings at St. Johns (Mass Grading)	Issued
JEA	Landings at St. Johns Phase 1	Issued
FDEP (Wastewater)	Landings at St. Johns Phase 1	Issued
FDEP (Water)	Landings at St. Johns Phase 1	Issued
St. Johns County	Landings at St. Johns – Phase 1	Pending
St. Johns County	Landings at St. Johns – SMADJ Phase 1	Pending
St. Johns County	Landings at St. Johns (Mass Grading)	Approved
SJRWMD	Landings at St. Johns Phase 1 ERP	Pending
St. Johns County	Greenbriar Rd. Widening	Pending
SJRWMD	Greenbriar Rd. Widening	Pending
JEA	Greenbriar Rd. Widening	Pending

5. OPINION OF PROBABLE CONSTRUCTION COSTS

The table below presents, among other things, the cost estimate for the CIP. It is our professional opinion that the costs set forth below are reasonable and consistent with market pricing.

COST ESTIMATE

Facility	Total Lots (1,315 Lots)
Offsite Roadway and Utility Improvements (Wetland Mitigation/Earthwork/Utilities/Pavement/Storm/Electric Relocation)	\$16,000,000
Master Stormwater Drainage System (Earthwork and Stormwater Facilities)	\$27,000,000
Roadway Infrastructure (Pavement / Storm)	\$13,000,000
Onsite - Lift Station / Master Utilities (Wm / San / Reuse)	\$28,000,000
Entry and Pod Hardscape (Signage and Mail Kiosks) and Landscape and Irrigation Improvements	\$3,500,000
Common Areas and Neighborhood Parks	\$1,500,000
Amenity Facility	\$9,000,000
Traffic Circle Improvements	\$3,500,000
Tree Mitigation for onsite impacts	\$1,000,000
Electrical Conduits and Street Lights (4)	\$3,000,000
Wetland Mitigation for onsite impacts (40 Acres) (5)	\$5,400,000
Contingency & Professional Fees (15%)	\$16,635,000
Total	\$127,535,000

1. The probable costs estimated herein do not include anticipated carrying cost, interest reserves or other anticipated CDD expenditures that may be incurred.
2. Roadway, landscape/hardscape/irrigation, and amenities improvements, if behind hard-gates, will not be part of the CIP.
3. The developer reserves the right to finance any of the improvements outlined above, and have such improvements owned and maintained by a property owner's or homeowner's association (in which case such items would not be part of the CIP), the District or a third-party.
4. The electric utility company, Florida Power & Light (FPL) will own, operate and maintain all of the electrical mains and the associated electrical equipment. These electrical mains, electrical system and electrical equipment are not part of the CIP. However, installation of electrical conduits may be constructed by the District and then reimbursed / paid for by the Builder.
5. Wetland Mitigation for onsite impacts may be eligible to be financed all or in part by the District.

PROPOSED OPERATION AND MAINTENANCE

District Infrastructure	Construction	Ownership	Operation and Maintenance
Offsite Roadway and Utility Improvements (Wetland Mitigation/Earthwork/Utilities/Pavement/Storm/Electric Relocation)	District	St. Johns County/JEA/FPL	St. Johns County/JEA/FPL
Master Stormwater Drainage System (Earthwork and Stormwater Facilities)	District	District	District
Roadway Infrastructure (Pavement / Storm)	District	St. Johns County/District	St. Johns County/District
Onsite - Lift Station / Master Utilities (Wm / San / Reuse)	District	JEA	JEA

Entry and Pod Hardscape (Signage and Mail Kiosks) and Landscape and Irrigation Improvements	District	District	District
Common Areas and Neighborhood Parks	District	District	District
Common Amenity	District	District	District
Traffic Circle Improvements	District	District	District
Tree Mitigation for onsite impacts	District	District	District
Electrical Conduits and Street Lights (5)	District	FPL	FPL
Wetland Mitigation for onsite impacts (40 Acres) (6)	District	District	District

6. CONCLUSIONS

The CIP will be designed in accordance with current governmental regulations and requirements. The CIP will serve its intended function so long as the construction is in substantial compliance with the design.

It is further our opinion that:

- the estimated cost to the CIP as set forth herein is reasonable based on prices currently being experienced in the area in which the District is located, and is not greater than the lesser of the actual cost of construction or the fair market value of such infrastructure;
- All of the improvements comprising the CIP are required by applicable development approvals issued pursuant to Section 380.06, *Florida Statutes*;
- the CIP is feasible to construct, there are no technical reasons existing at this time that would prevent the implementation of the CIP, and it is reasonable to assume that all necessary regulatory approvals will be obtained in due course;
- The District will pay the lesser of the actual cost of the improvements or fair market value; and
- the assessable property within the District will receive a special benefit from the CIP that is at least equal to such costs.

Also, the CIP will constitute a system of improvements that will provide benefits, both general, special and peculiar to all lands within the District. The general public, property owners, and property outside the District will benefit from the provisions of the District's CIP; however, these are incidental to the District's CIP, which is designed solely to provide special benefits peculiar to property within the District. Special and peculiar benefits accrue to property within the District and enable properties within its boundaries to be developed.

The professional service for establishing the Construction Cost Estimate is consistent with the degree of care and skill exercised by members of the same profession under similar circumstances. The CIP will be owned by the District or other governmental units and such CIP is intended to be available and will reasonably be available for use by the general public (either by being part of a system of improvements that is available to the general public or is otherwise available to the general public) including nonresidents of the District. All of the CIP is or will be located on lands owned or to be owned by the District or another governmental entity or on perpetual easements in favor of the District or other governmental entity. The

CIP, and any cost estimates set forth herein, do not include any earthwork, grading or other improvements on private lots or property.

Please note that the CIP as presented herein is based on current plans and market conditions which are subject to change. Accordingly, the CIP, as used herein, refers to sufficient public infrastructure of the kinds described herein (i.e., stormwater/floodplain management, sanitary sewer, potable water, etc.) to support the development and sale of the planned residential units in the District, which (subject to true-up determinations) number and type of units may be changed with the development of the site. Stated differently, during development and implementation of the public infrastructure improvements as described for the District, it may be necessary to make modifications and/or deviations for the plans, and the District expressly reserves the right to do so.

England-Thims & Miller, Inc.



George Katsaras, P.E.

FL License No. 54679

Date: 4/8/24

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

4D

ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT

Master Special Assessment Methodology Report

April 10, 2024



Provided by:

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1.0 Introduction

1.1 Purpose

This Master Special Assessment Methodology Report (the "Report") was developed to provide a financing plan and a special assessment methodology for the Orange Branch Community Development District (the "District"), located within St. Johns County, Florida, as related to funding the costs of public infrastructure improvements (the "Capital Improvement Plan" or "CIP") contemplated to be provided by the District.

1.2 Scope of the Report

This Report presents the projections for financing the District's "Capital Improvement Plan", as described in the Master Engineer's Report developed by England-Thims & Miller, Inc. (the "District Engineer") and dated April 10, 2024 (the "Engineer's Report"), which improvements set forth therein make up the "Capital Improvement Plan", as well as describes the method for the allocation of special benefits and the apportionment of special assessment debt resulting from the provision and funding of the Capital Improvement Plan.

1.3 Special Benefits and General Benefits

The public infrastructure improvements undertaken and funded by the District as part of the Capital Improvement Plan create special and peculiar benefits, different in kind and degree from the general and incidental benefits to the public at large. However, as discussed within this Report, these general benefits are incidental in nature and are readily distinguishable from the special and peculiar benefits which accrue to property within the District. The District's Capital Improvement Plan enables properties within its boundaries to be developed.

There is no doubt that the general public and property owners of property outside the District will benefit from the provision of the Capital Improvement Plan. However, these benefits are only incidental since the Capital Improvement Plan is designed solely to provide special benefits peculiar to property within the District. Properties outside the District are not directly served by the Capital Improvement Plan and do not depend upon the Capital Improvement Plan to obtain or to maintain their development entitlements. This fact alone clearly distinguishes the special benefits which District properties receive compared to those lying outside of the District's boundaries.

The Capital Improvement Plan will provide public infrastructure improvements which are all necessary in order to make the lands within the District developable and saleable. The installation of such improvements will cause the value of the developable and saleable lands within the District to increase by more than the sum of the financed cost of the individual components of the Capital Improvement Plan. Even though the exact value of the benefits provided by the Capital Improvement Plan is hard to estimate at this point, it is nevertheless greater than the costs associated with providing the same.

1.4 Organization of the Report

Section Two describes the development program as proposed by the Developer, as defined below.

Section Three provides a summary of the Capital Improvement Plan as determined by the District Engineer.

Section Four discusses the financing program for the District.

Section Five introduces the special assessment methodology for the District.

2.0 Development Program

2.1 Overview

The District will serve the Orange Branch development (the "Development"), a master planned residential development located in St. Johns County, Florida. The District currently consists of approximately 963.43 +/- acres and is generally located south of Greenbriar Road, north and east of State Road 13, and west of Longleaf Pine Parkway.

2.2 The Development Program

The development of Orange Branch is anticipated to be conducted by Pulte Home Company, LLC or an affiliated entity (the "Developer"). Based upon the information provided by the Developer and the District Engineer, the current development plan envisions a total of 1,315 residential dwelling units developed in multiple phases, although land use types and unit numbers may change throughout the development period. Table 1 in the *Appendix* illustrates the development plan for the District.

3.0 The Capital Improvement Plan

3.1 Overview

The public infrastructure costs to be funded by the District are described by the District Engineer in the Engineer's Report. Only public infrastructure that may qualify for bond financing by the District under Chapter 190, Florida Statutes and under the Internal Revenue Code of 1986, as amended, was included in these estimates.

3.2 The Capital Improvement Plan

The Capital Improvement Plan needed to serve the Development is projected to consist of improvements which will serve all of the lands in the District. The District, however, reserves the right to create distinct assessment areas to coincide with the phases of development. The Capital Improvement Plan will consist of offsite roadway and utility improvements, master stormwater drainage system, roadway infrastructure, onsite – lift station / master utilities, entry and pod hardscape and landscape and irrigation improvements, common areas and neighborhood parks, amenity facility, traffic circle improvements, tree mitigation for onsite impacts, electrical conduits and street lights, wetland mitigation for onsite impacts, professional fees, and contingencies as set forth in more detail in the Engineer's Report. At the time of this writing, the total cost of the Capital Improvement Plan is estimated to total approximately \$127,535,000.

The public infrastructure improvements that comprise the Capital Improvement Plan will serve and provide benefit to all land uses in the District and will comprise an interrelated system of improvements, which means all of improvements will serve the entire District and improvements will be interrelated such that they will reinforce one another.

Table 2 in the *Appendix* illustrates the specific components of the Capital Improvement Plan.

4.0 Financing Program

4.1 Overview

As noted above, the District is embarking on a program of capital improvements which will facilitate the development of lands within the District. Generally, construction of public improvements is either funded by the Developer and then acquired by the District or funded

directly by the District. As of the time of writing of this Report, the District will most likely acquire completed improvements from the Developer, although the District maintains the complete flexibility to either acquire the public infrastructure from the Developer or construct it, or even partly acquire it and partly construct it.

Even though the actual financing plan may change to include multiple series of bonds, it is likely that in order to fully fund the costs of the Capital Improvement Plan as described in *Section 3.2* in one financing transaction, the District would have to issue approximately \$174,840,000 in par amount of special assessment bonds (the "Bonds") as illustrated in Table 3 in the *Appendix*.

Please note that the purpose of this Report is to allocate the benefit of the Capital Improvement Plan to the various land uses in the District and based on such benefit allocation to apportion the maximum debt necessary to fund the Capital Improvement Plan. The discussion of the structure and size of the indebtedness is based on various estimates and is subject to change.

4.2 Types of Bonds Proposed

The proposed financing plan for the District provides for the issuance of the Bonds in the approximate principal amount of \$174,840,000 to finance approximately \$127,535,000 in Capital Improvement Plan costs. The Bonds as projected under this financing plan would be structured to be amortized in 30 annual installments following a 24-month capitalized interest period. Interest payments on the Bonds would be made every May 1 and November 1, and principal payments on the Bonds would be made either on May 1 or on November 1.

In order to finance the improvements and other costs, the District would need to borrow more funds and incur indebtedness in the total amount of approximately \$174,840,000. The difference is comprised of funding a debt service reserve, paying capitalized interest, underwriter's discount and costs of issuance. Preliminary sources and uses of funding for the Bonds are presented in Table 3 in the *Appendix*.

Please note that the structure of the Bonds as presented in this Report is preliminary and may change due to changes in the development program, market conditions, timing of infrastructure installation as well as for other reasons. The

District maintains complete flexibility as to the structure of the Bonds and reserves the right to modify it as necessary.

5.0 Assessment Methodology

5.1 Overview

The issuance of the Bonds provides the District with funds necessary to construct/acquire the infrastructure improvements which are part of the Capital Improvement Plan outlined in *Section 3.2* and described in more detail by the District Engineer in the Engineer's Report. These improvements lead to special and general benefits, with special benefits accruing to the assessable properties within the boundaries of the District and general benefits accruing to areas outside the District but being only incidental in nature. The debt incurred in financing the public infrastructure will be secured by assessing properties within the District that derive special and peculiar benefits from the Capital Improvement Plan. All properties within the District that receive special benefits from the Capital Improvement Plan will be assessed for their fair share of the debt issued in order to finance all or a portion of the Capital Improvement Plan.

5.2 Benefit Allocation

The most current development plan for the District envisions the development of 1,315 residential dwelling units, although, unit numbers and land use types may change throughout the development period.

The public infrastructure improvements that comprise the Capital Improvement Plan will serve and provide benefit to all land uses in the District and will comprise an interrelated system of improvements, which means all of the improvements will serve the entire District and improvements will be interrelated such that they will reinforce one another.

By allowing for the land in the District to be developable, both the public infrastructure improvements that comprise the Capital Improvement Plan and their combined benefit will be greater than the sum of their individual benefits. All of the land uses within the District will benefit from each infrastructure improvement category, as the improvements provide basic infrastructure to all land within the District and benefit all land within the District as an integrated system of improvements.

As stated previously, the public infrastructure improvements included in the Capital Improvement Plan have a logical connection to the special and peculiar benefits received by the land within the District, as without such improvements, the development of the properties within the District would not be possible. Based upon the connection between the improvements and the special and peculiar benefits to the land within the District, the District can assign or allocate a portion of the District's debt through the imposition of non-ad valorem special assessments, to the land receiving such special and peculiar benefits. Even though these special and peculiar benefits are real and ascertainable, the precise amount of the benefit cannot yet be calculated with mathematical certainty. However, such benefit is more valuable than the cost of, or the actual non-ad valorem special assessment amount levied on that parcel.

The benefit associated with the Capital Improvement Plan of the District is proposed to be allocated to the different unit types within the District in proportion to the density of development and intensity of use of the infrastructure as measured by a standard unit called an Equivalent Residential Unit ("ERU"). Table 4 in the *Appendix* illustrates the ERU weights that are proposed to be assigned to the unit types contemplated to be developed within the District based on the relative density of development and the intensity of use of master infrastructure, the total ERU counts for each unit type, and the share of the benefit received by each unit type.

The rationale behind different ERU weights is supported by the fact that generally and on average units with smaller lot sizes will use and benefit from the District's improvements less than units with larger lot sizes, as for instance, generally and on average units with smaller lot sizes produce less storm water runoff, may produce fewer vehicular trips, and may need less water/sewer capacity than units with larger lot sizes. Additionally, the value of the units with larger lot sizes is likely to appreciate by more in terms of dollars than that of the units with smaller lot sizes as a result of the implementation of the Capital Improvement Plan. As the exact amount of the benefit and appreciation is not possible to be calculated at this time, the use of ERU measures serves as a reasonable approximation of the relative amount of benefit received by the different unit types from the District's improvements. As the development plan associated with the District land is preliminary and subject to change, there is a possibility that certain product types may be created which are not currently contemplated within Table 4 herein. To the extent new product types are designed for development within the District boundaries, by nature of this methodology an ERU factor will be

assigned to such product type on the basis of front footage ("FF") using the formula FF/50.

Table 5 in the *Appendix* presents the apportionment of the non-ad valorem special assessments associated with funding the District's Capital Improvement Plan (the "Bond Assessments") in accordance with the ERU benefit allocation method presented in Table 4. Table 5 also presents the annual levels of the projected annual debt service assessments per unit.

Amenities. No Bond Assessments are allocated herein to any private amenities or other common areas planned for the development. If owned by a homeowner's association, the amenities and common areas would be considered a common element for the exclusive benefit of property owners. Accordingly, any benefit to the amenities and common areas would directly benefit all platted lots in the District. If the common elements are owned by the District, then they would be governmental property not subject to the Bond Assessments and would be open to the general public, subject to District rules and policies. As such, no Bond Assessments will be assigned to the amenities and common areas.

Government Property. Real property owned by units of local, state, and federal governments, or similarly exempt entities, shall not be subject to the Bond Assessments without specific consent thereto. If at any time, any real property on which Bond Assessments are imposed is sold or otherwise transferred to a unit of local, state, or federal government, or similarly exempt entity, all future unpaid Bond Assessments for such tax parcel shall become due and payable immediately prior to such transfer by way of a mandatory true-up payment without any further action of the District.

5.3 Assigning Debt

The Bond Assessments will initially be levied on all of the gross acre land in the District. Consequently, the Bond Assessments will be levied on approximately 963.43 +/- gross acres on an equal pro-rata gross acre basis and thus the total bonded debt in the amount of \$174,840,000 will be preliminarily levied on approximately 963.43 +/- gross acres at a rate of \$181,476.60 per acre.

As the land is platted, the Bond Assessments will be allocated to each platted parcel on a first platted-first assigned basis based on the planned use for that platted parcel as reflected in Table 5 in the *Appendix*. Such allocation of Bond Assessments to platted parcels

will reduce the amount of Bond Assessments levied on unplatted gross acres within the District.

Further, to the extent that any residential land which has not been platted is sold to another developer or builder, the Bond Assessments will be assigned to such parcel at the time of the sale based upon the development rights associated with such parcel that are transferred from seller to buyer. The District shall provide an estoppel or similar document to the buyer evidencing the amount of Bond Assessments transferred at sale.

Transferred Property. In the event unplatted land is sold to a third party (the “Transferred Property”), the Bond Assessments will be assigned to such Transferred Property at the time of the sale based on the maximum total number of ERUs (as herein defined) assigned by the Developer to that Transferred Property, subject to review by the District’s methodology consultant, to ensure that any such assignment is reasonable, supported by current development rights and plans, and otherwise consistent with this Report. The owner of the Transferred Property will be responsible for the total Bond Assessments applicable to the Transferred Property, regardless of the total number of ERUs ultimately actually platted. This total Bond Assessment is allocated to the Transferred Property at the time of the sale.

5.4 Lienability Test: Special and Peculiar Benefit to the Property

As first discussed in *Section 1.3*, Special Benefits and General Benefits, public infrastructure improvements undertaken by the District create special and peculiar benefits to certain properties within the District. The District's improvements benefit assessable properties within the District and accrue to all such assessable properties on an ERU basis.

Public infrastructure improvements undertaken by the District can be shown to be creating special and peculiar benefits to the property within the District. The special and peculiar benefits resulting from each improvement include, but are not limited to:

- a. added use of the property;
- b. added enjoyment of the property;
- c. decreased insurance premiums; and
- d. increased marketability and value of the property.

The public infrastructure improvements which are part of the Capital Improvement Plan make the land in the District developable and

saleable and when implemented jointly as parts of the Capital Improvement Plan, provide special and peculiar benefits which are greater than the benefits of any single category of improvements. These special and peculiar benefits are real and ascertainable, but not yet capable of being calculated and assessed in terms of numerical value; however, such benefits are more valuable than either the cost of, or the actual assessment levied for, the improvement or debt allocated to the parcel of land.

5.5 Lienability Test: Reasonable and Fair Apportionment of the Duty to Pay

A reasonable estimate of the proportion of special and peculiar benefits received from the improvements is delineated in Table 4 (expressed as ERU factors) in the *Appendix*.

The apportionment of the Bond Assessments is fair and reasonable because it was conducted on the basis of consistent application of the methodology described in *Section 5.2* across all assessable property within the District according to reasonable estimates of the special and peculiar benefits derived from the Capital Improvement Plan by different unit types.

Accordingly, no acre or parcel of property within the District will be lienied for the payment of any non-ad valorem special assessment more than the determined special benefit peculiar to that property.

5.6 True-Up Mechanism

The District's assessment program is predicated on the development of lots in a manner sufficient to include all of the planned Equivalent Residential Units ("ERUs") as set forth in Table 4 in the Appendix ("Development Plan"). At such time as lands are to be platted (or replatted) or site plans are to be approved (or re-approved), the plat or site plan (either, herein, "Proposed Plat") shall be presented to the District for a "true-up" review as follows:

- a. If a Proposed Plat results in the same amount of ERUs (and thus Bond Assessments) able to be imposed on the "Remaining Unplatted Lands" (i.e., those remaining unplatted lands after the Proposed Plat is recorded) as compared to what was originally contemplated under the Development Plan, then the District shall allocate the Bond Assessments to the product types being platted and the remaining property in accordance with this Report, and cause the Bond Assessments to be recorded in the District's improvement lien book.

b. If a Proposed Plat within the District has more than the anticipated ERUs (and Bond Assessments) such that the Remaining Unplatted Developable Lands would be assigned fewer ERUs (and Bond Assessments) than originally contemplated in the Development Plan, then the District may undertake a pro rata reduction of Bond Assessments for all assessed properties within the Property or may otherwise address such net decrease as permitted by law.

c. If a Proposed Plat within the District has fewer than the anticipated ERUs (and Bond Assessments) such that the Remaining Unplatted Developable Lands would have to be assigned more ERUs (and Bond Assessments) in order to fully assign all of the ERUs originally contemplated in the Development Plan, then the District shall require the landowner(s) of the lands encompassed by the Proposed Plat to pay a "True-Up Payment" equal to the difference between: (i) the Bond Assessments originally contemplated to be imposed on the lands subject to the Proposed Plat, and (ii) the Bond Assessments able to be imposed on the lands subject to the Proposed Plat, after the Proposed Plat (plus applicable interest, collection costs, penalties, etc.).

With respect to the foregoing true-up analysis, the District's Assessment Consultant, in consultation with the District Engineer and District Counsel, shall determine in his or her sole discretion what amount of ERUs (and thus Bond Assessments) are able to be imposed on the Remaining Unplatted Lands, taking into account a Proposed Plat, by reviewing: a) the original, overall development plan showing the number and type of units reasonably planned for the development, b) the revised, overall development plan showing the number and type of units reasonably planned for the development, c) proof of the amount of entitlements for the Remaining Unplatted Lands, d) evidence of allowable zoning conditions that would enable those entitlements to be placed in accordance with the revised development plan, and e) documentation that shows the feasibility of implementing the proposed development plan. Prior to any decision by the District not to impose a true-up payment, a supplemental methodology shall be produced demonstrating that there will be sufficient assessments to pay debt service on the applicable series of bonds and the District will conduct new proceedings under Chapters 170, 190 and 197, Florida Statutes upon the advice of District Counsel.

Any True-Up Payment shall become due and payable that tax year by the landowner of the lands subject to the Proposed Plat, shall be

in addition to the regular assessment installment payable for such lands, and shall constitute part of the debt assessment liens imposed against the Proposed Plat property until paid. A True-Up Payment shall include accrued interest on the applicable bond series to the interest payment date that occurs at least 45 days after the True-Up Payment (or the second succeeding interest payment date if such True-Up Payment is made within forty-five (45) calendar days before an interest payment date (or such other time as set forth in the supplemental indentures for the applicable bond series)).

All Bond Assessments levied run with the land, and such assessment liens include any True-Up Payments. The District will not release any liens on property for which True-Up Payments are due, until provision for such payment has been satisfactorily made. Further, upon the District's review of the final plat for the developable acres, any unallocated Bond Assessments shall become due and payable and must be paid prior to the District's approval of that plat. This true-up process applies for both plats and/or re-plats.

Such review shall be limited solely to the function and the enforcement of the District's assessment liens and/or true-up agreements. Nothing herein shall in any way operate to or be construed as providing any other plat approval or disapproval powers to the District. For further detail on the true-up process, please refer to the True-Up Agreement and applicable assessment resolution(s).

5.7 Assessment Roll

The Bond Assessments in the amount of \$174,800,000 are proposed to be levied over the area described in Exhibit "A". Excluding any capitalized interest period, Bond Assessments shall be paid in no more than thirty (30) annual principal installments.

5.8 Additional Items Regarding Bond Assessment Imposition and Allocation

This Report is intended to establish the necessary benefit and fair and reasonable allocation findings for a master assessment lien, which may give rise to one or more individual assessment liens relating to individual bond issuances necessary to fund all or a portion of the project(s) referenced herein comprising the Capital Improvement Plan. All such liens shall be within the benefit limits established herein and using the allocation methodology described herein, and shall be described in one or more supplemental reports.

As noted herein, the Capital Improvement Plan functions as a system of improvements. Among other implications, this means that proceeds from any particular bond issuance can be used to fund improvements within any benefitted property or designated assessment area within the District, regardless of where the Bond Assessments are levied, provided that Bond Assessments are fairly and reasonably allocated across all benefitted properties.

As set forth in any supplemental report, and for any particular bond issuance, the Developer may opt to “buy down” the Bond Assessments on particular product types and/or lands using a contribution of cash, infrastructure or other consideration, and in order for Bond Assessments to reach certain target levels. Note that any “true-up,” as described herein, may require a payment to satisfy “true-up” obligations as well as additional contributions to maintain such target assessment levels. Any amounts contributed by the Developer to pay down Bond Assessment will not be eligible for “deferred costs,” if any are provided for in connection with any particular bond issuance.

6.0 Additional Stipulations

6.1 Overview

Wrathell, Hunt and Associates, LLC was retained by the District to prepare a methodology to fairly allocate the special assessments related to the District’s Capital Improvement Plan. Certain financing, development and engineering data was provided by members of District Staff and/or the Developer. The allocation methodology described herein was based on information provided by those professionals. Wrathell, Hunt and Associates, LLC makes no representations regarding said information transactions beyond restatement of the factual information necessary for compilation of this Report. For additional information on the bond structure and related items, please refer to the Offering Statement associated with this transaction.

Wrathell, Hunt and Associates, LLC does not represent the District as a Municipal Advisor or Securities Broker nor is Wrathell, Hunt and Associates, LLC registered to provide such services as described in Section 15B of the Securities and Exchange Act of 1934, as amended. Similarly, Wrathell, Hunt and Associates, LLC does not provide the District with financial advisory services or offer investment advice in any form.

7.0 Appendix

Table 1

Orange Branch Community Development District

Development Plan

Unit Type	Total Number of Units
SF 35'	61
SF 50'	682
SF 60'	223
SF 65'	349
Total	1,315

Table 2

Orange Branch Community Development District

Capital Improvement Plan

Improvement	Total CIP Costs
<i>Offsite Roadway and Utility Improvements</i>	\$16,000,000
<i>Master Stormwater Drainage System</i>	\$27,000,000
<i>Roadway Infrastructure</i>	\$13,000,000
<i>Onsite - Lift Station / Master Utilities</i>	\$28,000,000
<i>Entry and Pod Hardscape and Landscape and Irrigation Improvements</i>	\$3,500,000
<i>Common Areas and Neighborhood Parks</i>	\$1,500,000
<i>Amenity Facility</i>	\$9,000,000
<i>Traffic Circle Improvements</i>	\$3,500,000
<i>Tree Mitigation for onsite impacts</i>	\$1,000,000
<i>Electrical Conduits and Street Lights</i>	\$3,000,000
<i>Wetland Mitigation for onsite impacts</i>	\$5,400,000
<i>Contingency & Professional Fees</i>	\$16,635,000
Total	\$127,535,000

Table 3

Orange Branch

Community Development District

Preliminary Sources and Uses of Funds

Sources

Bond Proceeds:	
Par Amount	\$174,840,000.00
Total Sources	\$174,840,000.00

Uses

Project Fund Deposits:	
Project Fund	\$127,535,000.00
Other Fund Deposits:	
Debt Service Reserve Fund	\$15,530,588.45
Capitalized Interest Fund	\$27,974,400.00
Delivery Date Expenses:	
Costs of Issuance	\$3,797,555.60
Rounding	\$2,455.95
Total Uses	\$174,840,000.00

Coupon Rate: 8%
 CAPI Length: 24 Months
 Bond Duration: 30 Years
 Underwriter's Discount Rate: 2%
 Cost Of Issuance: \$500,000

Table 4

Orange Branch

Community Development District

Benefit Allocation

Unit Type	Total Number of Units	ERU per Unit	Total ERU
SF 35'	61	0.70	42.70
SF 50'	682	1.00	682.00
SF 60'	223	1.20	267.60
SF 65'	349	1.30	453.70
Total	1,315		1,446.00

Table 5

Orange Branch

Community Development District

Bond Assessment Apportionment

Unit Type	Total Number of Units	Total Cost Allocation	Total Bond Assessment Apportionment	Bond Assessment Apportionment per Unit	Annual Bond Assessment Debt Service per Unit - paid in March*
SF 35'	61	\$3,766,075.03	\$5,162,979.25	\$84,639.00	\$7,998.15
SF 50'	682	\$60,151,362.38	\$82,462,572.61	\$120,912.86	\$11,425.94
SF 60'	223	\$23,601,912.86	\$32,356,282.16	\$145,095.44	\$13,711.12
SF 65'	349	\$40,015,649.72	\$54,858,165.98	\$157,186.72	\$14,853.72
Total	1,315	\$127,535,000.00	\$174,840,000.00		

* Includes costs of collection estimated at 2% (subject to change) and an allowance for early payment discount estimated at 4% (subject to change)

Exhibit “A”

Bond Assessments in the estimated amount of \$174,840,000.00 are proposed to be levied over the area as described below:

Greenbriar Land Holdings Parcel

A portion of Section 44 of the Francis P. Fatio Grant, Township 5 South, Range 26 East, together with a portion of Section 39 of the Francis P. Fatio Grant, Township 5 South, Range 27 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the Southwesterly corner of Lot 60, as depicted on Greenbriar Section One, a plat recorded in Map Book 14, pages 57 and 58, of the Public Records of said county, said corner lying on the Westerly line of said Greenbriar Section One; thence South 00°00'19" West, along said Westerly line, 2196.01 feet to the Southwesterly corner thereof and the Point of Beginning.

From said Point of Beginning, thence Easterly along the Southerly line of said Greenbriar Section One the following 4 courses: Course 1, thence North 81°27'44" East, departing said Westerly line, 265.83 feet; Course 2, thence North 71°08'42" East, 576.79 feet; Course 3, thence North 68°03'47" East, 705.28 feet; Course 4, thence South 76°29'16" East, 385.65 feet to the Southeasterly corner thereof; thence South 76°27'59" East, along the Southerly line of Bartram Ranch-Phase 2, a plat recorded in Map Book 103, pages 73 through 79, of said Public Records, a distance of 666.42 feet; thence South 06°02'36" West, continuing along said Southerly line of Bartram Ranch-Phase 2 and along the boundary line of those lands described in School Concurrency Proportionate Share Mitigation Agreement, recorded in Official Records Book 3293, page 1236, of the Public Records of said county, 701.43 feet; thence along the boundary line of said School Concurrency Proportionate Share Mitigation Agreement the following 6 courses: Course 1, thence South 12°30'53" West, 346.83 feet; Course 2, thence South 03°10'59" West, 708.00 feet; Course 3, thence South 03°09'59" East, 112.14 feet; Course 4, thence South 87°26'15" East, 2542.66 feet; Course 5, thence North 06°30'08" West, 1167.26 feet to the point of curvature of a curve concave Easterly having a radius of 310.00 feet; Course 6, thence Northerly along the arc of said curve, through a central angle of 19°28'59", an arc length of 105.41 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 03°14'22" East, 104.91 feet; thence North 12°58'51" East, continuing along said boundary line and along the Easterly line of those lands described and recorded in Official Records Book 4689, page 1620, of said Public Records, 1265.91 feet to the point of curvature of a curve concave Southwesterly having a radius of 315.00 feet; thence Northwesterly, continuing along said Easterly line and along the arc of said curve, through a central angle of 90°00'00", an arc length of 494.80 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 32°01'09" West, 445.48 feet; thence North 77°01'09" West, continuing along said Easterly line, 315.00 feet to a point lying on the Easterly line of Bartram Ranch-Phase 1A and 1B, a plat recorded in Map Book 99, pages 52 through 62, of said Public Records; thence North 12°58'51" East, departing said Easterly line of Official Records Book 4689, page 1620, and along said Easterly line of Bartram Ranch-Phase 1A and 1B, a distance of 1127.10 feet to its intersection with the Southerly right of way line of Greenbriar Road (County Road No. 11), a variable width right of way as presently established; thence Easterly along said Southerly right of way line the

following 3 courses: Course 1, thence South 77°11'27" East, departing said Easterly line, 571.02 feet; Course 2, thence North 12°48'33" East, 17.00 feet; Course 3, thence South 77°11'27" East, 703.15 feet to the Northwesterly corner of those lands described and recorded in Official Records Book 3350, page 580, of said Public Records; thence along the boundary line of said Official Records Book 3350, page 580, the following 26 courses: Course 1, thence South 13°53'42" West, departing said Southerly right of way line, 766.61 feet; Course 2, thence North 47°42'40" East, 64.29 feet; Course 3, thence North 38°52'53" East, 51.64 feet; Course 4, thence North 48°20'37" East, 157.06 feet; Course 5, thence North 83°30'42" East, 69.02 feet; Course 6, thence South 81°01'57" East, 53.04 feet; Course 7, thence South 40°22'47" East, 74.35 feet; Course 8, thence South 11°32'49" East, 98.86 feet; Course 9, thence South 25°14'18" West,

66.75 feet; Course 10, thence South 55°13'46" West, 49.22 feet; Course 11, thence North 79°46'14" West, 69.61 feet; Course 12, thence North 75°44'32" West, 66.50 feet; Course 13, thence North 89°46'43" West, 76.62 feet; Course 14, thence South 58°36'50" West, 61.55 feet; Course 15, thence South 48°14'03" West, 54.25 feet; Course 16, thence South 78°07'36" West, 40.91 feet; Course 17, thence South 13°53'42" West, 89.54 feet; Course 18, thence South 76°42'29" East, 750.95 feet; Course 19, thence North 13°17'31" East, 13.86 feet; Course 20, thence North 39°30'39" East, 110.52 feet; Course 21, thence North 59°05'53" East, 107.59 feet; Course 22, thence North 69°59'48" East, 66.45 feet; Course 23, thence North 64°19'06" East, 104.92 feet; Course 24, thence North 41°22'33" East, 165.79 feet; Course 25, thence North 43°27'00" East, 225.21 feet; Course 26, thence North 00°13'17" East, 9.11 feet to a point lying on the Southerly line of Parcel 5B, as described and recorded in Official Records Book 1389, page 1335, of said Public Records; thence South 77°11'27" East, departing said boundary line and along said Southerly line, 73.27 feet to the Southeasterly corner of said Parcel 5B; thence North 12°48'33" East, along the Easterly line of said Parcel 5B, 331.00 feet to the Northeasterly corner thereof, said corner lying on said Southerly right of way line of Greenbriar Road; thence South 77°11'27" East, along said Southerly right of way line, 2453.77 feet to the Northwesterly corner of Parcel G, as described and recorded in Official Records Book 807, page 564, of said Public Records; thence South 12°48'12" West, departing said Southerly right of way line, along the Westerly line of said Parcel G, along the Westerly line of those lands described and recorded in Official Records Book 2471, page 683, along the boundary line of Parcel "A", as described and recorded in Official Records Book 3863, page 1633, and along the Westerly line of Tract "C-1", as depicted on Enclave at Rivertown-Phase Two-A, a plat recorded in Map Book 83, pages 10 through 31, all of said Public Records, a distance of 5247.50 feet to an angle point on said Westerly line of Tract "C-1"; thence South 75°55'11" West, continuing along said Westerly line of Tract "C-1", along the Northerly line of Arbors at Rivertown-Phase One, a plat recorded in Map Book 101, pages 52 through 68, of said Public Records, and along said boundary line of Parcel "A", a distance of 3755.76 feet; thence North 77°09'43" West, continuing along said boundary line, 4900.05 feet; thence North 00°00'19" East, continuing along said boundary line, 3712.61 feet to the Point of Beginning.

LESS AND EXCEPT:

A portion of Section 44 of the Francis P. Fatio Grant, Township 5 South, Range 26 East, together with a portion of Section 39 of the Francis P. Fatio Grant, Township 5 South, Range 27 East, St. Johns County, Florida, being a portion of Parcel A, as described and recorded in Official Records Book 5420, page 845, of the Public Records of said county, being more particularly described as follows: For a Point of Reference, commence at the Westerly most Northwest corner of Enclave at Rivertown-Phase Two-A, a plat recorded in Map Book 83, page 10, of said Public Records; thence North 75°55'11" East, along the boundary line of said Enclave at Rivertown-Phase Two-A, 400.11 feet; thence North 12°48'12" East, continuing along said boundary line and along the boundary line of Parcel "A", as described and recorded in Official Records Book 3863, page 1633, of said Public Records, 1339.01 feet; thence North 88°40'53" West, departing said boundary line of Parcel "A", 756.95 feet to the Point of Beginning. From said Point of Beginning, thence South 12°52'23" West, 705.17 feet; thence South 80°44'05" West, 4935.95 feet; thence North 14°05'16" West, 524.35 feet; thence South 67°43'34" West, 50.62 feet; thence North 29°49'49" West, 269.19 feet; thence North 00°26'47" East, 488.07 feet; thence North 03°16' 14" East, 50.00 feet; thence North 32°12'17" West, 389.79 feet to a point on a non-tangent curve concave Northerly having a radius of 115.00 feet; thence Westerly along the arc of said curve, through a central angle of 24°09'58", an arc length of 48.50 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 68°52'40" West, 48.15 feet; thence North 43°38'54" West, along a non-tangent line, 53.02 feet; thence North 12°38'36" West, 28.21 feet; thence North 33°05'46" West, 60.34 feet; thence North 66°13'59" West, 105.96 feet; thence North 57°50'00" West, 7.51 feet; thence North 38°39'35" West,

44.17 feet; thence North 26°20'38" West, 11.87 feet; thence North 03°21'59" East, 30.11 feet; thence North 09°28'13" West, 83.26 feet to the point of curvature of a curve concave Southwesterly having a radius of 30.00 feet; thence Northwesterly along the arc of said curve, through a central angle of 65°49'42", an arc length of 34.47 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 42°23'04" West, 32.60 feet; thence North 75°17'55" West, 161.21 feet to the point of curvature of a curve concave Southerly having a radius of 80.00 feet; thence Westerly along the arc of said curve, through a central angle of 17°50'37", an arc length of 24.91 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 84°13'13" West, 24.81 feet; thence South 86°51'28" West, 7.90 feet; thence South 89°31'58" West, 10.45 feet; thence North 85°04'23" West, 45.75 feet to the point of curvature of a curve concave Southerly having a radius of 15.00 feet; thence Westerly along the arc of said curve, through a central angle of 13°56'26", an arc length of 3.65 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 87°57'24" West, 3.64 feet; thence South 80°59'11" West, 43.75 feet to the point of curvature of a curve concave Southerly having a radius of 15.00 feet; thence Westerly along the arc of said curve, through a central angle of 10°32'22", an arc length of 2.76 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of South 75°43'00" West, 2.76 feet; thence South 70°26'48" West, 6.98 feet; thence South 86°51'28" West, 101.87 feet to the point of curvature of a curve concave Easterly having a radius of 70.00 feet; thence Northerly along the arc of said curve, through a central angle of 141°48'52", an arc length of 173.26 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 22°14'06" West, 132.30 feet; thence North 48°40'20" East, 183.51 feet; thence North 69°20'06" East, 14.00 feet to the point of curvature of a curve concave Northwesterly having a radius of 15.00 feet; thence Northeasterly along the arc of said curve, through a central angle of 07°18'47", an arc length of 1.91 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 65°40'43" East, 1.91 feet; thence North 62°01'19" East, 20.34 feet to the point of curvature of a curve concave Westerly having a radius of 15.00 feet; thence Northerly along the arc of said curve, through a central angle of 86°08'16", an arc length of 22.55 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 18°57'11" East, 20.49 feet; thence North 48°40'54" East, along a non-tangent line, 66.09 feet to the point of curvature of a curve concave Southerly having a radius of 79.60 feet; thence Easterly along the arc of said curve, through a central angle of 54°45'48", an arc length of 76.08 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 76°03'48" East, 73.22 feet; thence Southerly along the arc of a non-tangent curve concave Easterly having a radius of 350.00 feet, through a central angle of 03°55'21", an arc length of 23.96 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 20°45'56" East, 23.96 feet; thence North 67°16'23" East, along a non-tangent line, 175.00 feet to a point on a non-tangent curve concave Northeasterly having a radius of 175.00 feet; thence Southeasterly along the arc of said curve, through a central angle of 24°57'15", an arc length of 76.22 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 35°12'14" East, 75.62 feet; thence North 42°19'09" East, along a non-tangent line, 122.23 feet; thence North 39°25'40" East, 48.94 feet to an angle point on the Northerly line of said Parcel A, of said Official Records Book 5420, page 845; thence South 87°26'15" East, along said Northerly line, 2542.66 feet to an angle point on said Northerly line; thence South 87°25'44" East, departing said Northerly line, 892.78 feet; thence North 24°55'11" East, 719.40 feet to the point of curvature of a curve concave Westerly having a radius of 150.00 feet; thence Northerly along the arc of said curve, through a central angle of 06°56'08", an arc length of 18.16 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 21°27'07" East, 18.15 feet; thence South 65°04'49" East, along a non-tangent line, 102.20 feet to a point on a non-tangent curve concave Southeasterly having a radius of 150.00 feet; thence Northeasterly along the arc of said curve, through a central angle of 39°23'13", an arc length of 103.12 feet to a point on said curve, said arc being

subtended by a chord bearing and distance of North 51°32'55" East, 101.10 feet; thence Easterly along the arc of a non-tangent curve concave Northerly having a radius of 310.00 feet, through a central angle of 19°11'26", an arc length of 103.83 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 87°12'17" East, 103.35 feet; thence South 29°45'19" East, along a non-tangent line, 39.94 feet; thence South 25°36'22" East, 17.77 feet; thence North 82°43'45" East, 28.19 feet; thence North 50°20'45" East, 13.69 feet; thence South 46°59'47" East, 25.21 feet; thence South 57°20'35" East, 60.00 feet; thence North 84°06'57" East, 25.00 feet; thence South 05°53'03" East, 21.64 feet; thence South 34°42'45" East, 28.72 feet; thence South 34°28'17" East, 20.18 feet; thence South 68°06'43" East, 25.77 feet; thence South 39°58'24" East, 58.55 feet; thence South 04°03'55" West, 46.08 feet; thence South 06°07'15" West, 40.41 feet; thence South 11°33'47" West, 39.60 feet; thence South 06°28'26" West, 18.16 feet; thence South 17°34'58" West, 17.49 feet; thence South 04°43'27" West, 12.40 feet; thence South 89°51'38" East, 30.13 feet; thence South 02°55'10" East, 121.29 feet; thence South 19°27'06" West, 39.41 feet; thence South 12°42'17" West, 202.49 feet; thence South 87°28'25" East, 437.80 feet; thence South 22°09'33" West, 771.78 feet; thence South 88°40'53" East, 1287.55 feet to the Point of Beginning.

TOGETHER WITH:
TLGB — Phase 1A:

A portion of Section 39 of the Francis P. Fatio Grant, Township 5 South, Range 27 East, St. Johns County, Florida, being a portion of Parcel A, as described and recorded in Official Records Book 5420, page 845, of the Public Records of said county, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the Easterly line of said Section 39 with the Southerly right of way line of Greenbriar Road (County Road No. 11), a variable width right of way as presently established; thence North 77°11'27" West, along said Southerly right of way line, 12,694.32 feet to the Point of Beginning. From said Point of Beginning, thence South 12°48'33" West, departing said Southerly right of way line of Greenbriar Road, 1267.32 feet; thence South 19°53'16" East, 109.44 feet; thence South 14°07'18" West, 1580.08 feet; thence South 38°10'39" West, 90.00 feet; thence South 51°06'48" West, 680.29 feet; thence North 87°28'25" West, 437.80 feet; thence North 12°42'17" East, 202.49 feet; thence North 19°27'06" East, 39.41 feet; thence North 02°55'10" West, 121.29 feet; thence North 89°51'38" West, 30.13 feet; thence North 04°43'27" East, 12.40 feet; thence North 17°34'58" East, 17.49 feet; thence North 06°28'26" East, 18.16 feet; thence North 11°33'47" East, 39.60 feet; thence North 06°07'15" East, 40.41 feet; thence North 04°03'55" East, 46.08 feet; thence North 39°58'24" West, 58.55 feet; thence North 68°06'43" West, 25.77 feet; thence North 34°28'17" West, 20.18 feet; thence North 34°42'45" West, 28.72 feet; thence North 05°53'03" West, 21.64 feet; thence South 84°06'57" West, 25.00 feet; thence North 57°20'35" West, 60.00 feet; thence North 46°59'47" West, 25.21 feet; thence South 50°20'45" West, 13.69 feet; thence South 82°43'45" West, 28.19 feet; thence North 25°36'22" West, 17.77 feet; thence North 29°45'19" West, 39.94 feet to a point on a non-tangent curve concave Northerly having a radius of 310.00 feet; thence Westerly along the arc of said curve, through a central angle of 19°11'26", an arc length of 103.83 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 87°12'17" West, 103.35 feet; thence Southwesterly along the arc of a non-tangent curve concave Southeasterly having a radius of 150.00 feet, through a central angle of 39°23'13", an arc length of 103.12 feet to a point on said curve, said arc being subtended by a chord bearing and distance of South 51°32'55" West, 101.10 feet; thence North 65°04'49" West, along a non-tangent line, 102.20 feet to a point on a non-tangent curve concave Westerly having a radius of 150.00 feet; thence Northerly along the arc of said curve, through a central angle of 39°23'13", an arc length of 103.12 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North 01°42'34" West, 101.10 feet; thence Northwesterly along the arc of a non-tangent curve concave

Northeasterly having a radius of 310.00 feet, through a central angle of $46^{\circ}01'13''$, an arc length of 248.99 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $23^{\circ}57'03''$ West, 242.35 feet; thence Northwesterly along the arc of a curve concave Southwesterly having a radius of 140.00 feet, through a central angle of $54^{\circ}40'52''$, an arc length of 133.61 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $28^{\circ}16'52''$ West, 128.60 feet; thence North $34^{\circ}22'42''$ East, along a non-tangent line, 10.00 feet; thence North $24^{\circ}02'04''$ East, 95.05 feet to a point on a non-tangent curve concave Northerly having a radius of 140.00 feet; thence Easterly along the arc of said curve, through a central angle of $53^{\circ}56'00''$, an arc length of 131.78 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $75^{\circ}58'33''$ East, 126.97 feet; thence Northeasterly along the arc of a curve concave Southeasterly having a radius of 310.00 feet, through a central angle of $04^{\circ}53'24''$, an arc length of 26.46 feet to a point of reverse curvature, said arc being subtended by a chord bearing and distance of North $51^{\circ}27'16''$ East, 26.45 feet; thence Northeasterly along the arc of a curve concave Northwesterly having a radius of 140.00 feet, through a central angle of $57^{\circ}37'22''$, an arc length of 140.80 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North $25^{\circ}05'17''$ East, 134.94 feet; thence North $03^{\circ}43'24''$ West, 79.63 feet to a point on a non-tangent curve concave Easterly having a radius of 1539.67 feet; thence Northerly along the arc of said curve, through a central angle of $12^{\circ}29'39''$, an arc length of 335.75 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $02^{\circ}31'51''$ West, 335.08 feet; thence North $03^{\circ}41'34''$ East, along a nontangent line, 123.98 feet to the point of curvature of a curve concave Southeasterly having a radius of 1196.00 feet; thence Northeasterly along the arc of said curve, through a central angle of $40^{\circ}29'31''$, an arc length of 845.23 feet to a point on said curve, said arc being subtended by a chord bearing and distance of North $23^{\circ}56'19''$ East, 827.75 feet; thence North $06^{\circ}38'36''$ East, along a non-tangent line, 49.29 feet to the Southeasterly corner of those lands described and recorded in Official Records Book 3350, page 580, of the Public Records of said county; thence Northeasterly along the Easterly line of said Official Records Book 3350, page 580, the following 8 courses: Course 1, thence North $13^{\circ}17'31''$ East, 13.86 feet; Course 2, thence North $39^{\circ}30'39''$ East, 110.52 feet; Course 3, thence North $59^{\circ}05'53''$ East, 107.59 feet; Course 4, thence North $69^{\circ}59'48''$ East, 66.45 feet; Course 5, thence North $64^{\circ}19'06''$ East, 104.9 feet; Course 6, thence North $41^{\circ}22'33''$ East, 165.79 feet; Course 7, thence North $43^{\circ}27'00''$ East, 225.21 feet; Course 8, thence North $00^{\circ}13'17''$ East, 9.11 feet to a point lying on the Southerly line of Parcel 5B, as described and recorded in Official Records Book 1389, page 1335, of said Public Records; thence South $77^{\circ}11'27''$ East, departing said Easterly line and along said Southerly line, 73.27 feet to the Southeasterly corner of said Parcel 5B; thence North $12^{\circ}48'33''$ East, along the Easterly line of said Parcel 5B, 331.00 feet to the Northeasterly corner thereof, said corner lying on said Southerly right of way line of Greenbriar Road; thence South $77^{\circ}11'27''$ East, along said Southerly right of way line, 1013.35 feet to the Point of Beginning.

Exhibit “B”

The debt assessment lien is being placed on property described in the attached legal description. For notice purposes, listed below are the potentially applicable County Property Appraiser parcels, and property owners, developers/potential property owners, and developers that will be included on a mailing list related to debt assessments:

0006890020 – PULTE HOME COMPANY, LLC

0006890010 - GREENBRIAR LAND HOLDINGS, LLC

PULTE HOME COMPANY, LLC
12724 GRAN BAY PKWY W STE 200
JACKSONVILLE, FL 32258-0000

GREENBRIAR LAND HOLDINGS, LLC
PO BOX 238
LAKE BUTLER, FL 32054-0000

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

4E

RESOLUTION 2024-36

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT AUTHORIZING DISTRICT PROJECTS FOR CONSTRUCTION AND/OR ACQUISITION OF INFRASTRUCTURE IMPROVEMENTS; EQUALIZING, APPROVING, CONFIRMING, AND LEVYING SPECIAL ASSESSMENTS ON PROPERTY SPECIALLY BENEFITED BY SUCH PROJECTS TO PAY THE COST THEREOF; PROVIDING FOR THE PAYMENT AND THE COLLECTION OF SUCH SPECIAL ASSESSMENTS BY THE METHODS PROVIDED FOR BY CHAPTERS 170, 190, AND 197, FLORIDA STATUTES; CONFIRMING THE DISTRICT'S INTENTION TO ISSUE SPECIAL ASSESSMENT BONDS; MAKING PROVISIONS FOR TRANSFERS OF REAL PROPERTY TO GOVERNMENTAL BODIES; PROVIDING FOR THE RECORDING OF AN ASSESSMENT NOTICE; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the Orange Branch Community Development District (the "District") previously indicated its intention to construct certain types of infrastructure improvements and to finance such infrastructure improvements through the issuance of bonds, which bonds would be repaid by the imposition of special assessments on benefited property within the District; and

WHEREAS, the District Board of Supervisors (the "Board") noticed and conducted a public hearing pursuant to Chapters 170, 190, and 197, *Florida Statutes*, relating to the imposition, levy, collection and enforcement of such assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT AS FOLLOWS:

SECTION 1. AUTHORITY FOR THIS RESOLUTION. This Resolution is adopted pursuant to Chapters 170, 190, and 197, *Florida Statutes*, including without limitation, Section 170.08, *Florida Statutes*.

SECTION 2. FINDINGS. The Board hereby finds and determines as follows:

(a) The District is a local unit of special-purpose government organized and existing under and pursuant to Chapter 190, *Florida Statutes*, as amended.

(b) The District is authorized by Chapter 190, *Florida Statutes*, to finance, fund, plan, establish, acquire, install, equip, operate, extend, construct, or reconstruct stormwater management facilities; roadways; water and wastewater facilities; off-site improvements; electrical utilities

(street lighting); recreational amenities; and other infrastructure projects and services necessitated by the development of, and serving lands within, the District, together the “Capital Improvements.”

(c) The District is authorized by Chapter 190, *Florida Statutes*, to levy and impose special assessments to pay all, or any part of, the cost of such infrastructure projects and services and to issue special assessment bonds payable from such special assessments as provided in Chapters 170, 190, and 197, *Florida Statutes*.

(d) It is necessary to the public health, safety and welfare and in the best interests of the District that (i) the District provide the Capital Improvements, the nature and location of which is described in the *Orange Branch Community Development District Master Engineer’s Report*, dated April 10, 2024 (the “Engineer’s Report”) (attached as **Exhibit A** hereto and incorporated herein by this reference), and which plans and specifications are on file at the office of the District Manager c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (“District Records Offices”); (ii) the cost of such Capital Improvements be assessed against the lands specially benefited by such Capital Improvements; and (iii) the District issue bonds to provide funds for such purposes pending the receipt of such special assessments.

(e) The provision of said Capital Improvements, the levying of such Assessments (hereinafter defined) and the sale and issuance of such bonds serves a proper, essential, and valid public purpose and is in the best interests of the District, its landowners, and residents.

(f) In order to provide funds with which to pay all or a portion of the costs of the Capital Improvements which are to be assessed against the benefitted properties, pending the collection of such Assessments, it is necessary for the District from time to time to sell and issue its Special Assessment Bonds, in one or more series (the “Bonds”).

(g) By Resolution 2024-33, the Board determined to provide the Capital Improvements and to defray the costs thereof by making Assessments on benefitted property and expressed an intention to issue Bonds, notes or other specific financing mechanisms to provide all or a portion of the funds needed for the Capital Improvements prior to the collection of such Assessments. Resolution 2024-33 was adopted in compliance with the requirements of Section 170.03, *Florida Statutes*, and prior to the time it was adopted, the requirements of Section 170.04, *Florida Statutes*, had been met.

(h) As directed by Resolution 2024-33, Resolution 2024-33 was published as required by Section 170.05, *Florida Statutes*, and a copy of the publisher’s affidavit of publication is on file with the Secretary of the Board.

(i) As directed by Resolution 2024-33, a preliminary assessment roll was adopted and filed with the Board as required by Section 170.06, *Florida Statutes*.

(j) As required by Section 170.07, *Florida Statutes*, upon completion of the preliminary assessment roll, the Board adopted Resolution 2024-33, fixing the time and place of a public hearing at which owners of the property to be assessed and other persons interested therein may appear before the Board and be heard as to (1) the propriety and advisability of making the infrastructure improvements, including the Capital Improvements, (2) the cost thereof, (3) the

manner of payment therefore, and (4) the amount thereof to be assessed against each specially benefited property or parcel and provided for publication of notice of such public hearing and individual mailed notice in accordance with Chapters 170, 190, and 197, *Florida Statutes*.

(k) Notice of such public hearing was given by publication and also by mail as required by Section 170.07, *Florida Statutes*. Affidavits as to such publications and mailings are on file in the office of the Secretary of the Board.

(l) On June 17, 2024, at the time and place specified in Resolution 2024-33 and the notice referred to in paragraph (k) above, the Board met as an Equalization Board, conducted such public hearing, and heard and considered all complaints and testimony as to the matters described in paragraph (j) above. The Board has made such modifications to the preliminary assessment roll as it deems necessary, just and right in the making of the final assessment roll.

(m) Having considered the estimated costs of the Capital Improvements, estimates of financing costs and all complaints and evidence presented at such public hearing, the Board further finds and determines:

- i. that the estimated costs of the Capital Improvements is as specified in the Engineer's Report, which Engineer's Report is hereby adopted and approved, and that the amount of such costs is reasonable and proper; and
- ii. it is reasonable, proper, just and right to assess the cost of such Capital Improvements against the properties specially benefited thereby using the method determined by the Board set forth in the *Master Special Assessment Methodology for Orange Branch Community Development District*, dated April 10, 2024 (the "Assessment Report," attached hereto as **Exhibit B** and incorporated herein by this reference), for the Bonds, which results in the special assessments set forth on the final assessment roll included within such **Exhibit B** (the "Assessments"); and
- iii. the Assessment Report is hereby approved, adopted and confirmed. The District ratifies its use in connection with the issuance of the Bonds;
- iv. it is hereby declared that the Capital Improvements will constitute a special benefit to all parcels of real property listed on said final assessment roll and that the benefit, in the case of each such parcel, will be equal to or in excess of the Assessments thereon when allocated as set forth in **Exhibit B**;
- v. that the costs of the Capital Improvements are fairly and reasonably apportioned to the properties specifically benefitted as set forth in **Exhibit B**;
- vi. it is in the best interests of the District that the Assessments be paid and collected as herein provided; and
- vii. it is reasonable, proper, just and right for the District to utilize the true-up mechanisms and calculations contained in the Assessment Report in order to ensure that all parcels of real property benefiting from the Capital Improvements are

assessed accordingly and that sufficient assessment receipts are being generated in order to pay the corresponding bond debt-service when due;

SECTION 3. AUTHORIZATION OF DISTRICT PROJECT. That construction of Capital Improvements initially described in Resolution No. 2024-33, and more specifically identified and described in **Exhibit A** attached hereto, is hereby authorized and approved and the proper officers, employees and/or agents of the District are hereby authorized and directed to take such further action as may be necessary or desirable to cause the same to be made.

SECTION 4. ESTIMATED COST OF CAPITAL IMPROVEMENTS. The total estimated costs of the Capital Improvements and the costs to be paid by Assessments on all specially benefited property are set forth in **Exhibits A and B**, respectively, hereto.

SECTION 5. EQUALIZATION, APPROVAL, CONFIRMATION AND LEVY OF SPECIAL ASSESSMENTS. The Assessments on the parcels specially benefited by the Capital Improvements, all as specified in the final assessment roll set forth in **Exhibit B**, attached hereto, are hereby equalized, approved, confirmed and levied. Immediately following the adoption of this Resolution, these Assessments, as reflected in **Exhibit B** attached hereto, shall be recorded by the Secretary of the Board of the District in a special book, to be known as the "Improvement Lien Book." The Assessment or assessments against each respective parcel shown on such final assessment roll and interest, costs and penalties thereon, as hereafter provided, shall be and shall remain a legal, valid and binding first lien on such parcel until paid and such lien shall be coequal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims. Prior to the issuance of any Bonds, including refunding bonds, the District may, by subsequent resolution, adjust the acreage assigned to particular parcel identification numbers listed on the final assessment roll to reflect accurate apportionment of acreage within the District amongst individual parcel identification numbers. The District may make any other such acreage and boundary adjustments to parcels listed on the final assessment roll as may be necessary in the best interests of the District as determined by the Board by subsequent resolution. Any such adjustment in the assessment roll shall be consistent with the requirements of law. In the event the issuance of Bonds, including refunding bonds, by the District would result in a decrease of the Assessments, then the District shall by subsequent resolution, adopted within sixty (60) days of the sale of such Bonds at a publicly noticed meeting and without the need for further public hearing, evidence such a decrease and amend the final assessment roll as shown in the Improvement Lien Book to reflect such a decrease.

SECTION 6. FINALIZATION OF SPECIAL ASSESSMENTS. When the entire Capital Improvements project has both been constructed or otherwise provided to the satisfaction of the Board, the Board shall adopt a resolution accepting the same and determining the actual costs (including financing costs) thereof, as required by Sections 170.08 and 170.09, *Florida Statutes*. Pursuant to the provisions of Section 170.08, *Florida Statutes*, regarding completion of a project funded by a particular series of bonds, the District shall credit to each Assessment the difference, if any, between the Assessment as hereby made, approved and confirmed and the proportionate part of the actual costs of the Capital Improvements, as finally determined upon completion thereof, but in no event shall the final amount of any such special assessment exceed the amount of benefits originally assessed hereunder. In making such credits, no credit shall be given for bond

financing costs, capitalized interest, funded reserves or bond discounts. Such credits, if any, shall be entered in the Improvement Lien Book.

SECTION 7. PAYMENT OF SPECIAL ASSESSMENTS AND METHOD OF COLLECTION.

(a) The Assessments may be paid in not more than thirty (30) substantially equal consecutive annual installments of principal and interest. The Assessments may be paid in full without interest at any time within thirty (30) days after the completion of the Capital Improvements and the adoption by the Board of a resolution accepting the Capital Improvements, unless such option has been waived by the owner of the land subject to the Assessments; provided, however, that the Board shall at any time make such adjustments by resolution, at a noticed meeting of the Board, to that payment schedule as may be necessary and in the best interests of the District to account for changes in long and short term debt as actually issued by the District. All impact fee credits received and/or value received for impact fee credits shall be applied against the Capital Improvements costs and/or the outstanding indebtedness of any debt issuance that funded the improvement giving rise to the credits which application may be addressed by such resolutions. At any time subsequent to thirty (30) days after the Capital Improvements have been completed and a resolution accepting the Capital Improvements has been adopted by the Board, the Assessments may be prepaid in full including interest amounts to the next succeeding interest payment date or to the second succeeding interest payment date if such a prepayment is made within forty-five (45) calendar days before an interest payment date. The owner of property subject to Assessments may prepay the entire remaining balance of the Assessments at any time, or a portion of the remaining balance of the Assessment one time if there is also paid, in addition to the prepaid principal balance of the Assessment, an amount equal to the interest that would otherwise be due on such prepaid amount on the next succeeding interest payment date, or, if prepaid during the forty-five day (45) period preceding such interest payment date, to the interest payment date following such next succeeding interest payment date. Prepayment of Assessments does not entitle the property owner to any discounts for early payment.

(b) The District may elect to use the method of collecting Assessments authorized by Sections 197.3632 and 197.3635, *Florida Statutes* (the "Uniform Method"). The District has heretofore taken or will use its best efforts to take as timely required, any necessary actions to comply with the provisions of said Sections 197.3632 and 197.3635, *Florida Statutes*. Such Assessments may be subject to all of the collection provisions of Chapter 197, *Florida Statutes*. Notwithstanding the above, in the event the Uniform Method of collecting its special or non-ad valorem assessments is not available to the District in any year, or if determined by the District to be in its best interest, the Assessments may be collected as is otherwise permitted by law. The District may, in its sole discretion, collect Assessments by directly assessing landowner(s) and enforcing said collection in any manner authorized by law.

(c) For the period the District uses the Uniform Method, the District shall enter into an agreement with the Tax Collector of Leon County who may notify each owner of a lot or parcel within the District of the amount of the special assessment, including interest thereon, in the manner provided in Section 197.3635, *Florida Statutes*.

SECTION 8. APPLICATION OF TRUE-UP PAYMENTS.

(a) Pursuant to the Assessment Report, attached hereto as **Exhibit B**, there may be required from time to time certain true-up payments. As parcels of land or lots are platted, the Assessments securing the Bonds shall be allocated as set forth in the Assessment Report. In furtherance thereof, at such time as parcels or land or lots are platted, it shall be an express condition of the lien established by this Resolution that any and all initial plats of any portion of the lands within the District, as the District's boundaries may be amended from time to time, shall be presented to the District Manager for review, approval and calculation of the percentage of acres and numbers of units which will be, after the plat, considered to be developed. No further action by the Board of Supervisors shall be required. The District's review shall be limited solely to this function and the enforcement of the lien established by this Resolution. The District Manager shall cause the Assessments to be reallocated to the units being platted and the remaining property in accordance with **Exhibit B**, cause such reallocation to be recorded in the District's Improvement Lien Book, and shall perform the true-up calculations described in **Exhibit B**, which process is incorporated herein as if fully set forth (the "True-Up Methodology"). Any resulting true-up payment shall become due and payable that tax year by the landowner(s) of record of the remaining unplatted property, in addition to the regular assessment installment payable with respect to such remaining unplatted acres.

(b) The District will take all necessary steps to ensure that true-up payments are made in a timely fashion to ensure its debt service obligations are met. The District shall record all true-up payments in its Improvement Lien Book.

(c) The foregoing is based on the District's understanding with landowner and/or developer that it intends to develop the unit numbers and types shown in **Exhibit B**, on the net developable acres and is intended to provide a formula to ensure that the appropriate ratio of the Assessments to gross acres is maintained if fewer units are developed. However, no action by the District prohibits more than the maximum units shown in **Exhibit B** from being developed. In no event shall the District collect Assessments pursuant to this Resolution in excess of the total debt service related to the Capital Improvements, including all costs of financing and interest. The District recognizes that such events as regulatory requirements and market conditions may affect the timing and scope of the development in the District. If the strict application of the True-Up Methodology to any assessment reallocation pursuant to this paragraph would result in Assessments collected in excess of the District's total debt service obligation for the Capital Improvements, the Board shall by resolution take appropriate action to equitably reallocate the Assessments. Further, upon the District's review of the final plat for the developable acres, any unallocated Assessments shall become due and payable and must be paid prior to the District's approval of that plat.

(d) The application of the monies received from true-up payments or Assessments to the actual debt service obligations of the District, whether long term or short term, shall be set forth in the supplemental assessment resolution adopted for each series of Bonds actually issued. Such subsequent resolution shall be adopted at a noticed meeting of the District, and shall set forth the actual amounts financed, costs of issuance, expected costs of collection, and the total amount of the assessments pledged to that issue, which amount shall be consistent with the lien imposed

by this Resolution. Each such supplemental resolution shall also address the allocation of any impact fee credits expected to be received from the provision of the project funded by the corresponding series of Bonds issued or to be issued.

SECTION 9. GOVERNMENT PROPERTY; TRANSFERS OF PROPERTY TO UNITS OF LOCAL, STATE, AND FEDERAL GOVERNMENT. Property owned by units of local, state, and federal government shall not be subject to the Assessments without specific consent thereto. If at any time, any real property on which Assessments are imposed by this Resolution is sold or otherwise transferred to a unit of local, state, or federal government (without consent of such governmental unit to the imposition of Assessments thereon), all future unpaid Assessments for such tax parcel shall become due and payable immediately prior to such transfer without any further action of the District.

SECTION 10. ASSESSMENT NOTICE. The District's Secretary is hereby directed to record a general Notice of Assessments in the Official Records of Leon County, Florida, which shall be updated from time to time in a manner consistent with changes in the boundaries of the District.

SECTION 11. SEVERABILITY. If any section or part of a section of this Resolution be declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

SECTION 12. CONFLICTS. All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

SECTION 13. EFFECTIVE DATE. This Resolution shall become effective upon its adoption.

APPROVED AND ADOPTED this 17th day of June, 2024.

Attest:

**ORANGE BRANCH COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: *Orange Branch Community Development District Master Engineer's Report*, dated April 10, 2024

Exhibit B: *Master Special Assessment Methodology for Orange Branch Community Development District*, dated April 10, 2024

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

5A

LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Daphne Gillyard
Orange Branch CDD C/O District Manager
2300 Glades RD # 410
Boca Raton FL 33431-7386

STATE OF WISCONSIN, COUNTY OF BROWN

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

05/16/2024

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

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 05/16/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$128.48

Order No: 10177411

Customer No: 1403114

PO #:

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NOTICE OF RULE DEVELOPMENT BY THE

ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT
In accordance with Chapters 120 and 190, Florida Statutes, and in connection with its anticipated ownership and operation of certain improvements, including recreational amenity facilities and improvements (hereinafter collectively referred to as the "Amenities"), the Orange Branch Community Development District (the "District") hereby gives the public notice of its intent to: (1) adopt its proposed Rules of Procedure; (2) establish rates, fees, and charges imposed on residents and non-residents utilizing the District's Amenities (collectively, the "Amenity Rates"); and (3) adopt a new rule establishing consequences for those who violate the District's Amenities Rules (the "Disciplinary Rule").

The Rules of Procedure will address such areas as the Board of Supervisors, officers and voting, district offices, public information and inspection of records, policies, public meetings, hearings and workshops, rulemaking proceedings and competitive purchase including procedure under the Consultants Competitive Negotiation Act, procedure regarding auditor selection, purchase of insurance, pre-qualification, construction contracts, goods, supplies and materials, maintenance services, contractual services and protests with respect to proceedings, as well as any other area of the general operation of the District.

The purpose and effect of the Rules of Procedure is to provide for efficient and effective District operations and to ensure compliance with recent changes to Florida law. The legal authority for the adoption of the proposed Rules of Procedure includes sections 190.011(5), 190.011(15) and 190.035, Florida Statutes (2023). The specific laws implemented in the Rules of Procedure include, but are not limited to, sections 112.06, 112.3143, 112.3144, 112.3145, 119.07, 119.0701, 189.053, 189.069(2)(a)16, 190.006, 190.007, 190.008, 190.011(3), 190.011(5), 190.011(15), 190.033, 190.035, 218.32, 218.391, 255.05, 255.0518, 255.0525, 255.20, 286.0105, 286.011, 286.0113, 286.0114, 287.017, 287.055 and 287.084, Florida Statutes (2023).

The purpose and effect of the Amenity Rates and Disciplinary Rule is to provide for efficient and effective District operations of the District's Amenities and other properties by setting policies and fees relevant to implementation of the provisions of Section 190.035, Florida Statutes. General legal authority for the District to adopt the proposed Amenity Rates include Chapters 120 and 190, Florida Statutes (2023), as amended, and specific legal authority includes Sections 190.035(2), 190.011(5), 190.012(3), 190.035, 190.041, 120.54, 120.69 and 120.81, Florida Statutes (2023), as amended. A copy of the proposed Rules of Procedure, Amenity Rates, and Disciplinary Rule may be obtained by contacting the District Manager's Office, c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (877) 276-0889.
District Manager
Orange Branch Community Development District
#10177411: 5/16/2024

MARIAH VERHAGEN
Notary Public
State of Wisconsin

LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Daphne Gillyard
Orange Branch CDD C/O District Manager
2300 Glades RD # 410
Boca Raton FL 33431-7386

STATE OF WISCONSIN, COUNTY OF BROWN

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

05/17/2024

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

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 05/17/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$227.76

Order No: 10177436

Customer No: 1403114

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NOTICE OF RULEMAKING REGARDING THE RULES OF PROCEDURE, AMENITY RULES, AMENITY RATES, AND DISCIPLINARY RULE OF THE ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT

A public hearing will be conducted by the Board of Supervisors of the Orange Branch Community Development District (the "District") on June 17, 2024 at 11:00 a.m., at St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Boulevard, St. Johns, Florida 32259. Prior notice of rule development was published in a newspaper of general circulation on May 16, 2024.

In accordance with Chapters 120 and 190, Florida Statutes, and in connection with its anticipated ownership and operation of certain District facilities and improvements (hereinafter collectively referred to as the "Amenities"), the District hereby gives the public notice of its intent to: (1) adopt its proposed Rules of Procedure; (2) establish rates, fees, and charges imposed on residents and non-residents utilizing the District's Amenities (collectively, the "Amenity Rates"); and (3) adopt a new rule establishing consequences for those who violate the District's Amenities Rules (the "Disciplinary Rule"). The Rules of Procedure may address such areas as the Board of Supervisors, officers and voting, district offices, public information and inspection of records, policies, public meetings, hearings and workshops, rulemaking proceedings and competitive purchase including procedure under the Consultants Competitive Negotiation Act, procedure regarding auditor selection, purchase of insurance, pre-qualification, construction contracts, goods, supplies and materials, maintenance services, contractual services and protests with respect to proceedings, as well as any other area of the general operation of the District.

Specific legal authority for the adoption of the proposed Rules of Procedure includes Sections 190.011(5), 190.011(15) and 190.035, Florida Statutes (2023). The specific laws implemented in the Rules of Procedure include, but are not limited to, Sections 112.08, 112.3143, 112.3146, 112.3145, 119.07, 119.0701, 189.053, 189.069(2)(a)16, 190.006, 190.007, 190.008, 190.011(3), 190.011(5), 190.011(15), 190.033, 190.035, 218.33, 218.391, 255.05, 255.0518, 255.0525, 255.20, 286.0105, 286.011, 286.0113, 286.0114, 287.017, 287.055 and 287.084, Florida Statutes (2023).

The purpose and effect of the Amenity Rates and Disciplinary Rule is to provide for efficient and effective District operations of the District's Amenities and other properties by setting policies and fees relevant to implementation of the provisions of Section 190.035, Florida Statutes. General legal authority for the District to adopt the proposed Amenity Rates include Chapters 120 and 190, Florida Statutes (2023), as amended, and specific legal authority includes Sections 190.035(2), 190.011(5), 190.012(3), 190.035, 190.041, 120.54, 120.69 and 120.81, Florida Statutes (2023), as amended. The proposed Amenity Rates include:

Fee	Proposed
Non-Resident Annual User Fee	\$2,500 - \$4,000
Lost Access Card Replacement	\$50
Returned Check/Insufficient Funds Fee	\$50

The proposed Suspension and Termination Rules and rates, fees and charges associated therewith may be adjusted at the public hearing pursuant to discussion by the Board of Supervisors and public comment. The proposed Suspension and Termination Rules address use of access cards, provide for the suspension and termination of amenity access, provide for an administrative reimbursement of up to Five Hundred Dollars (\$500.00), provide for property damage reimbursement, provide authority for certain District staff to remove persons from the amenities, provide for hearings and appeal, and provide for other legal remedies. Specific legal authority for the rule includes Sections 190.035 (2), 190.011 (5) and 120.54, Florida Statutes.

A copy of the proposed Rules of Procedure, Amenity Rates, and Disciplinary Rule may be obtained by contacting the District Manager's Office, c/o Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431 (561) 571-0010.

Any person who wishes to provide the District with a proposal for a lower cost regulatory alternative as provided by Section 120.54(1), Florida Statutes, must do so in writing within twenty one (21) days after publication of this notice to the District Manager's Office.

This public hearing may be continued to a date, time, and place specified on the record at the hearing without additional notice. If anyone chooses to appeal any decision of the Board with respect to any matter considered at a public hearing, such person will need a record of the proceedings and should accordingly ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which such appeal is to be based. At the hearing, staff or Supervisors may participate in the public hearing by speaker telephone.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office at least three business days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service at 1-800-955-8771 for aid in contacting the District Office.

District Manager
Orange Branch Community Development District
#10177436: 5/17/2024

MARIAH VERHAGEN
Notary Public
State of Wisconsin

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

5B

RESOLUTION 2024-37

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT ADOPTING RULES OF PROCEDURE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Orange Branch Community Development District (“**District**”) is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within St. Johns County, Florida; and

WHEREAS, Chapter 190, *Florida Statutes*, authorizes the District to adopt rules to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, to provide for efficient and effective District operations and to maintain compliance with Florida law, the Board of Supervisors finds that it is in the best interests of the District to adopt by resolution the Rules of Procedure attached hereto as **Exhibit A** for immediate use and application; and

WHEREAS, the Board of Supervisors has complied with applicable Florida law concerning rule development and adoption.

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

SECTION 1. The attached Rules of Procedure are hereby adopted pursuant to this Resolution as necessary for the conduct of District business. These Rules of Procedure shall stay in full force and effect until such time as the Board of Supervisors may amend these rules in accordance with Chapter 190, *Florida Statutes*.

SECTION 2. If any provision of this Resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 3. This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 17th day of June, 2024.

ATTEST:

**ORANGE BRANCH COMMUNITY
DEVELOPMENT DISTRICT**

Secretary / Assistant Secretary

Chair/ Vice Chair, Board of Supervisors

Exhibit A: Rules of Procedure

Exhibit A
Rules of Procedure

**RULES OF PROCEDURE
ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT**

EFFECTIVE AS OF JUNE 17TH, 2024

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Rule 1.0 General.

- (1) The Orange Branch Community Development District (the “District”) was created pursuant to the provisions of Chapter 190 of the Florida Statutes, and was established to provide for the ownership, operation, maintenance, and provision of various capital facilities and services within its jurisdiction. The purpose of these rules (the “Rules”) is to describe the general operations of the District.
- (2) Definitions located within any section of these Rules shall be applicable within all other sections, unless specifically stated to the contrary.
- (3) Unless specifically permitted by a written agreement with the District, the District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
- (4) A Rule of the District shall be effective upon adoption by affirmative vote of the District Board. After a Rule becomes effective, it may be repealed or amended only through the rulemaking procedures specified in these Rules. Notwithstanding, the District may immediately suspend the application of a Rule if the District determines that the Rule conflicts with Florida law. In the event that a Rule conflicts with Florida law and its application has not been suspended by the District, such Rule should be interpreted in the manner that best effectuates the intent of the Rule while also complying with Florida law. If the intent of the Rule absolutely cannot be effectuated while complying with Florida law, the Rule shall be automatically suspended.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.011(5), 190.011(15), Fla. Stat.

Rule 1.1 Board of Supervisors; Officers and Voting.

- (1) Board of Supervisors. The Board of Supervisors of the District (the “Board”) shall consist of five (5) members. Members of the Board (“Supervisors”) appointed by ordinance or rule or elected by landowners must be citizens of the United States of America and residents of the State of Florida. Supervisors elected or appointed by the Board to elector seats must be citizens of the United States of America, residents of the State of Florida and of the District and registered to vote with the Supervisor of Elections of the county in which the District is located and for those elected, shall also be qualified to run by the Supervisor of Elections. The Board shall exercise the powers granted to the District under Florida law.
 - (a) Supervisors shall hold office for the term specified by Section 190.006 of the Florida Statutes. If, during the term of office, any Board member(s) vacates their office, the remaining member(s) of the Board shall fill the vacancies by appointment for the remainder of the term(s). If three or more vacancies exist at the same time, a quorum, as defined herein, shall not be required to appoint replacement Board members.
 - (b) Three (3) members of the Board shall constitute a quorum for the purposes of conducting business, exercising powers and all other purposes. A Board member shall be counted toward the quorum if physically present at the meeting, regardless of whether such Board member is prohibited from, or abstains from, participating in discussion or voting on a particular item.
 - (c) Action taken by the Board shall be upon a majority vote of the members present, unless otherwise provided in the Rules or required by law. Subject to Rule 1.3(10), a Board member participating in the Board meeting by teleconference or videoconference shall be entitled to vote and take all other action as though physically present.
 - (d) Unless otherwise provided for by an act of the Board, any one Board member may attend a mediation session on behalf of the Board. Any agreement resulting from such mediation session must be approved pursuant to subsection (1)(c) of this Rule.
- (2) Officers. At the first Board meeting held after each election where the newly elected members take office, the Board shall select a Chairperson, Vice-Chairperson, Secretary, Assistant Secretary, and Treasurer.
 - (a) The Chairperson must be a member of the Board. If the Chairperson resigns from that office or ceases to be a member of the Board, the Board shall select a Chairperson. The Chairperson serves at the pleasure of the Board. The Chairperson shall be authorized to execute resolutions and contracts on the District’s behalf. The Chairperson shall convene and conduct all meetings of the Board. In the event the Chairperson is unable to attend a

meeting, the Vice-Chairperson shall convene and conduct the meeting. The Chairperson or Vice-Chairperson may delegate the responsibility of conducting the meeting to the District's manager ("District Manager") or District Counsel, in whole or in part.

- (b) The Vice-Chairperson shall be a member of the Board and shall have such duties and responsibilities as specifically designated by the Board from time to time. The Vice-Chairperson has the authority to execute resolutions and contracts on the District's behalf in the absence of the Chairperson. If the Vice-Chairperson resigns from office or ceases to be a member of the Board, the Board shall select a Vice-Chairperson. The Vice-Chairperson serves at the pleasure of the Board.
- (c) The Secretary of the Board serves at the pleasure of the Board and need not be a member of the Board. The Secretary shall be responsible for maintaining the minutes of Board meetings and may have other duties assigned by the Board from time to time. An employee of the District Manager may serve as Secretary. The Secretary shall be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (d) The Treasurer need not be a member of the Board but must be a resident of the State of Florida. The Treasurer shall perform duties described in Section 190.007(2) and (3) of the Florida Statutes, as well as those assigned by the Board from time to time. The Treasurer shall serve at the pleasure of the Board. The Treasurer shall either be bonded by a reputable and qualified bonding company in at least the amount of one million dollars (\$1,000,000), or have in place a fidelity bond, employee theft insurance policy, or a comparable product in at least the amount of one million dollars (\$1,000,000) that names the District as an additional insured.
- (e) In the event that both the Chairperson and Vice-Chairperson are absent from a Board meeting and a quorum is present, the Board may designate one of its members or a member of District staff to convene and conduct the meeting. In such circumstances, any of the Board members present are authorized to execute agreements, resolutions, and other documents approved by the Board at such meeting. In the event that the Chairperson and Vice-Chairperson are both unavailable to execute a document previously approved by the Board, the Secretary or any Assistant Secretary may execute such document.
- (f) The Board may assign additional duties to District officers from time to time, which include, but are not limited to, executing documents on behalf of the District.

- (g) The Chairperson, Vice-Chairperson, and any other person authorized by District Resolution may sign checks and warrants for the District, countersigned by the Treasurer or other persons authorized by the Board.
- (3) Committees. The Board may establish committees of the Board, either on a permanent or temporary basis, to perform specifically designated functions. Committees may include individuals who are not members of the Board. Such functions may include, but are not limited to, review of bids, proposals, and qualifications, contract negotiations, personnel matters, and budget preparation.
- (4) Record Book. The Board shall keep a permanent record book entitled "Record of Proceedings," in which shall be recorded minutes of all meetings, resolutions, proceedings, certificates, and corporate acts. The Records of Proceedings shall be located at a District office and shall be available for inspection by the public.
- (5) Meetings. For each fiscal year, the Board shall establish a schedule of regular meetings, which shall be published in a newspaper of general circulation in the county in which the District is located and filed with the local general-purpose governments within whose boundaries the District is located. All meetings of the Board and Committees serving an advisory function shall be open to the public in accord with the provisions of Chapter 286 of the Florida Statutes.
- (6) Voting Conflict of Interest. The Board shall comply with Section 112.3143 of the Florida Statutes, so as to ensure the proper disclosure of conflicts of interest on matters coming before the Board for a vote. For the purposes of this section, "voting conflict of interest" shall be governed by the Florida Constitution and Chapters 112 and 190 of the Florida Statutes, as amended from time to time. Generally, a voting conflict exists when a Board member is called upon to vote on an item which would inure to the Board member's special private gain or loss or the Board member knows would inure to the special private gain or loss of a principal by whom the Board member is retained, the parent organization or subsidiary of a corporate principal, a business associate, or a relative including only a father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law.
 - (a) When a Board member knows the member has a conflict of interest on a matter coming before the Board, the member should notify the Board's Secretary prior to participating in any discussion with the Board on the matter. The member shall publicly announce the conflict of interest at the meeting. This announcement shall appear in the minutes.

If the Board member was elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, the Board member may vote or abstain from voting on the matter at issue. If the Board member was elected by electors residing within the District, the Board member is prohibited from voting on the matter at issue. In the event that

the Board member intends to abstain or is prohibited from voting, such Board member shall not participate in the discussion on the item subject to the vote.

The Board's Secretary shall prepare a Memorandum of Voting Conflict (Form 8B) which shall then be signed by the Board member, filed with the Board's Secretary, and provided for attachment to the minutes of the meeting within fifteen (15) days of the meeting.

- (b) If a Board member inadvertently votes on a matter and later learns he or she has a conflict on the matter, the member shall immediately notify the Board's Secretary. Within fifteen (15) days of the notification, the member shall file the appropriate Memorandum of Voting Conflict, which will be attached to the minutes of the Board meeting during which the vote on the matter occurred. The Memorandum of Voting Conflict shall immediately be provided to other Board members and shall be read publicly at the next meeting held subsequent to the filing of the Memorandum of Voting Conflict. The Board member's vote is unaffected by this filing.
- (c) It is not a conflict of interest for a Board member, the District Manager, or an employee of the District to be a stockholder, officer or employee of a landowner or of an entity affiliated with a landowner.
- (d) In the event that a Board member elected at a landowner's election or appointed to fill a vacancy of a seat last filled at a landowner's election, has a continuing conflict of interest, such Board member is permitted to file a Memorandum of Voting Conflict at any time in which it shall state the nature of the continuing conflict. Only one such continuing Memorandum of Voting Conflict shall be required to be filed for each term the Board member is in office.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 112.3143, 190.006, 190.007, Fla. Stat.

Rule 1.2 District Offices; Public Information and Inspection of Records; Policies; Service Contract Requirements; Financial Disclosure Coordination.

- (1) District Offices. Unless otherwise designated by the Board, the official District office shall be the District Manager's office identified by the District Manager. If the District Manager's office is not located within the county in which the District is located, the Board shall designate a local records office within such county which shall at a minimum contain, but not be limited to, the following documents:
- (a) Agenda packages for prior 24 months and next meeting;
 - (b) Official minutes of meetings, including adopted resolutions of the Board;
 - (c) Names and addresses of current Board members and District Manager, unless such addresses are protected from disclosure by law;
 - (d) Adopted engineer's reports;
 - (e) Adopted assessment methodologies/reports;
 - (f) Adopted disclosure of public financing;
 - (g) Limited Offering Memorandum for each financing undertaken by the District;
 - (h) Proceedings, certificates, bonds given by all employees, and any and all corporate acts;
 - (i) District policies and rules;
 - (j) Fiscal year end audits; and
 - (k) Adopted budget for the current fiscal year.

The District Manager shall ensure that each District records office contains the documents required by Florida law.

- (2) Public Records. District public records include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received in connection with the transaction of official business of the District. All District public records not otherwise restricted by law may be copied or inspected at the District Manager's office during regular business hours. Certain District records can also be inspected and copied at the District's local records office during regular business hours. All written public records requests shall be directed to the Secretary who by these rules is appointed as the

District's records custodian. Regardless of the form of the request, any Board member or staff member who receives a public records request shall immediately forward or communicate such request to the Secretary for coordination of a prompt response. The Secretary, after consulting with District Counsel as to the applicability of any exceptions under the public records laws, shall be responsible for responding to the public records request. At no time can the District be required to create records or summaries of records, or prepare opinions regarding District policies, in response to a public records request.

- (3) Service Contracts. Any contract for services, regardless of cost, shall include provisions required by law that require the contractor to comply with public records laws. The District Manager shall be responsible for initially enforcing all contract provisions related to a contractor's duty to comply with public records laws.
- (4) Fees; Copies. Copies of public records shall be made available to the requesting person at a charge of \$0.15 per page for one-sided copies and \$0.20 per page for two-sided copies if not more than 8 ½ by 14 inches. For copies of public records in excess of the sizes listed in this section and for outside duplication services, the charge shall be equal to the actual cost of reproduction. Certified copies of public records shall be made available at a charge of one dollar (\$1.00) per page. If the nature or volume of records requested requires extensive use of information technology resources or extensive clerical or supervisory assistance, the District may charge, in addition to the duplication charge, a special service charge that is based on the cost the District incurs to produce the records requested. This charge may include, but is not limited to, the cost of information technology resource, employee labor, and fees charged to the District by consultants employed in fulfilling the request. In cases where the special service charge is based in whole or in part on the costs incurred by the District due to employee labor, consultant fees, or other forms of labor, those portions of the charge shall be calculated based on the lowest labor cost of the individual(s) who is/are qualified to perform the labor, taking into account the nature or volume of the public records to be inspected or copied. The charge may include the labor costs of supervisory and/or clerical staff whose assistance is required to complete the records request, in accordance with Florida law. For purposes of this Rule, the word "extensive" shall mean that it will take more than 15 minutes to locate, review for confidential information, copy and re-file the requested material. In cases where extensive personnel time is determined by the District to be necessary to safeguard original records being inspected, the special service charge provided for in this section shall apply. If the total fees, including but not limited to special service charges, are anticipated to exceed twenty-five dollars (\$25.00), then, prior to commencing work on the request, the District will inform the person making the public records request of the estimated cost, with the understanding that the final cost may vary from that estimate. If the person making the public records request decides to proceed with the request, payment of the estimated cost is required in advance. Should the person fail to pay the estimate, the District is under no duty to produce the requested records. After the request has been fulfilled, additional payments or credits may be

due. The District is under no duty to produce records in response to future records requests if the person making the request owes the District for past unpaid duplication charges, special service charges, or other required payments or credits.

- (5) Records Retention. The Secretary of the District shall be responsible for retaining the District's records in accordance with applicable Florida law.
- (6) Policies. The Board may adopt policies related to the conduct of its business and the provision of services either by resolution or motion.
- (7) Financial Disclosure Coordination. Unless specifically designated by Board resolution otherwise, the Secretary shall serve as the Financial Disclosure Coordinator ("Coordinator") for the District as required by the Florida Commission on Ethics ("Commission"). The Coordinator shall create, maintain and update a list of the names, e-mail addresses, physical addresses, and names of the agency of, and the office or position held by, all Supervisors and other persons required by Florida law to file a statement of financial interest due to his or her affiliation with the District ("Reporting Individual"). The Coordinator shall provide this list to the Commission by February 1 of each year, which list shall be current as of December 31 of the prior year. Each Supervisor and Reporting Individual shall promptly notify the Coordinator in writing if there are any changes to such person's name, e-mail address, or physical address. Each Supervisor and Reporting Individual shall promptly notify the Commission in the manner prescribed by the Commission if there are any changes to such person's e-mail address.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 112.31446(3), 112.3145(8)(a)1., 119.07, 119.0701, 190.006, Fla. Stat.

Rule 1.3 Public Meetings, Hearings, and Workshops.

- (1) Notice. Except in emergencies, or as otherwise required by statute or these Rules, at least seven (7) days' public notice shall be given of any public meeting, hearing or workshop of the Board. Public notice shall be given by publication in a newspaper of general circulation in the District and in the county in which the District is located. "General circulation" means a publication that is printed and published at least once a week for the preceding year, offering at least 25% of its words in the English language, qualifies as a periodicals material for postal purposes in the county in which the District is located, is for sale to the public generally, is available to the public generally for the publication of official or other notices, and is customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where published, or of interest or of value to the general public. The annual meeting notice required to be published by Section 189.015 of the Florida Statutes, shall be published in a newspaper not of limited subject matter, which is published at least five days a week, unless the only newspaper in the county is published less than five days a week, and shall satisfy the requirement to give at least seven (7) days' public notice stated herein. Each Notice shall state, as applicable:
- (a) The date, time and place of the meeting, hearing or workshop;
 - (b) A brief description of the nature, subjects, and purposes of the meeting, hearing, or workshop;
 - (c) The District office address for the submission of requests for copies of the agenda, as well as a contact name and telephone number for verbal requests for copies of the agenda; and
 - (d) The following or substantially similar language: "Pursuant to provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting/hearing/workshop is asked to advise the District Office at least three (3) business days before the meeting/hearing/workshop by contacting the District Manager at [REDACTED]. If you are hearing or speech impaired, please contact the Florida Relay Service at 1 (800) 955-8770 or 1 (800) 955-8771, who can aid you in contacting the District Office."
 - (e) The following or substantially similar language: "A person who decides to appeal any decision made at the meeting/hearing/workshop with respect to any matter considered at the meeting/hearing/workshop 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 the appeal is to be based."

- (f) The following or substantially similar language: “The meeting [or hearing or workshop] may be continued in progress without additional notice to a time, date, and location stated on the record.”
- (2) Mistake. In the event that a meeting is held under the incorrect assumption that notice required by law and these Rules has been given, the Board at its next properly noticed meeting shall cure such defect by considering the agenda items from the prior meeting individually and anew.
- (3) Agenda. The District Manager, under the guidance of District Counsel and the Chairperson or Vice-Chairperson, shall prepare an agenda of the meeting/hearing/workshop. The agenda and any meeting materials available in an electronic format, excluding any confidential and any confidential and exempt information, shall be submitted to staff for inclusion in the agenda at least eight days before the meeting/hearing/workshop, and available to the public at least seven days before the meeting/hearing/workshop, except in an emergency. Any member of the Board may request a meeting agenda item and such agenda item will be on the next succeeding agenda so long as supporting material, if applicable, is provided at least eight days before the meeting/hearing/workshop. However, the District Manager, in consultation with the Chairperson or Vice Chairperson, if the Chairperson is unavailable, may reduce the number of agenda items if necessary to ensure orderly and efficient meetings. Meeting materials shall be defined as, and limited to, the agenda, meeting minutes, resolutions, and agreements of the District that District staff deems necessary for Board approval. Inclusion of additional materials for Board consideration other than those defined herein as “meeting materials” shall not convert such materials into “meeting materials.” For good cause, the agenda may be changed after it is first made available for distribution, and additional materials may be added or provided under separate cover at the meeting. The requirement of good cause shall be liberally construed to allow the District to efficiently conduct business and to avoid the expenses associated with special meetings.

The District may, but is not required to, use the following format in preparing its agenda for its regular meetings:

- Call to order
- Roll call
- Public comment
- Organizational matters
- Review of minutes
- Specific items of old business
- Specific items of new business
- Staff reports
 - (a) District Counsel
 - (b) District Engineer
 - (c) District Manager

1. Financial Report
2. Approval of Expenditures
Supervisor's requests and comments
Public comment
Adjournment

- (4) Minutes. The Secretary shall be responsible for preparing and keeping the minutes of each meeting of the Board. Minutes shall be corrected and approved by the Board at a subsequent meeting. The Secretary may work with other staff members in preparing draft minutes for the Board's consideration.
- (5) Special Requests. Persons wishing to receive, by mail, notices or agendas of meetings, may so advise the District Manager or Secretary at the District Office. Such persons shall furnish a mailing address in writing and shall be required to pre-pay the cost of the copying and postage.
- (6) Emergency Meetings. The Chairperson, or Vice-Chairperson if the Chairperson is unavailable, upon consultation with the District Manager and District Counsel, if available, may convene an emergency meeting of the Board without first having complied with sections (1) and (3) of this Rule, to act on emergency matters that may affect the public health, safety, or welfare. Whenever possible, the District Manager shall make reasonable efforts to provide public notice and notify all Board members of an emergency meeting twenty-four (24) hours in advance. Reasonable efforts may include telephone notification. Notice of the emergency meeting must be provided both before and after the meeting on the District's website, if it has one. Whenever an emergency meeting is called, the District Manager shall be responsible for notifying at least one newspaper of general circulation in the District. After an emergency meeting, the Board shall publish in a newspaper of general circulation in the District, the time, date and place of the emergency meeting, the reasons why an emergency meeting was necessary, and a description of the action taken. Actions taken at an emergency meeting may be ratified by the Board at a regularly noticed meeting subsequently held.
- (7) Public Comment. The Board shall set aside a reasonable amount of time at each meeting for public comment and members of the public shall be permitted to provide comment on any proposition before the Board. The portion of the meeting generally reserved for public comment shall be identified in the agenda. Policies governing public comment may be adopted by the Board in accordance with Florida law.
- (8) Budget Hearing. Notice of hearing on the annual budget(s) shall be in accord with Section 190.008 of the Florida Statutes. Once adopted in accord with Section 190.008 of the Florida Statutes, the annual budget(s) may be amended from time to time by action of the Board. Approval of invoices by the Board in excess of the funds allocated to a particular budgeted line item shall serve to amend the budgeted line item.

- (9) Public Hearings. Notice of required public hearings shall contain the information required by applicable Florida law and by these Rules applicable to meeting notices and shall be mailed and published as required by Florida law. The District Manager shall ensure that all such notices, whether mailed or published, contain the information required by Florida law and these Rules and are mailed and published as required by Florida law. Public hearings may be held during Board meetings when the agenda includes such public hearing.
- (10) Participation by Teleconference/Videoconference. District staff may participate in Board meetings by teleconference or videoconference. Board members may also participate in Board meetings by teleconference or videoconference if in the good judgment of the Board extraordinary circumstances exist; provided however, at least three Board members must be physically present at the meeting location to establish a quorum. Such extraordinary circumstances shall be presumed when a Board member participates by teleconference or videoconference, unless a majority of the Board members physically present determines that extraordinary circumstances do not exist.
- (11) Board Authorization. The District has not adopted Robert's Rules of Order. For each agenda item, there shall be discussion permitted among the Board members during the meeting. Unless such procedure is waived by the Board, approval or disapproval of resolutions and other proposed Board actions shall be in the form of a motion by one Board member, a second by another Board member, and an affirmative vote by the majority of the Board members present. Any Board member, including the Chairperson, can make or second a motion.
- (12) Continuances. Any meeting or public hearing of the Board may be continued without re-notice or re-advertising provided that:
- (a) The Board identifies on the record at the original meeting a reasonable need for a continuance;
 - (b) The continuance is to a specified date, time, and location publicly announced at the original meeting; and
 - (c) The public notice for the original meeting states that the meeting may be continued to a date and time and states that the date, time, and location of any continuance shall be publicly announced at the original meeting and posted at the District Office immediately following the original meeting.
- (13) Attorney-Client Sessions. An Attorney-Client Session is permitted when the District's attorneys deem it necessary to meet in private with the Board to discuss pending litigation to which the District is a party before a court or administrative agency or as may be authorized by law. The District's attorney must request such session at a public meeting. Prior to holding the Attorney-Client Session, the

District must give reasonable public notice of the time and date of the session and the names of the persons anticipated to attend the session. The session must commence at an open meeting in which the Chairperson or Vice-Chairperson announces the commencement of the session, the estimated length of the session, and the names of the persons who will be attending the session. The discussion during the session is confined to settlement negotiations or strategy related to litigation expenses or as may be authorized by law. Only the Board, the District's attorneys (including outside counsel), the District Manager, and the court reporter may attend an Attorney-Client Session. During the session, no votes may be taken and no final decisions concerning settlement can be made. Upon the conclusion of the session, the public meeting is reopened, and the Chairperson or Vice-Chairperson must announce that the session has concluded. The session must be transcribed by a court-reporter and the transcript of the session filed with the District Secretary within a reasonable time after the session. The transcript shall not be available for public inspection until after the conclusion of the litigation.

- (14) Security and Firesafety Board Discussions. Portions of a meeting which relate to or would reveal a security or firesafety system plan or portion thereof made confidential and exempt by section 119.071(3)(a), Florida Statutes, are exempt from the public meeting requirements and other requirements of section 286.011, Florida Statutes, and section 24(b), Article 1 of the State Constitution. Should the Board wish to discuss such matters, members of the public shall be required to leave the meeting room during such discussion. Any records of the Board's discussion of such matters, including recordings or minutes, shall be maintained as confidential and exempt records in accordance with Florida law.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 189.069(2)(a)16, 190.006, 190.007, 190.008, 286.0105, 286.011, 286.0113, 286.0114, Fla. Stat.

Rule 1.4 Internal Controls to Prevent Fraud, Waste and Abuse

- (1) Internal Controls. The District shall establish and maintain internal controls designed to:
- (a) Prevent and detect “fraud,” “waste” and “abuse” as those terms are defined in section 11.45(1), Florida Statutes; and
 - (b) Promote and encourage compliance with applicable laws, rules contracts, grant agreements, and best practices; and
 - (c) Support economical and efficient operations; and
 - (d) Ensure reliability of financial records and reports; and
 - (e) Safeguard assets.
- (2) Adoption. The internal controls to prevent fraud, waste and abuse shall be adopted and amended by the District in the same manner as District policies.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: § 218.33(3), Fla. Stat.

Rule 2.0 Rulemaking Proceedings.

- (1) Commencement of Proceedings. Proceedings held for adoption, amendment, or repeal of a District rule shall be conducted according to these Rules. Rulemaking proceedings shall be deemed to have been initiated upon publication of notice by the District. A “rule” is a District statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the District (“Rule”). Nothing herein shall be construed as requiring the District to consider or adopt rules unless required by Chapter 190 of the Florida Statutes. Policies adopted by the District which do not consist of rates, fees, rentals or other monetary charges may be, but are not required to be, implemented through rulemaking proceedings.
- (2) Notice of Rule Development.
 - (a) Except when the intended action is the repeal of a Rule, the District shall provide notice of the development of a proposed rule by publication of a Notice of Rule Development in a newspaper of general circulation in the District before providing notice of a proposed rule as required by section (3) of this Rule. Consequently, the Notice of Rule Development shall be published at least twenty-nine (29) days prior to the public hearing on the proposed Rule. The Notice of Rule Development shall indicate the subject area to be addressed by rule development, provide a short, plain explanation of the purpose and effect of the proposed rule, cite the specific legal authority for the proposed rule, and include a statement of how a person may promptly obtain, without cost, a copy of any preliminary draft, if available.
 - (b) All rules as drafted shall be consistent with Sections 120.54(1)(g) and 120.54(2)(b) of the Florida Statutes.
- (3) Notice of Proceedings and Proposed Rules.
 - (a) Prior to the adoption, amendment, or repeal of any rule other than an emergency rule, the District shall give notice of its intended action, setting forth a short, plain explanation of the purpose and effect of the proposed action, a reference to the specific rulemaking authority pursuant to which the rule is adopted, and a reference to the section or subsection of the Florida Statutes being implemented, interpreted, or made specific. The notice shall include a summary of the District’s statement of the estimated regulatory costs, if one has been prepared, based on the factors set forth in Section 120.541(2) of the Florida Statutes, and a statement that any person who wishes to provide the District with a lower cost regulatory alternative as provided by Section 120.541(1), must do so in writing within twenty-one (21) days after publication of the notice. The notice shall additionally include a statement that any affected person may request a public hearing by submitting a written request within twenty-one (21) days after the date

of publication of the notice. Except when intended action is the repeal of a rule, the notice shall include a reference to both the date on which and the place where the Notice of Rule Development required by section (2) of this Rule appeared.

- (b) The notice shall be published in a newspaper of general circulation in the District and each county in which the District is located not less than twenty-eight (28) days prior to the intended action. The proposed rule shall be available for inspection and copying by the public at the time of the publication of notice.
 - (c) The notice shall be mailed to all persons named in the proposed rule and to all persons who, at least fourteen (14) days prior to such mailing, have made requests of the District for advance notice of its rulemaking proceedings. Any person may file a written request with the District Manager to receive notice by mail of District proceedings to adopt, amend, or repeal a rule. Such persons must furnish a mailing address and may be required to pay the cost of copying and mailing.
- (4) Rule Development Workshops. Whenever requested in writing by any affected person, the District must either conduct a rule development workshop prior to proposing rules for adoption or the Chairperson must explain in writing why a workshop is unnecessary. The District may initiate a rule development workshop but is not required to do so.
- (5) Petitions to Initiate Rulemaking. All Petitions to Initiate Rulemaking proceedings must contain the name, address, and telephone number of the petitioner, the specific action requested, the specific reason for adoption, amendment, or repeal, the date submitted, the text of the proposed rule, and the facts showing that the petitioner is regulated by the District or has a substantial interest in the rulemaking. Not later than sixty (60) calendar days following the date of filing a petition, the Board shall initiate rulemaking proceedings or deny the petition with a written statement of its reasons for the denial. If the petition is directed to an existing policy that the District has not formally adopted as a rule, the District may, in its discretion, notice and hold a public hearing on the petition to consider the comments of the public directed to the policy, its scope and application, and to consider whether the public interest is served adequately by the application of the policy on a case-by-case basis, as contrasted with its formal adoption as a rule. However, this section shall not be construed as requiring the District to adopt a rule to replace a policy.
- (6) Rulemaking Materials. After the publication of the notice referenced in section (3) of this Rule, the Board shall make available for public inspection and shall provide, upon request and payment of the cost of copies, the following materials:
 - (a) The text of the proposed rule, or any amendment or repeal of any existing rules;

- (b) A detailed written statement of the facts and circumstances justifying the proposed rule;
 - (c) A copy of the statement of estimated regulatory costs if required by Section 120.541 of the Florida Statutes; and
 - (d) The published notice.
- (7) Hearing. The District may, or, upon the written request of any affected person received within twenty-one (21) days after the date of publication of the notice described in section (3) of this Rule, shall, provide a public hearing for the presentation of evidence, argument, and oral statements, within the reasonable conditions and limitations imposed by the District to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings. The District shall publish notice of the public hearing in a newspaper of general circulation within the District either in the text of the notice described in section (3) of this Rule or in a separate publication at least seven (7) days before the scheduled public hearing. The notice shall specify the date, time, and location of the public hearing, and the name, address, and telephone number of the District contact person who can provide information about the public hearing. Written statements may be submitted by any person prior to or at the public hearing. All timely submitted written statements shall be considered by the District and made part of the rulemaking record.
- (8) Emergency Rule Adoption. The Board may adopt an emergency rule if it finds that immediate danger to the public health, safety, or welfare exists which requires immediate action. Prior to the adoption of an emergency rule, the District Manager shall make reasonable efforts to notify a newspaper of general circulation in the District. Notice of emergency rules shall be published as soon as possible in a newspaper of general circulation in the District. The District may use any procedure which is fair under the circumstances in the adoption of an emergency rule as long as it protects the public interest as determined by the District and otherwise complies with these provisions.
- (9) Negotiated Rulemaking. The District may use negotiated rulemaking in developing and adopting rules pursuant to Section 120.54(2)(d) of the Florida Statutes, except that any notices required under Section 120.54(2)(d) of the Florida Statutes, may be published in a newspaper of general circulation in the county in which the District is located.
- (10) Rulemaking Record. In all rulemaking proceedings, the District shall compile and maintain a rulemaking record. The record shall include, if applicable:
- (a) The texts of the proposed rule and the adopted rule;
 - (b) All notices given for a proposed rule;

- (c) Any statement of estimated regulatory costs for the rule;
- (d) A written summary of hearings, if any, on the proposed rule;
- (e) All written comments received by the District and responses to those written comments; and
- (f) All notices and findings pertaining to an emergency rule.

(11) Petitions to Challenge Existing Rules.

- (a) Any person substantially affected by a rule may seek an administrative determination of the invalidity of the rule on the ground that the rule is an invalid exercise of the District's authority.
- (b) The petition seeking an administrative determination must state with particularity the provisions alleged to be invalid with sufficient explanation of the facts or grounds for the alleged invalidity and facts sufficient to show that the person challenging a rule is substantially affected by it.
- (c) The petition shall be filed with the District. Within 10 days after receiving the petition, the Chairperson shall, if the petition complies with the requirements of subsection (b) of this section, designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer who shall conduct a hearing within 30 days thereafter, unless the petition is withdrawn or a continuance is granted by agreement of the parties. The failure of the District to follow the applicable rulemaking procedures or requirements in this Rule shall be presumed to be material; however, the District may rebut this presumption by showing that the substantial interests of the petitioner and the fairness of the proceedings have not been impaired.
- (d) Within 30 days after the hearing, the hearing officer shall render a decision and state the reasons therefor in writing.
- (e) Hearings held under this section shall be de novo in nature. The petitioner has a burden of proving by a preponderance of the evidence that the existing rule is an invalid exercise of District authority as to the objections raised. The hearing officer may:
 - (i) Administer oaths and affirmations;
 - (ii) Rule upon offers of proof and receive relevant evidence;
 - (iii) Regulate the course of the hearing, including any pre-hearing matters;

- (iv) Enter orders; and
 - (v) Make or receive offers of settlement, stipulation, and adjustment.
 - (f) The petitioner and the District shall be adverse parties. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (12) Variances and Waivers. A “variance” means a decision by the District to grant a modification to all or part of the literal requirements of a rule to a person who is subject to the rule. A “waiver” means a decision by the District not to apply all or part of a rule to a person who is subject to the rule. Variances and waivers from District rules may be granted subject to the following:
- (a) Variances and waivers shall be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person, and when application of the rule would create a substantial hardship or would violate principles of fairness. For purposes of this section, "substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. For purposes of this section, "principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.
 - (b) A person who is subject to regulation by a District Rule may file a petition with the District, requesting a variance or waiver from the District’s Rule. Each petition shall specify:
 - (i) The rule from which a variance or waiver is requested;
 - (ii) The type of action requested;
 - (iii) The specific facts that would justify a waiver or variance for the petitioner; and
 - (iv) The reason why the variance or the waiver requested would serve the purposes of the underlying statute.
 - (c) The District shall review the petition and may request only that information needed to clarify the petition or to answer new questions raised by or directly related to the petition. If the petitioner asserts that any request for additional information is not authorized by law or by Rule of the District, the District shall proceed, at the petitioner’s written request, to process the petition.

- (d) The Board shall grant or deny a petition for variance or waiver and shall announce such disposition at a publicly held meeting of the Board, within ninety (90) days after receipt of the original petition, the last item of timely requested additional material, or the petitioner's written request to finish processing the petition. The District's statement granting or denying the petition shall contain a statement of the relevant facts and reasons supporting the District's action.
- (13) Rates, Fees, Rentals and Other Charges. All rates, fees, rentals, or other charges shall be subject to rulemaking proceedings. Policies adopted by the District which do not consist of rates, fees, rentals or other charges may be, but are not required to be, implemented through rulemaking proceedings.

Specific Authority: §§ 190.011(5), 190.011(15), 190.035, Fla. Stat.

Law Implemented: §§ 190.011(5), 190.035(2), Fla. Stat.

Rule 3.0 Competitive Purchase.

- (1) Purpose and Scope. In order to comply with Sections 190.033(1) through (3), 287.055 and 287.017 of the Florida Statutes, the following provisions shall apply to the purchase of Professional Services, insurance, construction contracts, design-build services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Board Authorization. Except in cases of an Emergency Purchase, a competitive purchase governed by these Rules shall only be undertaken after authorization by the Board.
- (3) Definitions.
 - (a) “Competitive Solicitation” means a formal, advertised procurement process, other than an Invitation to Bid, Request for Proposals, or Invitation to Negotiate, approved by the Board to purchase commodities and/or services which affords vendors fair treatment in the competition for award of a District purchase contract.
 - (b) “Continuing Contract” means a contract for Professional Services entered into in accordance with Section 287.055 of the Florida Statutes, between the District and a firm, whereby the firm provides Professional Services to the District for projects in which the costs do not exceed two million dollars (\$2,000,000), for a study activity when the fee for such Professional Services to the District does not exceed two hundred thousand dollars (\$200,000), or for work of a specified nature as outlined in the contract with the District, with no time limitation except that the contract must provide a termination clause (for example, a contract for general District engineering services). Firms providing Professional Services under Continuing Contracts shall not be required to bid against one another.
 - (c) “Contractual Service” means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors. Contractual Services do not include auditing services, Maintenance Services, or Professional Services as defined in Section 287.055(2)(a) of the Florida Statutes, and these Rules. Contractual Services also do not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered into pursuant to Chapter 255 of the Florida Statutes, and Rules 3.5 or 3.6.
 - (d) “Design-Build Contract” means a single contract with a Design-Build Firm for the design and construction of a public construction project.

- (e) “Design-Build Firm” means a partnership, corporation or other legal entity that:
 - (i) Is certified under Section 489.119 of the Florida Statutes, to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or
 - (ii) Is certified under Section 471.023 of the Florida Statutes, to practice or to offer to practice engineering; certified under Section 481.219 of the Florida Statutes, to practice or to offer to practice architecture; or certified under Section 481.319 of the Florida Statutes, to practice or to offer to practice landscape architecture.
- (f) “Design Criteria Package” means concise, performance-oriented drawings or specifications for a public construction project. The purpose of the Design Criteria Package is to furnish sufficient information to permit Design-Build Firms to prepare a bid or a response to the District’s Request for Proposals, or to permit the District to enter into a negotiated Design-Build Contract. The Design Criteria Package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project. Design Criteria Packages shall require firms to submit information regarding the qualifications, availability, and past work of the firms, including the partners and members thereof.
- (g) “Design Criteria Professional” means a firm who holds a current certificate of registration under Chapter 481 of the Florida Statutes, to practice architecture or landscape architecture, or a firm who holds a current certificate as a registered engineer under Chapter 471 of the Florida Statutes, to practice engineering, and who is employed by or under contract to the District to provide professional architect services, landscape architect services, or engineering services in connection with the preparation of the Design Criteria Package.
- (h) “Emergency Purchase” means a purchase necessitated by a sudden unexpected turn of events (for example, acts of God, riot, fires, floods, hurricanes, accidents, or any circumstances or cause beyond the control of the Board in the normal conduct of its business), where the Board finds that the delay incident to competitive purchase would be detrimental to the interests of the District. This includes, but is not limited to, instances where the time to competitively award the project will jeopardize the funding for

the project, will materially increase the cost of the project, or will create an undue hardship on the public health, safety, or welfare.

- (i) “Invitation to Bid” is a written solicitation for sealed bids with the title, date, and hour of the public bid opening designated specifically and defining the commodity or service involved. It includes printed instructions prescribing conditions for bidding, qualification, evaluation criteria, and provides for a manual signature of an authorized representative. It may include one or more bid alternates.
- (j) “Invitation to Negotiate” means a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or services.
- (k) “Negotiate” means to conduct legitimate, arm’s length discussions and conferences to reach an agreement on a term or price.
- (l) “Professional Services” means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of Florida, or those services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper, in connection with the firm's or individual's professional employment or practice.
- (m) “Proposal (or Reply or Response) Most Advantageous to the District” means, as determined in the sole discretion of the Board, the proposal, reply, or response that is:
 - (i) Submitted by a person or firm capable and qualified in all respects to perform fully the contract requirements, who has the integrity and reliability to assure good faith performance;
 - (ii) The most responsive to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation as determined by the Board; and
 - (iii) For a cost to the District deemed by the Board to be reasonable.
- (n) “Purchase” means acquisition by sale, rent, lease, lease/purchase, or installment sale. It does not include transfer, sale, or exchange of goods, supplies, or materials between the District and any federal, state, regional or local governmental entity or political subdivision of the State of Florida.
- (o) “Request for Proposals” or “RFP” is a written solicitation for sealed proposals with the title, date, and hour of the public opening designated and requiring the manual signature of an authorized representative. It may

provide general information, applicable laws and rules, statement of work, functional or general specifications, qualifications, proposal instructions, work detail analysis, and evaluation criteria as necessary.

- (p) “Responsive and Responsible Bidder” means an entity or individual that has submitted a bid that conforms in all material respects to the Invitation to Bid and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. “Responsive and Responsible Vendor” means an entity or individual that has submitted a proposal, reply, or response that conforms in all material respects to the Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance. In determining whether an entity or individual is a Responsive and Responsible Bidder (or Vendor), the District may consider, in addition to factors described in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the following:
- (i) The ability and adequacy of the professional personnel employed by the entity/individual;
 - (ii) The past performance of the entity/individual for the District and in other professional employment;
 - (iii) The willingness of the entity/individual to meet time and budget requirements;
 - (iv) The geographic location of the entity’s/individual’s headquarters or office in relation to the project;
 - (v) The recent, current, and projected workloads of the entity/individual;
 - (vi) The volume of work previously awarded to the entity/individual;
 - (vii) Whether the cost components of the bid or proposal are appropriately balanced; and
 - (viii) Whether the entity/individual is a certified minority business enterprise.
- (q) “Responsive Bid,” “Responsive Proposal,” “Responsive Reply,” and “Responsive Response” all mean a bid, proposal, reply, or response which conforms in all material respects to the specifications and conditions in the Invitation to Bid, Request for Proposals, Invitations to Negotiate, or

Competitive Solicitation document and these Rules, and the cost components of which, if any, are appropriately balanced. A bid, proposal, reply or response is not responsive if the person or firm submitting it fails to meet any material requirement relating to the qualifications, financial stability, or licensing of the bidder.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.033, 255.20, 287.055, Fla. Stat.

Rule 3.1 Procedure Under the Consultants' Competitive Negotiations Act.

- (1) Scope. The following procedures are adopted for the selection of firms or individuals to provide Professional Services exceeding the thresholds herein described, for the negotiation of such contracts, and to provide for protest of actions of the Board under this Rule. As used in this Rule, “Project” means that fixed capital outlay study or planning activity when basic construction cost is estimated by the District to exceed the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FIVE, or for a planning study activity when the fee for Professional Services is estimated by the District to exceed the threshold amount provided in Section 287.017 for CATEGORY TWO, as such categories may be amended or adjusted from time to time.
- (2) Qualifying Procedures. In order to be eligible to provide Professional Services to the District, a consultant must, at the time of receipt of the firm’s qualification submittal:
 - (a) Hold all required applicable state professional licenses in good standing;
 - (b) Hold all required applicable federal licenses in good standing, if any;
 - (c) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the consultant is a corporation; and
 - (d) Meet any qualification requirements set forth in the District’s Request for Qualifications.

Evidence of compliance with this Rule may be submitted with the qualifications, if requested by the District. In addition, evidence of compliance must be submitted any time requested by the District.

- (3) Public Announcement. Except in cases of valid public emergencies as certified by the Board, the District shall announce each occasion when Professional Services are required for a Project or a Continuing Contract by publishing a notice providing a general description of the Project, or the nature of the Continuing Contract, and the method for interested consultants to apply for consideration. The notice shall appear in at least one (1) newspaper of general circulation in the District and in such other places as the District deems appropriate. The notice must allow at least fourteen (14) days for submittal of qualifications from the date of publication. The District may maintain lists of consultants interested in receiving such notices. These consultants are encouraged to submit annually statements of qualifications and performance data. The District shall make reasonable efforts to provide copies of any notices to such consultants, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process. The Board has the right to reject any and all

qualifications, and such reservation shall be included in the published notice. Consultants not receiving a contract award shall not be entitled to recover from the District any costs of qualification package preparation or submittal.

(4) Competitive Selection.

- (a) The Board shall review and evaluate the data submitted in response to the notice described in section (3) of this Rule regarding qualifications and performance ability, as well as any statements of qualifications on file. The Board shall conduct discussions with, and may require public presentation by consultants regarding their qualifications, approach to the Project, and ability to furnish the required services. The Board shall then select and list the consultants, in order of preference, deemed to be the most highly capable and qualified to perform the required Professional Services, after considering these and other appropriate criteria:
 - (i) The ability and adequacy of the professional personnel employed by each consultant;
 - (ii) Whether a consultant is a certified minority business enterprise;
 - (iii) Each consultant's past performance;
 - (iv) The willingness of each consultant to meet time and budget requirements;
 - (v) The geographic location of each consultant's headquarters, office and personnel in relation to the project;
 - (vi) The recent, current, and projected workloads of each consultant; and
 - (vii) The volume of work previously awarded to each consultant by the District.
- (b) Nothing in these Rules shall prevent the District from evaluating and eventually selecting a consultant if less than three (3) Responsive qualification packages, including packages indicating a desire not to provide Professional Services on a given Project, are received.
- (c) If the selection process is administered by any person or committee other than the full Board, the selection made will be presented to the full Board with a recommendation that competitive negotiations be instituted with the selected firms in order of preference listed.
- (d) Notice of the rankings adopted by the Board, including the rejection of some or all qualification packages, shall be provided in writing to all consultants

by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's ranking decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

(5) Competitive Negotiation.

- (a) After the Board has authorized the beginning of competitive negotiations, the District may begin such negotiations with the firm listed as most qualified to perform the required Professional Services at a rate or amount of compensation which the Board determines is fair, competitive, and reasonable.
- (b) In negotiating a lump-sum or cost-plus-a-fixed-fee professional contract for more than the threshold amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, the firm receiving the award shall be required to execute a truth-in-negotiation certificate stating that "wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting." In addition, any professional service contract under which such a certificate is required, shall contain a provision that "the original contract price and any additions thereto, shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or noncurrent wage rates and other factual unit costs."
- (c) Should the District be unable to negotiate a satisfactory agreement with the firm determined to be the most qualified at a price deemed by the District to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the District shall immediately begin negotiations with the second most qualified firm. If a satisfactory agreement with the second firm cannot be reached, those negotiations shall be terminated and negotiations with the third most qualified firm shall be undertaken.
- (d) Should the District be unable to negotiate a satisfactory agreement with one of the top three (3) ranked consultants, additional firms shall be selected by the District, in order of their competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.

(6) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.

- (7) Continuing Contract. Nothing in this Rule shall prohibit a Continuing Contract between a consultant and the District.
- (8) Emergency Purchase. The District may make an Emergency Purchase without complying with these Rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 190.011(3), 190.033, 287.055, Fla. Stat.

Rule 3.2 Procedure Regarding Auditor Selection.

In order to comply with the requirements of Section 218.391 of the Florida Statutes, the following procedures are outlined for selection of firms or individuals to provide Auditing Services and for the negotiation of such contracts. For audits required under Chapter 190 of the Florida Statutes but not meeting the thresholds of Chapter 218 of the Florida Statutes, the District need not follow these procedures but may proceed with the selection of a firm or individual to provide Auditing Services and for the negotiation of such contracts in the manner the Board determines is in the best interests of the District.

(1) Definitions.

- (a) "Auditing Services" means those services within the scope of the practice of a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.
- (b) "Committee" means the auditor selection committee appointed by the Board as described in section (2) of this Rule.

(2) Establishment of Auditor Selection Committee. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Board shall establish an auditor selection committee ("Committee"), the primary purpose of which is to assist the Board in selecting an auditor to conduct the annual financial audit required by Section 218.39 of the Florida Statutes. The Committee shall include at least three individuals, at least one of which must also be a member of the Board. The establishment and selection of the Committee must be conducted at a publicly noticed and held meeting of the Board. The Chairperson of the Committee must be a member of the Board. An employee, a chief executive officer, or a chief financial officer of the District may not serve as a member of the Committee; provided however such individual may serve the Committee in an advisory capacity.

(3) Establishment of Minimum Qualifications and Evaluation Criteria. Prior to a public announcement under section (4) of this Rule that Auditing Services are required, the Committee shall meet at a publicly noticed meeting to establish minimum qualifications and factors to use for the evaluation of Auditing Services to be provided by a certified public accounting firm licensed under Chapter 473 of the Florida Statutes, and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy.

- (a) Minimum Qualifications. In order to be eligible to submit a proposal, a firm must, at all relevant times including the time of receipt of the proposal by the District:

- (i) Hold all required applicable state professional licenses in good standing;
- (ii) Hold all required applicable federal licenses in good standing, if any;
- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation; and
- (iv) Meet any pre-qualification requirements established by the Committee and set forth in the RFP or other specifications.

If requested in the RFP or other specifications, evidence of compliance with the minimum qualifications as established by the Committee must be submitted with the proposal.

- (b) **Evaluation Criteria.** The factors established for the evaluation of Auditing Services by the Committee shall include, but are not limited to:
 - (i) Ability of personnel;
 - (ii) Experience;
 - (iii) Ability to furnish the required services; and
 - (iv) Such other factors as may be determined by the Committee to be applicable to its particular requirements.

The Committee may also choose to consider compensation as a factor. If the Committee establishes compensation as one of the factors, compensation shall not be the sole or predominant factor used to evaluate proposals.

- (4) **Public Announcement.** After identifying the factors to be used in evaluating the proposals for Auditing Services as set forth in section (3) of this Rule, the Committee shall publicly announce the opportunity to provide Auditing Services. Such public announcement shall include a brief description of the audit and how interested firms can apply for consideration and obtain the RFP. The notice shall appear in at least one (1) newspaper of general circulation in the District and the county in which the District is located. The public announcement shall allow for at least seven (7) days for the submission of proposals.
- (5) **Request for Proposals.** The Committee shall provide interested firms with a Request for Proposals (“RFP”). The RFP shall provide information on how proposals are to be evaluated and such other information the Committee determines is necessary for the firm to prepare a proposal. The RFP shall state the time and

place for submitting proposals.

- (6) Committee's Evaluation of Proposals and Recommendation. The Committee shall meet at a publicly held meeting that is publicly noticed for a reasonable time in advance of the meeting to evaluate all qualified proposals and may, as part of the evaluation, require that each interested firm provide a public presentation where the Committee may conduct discussions with the firm, and where the firm may present information, regarding the firm's qualifications. At the public meeting, the Committee shall rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to subsection (3)(b) of this Rule. If fewer than three firms respond to the RFP or if no firms respond to the RFP, the Committee shall recommend such firm as it deems to be the most highly qualified. Notwithstanding the foregoing, the Committee may recommend that any and all proposals be rejected.
- (7) Board Selection of Auditor.
 - (a) Where compensation was not selected as a factor used in evaluating the proposals, the Board shall negotiate with the firm ranked first and inquire of that firm as to the basis of compensation. If the Board is unable to negotiate a satisfactory agreement with the first ranked firm at a price deemed by the Board to be fair, competitive, and reasonable, then negotiations with that firm shall be terminated and the Board shall immediately begin negotiations with the second ranked firm. If a satisfactory agreement with the second ranked firm cannot be reached, those negotiations shall be terminated and negotiations with the third ranked firm shall be undertaken. The Board may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time. If the Board is unable to negotiate a satisfactory agreement with any of the selected firms, the Committee shall recommend additional firms in order of the firms' respective competence and qualifications. Negotiations shall continue, beginning with the first-named firm on the list, until an agreement is reached or the list of firms is exhausted.
 - (b) Where compensation was selected as a factor used in evaluating the proposals, the Board shall select the highest-ranked qualified firm or document in its public records the reason for not selecting the highest-ranked qualified firm.
 - (c) In negotiations with firms under this Rule, the Board may allow the District Manager, District Counsel, or other designee to conduct negotiations on its behalf.

- (d) Notwithstanding the foregoing, the Board may reject any or all proposals. The Board shall not consider any proposal, or enter into any contract for Auditing Services, unless the proposed agreed-upon compensation is reasonable to satisfy the requirements of Section 218.39 of the Florida Statutes, and the needs of the District.
- (8) Contract. Any agreement reached under this Rule shall be evidenced by a written contract, which may take the form of an engagement letter signed and executed by both parties. The written contract shall include all provisions and conditions of the procurement of such services and shall include, at a minimum, the following:
 - (a) A provision specifying the services to be provided and fees or other compensation for such services;
 - (b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract;
 - (c) A provision setting forth deadlines for the auditor to submit a preliminary draft audit report to the District for review and to submit a final audit report no later than June 30 of the fiscal year that follows the fiscal year for which the audit is being conducted;
 - (d) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed. The maximum contract period including renewals shall be five (5) years. A renewal may be done without the use of the auditor selection procedures provided in this Rule but must be in writing.
 - (e) Provisions required by law that require the auditor to comply with public records laws.
- (9) Notice of Award. Once a negotiated agreement with a firm or individual is reached, or the Board authorizes the execution of an agreement with a firm where compensation was a factor in the evaluation of proposals, notice of the intent to award, including the rejection of some or all proposals, shall be provided in writing to all proposers by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests regarding the award of contracts under this Rule shall be as provided for in Rule 3.11. No proposer shall be entitled to recover any costs of proposal preparation or submittal from the District.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.
Law Implemented: §§ 119.0701, 218.33, 218.391, Fla. Stat.

Rule 3.3 Purchase of Insurance.

- (1) Scope. The purchases of life, health, accident, hospitalization, legal expense, or annuity insurance, or all of any kinds of such insurance for the officers and employees of the District, and for health, accident, hospitalization, and legal expenses upon a group insurance plan by the District, shall be governed by this Rule. This Rule does not apply to the purchase of any other type of insurance by the District, including but not limited to liability insurance, property insurance, and directors and officers insurance. Nothing in this Rule shall require the District to purchase insurance.
- (2) Procedure. For a purchase of insurance within the scope of these Rules, the following procedure shall be followed:
 - (a) The Board shall cause to be prepared a Notice of Invitation to Bid.
 - (b) Notice of the Invitation to Bid shall be advertised at least once in a newspaper of general circulation within the District. The notice shall allow at least fourteen (14) days for submittal of bids.
 - (c) The District may maintain a list of persons interested in receiving notices of Invitations to Bid. The District shall make reasonable efforts to provide copies of any notices to such persons, but the failure to do so shall not give such consultants any bid protest or other rights or otherwise disqualify any otherwise valid procurement process.
 - (d) Bids shall be opened at the time and place noted in the Invitation to Bid.
 - (e) If only one (1) response to an Invitation is received, the District may proceed with the purchase. If no response to an Invitation to Bid is received, the District may take whatever steps are reasonably necessary in order to proceed with the purchase.
 - (f) The Board has the right to reject any and all bids and such reservations shall be included in all solicitations and advertisements.
 - (g) Simultaneously with the review of the submitted bids, the District may undertake negotiations with those companies that have submitted reasonable and timely bids and, in the opinion of the District, are fully qualified and capable of meeting all services and requirements. Bid responses shall be evaluated in accordance with the specifications and criteria contained in the Invitation to Bid; in addition, the total cost to the District, the cost, if any, to the District officers, employees, or their dependents, the geographic location of the company's headquarters and offices in relation to the District, and the ability of the company to guarantee premium stability may be considered. A contract to purchase insurance

shall be awarded to that company whose response to the Invitation to Bid best meets the overall needs of the District, its officers, employees, and/or dependents.

- (h) Notice of the intent to award, including rejection of some or all bids, shall be provided in writing to all bidders by United States Mail, by hand delivery, or by overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of insurance under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 112.08, Fla. Stat.

Rule 3.4 Pre-qualification

- (1) Scope. In its discretion, the District may undertake a pre-qualification process in accordance with this Rule for vendors to provide construction services, goods, supplies, and materials, Contractual Services, and maintenance services.
- (2) Procedure. When the District seeks to pre-qualify vendors, the following procedures shall apply:
 - (a) The Board shall cause to be prepared a Request for Qualifications.
 - (b) For construction services exceeding the thresholds described in Section 255.20 of the Florida Statutes, the Board must advertise the proposed pre-qualification criteria and procedures and allow at least seven (7) days' notice of the public hearing for comments on such pre-qualification criteria and procedures. At such public hearing, potential vendors may object to such pre-qualification criteria and procedures. Following such public hearing, the Board shall formally adopt pre-qualification criteria and procedures prior to the advertisement of the Request for Qualifications for construction services.
 - (c) The Request for Qualifications shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall allow at least seven (7) days for submittal of qualifications for goods, supplies and materials, Contractual Services, maintenance services, and construction services under two hundred fifty thousand dollars (\$250,000). The notice shall allow at least twenty-one (21) days for submittal of qualifications for construction services estimated to cost over two hundred fifty thousand dollars (\$250,000) and thirty (30) days for construction services estimated to cost over five hundred thousand dollars (\$500,000).
 - (d) The District may maintain lists of persons interested in receiving notices of Requests for Qualifications. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any pre-qualification determination or contract awarded in accordance with these Rules and shall not be a basis for a protest of any pre-qualification determination or contract award.
 - (e) If the District has pre-qualified vendors for a particular category of purchase, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies or responses in response to the applicable Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

- (f) In order to be eligible to submit qualifications, a firm or individual must, at the time of receipt of the qualifications:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
 - (iv) Meet any special pre-qualification requirements set forth in the Request for Qualifications.

Evidence of compliance with these Rules must be submitted with the qualifications if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the qualifications.

- (g) Qualifications shall be presented to the Board, or a committee appointed by the Board, for evaluation in accordance with the Request for Qualifications and this Rule. Minor variations in the qualifications may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature.
- (h) All vendors determined by the District to meet the pre-qualification requirements shall be pre-qualified. To assure full understanding of the responsiveness to the requirements contained in a Request for Qualifications, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion and revision of qualifications. For construction services, any contractor pre-qualified and considered eligible by the Department of Transportation to bid to perform the type of work the project entails shall be presumed to be qualified to perform the project.
- (i) The Board shall have the right to reject all qualifications if there are not enough to be competitive or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of qualification preparation or submittal from the District.
- (j) Notice of intent to pre-qualify, including rejection of some or all qualifications, shall be provided in writing to all vendors by United States Mail, electronic mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a

protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's pre-qualification decisions under this Rule shall be in accordance with the procedures set forth in Rule 3.11; provided however, protests related to the pre-qualification criteria and procedures for construction services shall be resolved in accordance with section (2)(b) of this Rule and Section 255.20(1)(b) of the Florida Statutes.

(3) Suspension, Revocation, or Denial of Qualification

- (a) The District, for good cause, may deny, suspend, or revoke a prequalified vendor's pre-qualified status. A suspension, revocation, or denial for good cause shall prohibit the vendor from bidding on any District construction contract for which qualification is required, shall constitute a determination of non-responsibility to bid on any other District construction or maintenance contract, and shall prohibit the vendor from acting as a material supplier or subcontractor on any District contract or project during the period of suspension, revocation, or denial. Good cause shall include the following:
- i. One of the circumstances specified under Section 337.16(2), Fla. Stat., has occurred.
 - ii. Affiliated contractors submitted more than one proposal for the same work. In this event the pre-qualified status of all of the affiliated bidders will be revoked, suspended, or denied. All bids of affiliated bidders will be rejected.
 - iii. The vendor made or submitted false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any District contract.
 - iv. The vendor or its affiliate defaulted on any contract or a contract surety assumed control of financial responsibility for any contract of the vendor.
 - v. The vendor's qualification to bid is suspended, revoked, or denied by any other public or semi-public entity, or the vendor has been the subject of a civil enforcement proceeding or settlement involving a public or semi-public entity.
 - vi. The vendor failed to comply with contract or warranty requirements or failed to follow District direction in the performance of a contract.
 - vii. The vendor failed to timely furnish all contract documents required by the contract specifications, special provisions, or by any state or federal statutes or regulations. If the vendor fails to furnish any of the subject contract documents by the expiration of the period of suspension, revocation, or denial set forth above, the vendor's pre-qualified status

shall remain suspended, revoked, or denied until the documents are furnished.

- viii. The vendor failed to notify the District within 10 days of the vendor, or any of its affiliates, being declared in default or otherwise not completing work on a contract or being suspended from qualification to bid or denied qualification to bid by any other public or semi-public agency.
 - ix. The vendor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents.
 - x. The vendor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects, uncooperative attitude, contract litigation, inflated claims or defaults.
 - xi. An affiliate of the vendor has previously been determined by the District to be non-responsible, and the specified period of suspension, revocation, denial, or non-responsibility remains in effect.
 - xii. The vendor or affiliate(s) has been convicted of a contract crime.
 - 1. The term “contract crime” means any violation of state or federal antitrust laws with respect to a public contract or any violation of any state or federal law involving fraud, bribery, collusion, conspiracy, or material misrepresentation with respect to a public contract.
 - 2. The term “convicted” or “conviction” means a finding of guilt or a conviction of a contract crime, with or without an adjudication of guilt, in any federal or state trial court of record as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.
- (b) A denial, suspension, or revocation shall prohibit the vendor from being a subcontractor on District work during the period of denial, suspension, or revocation, except when a prime contractor’s bid has used prices of a subcontractor who becomes disqualified after the bid, but before the request for authorization to sublet is presented.
- (c) The District shall inform the vendor in writing of its intent to deny, suspend, or revoke its pre-qualified status and inform the vendor of its right to a hearing, the procedure which must be followed, and the applicable time limits. If a hearing is requested within 10 days after the receipt of the notice of intent, the hearing shall be held within 30 days after receipt by the District of the request for the hearing. The decision shall be issued within 15 days after the hearing.

- (d) Such suspension or revocation shall not affect the vendor's obligations under any preexisting contract.
- (e) In the case of contract crimes, the vendor's pre-qualified status under this Rule shall be revoked indefinitely. For all violations of Rule 3.4(3)(a) other than for the vendor's conviction for contract crimes, the revocation, denial, or suspension of a vendor's pre-qualified status under this Rule shall be for a specific period of time based on the seriousness of the deficiency.

Examples of factors affecting the seriousness of a deficiency are:

- i. Impacts on project schedule, cost, or quality of work;
- ii. Unsafe conditions allowed to exist;
- iii. Complaints from the public;
- iv. Delay or interference with the bidding process;
- v. The potential for repetition;
- vi. Integrity of the public contracting process;
- vii. Effect on the health, safety, and welfare of the public.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.033, 255.0525, 255.20, Fla. Stat.

Rule 3.5 Construction Contracts, Not Design-Build.

- (1) Scope. All contracts for the construction or improvement of any building, structure, or other public construction works authorized by Chapter 190 of the Florida Statutes, the costs of which are estimated by the District in accordance with generally accepted cost accounting principles to be in excess of the threshold amount for applicability of Section 255.20 of the Florida Statutes, as that amount may be indexed or amended from time to time, shall be let under the terms of these Rules and the procedures of Section 255.20 of the Florida Statutes, as the same may be amended from time to time. A project shall not be divided solely to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of construction services is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation in the District and in the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least twenty-one (21) days for submittal of sealed bids, proposals, replies, or responses, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of bids, proposals, replies, or responses. If the Board has previously pre-qualified contractors pursuant to Rule 3.4 and determined that only the contractors that have been pre-qualified will be permitted to submit bids, proposals, replies, and responses, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation need not be published. Instead, the Notice of Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be sent to the pre-qualified contractors by United States Mail, hand delivery, facsimile, or overnight delivery service.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.

- (d) If the District has pre-qualified providers of construction services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses to Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations.
- (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;
 - (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the bidder is a corporation; and
 - (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Any contractor that has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects including but not limited to, reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years may be considered ineligible by the District to submit a bid, response, or proposal for a District project.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply, or response, if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation and these Rules. Minor variations in the bids,

proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.

- (g) The lowest Responsive Bid submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No contractor shall be entitled to recover any costs of bid, proposal, response, or reply preparation or submittal from the District.
- (i) The Board may require potential contractors to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
- (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses, shall be provided in writing to all contractors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of construction services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
- (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase construction services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may

proceed with the procurement of construction services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the construction services without further competitive selection processes.

- (3) Sole Source; Government. Construction services that are only available from a single source are exempt from this Rule. Construction services provided by governmental agencies are exempt from this Rule. This Rule shall not apply to the purchase of construction services, which may include goods, supplies, or materials, that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules. A contract for construction services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
- (4) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
- (5) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board Meeting.
- (6) Exceptions. This Rule is inapplicable when:
 - (a) The project is undertaken as repair or maintenance of an existing public facility;
 - (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
 - (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contract; or
 - (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 189.053, 190.033, 255.0518, 255.0525, 255.20, 287.055, Fla. Stat.

Rule 3.6 Construction Contracts, Design-Build.

- (1) Scope. The District may utilize Design-Build Contracts for any public construction project for which the Board determines that use of such contract is in the best interest of the District. When letting a Design-Build Contract, the District shall use the following procedure:
- (2) Procedure.
 - (a) The District shall utilize a Design Criteria Professional meeting the requirements of Section 287.055(2)(k) of the Florida Statutes, when developing a Design Criteria Package, evaluating the proposals and qualifications submitted by Design-Build Firms, and determining compliance of the project construction with the Design Criteria Package. The Design Criteria Professional may be an employee of the District, may be the District Engineer selected by the District pursuant to Section 287.055 of the Florida Statutes, or may be retained pursuant to Rule 3.1. The Design Criteria Professional is not eligible to render services under a Design-Build Contract executed pursuant to the Design Criteria Package.
 - (b) A Design Criteria Package for the construction project shall be prepared and sealed by the Design Criteria Professional. If the project utilizes existing plans, the Design Criteria Professional shall create a Design Criteria Package by supplementing the plans with project specific requirements, if any.
 - (c) The Board may either choose to award the Design-Build Contract pursuant to the competitive proposal selection process set forth in Section 287.055(9) of the Florida Statutes, or pursuant to the qualifications-based selection process pursuant to Rule 3.1.
 - (i) Qualifications-Based Selection. If the process set forth in Rule 3.1 is utilized, subsequent to competitive negotiations, a guaranteed maximum price and guaranteed completion date shall be established.
 - (ii) Competitive Proposal-Based Selection. If the competitive proposal selection process is utilized, the Board, in consultation with the Design Criteria Professional, shall establish the criteria, standards and procedures for the evaluation of Design-Build Proposals based on price, technical, and design aspects of the project, weighted for the project. After a Design Criteria Package and the standards and procedures for evaluation of proposals have been developed, competitive proposals from qualified firms shall be solicited pursuant to the design criteria by the following procedure:

1. A Request for Proposals shall be advertised at least once in a newspaper of general circulation in the county in which the District is located. The notice shall allow at least twenty-one (21) days for submittal of sealed proposals, unless the Board, for good cause, determines a shorter period of time is appropriate. Any project projected to cost more than five hundred thousand dollars (\$500,000) must be noticed at least thirty (30) days prior to the date for submittal of proposals.
2. The District may maintain lists of persons interested in receiving notices of Requests for Proposals. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
3. In order to be eligible to submit a proposal, a firm must, at the time of receipt of the proposals:
 - a. Hold the required applicable state professional licenses in good standing, as defined by Section 287.055(2)(h) of the Florida Statutes;
 - b. Hold all required applicable federal licenses in good standing, if any;
 - c. Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the proposer is a corporation;
 - d. Meet any special pre-qualification requirements set forth in the Request for Proposals and Design Criteria Package.

Any contractor that has been found guilty by a court of any violation of federal labor or employment tax laws regarding subjects including but not limited to reemployment assistance, safety, tax withholding, worker's compensation, unemployment tax, social security and Medicare tax, wage or hour, or prevailing rate laws within the past 5 years may be considered ineligible by the District to submit a bid, response, or proposal for a District project.

Evidence of compliance with these Rules must be submitted with the proposal if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the proposal.

4. The proposals, or the portions of which that include the price, shall be publicly opened at a meeting noticed in accordance with Rule 1.3, and at which at least one district representative is present. The name of each bidder and the price submitted in the bid shall be announced at such meeting and shall be made available upon request. Minutes should be taken at the meeting and maintained by the District. In consultation with the Design Criteria Professional, the Board shall evaluate the proposals received based on evaluation criteria and procedures established prior to the solicitation of proposals, including but not limited to qualifications, availability, and past work of the firms and the partners and members thereof. The Board shall then select no fewer than three (3) Design-Build Firms as the most qualified.
5. The Board shall have the right to reject all proposals if [the proposals are too high](#), or rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of proposal preparation or submittal from the District.
6. If less than three (3) Responsive Proposals are received, the District may purchase design-build services or may reject the proposals for lack of competitiveness. If no Responsive Proposals are received, the District may proceed with the procurement of design-build services in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the design-build services without further competitive selection processes.
7. Notice of the rankings adopted by the Board, including the rejection of some or all proposals, shall be provided in writing to all consultants by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the

District's rankings under this Rule shall be in accordance with the procedures set forth in Rule 3.11.

8. The Board shall negotiate a contract with the firm ranking the highest based on the evaluation standards and shall establish a price which the Board determines is fair, competitive and reasonable. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the second most qualified firm, based on the ranking by the evaluation standards. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the second most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. The Board shall then undertake negotiations with the third most qualified firm. Should the Board be unable to negotiate a satisfactory contract with the firm considered to be the third most qualified at a price considered by the Board to be fair, competitive, and reasonable, negotiations with that firm must be terminated. Should the Board be unable to negotiate a satisfactory contract with any of the selected firms, the Board shall select additional firms in order of their rankings based on the evaluation standards and continue negotiations until an agreement is reached or the list of firms is exhausted.
 9. After the Board contracts with a firm, the firm shall bring to the Board for approval, detailed working drawings of the project.
 10. The Design Criteria Professional shall evaluate the compliance of the detailed working drawings and project construction with the Design Criteria Package and shall provide the Board with a report of the same.
- (3) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
 - (4) Emergency Purchase. The Board may, in case of public emergency, declare an emergency and immediately proceed with negotiations with the best qualified Design-Build Firm available at the time. The fact that an Emergency Purchase has occurred shall be noted in the minutes of the next Board meeting.

(5) Exceptions. This Rule is inapplicable when:

- (a) The project is undertaken as repair or maintenance of an existing public facility;
- (b) The funding source of the project will be diminished or lost because the time required to competitively award the project after the funds become available exceeds the time within which the funding source must be spent;
- (c) The District has competitively awarded a project and the contractor has abandoned the project or the District has terminated the contractor; or
- (d) The District, after public notice, conducts a public meeting under Section 286.011 of the Florida Statutes, and finds by a majority vote of the Board that it is in the public's best interest to perform the project using its own services, employees, and equipment.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 189.053, 190.033, 255.0518, 255.0525, 255.20, 287.055, Fla. Stat.

Rule 3.7 Payment and Performance Bonds.

- (1) Scope. This Rule shall apply to contracts for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work and shall be construed in addition to terms prescribed by any other Rule that may also apply to such contracts.
- (2) Required Bond. Upon entering into a contract for any of the services described in section (1) of this Rule in excess of \$200,000, the Board should require that the contractor, before commencing the work, execute and record a payment and performance bond in an amount equal to the contract price. Notwithstanding the terms of the contract or any other law, the District may not make payment to the contractor until the contractor has provided to the District a certified copy of the recorded bond.
- (3) Discretionary Bond. At the discretion of the Board, upon entering into a contract for any of the services described in section (1) of this Rule for an amount not exceeding \$200,000, the contractor may be exempted from executing a payment and performance bond.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 255.05, Fla. Stat.

Rule 3.8 Goods, Supplies, and Materials.

- (1) Purpose and Scope. All purchases of goods, supplies, or materials exceeding the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR, shall be purchased under the terms of this Rule. Contracts for purchases of “goods, supplies, and materials” do not include printing, insurance, advertising, or legal notices. A contract involving goods, supplies, or materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of goods, supplies, or materials is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, or Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified suppliers of goods, supplies, and materials, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, or responses.
 - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;

- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
- (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply or response if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

Any firm or individual whose principal place of business is outside the State of Florida must also submit a written opinion of an attorney at law licensed to practice law in that foreign state, as to the preferences, if any or none, granted by the law of that foreign state to business entities whose principal places of business are in that foreign state, in the letting of any or all public contracts. Failure to submit such a written opinion or submission of a false or misleading written opinion may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and this Rule. Minor variations in the bids, proposals, replies, or responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid, after taking into account the preferences provided for in this subsection, submitted by a Responsive and Responsible Bidder in response to an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be accepted. If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which does not grant a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsive and Responsible Bidder whose principal place of business is in the State of

Florida shall be awarded a preference of five (5) percent. If the lowest Responsive Bid is submitted by a Responsive and Responsible Bidder whose principal place of business is located in a foreign state which grants a preference in competitive purchase to businesses whose principal place of business are in that foreign state, the lowest Responsive and Responsible Bidder whose principal place of business is in the State of Florida shall be awarded a preference equal to the preference granted by such foreign state.

To assure full understanding of the responsiveness to the solicitation requirements contained in an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, and responses.

- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No vendor shall be entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.
 - (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
 - (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's purchase of goods, supplies, and materials under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
 - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase goods, supplies, or materials, or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of goods, supplies, and materials, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the goods, supplies, and materials without further competitive selection processes.
- (3) Goods, Supplies, and Materials included in a Construction Contract Awarded Pursuant to Rule 3.5 or 3.6. There may be occasions where the District has

undergone the competitive purchase of construction services which contract may include the provision of goods, supplies, or materials. In that instance, the District may approve a change order to the contract and directly purchase the goods, supplies, and materials. Such purchase of goods, supplies, and materials deducted from a competitively purchased construction contract shall be exempt from this Rule.

- (4) Exemption. Goods, supplies, and materials that are only available from a single source are exempt from this Rule. Goods, supplies, and materials provided by governmental agencies are exempt from this Rule. A contract for goods, supplies, or materials is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process. This Rule shall not apply to the purchase of goods, supplies or materials that are purchased under a federal, state, or local government contract that has been competitively procured by such federal, state, or local government in a manner consistent with the material procurement requirements of these Rules.
- (5) Renewal. Contracts for the purchase of goods, supplies, and/or materials subject to this Rule may be renewed for a maximum period of five (5) years.
- (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 189.053, 190.033, 287.017, 287.084, Fla. Stat.

Rule 3.9 Maintenance Services.

- (1) Scope. All contracts for maintenance of any District facility or project shall be set under the terms of this Rule if the cost exceeds the amount provided in Section 287.017 of the Florida Statutes, for CATEGORY FOUR. A contract involving goods, supplies, and materials plus maintenance services may, in the discretion of the Board, be treated as a contract for maintenance services. However, a purchase shall not be divided solely in order to avoid the threshold bidding requirements.
- (2) Procedure. When a purchase of maintenance services is within the scope of this Rule, the following procedures shall apply:
 - (a) The Board shall cause to be prepared an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.
 - (b) Notice of the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation shall be advertised at least once in a newspaper of general circulation within the District and within the county in which the District is located. The notice shall also include the amount of the bid bond, if one is required. The notice shall allow at least seven (7) days for submittal of bids, proposals, replies, or responses.
 - (c) The District may maintain lists of persons interested in receiving notices of Invitations to Bid, Requests for Proposals, Invitations to Negotiate, and Competitive Solicitations. The District shall make a good faith effort to provide written notice, by electronic mail, United States Mail, hand delivery, or facsimile, to persons who provide their name and address to the District Manager for inclusion on the list. However, failure of a person to receive the notice shall not invalidate any contract awarded in accordance with this Rule and shall not be a basis for a protest of any contract award.
 - (d) If the District has pre-qualified suppliers of maintenance services, then, at the option of the District, only those persons who have been pre-qualified will be eligible to submit bids, proposals, replies, and responses.
 - (e) In order to be eligible to submit a bid, proposal, reply, or response, a firm or individual must, at the time of receipt of the bids, proposals, replies, or responses:
 - (i) Hold all required applicable state professional licenses in good standing;
 - (ii) Hold all required applicable federal licenses in good standing, if any;

- (iii) Hold a current and active Florida corporate charter or be authorized to do business in the State of Florida in accordance with Chapter 607 of the Florida Statutes, if the vendor is a corporation; and
- (iv) Meet any special pre-qualification requirements set forth in the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation.

Evidence of compliance with these Rules must be submitted with the bid, proposal, reply, or response if required by the District. Failure to submit evidence of compliance when required may be grounds for rejection of the bid, proposal, reply, or response.

- (f) Bids, proposals, replies, and responses shall be publicly opened at the time and place noted on the Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation. Bids, proposals, replies, and responses shall be evaluated in accordance with the respective Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, and these Rules. Minor variations in the bids, proposals, replies, and responses may be waived by the Board. A variation is minor if waiver of the variation does not create a competitive advantage or disadvantage of a material nature. Mistakes in arithmetic extension of pricing may be corrected by the Board. Bids and proposals may not be modified or supplemented after opening; provided however, additional information may be requested and/or provided to evidence compliance, make non-material modifications, clarifications, or supplementations, and as otherwise permitted by Florida law.
- (g) The lowest Responsive Bid submitted in response to an Invitation to Bid by a Responsive and Responsible Bidder shall be accepted. In relation to a Request for Proposals, Invitation to Negotiate or Competitive Solicitation the Board shall select the Responsive Proposal, Reply, or Response submitted by a Responsive and Responsible Vendor which is most advantageous to the District. To assure full understanding of the responsiveness to the solicitation requirements contained in a Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, discussions may be conducted with qualified vendors. Vendors shall be accorded fair treatment prior to the submittal date with respect to any opportunity for discussion, preparation, and revision of bids, proposals, replies, or responses.
- (h) The Board shall have the right to reject all bids, proposals, replies, or responses because they exceed the amount of funds budgeted for the purchase, if there are not enough to be competitive, or if rejection is determined to be in the best interest of the District. No Vendor shall be

entitled to recover any costs of bid, proposal, reply, or response preparation or submittal from the District.

- (i) The Board may require bidders and proposers to furnish bid bonds, performance bonds, and/or other bonds with a responsible surety to be approved by the Board.
 - (j) Notice of intent to award, including rejection of some or all bids, proposals, replies, or responses shall be provided in writing to all vendors by United States Mail, hand delivery, facsimile, or overnight delivery service. The notice shall include the following statement: "Failure to file a protest within the time prescribed in Rule 3.11 of the Rules of the District shall constitute a waiver of proceedings under those Rules," or wording to that effect. Protests of the District's procurement of maintenance services under this Rule shall be in accordance with the procedures set forth in Rule 3.11.
 - (k) If less than three (3) Responsive Bids, Proposals, Replies, or Responses are received, the District may purchase the maintenance services or may reject the bids, proposals, replies, or responses for a lack of competitiveness. If no Responsive Bid, Proposal, Reply, or Response is received, the District may proceed with the procurement of maintenance services, in the manner the Board determines is in the best interests of the District, which may include but is not limited to a direct purchase of the maintenance services without further competitive selection processes.
- (3) Exemptions. Maintenance services that are only available from a single source are exempt from this Rule. Maintenance services provided by governmental agencies are exempt from this Rule. A contract for maintenance services is exempt from this Rule if state or federal law prescribes with whom the District must contract or if the rate of payment is established during the appropriation process.
 - (4) Renewal. Contracts for the purchase of maintenance services subject to this Rule may be renewed for a maximum period of five (5) years.
 - (5) Contracts; Public Records. In accordance with Florida law, each contract entered into pursuant to this Rule shall include provisions required by law that require the contractor to comply with public records laws.
 - (6) Emergency Purchases. The District may make an Emergency Purchase without complying with these rules. The fact that an Emergency Purchase has occurred or is necessary shall be noted in the minutes of the next Board meeting.

Specific Authority: §§ 190.011(5), 190.011(15), 190.033, Fla. Stat.
Law Implemented: §§ 119.0701, 190.033, 287.017, Fla. Stat.

Rule 3.10 Contractual Services.

- (1) Exemption from Competitive Purchase. Pursuant to Section 190.033(3) of the Florida Statutes, Contractual Services shall not be subject to competitive purchasing requirements. If an agreement is predominantly for Contractual Services, but also includes maintenance services or the purchase of goods and services, the contract shall not be subject to competitive purchasing requirements. Regardless of whether an advertisement or solicitation for Contractual Services is identified as an Invitation to Bid, Request for Proposals, Invitation to Negotiate, or Competitive Solicitation, no rights or remedies under these Rules, including but not limited to protest rights, are conferred on persons, firms, or vendors proposing to provide Contractual Services to the District.
- (2) Contracts; Public Records. In accordance with Florida law, each contract for Contractual Services shall include provisions required by law that require the contractor to comply with public records laws.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 119.0701, 190.011(3), 190.033, Fla. Stat.

Rule 3.11 Protests with Respect to Proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9.

The resolution of any protests with respect to proceedings under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, and 3.9 shall be in accordance with this Rule.

(1) Filing.

- (a) With respect to a protest regarding qualifications, specifications, documentation, or other requirements contained in a Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation issued by the District, the notice of protest shall be filed in writing within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after the first advertisement of the Request for Qualifications, Request for Proposals, Invitation to Bid, or Competitive Solicitation. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's intended decision. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.
- (b) Except for those situations covered by subsection (1)(a) of this Rule, any firm or person who is affected adversely by a District's ranking or intended award under Rules 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.8, or 3.9 and desires to contest the District's ranking or intended award, shall file with the District a written notice of protest within seventy-two (72) calendar hours (excluding Saturdays, Sundays, and state holidays) after receipt of the notice of the District's ranking or intended award. A formal protest setting forth with particularity the facts and law upon which the protest is based shall be filed within seven (7) calendar days (including Saturdays, Sundays, and state holidays) after the initial notice of protest was filed. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file a notice of protest shall constitute a waiver of all rights to protest the District's ranking or intended award. Failure to file a formal written protest shall constitute an abandonment of the protest proceedings and shall automatically terminate the protest proceedings.
- (c) If the requirement for the posting of a protest bond and the amount of the protest bond, which may be expressed by a percentage of the contract to be awarded or a set amount, is disclosed in the District's competitive solicitation documents for a particular purchase under Rules 3.1, 3.2, 3.3,

3.4, 3.5, 3.6, 3.8, or 3.9, any person who files a notice of protest must post the protest bond. The amount of the protest bond shall be determined by District staff after consultation with the Board and within the limits, if any, imposed by Florida law. In the event the protest is successful, the protest bond shall be refunded to the protestor. In the event the protest is unsuccessful, the protest bond shall be applied towards the District's costs, expenses, and attorney's fees associated with hearing and defending the protest. In the event the protest is settled by mutual agreement of the parties, the protest bond shall be distributed as agreed to by the District and protestor.

- (d) The District does not accept documents filed by electronic mail or facsimile transmission. Filings are only accepted during normal business hours.
- (2) Contract Execution. Upon receipt of a notice of protest which has been timely filed, the District shall not execute the contract under protest until the subject of the protest is resolved. However, if the District sets forth in writing particular facts and circumstances showing that delay incident to protest proceedings will jeopardize the funding for the project, will materially increase the cost of the project, or will create an immediate and serious danger to the public health, safety, or welfare, the contract may be executed.
- (3) Informal Proceeding. If the Board determines a protest does not involve a disputed issue of material fact, the Board may, but is not obligated to, schedule an informal proceeding to consider the protest. Such informal proceeding shall be at a time and place determined by the Board. Notice of such proceeding shall be sent via facsimile, United States Mail, or hand delivery to the protestor and any substantially affected persons or parties not less than three (3) calendar days prior to such informal proceeding. Within thirty (30) calendar days following the informal proceeding, the Board shall issue a written decision setting forth the factual, legal, and policy grounds for its decision.
- (4) Formal Proceeding. If the Board determines a protest involves disputed issues of material fact or if the Board elects not to use the informal proceeding process provided for in section (3) of this Rule, the District shall schedule a formal hearing to resolve the protest. The Chairperson shall designate any member of the Board (including the Chairperson), District Manager, District Counsel, or other person as a hearing officer to conduct the hearing. The hearing officer may:
 - (a) Administer oaths and affirmations;
 - (b) Rule upon offers of proof and receive relevant evidence;
 - (c) Regulate the course of the hearing, including any pre-hearing matters;
 - (d) Enter orders; and

- (e) Make or receive offers of settlement, stipulation, and adjustment.

The hearing officer shall, within thirty (30) days after the hearing or receipt of the hearing transcript, whichever is later, file a recommended order which shall include a caption, time and place of hearing, appearances entered at the hearing, statement of the issues, findings of fact and conclusions of law, separately stated, and a recommendation for final District action. The District shall allow each party fifteen (15) days in which to submit written exceptions to the recommended order. The District shall issue a final order within sixty (60) days after the filing of the recommended order.

- (5) Intervenors. Other substantially affected persons may join the proceedings as intervenors on appropriate terms which shall not unduly delay the proceedings.
- (6) Rejection of all Qualifications, Bids, Proposals, Replies and Responses after Receipt of Notice of Protest. If the Board determines there was a violation of law, defect, or an irregularity in the competitive solicitation process, the Bids, Proposals, Replies, and Responses are too high, or if the Board determines it is otherwise in the District's best interest, the Board may reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew. If the Board decides to reject all qualifications, bids, proposals, replies, and responses and start the competitive solicitation process anew, any pending protests shall automatically terminate.
- (7) Settlement. Nothing herein shall preclude the settlement of any protest under this Rule at any time.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: § 190.033, Fla. Stat.

Rule 4.0 Effective Date.

These Rules shall be effective June 17th, 2024, except that no election of officers required by these Rules shall be required until after the next regular election for the Board.

Specific Authority: §§ 190.011(5), 190.011(15), Fla. Stat.

Law Implemented: §§ 190.011(5), 190.011(15), Fla. Stat.

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

5C

RESOLUTION 2024-38

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT ADOPTING A SUSPENSION AND TERMINATION RULE; ADOPTING RATES, FEES AND CHARGES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Orange Branch Community Development District (“District”) is a local unit of special purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, which anticipates owning, operating and maintaining certain recreational amenity facilities and other improvements throughout the District (collectively, “**Facilities**”); and

WHEREAS, Chapters 190 and 120, *Florida Statutes*, authorize the District to adopt rules, rates, charges and fees to govern the administration of the District and to adopt resolutions as may be necessary for the conduct of District business; and

WHEREAS, the Board desires to adopt rules, rates and charges regarding use of the District’s Facilities, rules relating to the suspension and/or termination of patrons’ rights to utilize the Facilities, and rates applicable to patrons’ use of the Facilities; and

WHEREAS, the Board finds that it is in the best interests of the District and necessary for the efficient operation of the District to adopt by resolution the *Disciplinary and Enforcement Rule* (“**Facility Rule**”), which is attached hereto as **Exhibit A** and incorporated herein by this reference, for immediate use and application; and

WHEREAS, the Board finds that the fees outlined in **Exhibit A** are just and equitable having been based upon (i) the amount of service furnished; and (ii) other factors affecting the use of the facilities furnished; and

WHEREAS, the Board of Supervisors has complied with applicable Florida law concerning rule development, ratemaking, and rule and rate adoption, including the holding of public hearings thereon.

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

SECTION 1. The Facility Rule set forth in **Exhibit A**, inclusive of rates and fees and disciplinary rule, are hereby adopted pursuant to this resolution as necessary for the conduct of District business and shall remain in full force and effect unless revised or repealed by the District in accordance with Chapters 120 and 190, *Florida Statutes*.

SECTION 2. If any provision of this resolution is held to be illegal or invalid, the other provisions shall remain in full force and effect.

SECTION 3. This Resolution shall become effective upon its passage and shall remain in effect unless rescinded or repealed.

PASSED AND ADOPTED this 17th day of June, 2024.

ATTEST:

**ORANGE BRANCH COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice-Chair, Board of Supervisors

Exhibit A: Facility Rule and Rates

EXHIBIT A

Fee	Proposed
Annual User Fee (Non-Resident)	\$2,500.00 - \$4,500.00
Replacement of Access Card	\$50.00
Administrative Fee for Rule Violation	Up to \$500.00

SUSPENSION AND TERMINATION OF PRIVILEGES

1. **Introduction.** This rule addresses disciplinary and enforcement matters relating to the use of the amenities and other properties owned and managed by the District (“Amenity Centers” or “Amenity Facilities”).
2. **General Rule.** All persons using the Amenity Facilities and entering District properties are responsible for compliance with the rules and policies established for the safe operations of the District’s Amenity Facilities.
3. **Patron Card.** Patron Cards are the property of the District. The District may request surrender of, or may deactivate, a person’s Patron Card for violation of the District’s rules and policies established for the safe operations of the District’s Amenity Facilities.
4. **Suspension and Termination of Rights.** The District, through its Board, District Manager, and Operation Manager shall have the right to restrict or suspend, and after a hearing as set forth herein, terminate the Amenity Facilities access of any Patron and members of their household or Guests to use all or a portion of the Amenity Facilities for any of the following acts (each, a “Violation”):
 - a. Submitting false information on any application for use of the Amenity Facilities, including but not limited to facility rental applications;
 - b. Failing to abide by the terms of rental applications;
 - c. Permitting the unauthorized use of a Patron Card or otherwise facilitating or allowing unauthorized use of the Amenity Facilities;
 - d. Exhibiting inappropriate behavior or repeatedly wearing inappropriate attire;
 - e. Failing to pay amounts owed to the District in a proper and timely manner (with the exception of special assessments);
 - f. Failing to abide by any District rules or policies (e.g., Amenity Policies);
 - g. Treating the District’s staff, contractors, representatives, residents, Patrons or Guests, in a harassing or abusive manner;
 - h. Damaging, destroying, rendering inoperable or interfering with the operation of District property, or other property located on District property;
 - i. Failing to reimburse the District for property damaged by such person, or a minor for whom the person has charge, or a guest;
 - j. Engaging in conduct that is likely to endanger the health, safety, or welfare of the District, its staff, amenities management, contractors, representatives, residents, Patrons or Guests;
 - k. Committing or is alleged, in good faith, to have committed a crime on or off District property that leads the District to reasonably believe the health, safety or welfare of the District, its staff, contractors, representatives, residents, Patrons or Guests is likely endangered;
 - l. Engaging in another Violation after a verbal warning has been given by staff (which verbal warning is not required); or
 - m. Such person’s guest or a member of their household committing any of the above Violations.

Termination of access to the District's Amenity Facilities shall only be considered and implemented by the Board in situations that pose a long term or continuing threat to the health, safety and/or welfare of the District, its staff, contractors, representatives, residents, Patrons or Guests. The Board, in its sole discretion and upon motion of any Board member, may vote to rescind a termination of access to the Amenity Facilities.

5. **Authority of District Manager and General Manager/Facility Manager/Operation Manager.** The District Manager, General Manager or their designee (or other named party as set forth in this section) has the ability to remove any person from one or all Amenities if a Violation occurs or if in his/her reasonable discretion it is the District's best interests to do so. The District Manager, Operation Manager or their designee may each independently at any time restrict or suspend for cause or causes, including but not limited to those Violations described above, any person's privileges to use any or all of the Amenities until the next regularly scheduled meeting of the Board of Supervisors that is at least eight (8) days after the initial suspension, as evidenced by the date of notice sent by certified electronic or other mail service or longer if such individual requests deferment of his or her right to due process. In the event of such a suspension, the District Manager or his or her designee shall mail a letter to the person suspended referencing the conduct at issue, the sections of the District's rules and policies violated, the time, date, and location of the next regular Board meeting where the person's suspension will be presented to the Board, and a statement that the person has a right to appear before the Board and offer testimony and evidence why the suspension should be lifted. If the person is a minor, the letter shall be sent to the adults at the address within the community where the minor resides.
6. **Administrative Reimbursement.** The Board may in its discretion require payment of an administrative reimbursement of up to Five Hundred Dollars (\$500) in order to offset the actual legal and/or administrative expenses incurred by the District as a result of a Violation ("Administrative Reimbursement"). Such Administrative Reimbursement shall be in addition to any suspension or termination of Amenity access, any applicable legal action warranted by the circumstances, and/or any Property Damage Reimbursement (defined below).
7. **Property Damage Reimbursement.** If damage to District property occurred in connection with a Violation, the person or persons who caused the damage, or the person whose guest caused the damage, or the person who has charge of a minor that caused the damage, shall reimburse the District for the costs of cleaning, repairing, and/or replacing the property ("Property Damage Reimbursement"). Such Property Damage Reimbursement shall be in addition to any suspension or termination of Amenity access, any applicable legal action warranted by the circumstances, and/or any Administrative Reimbursement.
8. **Initial Hearing by the Board; Administrative Reimbursement; Property Damage Reimbursement.**
 - a. If a person's Amenity Facilities privileges are suspended, as referenced in Section 5, a hearing shall be held at the next regularly scheduled Board meeting that is at least eight (8) days after the initial suspension, as evidenced by the date of notice

sent by certified electronic or other mail service or as soon thereafter as a Board meeting is held if the meeting referenced in the letter is canceled, during which both District staff and the person subject to the suspension shall be given the opportunity to appear, present testimony and evidence, cross examine witnesses present, and make arguments. The Board may also ask questions of District staff, the person subject to the suspension, and witnesses present. All persons are entitled to be represented by a licensed Florida attorney at such hearing if they so choose. Any written materials should be submitted at least seven (7) days before the hearing for consideration by the Board. If the date of the suspension is less than eight (8) days before a Board meeting, the hearing may be scheduled for the following Board meeting at the discretion of the suspendee.

- b. The person subject to the suspension may request an extension of the hearing date to a future Board meeting, which shall be granted upon a showing of good cause, but such extension shall not stay the suspension.
- c. After the presentations by District staff and the person subject to the suspension, the Board shall consider the facts and circumstances and determine whether to lift or extend the suspension or impose a termination. In determining the length of any suspension, or a termination, the Board shall consider the nature of the conduct, the circumstances of the conduct, the number of rules or policies violated, the person's escalation or de-escalation of the situation, and any prior Violations and/or suspensions.
- d. The Board shall also determine whether an Administrative Reimbursement is warranted and, if so, set the amount of such Administrative Reimbursement.
- e. The Board shall also determine whether a Property Damage Reimbursement is warranted and, if so, set the amount of such Property Damage Reimbursement. If the cost to clean, repair and/or replace the property is not yet available, the Property Damage Reimbursement shall be fixed at the next regularly scheduled Board meeting after the cost to clean, repair, and/or replace the property is known.
- f. After the conclusion of the hearing, the District Manager shall mail a letter to the person suspended identifying the Board's determination at such hearing.

9. **Suspension by the Board.** The Board on its own initiative acting at a noticed public meeting may elect to consider a suspension of a person's access for committing any of the Violations outlined in Section 4. In such circumstance, a letter shall be sent to the person suspended which contains all the information required by Section 5, and the hearing shall be conducted in accordance with Section 8.

10. **Automatic Extension of Suspension for Non-Payment.** Unless there is an affirmative vote of the Board otherwise, no suspension or termination will be lifted or expire until all Administrative Reimbursements and Property Damage Reimbursements have been paid to the District. If an Administrative Reimbursement or Property Damage Reimbursement is not paid by its due date, the District reserves the right to request surrender of, or deactivate, all access cards or key fobs associated with an address within the District until such time as the outstanding amounts are paid.

11. **Appeal of Board Suspension.** After the hearing held by the Board required by Section 8, a person subject to a suspension or termination may appeal the suspension or termination, or the assessment or amount of an Administrative Reimbursement or Property Damage Reimbursement, to the Board by filing a written request for an appeal (“Appeal Request”), as referenced in Section 8(e). The filing of an Appeal Request shall not result in the stay of the suspension or termination. The Appeal Request shall be filed within thirty (30) calendar days after mailing of the notice of the Board’s determination as required by Section 8(f), above. For purposes of this Rule, wherever applicable, filing will be perfected and deemed to have occurred upon receipt by the District. Failure to file an Appeal Request shall constitute a waiver of all rights to protest the District’s suspension or termination and shall constitute a failure to exhaust administrative remedies. The District shall consider the appeal at a Board meeting and shall provide reasonable notice to the person of the Board meeting where the appeal will be considered. At the appeal stage, no new evidence shall be offered or considered. Instead, the appeal is an opportunity for the person subject to the suspension or termination to argue, based on the evidence elicited at the hearing, why the suspension or termination should be reduced or vacated. The Board may take any action deemed by it in its sole discretion to be appropriate under the circumstances, including affirming, overturning, or otherwise modifying the suspension or termination. The Board’s decision on appeal shall be final.
12. **Legal Action; Criminal Prosecution; Trespass.** If any person is found to have committed a Violation, such person may additionally be subject to arrest for trespassing or other applicable legal action, civil or criminal in nature. If a person subject to a suspension or termination is found at the Amenity Facilities, such person will be subject to arrest for trespassing. If a trespass warrant is issued to a person by a law enforcement agency, the District has no obligation to seek a withdrawal or termination of the trespass warrant even though the issuance of the trespass warrant may effectively prevent a person from using the District’s Amenity Facilities after expiration of a suspension imposed by the District.
13. **Severability.** If any section, paragraph, clause or provision of this rule shall be held to be invalid or ineffective for any reason, the remainder of this rule shall continue in full force and effect, it being expressly hereby found and declared that the remainder of this rule would have been adopted despite the invalidity or ineffectiveness of such section, paragraph, clause or provision.

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

6A

LOCALiQ

FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Daphne Gillyard
Orange Branch CDD C/O District Manager
2300 Glades RD # 410
Boca Raton FL 33431-7386

STATE OF WISCONSIN, COUNTY OF BROWN

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

05/28/2024, 06/04/2024

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

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 06/04/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$219.60

Tax Amount: \$0.00

Payment Cost: \$219.60

Order No: 10199233

Customer No: 1403114

PO #:

of Copies:

1

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

ORANGE BRANCH COMMUNITY
DEVELOPMENT DISTRICT
NOTICE OF PUBLIC HEARINGS
TO CONSIDER THE ADOPTION
OF THE FISCAL YEAR 2023/2024
BUDGET AND 2024/2025 BUDGET;
AND NOTICE OF REGULAR
BOARD OF SUPERVISORS'
MEETING.

The Board of Supervisors ("Board") of the Orange Branch Community Development District ("District") will hold public hearings on June 17, 2024 at 11:00 a.m., at the St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Boulevard, St. Johns, Florida 32259, for the purpose of hearing comments and objections on the adoption of the proposed budgets of the District for the fiscal year beginning October 1, 2023, and ending September 30, 2024 (the "2023/2024 Proposed Budget"), as well as the proposed budget for Fiscal Year 2024/2025 ("2024/2025 Proposed Budget") and, along with the 2023/2024 Proposed Budget, the "Proposed Budgets"). A regular board meeting of the District will also be held at that time where the Board may consider any other business that may properly come before it. A copy of the agenda and Proposed Budgets may be obtained at the offices of the District Manager, Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida, 33431, (561) 571-0010 ("District Manager's Office"), during normal business hours, or by visiting the District's website at <https://www.orangebranchcdd.net/>. The public hearings and meeting are open to the public and will be conducted in accordance with the provisions of Florida law. The public hearings and meeting may be continued to a date, time, and place to be specified on the record at the meeting. There may be occasions when Board Supervisors or District Staff may participate by speaker telephone.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the District Manager's Office at least three (3) business days prior to the meeting. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1, or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice), for aid in contacting the District Manager's Office.

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the public hearings or meeting is advised that person will need a record of proceedings and that accordingly, the person may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which such appeal is to be based.

District Manager
5/28, 6/4/24 (10199233)

RYAN SPELLER
Notary Public
State of Wisconsin

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

6B

RESOLUTION 2024-39

RESOLUTION OF THE ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT (“DISTRICT”) RELATING TO THE ANNUAL APPROPRIATIONS AND ADOPTING THE BUDGET FOR THE REMAINDER OF THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024; ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024, AND ENDING SEPTEMBER 30, 2025; AUTHORIZING BUDGET AMENDMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Orange Branch Community Development District (“**District**”) was established by the Board of County Commissioners for St. John’s County, Florida on April 2, 2024, which became effective April 8, 2024; and

WHEREAS, the District Manager has submitted to the Board of Supervisors (“**Board**”) of the District a proposed budget for the remainder of the fiscal year beginning October 1, 2023 and ending September 30, 2024 (“**Fiscal Year 2023/2024 Proposed Budget**”) and a proposed budget for the fiscal year beginning October 1, 2024 and ending September 30, 2025 (“**Fiscal Year 2024/2025 Proposed Budget**”) and along with the Fiscal Year 2023/2024 Proposed Budget, the “**Proposed Budgets**”) 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, to the extent practical and recognizing the establishment date of the District, at least sixty (60) days prior to the adoption of the Proposed Budgets, the District filed copies of the Proposed Budgets with the local governing authorities having jurisdiction over the area included in the District pursuant to the provisions of Section 190.008(2)(b), *Florida Statutes*; and

WHEREAS, the Board set a public hearing thereon and caused notice of such public hearing to be given by publication pursuant to Section 190.008(2)(a), *Florida Statutes*; and

WHEREAS, Section 190.008(2)(a), *Florida Statutes*, requires that 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 the Proposed Budgets, whereby each 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 years.

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

SECTION 1. BUDGET

- a. The Board has reviewed the Proposed Budgets, copies of which are 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 Budgets, attached hereto as **Exhibit A** and **B**, as amended by the Board, are hereby adopted in accordance with the provisions of Section 190.008(2)(a), *Florida Statutes* ("**Adopted Budgets**"), and incorporated herein by reference; provided, however, that the comparative figures contained in the Adopted Budgets may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures.
- c. The Adopted Budgets, 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 Orange Branch Community Development District for the Fiscal Year Ending September 30, 2024" and "The Budget for the Orange Branch Community Development District for the Fiscal Year Ending September 30, 2025," respectively.
- d. The Adopted Budgets 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

- a. There is hereby appropriated out of the revenues of the District, for Fiscal Year 2023/2024, the sum of \$56,348 to be raised by the levy of assessments and/or 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	\$56,348
--------------------	----------

TOTAL ALL FUNDS	\$56,348
-----------------	----------

- b. There is hereby appropriated out of the revenues of the District, for Fiscal Year 2024/2025, the sum of \$98,790 to be raised by the levy of assessments and/or 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	\$98,790
--------------------	----------

TOTAL ALL FUNDS	\$98,790
-----------------	----------

SECTION 3. BUDGET AMENDMENTS

Pursuant to Section 189.016, *Florida Statutes*, the District at any time within the Fiscal Year 2023/2024, Fiscal Year 2024/2025, or within 60 days following the end of that Fiscal Year, may amend its Adopted Budget for that same fiscal year as follows:

- a. A line-item appropriation for expenditures within a fund may be decreased or increased by motion of the Board recorded in the minutes, and approving the expenditure, if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may approve an expenditure that would increase or decrease a line-item appropriation for expenditures within a fund if the total appropriations of the fund do not increase and if either (i) the aggregate change in the original appropriation item does not exceed the greater of \$15,000 or 15% of the original appropriation, or (ii) such expenditure is authorized by separate disbursement or spending resolution.
- c. Any other budget amendments shall be adopted by resolution and consistent with Florida law.

The District Manager or Treasurer must 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 subparagraph c. above are posted on the District's website within 5 days after adoption and remain on the website for at least 2 years.

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

PASSED AND ADOPTED this 17th day of June, 2024.

ATTEST:

**ORANGE BRANCH COMMUNITY
DEVELOPMENT DISTRICT**

Secretary / Assistant Secretary

Chair/Vice Chair, Board of Supervisors

Exhibit A: Fiscal Year 2023/2024 Budget

Exhibit B: Fiscal Year 2024/2025 Budget

Exhibit A

Fiscal Year 2023/2024 Budget

**ORANGE BRANCH
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2024**

**ORANGE BRANCH
COMMUNITY DEVELOPMENT DISTRICT
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**ORANGE BRANCH
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2024**

	Proposed Budget
REVENUES	
Landowner contribution	56,348
Total revenues	<u>56,348</u>
EXPENDITURES	
Professional & administrative	
Supervisors	-
Management/accounting/recording**	12,000
Legal	25,000
Engineering	2,000
Audit	-
Arbitrage rebate calculation*	-
Dissemination agent*	333
Trustee*	-
Telephone	200
Postage	500
Printing & binding	500
Legal advertising	7,500
Annual special district fee	175
Insurance	5,500
Contingencies/bank charges	750
Website hosting & maintenance	1,680
Website ADA compliance	210
Total expenditures	<u>56,348</u>
 Excess/(deficiency) of revenues over/(under) expenditures	 - -
 Fund balance - beginning (unaudited)	 -
Fund balance - ending (projected)	-
Unassigned	-
Fund balance - ending	<u><u>\$ -</u></u>

*These items will be realized when bonds are issued.

**WHA will charge a reduced management fee of \$2,000 per month until bonds are issued.

**ORANGE BRANCH
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administrative

Supervisors	\$ -
Statutorily set at \$200 for each meeting of the Board of Supervisors not to exceed \$4,800 for each fiscal year.	
Management/accounting/recording**	12,000
Wrathell, Hunt and Associates, LLC (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.	
Legal	25,000
General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.	
Engineering	2,000
The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.	
Audit	-
Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.	
Arbitrage rebate calculation*	-
To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.	
Dissemination agent*	333
The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt & Associates serves as dissemination agent.	
Trustee*	-
Telephone	200
Postage	500
Telephone and fax machine.	
Printing & binding	500
Mailing of agenda packages, overnight deliveries, correspondence, etc.	
Legal advertising	7,500
Letterhead, envelopes, copies, agenda packages	
Annual special district fee	175
The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.	
Insurance	5,500
Annual fee paid to the Florida Department of Economic Opportunity.	
Contingencies/bank charges	750
Bank charges and other miscellaneous expenses incurred during the year and automated AP routing etc.	
Website hosting & maintenance	1,680
Website ADA compliance	210
Total expenditures	<u><u>\$ 56,348</u></u>

*These items will be realized when bonds are issued.

**WHA will charge a reduced management fee of \$2,000 per month until bonds are issued.

Exhibit B

Fiscal Year 2024/2025 Budget

**ORANGE BRANCH
COMMUNITY DEVELOPMENT DISTRICT
PROPOSED BUDGET
FISCAL YEAR 2025**

**ORANGE BRANCH
COMMUNITY DEVELOPMENT DISTRICT
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**ORANGE BRANCH
COMMUNITY DEVELOPMENT DISTRICT
GENERAL FUND BUDGET
FISCAL YEAR 2025**

	Proposed Budget
REVENUES	
Landowner contribution	98,790
Total revenues	<u>98,790</u>
EXPENDITURES	
Professional & administrative	
Supervisors	-
Management/accounting/recording**	48,000
Legal	25,000
Engineering	2,000
Audit	5,500
Arbitrage rebate calculation*	500
Dissemination agent*	2,000
Trustee*	5,500
Telephone	200
Postage	500
Printing & binding	500
Legal advertising	1,750
Annual special district fee	175
Insurance	5,500
Contingencies/bank charges	750
Website hosting & maintenance	705
Website ADA compliance	210
Total expenditures	<u>98,790</u>
Excess/(deficiency) of revenues over/(under) expenditures	-
Fund balance - beginning (unaudited)	-
Fund balance - ending (projected)	
Unassigned	-
Fund balance - ending	<u><u>\$ -</u></u>

*These items will be realized when bonds are issued.

**WHA will charge a reduced management fee of \$2,000 per month until bonds are issued.

**ORANGE BRANCH
COMMUNITY DEVELOPMENT DISTRICT
DEFINITIONS OF GENERAL FUND EXPENDITURES**

EXPENDITURES

Professional & administrative

Supervisors	\$ -
Statutorily set at \$200 for each meeting of the Board of Supervisors not to exceed \$4,800 for each fiscal year.	
Management/accounting/recording**	48,000
Wrathell, Hunt and Associates, LLC (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.	
Legal	25,000
General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.	
Engineering	2,000
The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.	
Audit	5,500
Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.	
Arbitrage rebate calculation*	500
To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.	
Dissemination agent*	2,000
The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt & Associates serves as dissemination agent.	
Trustee*	5,500
Telephone	200
Postage	500
Telephone and fax machine.	
Printing & binding	500
Mailing of agenda packages, overnight deliveries, correspondence, etc.	
Legal advertising	1,750
Letterhead, envelopes, copies, agenda packages	
Annual special district fee	175
The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.	
Insurance	5,500
Annual fee paid to the Florida Department of Economic Opportunity.	
Contingencies/bank charges	750
Bank charges and other miscellaneous expenses incurred during the year and automated AP routing etc.	
Website hosting & maintenance	705
Website ADA compliance	210
Total expenditures	<u><u>\$ 98,790</u></u>

*These items will be realized when bonds are issued.

**WHA will charge a reduced management fee of \$2,000 per month until bonds are issued.

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

UNAUDITED FINANCIAL STATEMENTS

**ORANGE BRANCH
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
APRIL 30, 2024**

**ORANGE BRANCH
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
APRIL 30, 2024**

	General Fund	Total Governmental Funds
ASSETS		
Due from Landowner	\$ 15,559	\$ 15,559
Total assets	<u>\$ 15,559</u>	<u>\$ 15,559</u>
LIABILITIES AND FUND BALANCES		
Liabilities:		
Accounts payable	\$ 2,059	\$ 2,059
Landowner advance	13,500	13,500
Total liabilities	<u>15,559</u>	<u>15,559</u>
DEFERRED INFLOWS OF RESOURCES		
Deferred receipts	2,059	2,059
Total deferred inflows of resources	<u>2,059</u>	<u>2,059</u>
Fund balances:		
Unassigned	<u>(2,059)</u>	<u>(2,059)</u>
Total fund balances	<u>(2,059)</u>	<u>(2,059)</u>
Total liabilities, deferred inflows of resources and fund balances	<u>\$ 15,559</u>	<u>\$ 15,559</u>

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

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Landowner contribution	\$ -	\$ -	\$ 56,348	0%
Total revenues	-	-	56,348	0%
EXPENDITURES				
Professional & administrative				
Management/accounting/recording**	2,000	2,000	12,000	17%
Legal	-	-	25,000	0%
Engineering	-	-	2,000	0%
Dissemination agent*	-	-	333	0%
Telephone	17	17	200	9%
Postage	-	-	500	0%
Printing & binding	42	42	500	8%
Legal advertising	-	-	7,500	0%
Annual special district fee	-	-	175	0%
Insurance	-	-	5,500	0%
Contingencies/bank charges	-	-	750	0%
Website hosting & maintenance	-	-	1,680	0%
Website ADA compliance	-	-	210	0%
Total expenditures	2,059	2,059	56,348	4%
Excess/(deficiency) of revenues over/(under) expenditures	(2,059)	(2,059)	-	
Fund balances - beginning	-	-	-	
Fund balances - ending	\$ (2,059)	\$ (2,059)	\$ -	

*These items will be realized when bonds are issued.

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

MINUTES A

DRAFT

**MINUTES OF MEETING
ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT**

The Orange Branch Community Development District held a Landowners' Meeting on April 10, 2024 at 11:00 a.m., at the St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259.

Present were:

Craig Wrathell	District Manager
Ernesto Torres	Wrathell, Hunt and Associates, LLC
Jennifer Kilinski	District Counsel
Justin Dudley	Proxy Holder, Pulte Home Company LLC
Austen Roberts	Greenbriar Land Holdings LLC

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 11:09 a.m.

SECOND ORDER OF BUSINESS

Affidavit/Proof of Publication

The affidavit of publication was included for informational purposes.

THIRD ORDER OF BUSINESS

Election of Chair to Conduct Landowners' Meeting

Mr. Wrathell served as Chair to conduct the Landowners' Meeting. He noted that Mr. Justin Dudley is a Proxy Holder of Pulte Home Company LLC, which owns 348.56 acres. Mr. Dudley is eligible to cast up to 349 votes per seat. Mr. Austen Roberts is an authorized officer of Greenbriar Land Holdings, LLC, which owns 627.73 acres. Mr. Roberts is eligible to cast up to 628 votes per seat.

Due to potential variations with regard to parcel boundaries, Mr. Wrathell noted that the total number of votes cast will be reduced slightly.

FOURTH ORDER OF BUSINESS

Election of Supervisors [All Seats]

37

38 **A. Nominations**

39 Mr. Dudley nominated the following:

40 Seat 1 Justin Dudley

41 Seat 2 Austen Roberts

42 Seat 3 Taylor Larza

43 Seat 4 Zach Decker

44 Seat 5 No nomination

45 No other nominations were made.

46 **B. Casting of Ballots**47 • **Determine Number of Voting Units Represented**

48 A total of 967 voting units were represented. Of the 628 Greenbriar Land Holdings, LLC,
49 voting units represented, only 600 votes will be cast, and, of the 349 Pulte Home Company LLC
50 voting units proxied, only 320 votes will be cast.

51 • **Determine Number of Voting Units Assigned by Proxy**

52 A total of 349 voting units were assigned by proxy; however, a maximum of 320 votes
53 will be cast by the proxyholder.

54 As the designated Proxy Holder of Pulte Home Company LLC, Mr. Dudley cast the
55 following votes:

56 Seat 1 Justin Dudley 320 votes

57 Seat 2 Austen Roberts 320 votes

58 Seat 3 Taylor Larza 319 votes

59 Seat 4 Zach Decker 319 votes

60 Seat 5 No nomination

61 As an authorized officer of Greenbriar Land Holdings, LLC, Mr. Roberts cast the following
62 votes:

63 Seat 1 Justin Dudley 600 votes

64 Seat 2 Austen Roberts 600 votes

65 Seat 3 Taylor Larza 600 votes

66 Seat 4 Zach Decker 600 votes

67 Seat 5 No nomination

68 **C. Ballot Tabulation and Results**

69 Mr. Wrathell reported the following ballot tabulation, results and term lengths.

70 Seat 1 Justin Dudley 920 votes 4-year Term

71 Seat 2 Austen Roberts 920 votes 4-year Term

72 Seat 3 Taylor Larza 919 votes 2-year Term

73 Seat 4 Zach Decker 919 votes 2-year Term

74 Seat 5 No nomination

75

76 **FIFTH ORDER OF BUSINESS**

Landowners' Questions/Comments

77

78 There were no Landowners' questions or comments.

79

80 **SIXTH ORDER OF BUSINESS**

Adjournment

81

82 There being nothing further to discuss, the meeting adjourned at 11:16 a.m.

83

84

85

86 [SIGNATURES APPEAR ON THE FOLLOWING PAGE]

87

88

89

90

91

92 _____
Secretary/Assistant Secretary

Chair/Vice Chair

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

MINUTES B

DRAFT

**MINUTES OF MEETING
ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT**

An Organizational Meeting of the Orange Branch Community Development District was held on April 10, 2024, immediately following the Landowners' meeting at 11:00 a.m., at the St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259.

Present were:

Justin Dudley	Chair
Austen Roberts	Vice Chair
Taylor Larza	Assistant Secretary
Zach Decker	Assistant Secretary

Also present:

Craig Wrathell	District Manager
Ernesto Torres	Wrathell, Hunt and Associates, LLC (WHA)
Jennifer Kilinski	District Counsel
Chris Loy	Kilinski Van Wyk PLLC
George Katsaras	Interim District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 11:21 a.m. and stated that the Landowners' Election was held just prior to this meeting. The Landowners' Election results were as follows:

Seat 1	Justin Dudley	920 votes	4-year Term
Seat 2	Austen Roberts	920 votes	4-year Term
Seat 3	Taylor Larza	919 votes	2-year Term
Seat 4	Zach Decker	919 votes	2-year Term
Seat 5	No nomination		

Mr. Justin Dudley, Mr. Austen Roberts, Mr. Taylor Larza and Mr. Zach Decker, who were also named in the Petition to Establish the District as Initial Board Supervisors, were present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

GENERAL DISTRICT ITEMS

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Elected Board of Supervisors (the following will be provided in a separate package)

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Dudley, Mr. Roberts, Mr. Larza and Mr. Decker.

A. Required Ethics Training and Disclosure Filing

Ms. Kilinski stated that Board Members seated after March 31, 2024, as with this Board, must complete the ethics training requirements by December 31, 2025. Completion of this requirement will be reported when filing Form 1 in 2026.

- Sample Form 1 2023/Instructions**

Mr. Wrathell stated Board Members must file their initial Form 1 online within 30 days.

B. Membership, Obligations and Responsibilities**C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees****D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers**

Mr. Wrathell and Ms. Kilinski discussed the forms, records retention policy, public records requests, recommendation to separate CDD-related files from business and personal files, use of their assigned CDD email address, potential voting conflicts and contacting the District Manager or District Counsel with questions or when possible conflicts arise.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2024-01, Ratifying the Actions of the District Manager and District Staff in Noticing the Landowners' Meeting; Providing a Severability Clause; and Providing an Effective Date

Mr. Wrathell presented Resolution 2024-01.

On MOTION by Mr. Dudley and seconded by Mr. Decker, with all in favor, Resolution 2024-01, Ratifying the Actions of the District Manager and District Staff in Noticing the Landowners' Meeting; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Canvassing and Certifying the Results of

the Landowners' Election of Supervisors
Held Pursuant to Section 190.006(2),
Florida Statutes, and Providing for an
Effective Date

Mr. Wrathell presented Resolution 2024-02. The results of the Landowners' Election, as
read during the First Order of Business, will be inserted into Sections 1 and 2.

**On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor,
Resolution 2024-02, Canvassing and Certifying the Results of the Landowners'
Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes,
and Providing for an Effective Date, was adopted.**

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2024-03,
Designating Certain Officers of the District,
and Providing for an Effective Date

Mr. Wrathell presented Resolution 2024-03. Mr. Dudley nominated the following slate:

Chair	Justin Dudley
Vice Chair	Austen Roberts
Secretary	Craig Wrathell
Assistant Secretary	Taylor Larza
Assistant Secretary	Zach Decker
Assistant Secretary	Vacant
Assistant Secretary	Ernesto Torres
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

**On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor,
Resolution 2024-03, Designating Certain Officers of the District, as nominated,
and Providing for an Effective Date, was adopted.**

ORGANIZATIONAL ITEMS

SEVENTH ORDER OF BUSINESS

Consideration of the Following
Organizational Items:

A. Resolution 2024-04, Appointing and Fixing the Compensation of the District Manager; Appointing a Financial Disclosure Coordinator; Appointing an Assessment Methodology Consultant in Contemplation of the Issuance of Special Assessment Bonds; Appointing a Designated Investment Representative to Administer Investment Direction with Regard to District Funds; and Providing an Effective Date

- Agreement for District Management Services: Wrathell, Hunt and Associates, LLC

Mr. Wrathell presented Resolution 2024-04 and the Fee Schedule and Management Agreement. The Management Fee is reduced to \$2,000 per month until bonds are issued.

The following change was made to the Agreement for Management Services:

Page 4, Section 11, Counsel to the DISTRICT: Change to "Kilinski | Van Wyk PLLC, 517 E. College Avenue, Tallahassee, Florida 32301"

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-04, Appointing and Fixing the Compensation of Wrathell, Hunt and Associates, LLC as the District Manager; Appointing a Financial Disclosure Coordinator; Appointing an Assessment Methodology Consultant in Contemplation of the Issuance of Special Assessment Bonds; Appointing a Designated Investment Representative to Administer Investment Direction with Regard to District Funds; and Providing an Effective Date, was adopted, and the Wrathell, Hunt and Associates, LLC Agreement for District Management Services, as amended, was approved.

B. Resolution 2024-05, Appointing Legal Counsel for the District, Authorizing Compensation; and Providing for an Effective Date

- Fee Agreement: Kilinski | Van Wyk PLLC

Mr. Wrathell presented Resolution 2024-04 and the Kilinski | Van Wyk Fee Agreement.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-05, Appointing Kilinski | Van Wyk PLLC as Legal Counsel for the District, Authorizing Compensation; and Providing for an Effective Date, was adopted.

C. Resolution 2024-06, Designating a Registered Agent and Registered Office of the District and Providing for an Effective Date

Mr. Wrathell presented Resolution 2024-06.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-06, Designating Wrathell, Hunt and Associates, Inc., as Registered Agent, and 2300 Glades Road, Suite 401W, Boca Raton, Florida 33431 as the Registered Office of the District and Providing for an Effective Date, was adopted.

D. Resolution 2024-07, Appointing and Fixing the Compensation of the Interim District Engineer and Providing an Effective Date

- **Interim Engineering Services Agreement: England-Thims & Miller, Inc.**

Mr. Wrathell presented Resolution 2024-07 and the Interim Engineering Services Agreement.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-07, Appointing and Fixing the Compensation of the Interim District Engineer and Providing an Effective Date, was adopted, and the Interim Engineering Services Agreement and accompanying Exhibits, were approved.

E. Authorization of Request for Qualifications (RFQ) for Engineering Services

Mr. Wrathell presented the RFQ for Engineering Services and Competitive Selection Criteria.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, the Request for Qualifications for Engineering Services and Competitive Selection Criteria and authorizing Staff to advertise, were approved.

F. Board Member Compensation: 190.006 (8), F.S.

The Board Members declined compensation.

G. Resolution 2024-08, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date

Mr. Wrathell presented Resolution 2024-08.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-08, Designating Wrathell, Hunt and Associates, LLC, 2300

Glades Road, Suite 410W, Boca Raton, FL 33431 as the Primary Administrative Office and with the Principal Headquarters of the District to be located within St. Johns County, Florida, and Providing an Effective Date, was adopted.

H. Resolution 2024-09, Designating the Location of the Local District Records Office and Providing an Effective Date

Mr. Wrathell presented Resolution 2024-09.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-09, Designating 124 Del Webb Parkway, Ponte Vedra, Florida 32081, as the Location of the Local District Records Office and Providing an Effective Date, was adopted.

I. Resolution 2024-10, Setting Forth the Policy of the District Board of Supervisors with Regard to the Support and Legal Defense of the Board of Supervisors and District Officers, and Providing for an Effective Date

- **Authorization to Obtain General Liability and Public Officers' Insurance**

Mr. Wrathell presented Resolution 2024-10.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-10, Setting Forth the Policy of the District Board of Supervisors with Regard to the Support and Legal Defense of the Board of Supervisors and District Officers, and Providing for an Effective Date, was adopted.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, authorizing Staff to obtain General Liability and Public Officers' Insurance, was approved.

J. Resolution 2024-11, Providing for the Public's Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; and Providing for Severability and an Effective Date

Mr. Wrathell presented Resolution 2024-11.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-11, Providing for the Public's Opportunity to Be Heard; Designating Public Comment Periods; Designating a Procedure to Identify Individuals Seeking to Be Heard; Addressing Public Decorum; Addressing Exceptions; and Providing for Severability and an Effective Date, was adopted.

K. Memorandum: Public Records Retention

I. Option 1: Resolution 2024-12, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; and Providing for Severability and an Effective Date

II. Option 2: Resolution 2024-12, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; and Providing for Severability and an Effective Date

Mr. Wrathell presented the two Resolution 2024-12 options. Option 1 states that the CDD will not destroy any records now and Option 2 allows for timely destruction of records.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-12 Option 1, Providing for the Appointment of a Records Management Liaison Officer; Providing the Duties of the Records Management Liaison Officer; Adopting a Records Retention Policy; and Providing for Severability and an Effective Date, was adopted.

L. Resolution 2024-13, Granting the Chair and Vice Chair the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District's Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date

Mr. Wrathell presented Resolution 2024-13. This Resolution grants the Chair and Vice Chair and other officers, in the Chair's absence, the authority to work with the District Engineer, District Counsel and District Staff and to execute certain documents in between meetings, to avoid delays in construction.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-13, Granting the Chair and Vice Chair the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District's Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date, was adopted.

M. Resolution 2024-14, Ratifying the Recording of the Notice of Establishment of Orange Branch Community Development District and Providing for an Effective Date

Mr. Wrathell presented Resolution 2024-14.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-14, Ratifying the Recording of the Notice of Establishment of Orange Branch Community Development District and Providing for an Effective Date, was adopted.

N. Authorization of Request for Proposals (RFP) for Annual Audit Services

Mr. Wrathell presented the RFP For Annual Audit Services.

- **Designation of Board of Supervisors as Audit Committee**

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, the Request for Proposals for Annual Audit Services, authorizing the District Manager to advertise the RFP and designating the Board of Supervisors as the Audit Committee, were approved.

Mr. Wrathell stated that annual financial reports are filed regardless of whether an annual audit is required; if the CDD meets the monetary thresholds that necessitate an audit in the fiscal year ending September 30, 2024, the audit will begin in the fall.

O. Strange Zone, Inc., Quotation #M24-1013 for District Website Design, Maintenance and Domain Web-Site Design Agreement

Mr. Wrathell presented Strange Zone, Inc. (SZI) Quotation #M24-1013.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Strange Zone, Inc., Quotation #M24-1013 for District Website Design, Maintenance and Domain Web-Site Design Agreement, in the amount of \$1,679.99, was approved.

P. ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit

Mr. Wrathell presented the ADA Site Compliance proposal.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, the ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit, in the annual amount of \$210, was approved.

Q. Rules of Procedure/Amenity Rules and Rates

I. Resolution 2024-15, to Designate the Date, Time and Place of a Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date

II. Resolution 2024-16, to Designate the Date, Time and Place of a Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Amenity Rules and Rates; and Providing an Effective Date

III. Rules of Procedure

Mr. Wrathell presented the draft form of Rules of Procedure.

IV. Disciplinary Rule

Ms. Kilinski discussed the draft Disciplinary Rules, including opportunities for the CDD to suspend amenity privileges and an annual user fee for nonresidents.

V. Notices [Rule Development and Rulemaking]

These items were included for informational purposes.

Mr. Wrathell presented Resolutions 2024-15 and 2024-16 and requested authorization for Staff to advertise accordingly for Items 7QIII, IV and V.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-15, to Designate the Date, Time and Place of June 17, 2024 at 11:00 a.m., at the St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259 for a Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Rules of Procedure; and Providing an Effective Date; and Resolution 2024-16, to Designate the Date, Time and Place of June 17, 2024 at 11:00 a.m., at the St. Johns County Service Center, Julington Creek Branch

Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259 for a Public Hearing and Authorization to Publish Notice of Such Hearing for the Purpose of Adopting Amenity Rules and Rates; and Providing an Effective Date were adopted, and authorizing Staff to advertise the Rules of Procedure, Disciplinary Rule and the Notices for Rule Development and Rulemaking accordingly, was approved.

R. Resolution 2024-17, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date

Mr. Wrathell presented Resolution 2024-17.

The following will be inserted into the Fiscal Year 2024 Meeting Schedule:

DATE: May 20, 2024; June 17, 2024, July 15, 2024, August 19, 2024 and September 16,

2024

TIME: 11:00 AM

LOCATION: St. Johns County Service Center, Julington Creek Branch Multipurpose Room,
725 Flora Branch Blvd., St. Johns, Florida 32259

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-17, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024, as amended, and Providing for an Effective Date, was adopted.

S. Resolution 2024-18, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date

Mr. Wrathell presented Resolution 2024-18.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-18, Approving the Florida Statewide Mutual Aid Agreement; Providing for Severability; and Providing for an Effective Date, was adopted.

T. Stormwater Management Needs Analysis Reporting Requirements

Mr. Wrathell stated CDDs are required to prepare a Stormwater Management Needs Analysis Report every five years. As the due date for the initial Report has passed and there is no interim reporting requirement, a Report will be prepared when necessary.

U. Resolution 2024-19, Authorizing the District Engineer, or Another Individual Designated by the Board of Supervisors, to Act as the District's Purchasing Agent for the Purpose Of Procuring, Accepting, and Maintaining Any and All Construction Materials Necessary for the Construction, Installation, Maintenance or Completion of the District's Infrastructure Improvements As Provided in the District's Adopted Improvement Plan; Providing for the Approval of a Work Authorization; Providing for Procedural Requirements for The Purchase Of Materials; Approving the Form of a Purchase Requisition Request; Approving the Form of a Purchase Order; Approving the Form of a Certificate of Entitlement; Authorizing the Purchase of Insurance; Providing a Severability Clause; and Providing an Effective Date

Mr. Wrathell presented Resolution 2024-19.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-19, Authorizing the District Engineer, or Another Individual Designated by the Board of Supervisors, to Act as the District's Purchasing Agent for the Purpose Of Procuring, Accepting, and Maintaining Any and All Construction Materials Necessary for the Construction, Installation, Maintenance or Completion of the District's Infrastructure Improvements As Provided in the District's Adopted Improvement Plan; Providing for the Approval of a Work Authorization; Providing for Procedural Requirements for The Purchase Of Materials; Approving the Form of a Purchase Requisition Request; Approving the Form of a Purchase Order; Approving the Form of a Certificate of Entitlement; Authorizing the Purchase of Insurance; Providing a Severability Clause; and Providing an Effective Date, was adopted.

BANKING ITEMS

EIGHTH ORDER OF BUSINESS

Consideration of the Following Banking Items:

A. Resolution 2024-20, Designating a Public Depository for Funds of the District; Authorizing Certain Officers of the District to Execute and Deliver Any and All Financial Reports Required by Rule, Statute, Law, Ordinance or Regulation; and Providing an Effective Date

Mr. Wrathell presented Resolution 2024-20.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-20, Designating Truist Bank as Public Depository for Funds of

the District; Authorizing Certain Officers of the District to Execute and Deliver Any and All Financial Reports Required by Rule, Statute, Law, Ordinance or Regulation; and Providing an Effective Date, was adopted.

B. Resolution 2024-21, Directing the District Manager to Appoint Signors on the Local Bank Account; and Providing an Effective Date

Mr. Wrathell presented Resolution 2024-21. He discussed funding procedures and stated that monies “Due to Developer” will be recorded in the financials. Funding requests will be sent to Mr. Dudley; a copy will be sent to Ms. Nicole Pare at Pulte.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-21, Directing the District Manager to Appoint Signors on the Local Bank Account; and Providing an Effective Date, was adopted.

C. Resolution 2024-22, Authorizing the District Manager or Treasurer to Execute the Public Depositors Report; Authorizing the Execution of Any Other Financial Reports as Required by Law; Providing for an Effective Date

Mr. Wrathell presented Resolution 2024-22.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-22, Authorizing the District Manager or Treasurer to Execute the Public Depositors Report; Authorizing the Execution of Any Other Financial Reports as Required by Law; Providing for an Effective Date, was adopted.

BUDGETARY ITEMS

NINTH ORDER OF BUSINESS

Consideration of the Following Budgetary Items:

A. Resolution 2024-23, Approving the Proposed Budget for Fiscal Years 2023/2024 and 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law and Providing for an Effective Date

Mr. Wrathell presented Resolution 2024-23 and the proposed budgets for Fiscal Years 2024 and 2025, which are both Landowner-funded, with expenses funded as they are incurred.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-23, Approving the Proposed Budgets for Fiscal Years 2023/2024 and 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law on June 17, 2024 at 11:00 a.m., at the St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259, and Providing for an Effective Date, was adopted.

B. Fiscal Year 2023/2024 and Fiscal Year 2024/2025 Budget Funding Agreement

This item was not addressed.

C. Resolution 2024-24, Adopting the Alternative Investment Guidelines for Investing Public Funds in Excess of Amounts Needed to Meet Current Operating Expenses, in Accordance with Section 218.415(17), Florida Statutes, and Providing an Effective Date

Mr. Wrathell presented Resolution 2024-24.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-24, Adopting the Alternative Investment Guidelines for Investing Public Funds in Excess of Amounts Needed to Meet Current Operating Expenses, in Accordance with Section 218.415(17), Florida Statutes, and Providing an Effective Date, was adopted.

D. Resolution 2024-25, Authorizing the Disbursement of Funds for Payment of Certain Continuing Expenses Without Prior Approval of the Board of Supervisors; Authorizing the Disbursement of Funds for Payment of Certain Non-Continuing Expenses Without Prior Approval of the Board of Supervisors; Providing for a Monetary Threshold; and Providing for an Effective Date

Mr. Wrathell presented Resolution 2024-25.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-25, Authorizing the Disbursement of Funds for Payment of Certain Continuing Expenses Without Prior Approval of the Board of Supervisors; Authorizing the Disbursement of Funds for Payment of Certain Non-Continuing Expenses Without Prior Approval of the Board of Supervisors; Providing for a Monetary Threshold; and Providing for an Effective Date, was adopted.

- E. Resolution 2024-26, Adopting a Policy for Reimbursement of District Travel Expenses; and Providing for Severability and an Effective Date

Mr. Wrathell presented Resolution 2024-26.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-26, Adopting a Policy for Reimbursement of District Travel Expenses; and Providing for Severability and an Effective Date, was adopted.

- F. Resolution 2024-27, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date

Mr. Wrathell presented Resolution 2024-27.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-27, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

- G. Resolution 2024-28, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date

Mr. Wrathell presented Resolution 2024-28.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-28, Adopting an Internal Controls Policy Consistent with Section 218.33, Florida Statutes; Providing an Effective Date, was adopted.

- H. Consideration of E-Verify Memorandum

This item was included for informational purposes.

BOND FINANCING ITEMS

TENTH ORDER OF BUSINESS

Consideration of the Following Bond Financing Related Items:

- A. Bond Financing Team Funding Agreement

Mr. Wrathell presented the Bond Financing Team Funding Agreement.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, the Bond Financing Team Funding Agreement, was approved.

B. Engagement of Bond Financing Professionals

I. Resolution 2024-29, Appointing an Investment Banker in Contemplation of the Issuance of Orange Branch Community Development District Special Assessment Revenue Bonds [FMSbonds, Inc.]

Mr. Wrathell presented Resolution 2024-29 and the FMSbonds Agreement for Underwriter Services & G-17 Disclosure.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-29, Appointing FMSbonds, Inc., as Investment Banker in Contemplation of the Issuance of Orange Branch Community Development District Special Assessment Revenue Bonds, was adopted.

II. Resolution 2024-30, Appointing Bond Counsel in Contemplation of the Issuance of Orange Branch Community Development District Bonds [Greenberg Traurig, P.A.]

Mr. Wrathell presented Resolution 2024-30 and the Greenberg Traurig, P.A., Engagement Letter to serve as Bond Counsel.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-30, Appointing Greenberg Traurig, P.A., as Bond Counsel in Contemplation of the Issuance of Orange Branch Community Development District Bonds, was adopted.

III. Resolution 2024-31, Appointing Trustee, Paying Agent and Registrar in Contemplation of the Issuance of Orange Branch Community Development District Bonds [U.S. Bank, N.A.]

Mr. Wrathell presented Resolution 2024-31 and the U.S. Bank, N.A., Engagement Letter to serve as Trustee, Paying Agent and Registrar.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-31, Appointing U.S. Bank, N.A., as Trustee, Paying Agent and Registrar in Contemplation of the Issuance of Orange Branch Community Development District Bonds, was adopted.

- C. Resolution 2024-32, Designating a Date, Time, and Location of a Public Hearing Regarding the District's Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing as Authorized by Section 190.021, Florida Statutes; and Providing an Effective Date

Mr. Wrathell presented Resolution 2024-32. This Resolution enables placement of the assessments on the tax bill utilizing the services of the Property Appraiser and Tax Collector.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-32, Designating a Date, Time, and Location of June 17, 2024 at 11:00 a.m., at the St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259 for a Public Hearing Regarding the District's Intent to Use the Uniform Method for the Levy, Collection, and Enforcement of Non-Ad Valorem Special Assessments as Authorized by Section 197.3632, Florida Statutes; Authorizing the Publication of the Notice of Such Hearing as Authorized by Section 190.021, Florida Statutes; and Providing an Effective Date, was adopted.

- D. Presentation of Master Engineer's Report

Mr. Katsaras presented the Engineer's Report dated April 10, 2024 and noted the following:

- The CDD will include 1,315 units.
- The Capital Improvement Plan (CIP) will include the roadway improvements; stormwater management system; water, wastewater and reclaim utilities; hardscape, landscape and irrigation; streetlights/underground electrical system; recreational amenities; environmental conservation/mitigation; off-site improvements and professional services.
- The total estimated CIP cost, including contingency and professional fees, is \$127,535,000.

- E. Presentation of Special Assessment Methodology Report

Mr. Wrathell presented the Master Special Assessment Methodology Report dated April 10, 2024. He reviewed the pertinent information and discussed the Development Program, CIP, Financing Program, Assessment Methodology, lienability tests, special and peculiar benefits to the units, True-up Mechanism and the Appendix Tables. He noted the following:

- The CDD is approximately 963.43 acres.
- The Developer is Pulte Home Company, LLC, or an affiliated entity.
- 1,315 residential dwelling units are anticipated.
- The proposed financing plan provides for issuance of bonds in the approximate principal amount of \$174,840,000 to finance approximately \$127,535,000 in CIP costs.
- No bond assessments are allocated to any private amenities or other common areas.

F. Resolution 2024-33, Declaring Special Assessments; Designating the Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to be Paid By Assessments, and the Manner and Timing in Which the Assessments are to Be Paid; Designating the Lands Upon Which the Assessments Shall Be Levied; Providing for an Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date

Mr. Wrathell presented Resolution 2024-33 and read the title.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-33, Declaring Special Assessments; Designating the Nature and Location of the Proposed Improvements; Declaring the Total Estimated Cost of the Improvements, the Portion to be Paid By Assessments, and the Manner and Timing in Which the Assessments are to Be Paid; Designating the Lands Upon Which the Assessments Shall Be Levied; Providing for an Assessment Plat and a Preliminary Assessment Roll; Addressing the Setting of Public Hearings on June 17, 2024 at 11:00 a.m., at the St. Johns County Service Center, Julington Creek Branch Multipurpose Room, 725 Flora Branch Blvd., St. Johns, Florida 32259; Providing for Publication of this Resolution; and Addressing Conflicts, Severability and an Effective Date, was adopted.

G. Resolution 2024-34, Authorizing the Issuance of Not to Exceed \$174,840,000 Aggregate Principal Amount of Orange Branch Community Development District Special Assessment Bonds, in One or More Series, to Pay All or a Portion of the Design, Acquisition, Construction Costs of Certain Public Infrastructure Improvements,

Including, But Not Limited to, Stormwater Management and Control Facilities, Including, But Not Limited to, Related Earthwork; Public Roadway Improvements and Any Applicable Impact Fees; Landscaping, Hardscaping and Irrigation in Public Rights-of-Way; Water and Wastewater Facilities and Any Applicable Connection Fees; Undergrounding Differential Cost of Electric Utilities; Public Recreational Facilities, Onsite Tree and Wetland Mitigation; Public Recreational Amenities; and All Related Soft and Incidental Costs (Collectively, the "Project"), Pursuant to Chapter 190, Florida Statutes, as Amended; Appointing U.S. Bank Trust Company National Association to Serve as Trustee; Approving the Execution and Delivery of a Master Trust Indenture and a Supplemental Trust Indenture in Substantially the Forms Attached Hereto; Providing That Such Bonds Shall Not Constitute a Debt, Liability or Obligation of Orange Branch Community Development District (Except as Otherwise Provided Herein), St. Johns County, Florida, or of the State of Florida or of Any Other Political Subdivision Thereof, But Shall Be Payable Solely From Special Assessments Assessed and Levied on the Property Within the District Benefited by the Project and Subject to Assessment; Providing for the Judicial Validation of Such Bonds; and Providing for Other Related Matters

Mr. Wrathell presented Resolution 2024-34, which accomplishes the following:

- Authorizes issuance of a not to exceed \$174,840,000 aggregate principal amount of bonds.
- Appoints U.S. Bank Trust Company, National Association as the Trustee, Registrar and Paying Agent.
- Authorizes and approves execution and delivery of the Master Trust Indenture and Supplemental Trust Indenture.
- Authorizes and directs District Counsel and Bond Counsel to file for validation.

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, Resolution 2024-34, Authorizing the Issuance of Not to Exceed \$174,840,000 Aggregate Principal Amount of Orange Branch Community Development District Special Assessment Bonds, in One or More Series, to Pay All or a Portion of the Design, Acquisition, Construction Costs of Certain Public Infrastructure Improvements, Including, But Not Limited to, Stormwater Management and Control Facilities, Including, But Not Limited to, Related Earthwork; Public Roadway Improvements and Any Applicable Impact Fees;

Landscaping, Hardscaping and Irrigation in Public Rights-of-Way; Water and Wastewater Facilities and Any Applicable Connection Fees; Undergrounding Differential Cost of Electric Utilities; Public Recreational Facilities, Onsite Tree and Wetland Mitigation; Public Recreational Amenities; and All Related Soft and Incidental Costs (Collectively, the "Project"), Pursuant to Chapter 190, Florida Statutes, as Amended; Appointing U.S. Bank Trust Company National Association to Serve as Trustee; Approving the Execution and Delivery of a Master Trust Indenture and a Supplemental Trust Indenture in Substantially the Forms Attached Hereto; Providing That Such Bonds Shall Not Constitute a Debt, Liability or Obligation of Orange Branch Community Development District (Except as Otherwise Provided Herein), St. Johns County, Florida, or of the State of Florida or of Any Other Political Subdivision Thereof, But Shall Be Payable Solely From Special Assessments Assessed and Levied on the Property Within the District Benefited by the Project and Subject to Assessment; Providing for the Judicial Validation of Such Bonds; and Providing for Other Related Matters, was adopted.

ELEVENTH ORDER OF BUSINESS**Staff Reports****A. District Counsel: Kilinski | Van Wyk PLLC**

There was no report.

B. District Engineer (Interim): England-Thims & Miller, Inc.

Mr. Katsaras stated that utilities currently under construction will need to be conveyed through the CDD to the JEA. Ms. Kilinski stated that, if necessary, the Chair can sign to dedicate the utilities to the JEA in between meetings.

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

There was no report.

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

There were no Board Members' comments or requests.

THIRTEENTH ORDER OF BUSINESS**Public Comments**

No members of the public spoke.

FOURTEENTH ORDER OF BUSINESS**Adjournment**

On MOTION by Mr. Dudley and seconded by Mr. Roberts, with all in favor, the meeting adjourned at 1:10 p.m.

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Secretary/Assistant Secretary

Chair/Vice Chair

ORANGE BRANCH

COMMUNITY DEVELOPMENT DISTRICT

**STAFF
REPORTS**

ORANGE BRANCH COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE		
LOCATION		
<i>St. Johns County Service Center, Julington Creek Branch Multipurpose Room 725 Flora Branch Blvd., St. Johns, Florida 32259.</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
May 20, 2024 CANCELED	Regular Meeting	11:00 AM
June 17, 2024	Public Hearings and Regular Meeting	11:00 AM
July 15, 2024	Regular Meeting	11:00 AM
August 19, 2024*	Regular Meeting	11:00 AM
September 16, 2024	Regular Meeting	11:00 AM

Exception(s):

**Meeting location unavailable*