



Rizzetta & Company

Mitchell Ranch Community Development District

Board of Supervisors' Meeting July 14, 2020

**District Office:
5844 Old Pasco Road, Suite 100
Tampa, Florida 33625
813.933.5571**

**MITCHELL RANCH
COMMUNITY DEVELOPMENT DISTRICT**

5844 Old Pasco Road, Suite 100, Wesley Chapel, FL 33544

Board of Supervisors	Kelly Evans Laura Coffey Lori Campagna Pete Williams Christopher Smith	Board Supervisor Board Supervisor Board Supervisor Board Supervisor Board Supervisor
District Manager	Matthew Huber	Rizzetta & Company, Inc.
District Counsel	John Vericker	Straley Robin & Vericker
District Engineer	Brian Surak	Clearview Land Design

All cellular phones must be placed on mute while in the meeting room.

The first section of the meeting is called Audience Comments, which is the portion of the agenda where individuals may make comments on Agenda Items. The final section of the meeting will provide an additional opportunity for Audience Comments on other matters of concern that were not addressed during the meeting. Individuals are limited to a total of three (3) minutes to make comments during these times.

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 forty-eight (48) hours before the meeting/hearing/workshop by contacting the District Manager at (813)994-1001. 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), who can aid you in contacting the District Office.

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.

July 7, 2020

**Board of Supervisors
Mitchell Ranch Community
Development District**

AGENDA

Dear Board Members:

The Special Meeting of the Board of Supervisors of the Mitchell Ranch Community Development District will be held on Tuesday, July 14, 2020 at 9:30 a.m., or immediately following adjournment of Copperspring Community Development District, to be conducted via conference call pursuant to Governor DeSantis' Executive Order 20-69 (as extended by Executive Order 20-112) and pursuant to Section 120.54(5)(b)2., Florida Statutes. The following is the agenda for this meeting.

- 1. CALL TO ORDER**
- 2. AUDIENCE COMMENTS ON AGENDA ITEMS**
- 3. BUSINESS ADMINISTRATION**
 - A. Consideration of the Minutes of the Regular Meeting held on May 12, 2020.....Tab 1
 - B. Consideration of Operation and Maintenance Expenditures for April & May 2020.....Tab 2
- 4. BUSINESS ITEMS**
 - A. Public Hearing on Adopting Fiscal Year 2020-2021 Budget
 1. Consideration of Resolution 2020-06, Adopting Fiscal Year 2020-2021 Budget.....Tab 3
 - B. Public Hearing on Adopting Levy of Assessments for FY 2020-2021
 1. Consideration of Resolution 2020-07, Levy of Assessments.....Tab 4
 - C. Consideration of Resolution 2020-08, Adopting the FY 2020-2021 Meeting Schedule.....Tab 5
 - D. Consideration of Developer Funding Agreement.....Tab 6
- 5. STAFF REPORTS**
 - A. District Counsel
 - B. District Engineer
 - C. District Manager

6. SUPERVISOR REQUESTS COMMENTS

7. ADJOURNMENT

We look forward to seeing you at the meeting. In the meantime, if you have any questions, please do not hesitate to call us at (813) 994-1001.

Sincerely,

Matthew Huber

Matthew Huber
District Manager

Tab 1

MINUTES OF MEETING

Each person who decides to appeal any decision made by the Board with respect to any matter considered at the meeting is advised that 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.

MITCHELL RANCH COMMUNITY DEVELOPMENT DISTRICT

The special meeting of the Board of Supervisors of Mitchell Ranch Community Development District was held on **Tuesday, May 12, 2020 at 9:24 a.m.** was conducted by means of communications media technology telephone pursuant to Executive Orders 20-52 and 20-69 issued by Governor DeSantis on March 9, 2020 and March 20, 2020, respectively, and pursuant to Section 120.54(5)(b)2., Florida Statutes.

Present and constituting a quorum were:

Kelly Evans **Board Supervisor, Chairman**
Laura Coffey **Board Supervisor, Vice Chair**
Lori Campagna **Board Supervisor, Assistant Secretary**
Chris Smith **Board Supervisor, Assistant Secretary**
Pete Williams **Board Supervisor, Assistant Secretary**

Also Present were:

Matthew Huber **District Manager, Rizzetta & Company, Inc.**
John Vericker **District Counsel, Straley, Robin Vericker**
Brian Surak **Clearview Land Design**

FIRST ORDER OF BUSINESS Call to Order and Roll Call

Mr. Huber called the meeting to order and confirmed a quorum.

SECOND ORDER OF BUSINESS

Consideration of Oath of Office to Newly Elected Supervisor

Mr. Huber administered the Oath of Office to Pete Williams, who swore and affirmed to the oath as read into the record.

Mr. Williams indicated that he would like to receive compensation for attending Supervisor meetings.

THIRD ORDER OF BUSINESS

**Consideration of the Minutes of the
Regular Meeting held on February 11,
2020**

Mr. Huber presented the Minutes of the regular meeting held February 11, 2020 to the Board of Supervisors.

On a Motion by Ms. Evans, seconded by Ms. Coffey, with all in favor, the Board of Supervisors approved the Minutes of the regular meeting held on February 11, 2020 for Mitchell Ranch Community Development District.

FOURTH ORDER OF BUSINESS

**Consideration of Operation and
Maintenance Expenditures for
January, February and March 2020**

On a Motion by Ms. Evans, seconded by Ms. Coffey, with all in favor, the Board of Supervisors, approved the operation and maintenance expenditures for January (\$10,267.37), February (\$10,868.82) and March 2020 (\$10,811.48) for Mitchell Ranch Community Development District.

FIFTH ORDER OF BUSINESS

**Consideration of Resolution 2020-02,
Accepting the Easement for Signage
from M&M Route 54 West LLC**

Mr. Huber presented the Resolution 2020-02, Accepting the Easement for Signage from M&M Route 54 West LLC.

On a Motion by Mr. Williams, seconded by Ms. Evans, with all in favor, the Board of Supervisors approve Resolution 2020-02, Accepting the Easement for Signage from M&M Route 54 West LLC for Mitchell Ranch Community Development District.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2020-03,
Accepting Deed for Easement and Plat**

On a Motion by Mr. Williams, seconded by Ms. Evans, with all in favor, the Board of Supervisors approve Resolution 2020-03, Accepting Deed for Easement and Plat for Mitchell Ranch Community Development District

SEVENTH ORDER OF BUSINESS

**Consideration of Resolution 2020-04,
Re-Designating District Secretary**

On a Motion by Ms. Evans, seconded by Ms. Coffey, with all in favor, the Board of Supervisors approved Resolution 2020-04, designating Bob Schleifer as Secretary for Mitchell Ranch Community Development District.

EIGHTH ORDER OF BUSINESS**Ratification of Landscape
Maintenance Addendum**

A brief discussion ensued regarding the Landscape Maintenance Addendum. Mr. Huber mention that Exhibit "A" needs to be included in the agreement.

On a Motion by Ms. Evans, seconded by Mr. Williams, with all in favor, the Board of Supervisors ratified the Landscape Maintenance Addendum for Mitchell Ranch Community Development District.

NINTH ORDER OF BUSINESS**Consideration of Resolution 2020-05,
Approving Fiscal Year 2020/2021
Proposed Budget**

Mr. Huber review the various line items included in the fiscal year 2020-2021 proposed budget totaling \$292,625. A brief discussion was held regarding the Townhomes being available for sale in late Fall and the 4 phases of re-opening the District.

On a Motion by Mr. Williams, seconded by Ms. Coffey, with all in favor, the Board of Supervisors approved Resolution 2020-05, approving Fiscal Year 2020/21 proposed budget and setting the public hearing for July 14, 2020 at 9:15 a.m. at the offices of Rizzetta & Company, Inc, located at 5844 Old Pasco Road, Suite 100, Wesley Chapel, FL 33544 (please note that this meeting may be held telephonically or virtually in accordance with CDC guidance on Covid-19 social distancing mandates) for Mitchell Ranch Community Development District.

TENTH ORDER OF BUSINESS**Staff Reports****A.District Counsel**

No Report

B.District Engineer

A brief discussion ensued regarding Plat 2 being scheduled for a meeting in June with the Board of County Commissioners for review and approval to being building.

C.District Manager

Mr. Huber reminded the Board of Supervisors of the next meeting scheduled for June 9, 2020 at 10:00 a.m.

He also informed the Board that as of April 15, 2020 there were no registered voters residing in the District.

ELEVENTH ORDER OF BUSINESS

Supervisor Requests

There were no Supervisor requests put forward at this time.

TWELVETH ORDER OF BUSINESS

Adjournment

On a Motion by Ms. Evans, seconded by Mr. Smith, with all in favor, the Board of Supervisors adjourned the meeting at 9:42 a.m. for Mitchell Ranch Community Development District.
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-- Secretary/Assistant Secretary Chairman/ Vice Chairman

Tab 2

Mitchell Ranch Community Development District

DISTRICT OFFICE · 5844 OLD PASCO ROAD · SUITE 100 · WESLEY CHAPEL, FLORIDA 33544

Operations and Maintenance Expenditures April 2020 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from April 1, 2020 through April 30, 2020. This does not include expenditures previously approved by the Board.

The total items being presented: **\$7,906.14**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Mitchell Ranch Community Development District

Paid Operation & Maintenance Expenditures

April 1, 2020 Through April 30, 2020

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Clearview Land Design, P.L.	001041	20-00597	Engineering Services 03/20	\$ 1,230.00
Duke Energy Florida, LLC	001046	15787 23495 03/20	2778 Legend Pasture Rd Lift 03/20	\$ 17.39
Fieldstone Landscape Services	001047	4523	Monthly Landscaping Maintenance 04/20	\$ 966.60
Rizzetta & Company, Inc.	001042	INV0000048140	District Management Fees 04/20	\$ 3,850.00
Rizzetta Technology Services	001043	INV0000005704	Website Hosting Services 04/20	\$ 100.00
Sitex Aquatics LLC	001048	3535B	Monthly Lake Maintenance 04/20	\$ 230.00
Straley Robin Vericker	001044	18162	General Legal Services 03/20	\$ 955.05
Straley Robin Vericker	001049	18277	General Legal Services 04/20	\$ 457.10
Times Publishing Company	001045	0000071390 03/14/20	Account #204746 Legal Advertising 03/20	<u>\$ 100.00</u>
Report Total				<u>\$ 7,906.14</u>

Mitchell Ranch Community Development District

DISTRICT OFFICE · 5844 OLD PASCO ROAD · SUITE 100 · WESLEY CHAPEL, FLORIDA 33544

Operations and Maintenance Expenditures May 2020 For Board Approval

Attached please find the check register listing the Operation and Maintenance expenditures paid from May 1, 2020 through May 31, 2020. This does not include expenditures previously approved by the Board.

The total items being presented: **\$8,480.55**

Approval of Expenditures:

_____ Chairperson

_____ Vice Chairperson

_____ Assistant Secretary

Mitchell Ranch Community Development District

Paid Operation & Maintenance Expenditures

May 1, 2020 Through May 31, 2020

<u>Vendor Name</u>	<u>Check Number</u>	<u>Invoice Number</u>	<u>Invoice Description</u>	<u>Invoice Amount</u>
Duke Energy Florida, LLC	001057	15787 23495 04/20	2778 Legend Pasture Rd Lift 04/20	\$ 17.30
F Peter Williams	001056	PW051220	Board of Supervisors Meeting 05/12/20	\$ 200.00
Fieldstone Landscape Services	001050	4810	Roadway Landscape - Addendum 04/20	\$ 1,433.83
Fieldstone Landscape Services	001054	4944	Monthly Landscaping Maintenance 05/20	\$ 966.60
Fieldstone Landscape Services	001054	4945	Landscape Maintenance Roadway Addendum 05/20	\$ 1,433.82
Rizzetta & Company, Inc.	001051	INV0000049275	District Management Fees 05/20	\$ 3,850.00
Rizzetta Technology Services	001052	INV0000005806	Website Hosting Services 05/20	\$ 100.00
Sitex Aquatics LLC	001055	3636B	Monthly Lake Maintenance 05/20	\$ 230.00
Times Publishing Company	001053	0000081494 05/03/20	Account #204746 Legal Advertising 05/20	<u>\$ 249.00</u>
Report Total				<u>\$ 8,480.55</u>

Tab 3

RESOLUTION 2020-06

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MITCHELL RANCH COMMUNITY DEVELOPMENT DISTRICT ADOPTING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the District Manager submitted, prior to June 15th, to the Board of Supervisors (“**Board**”) of the Mitchell Ranch Community Development District (“**District**”) a proposed budget for the next ensuing budget year (“**Proposed Budget**”), along with an explanatory and complete financial plan for each fund, pursuant to the provisions of Sections 189.016(3) and 190.008(2)(a), Florida Statutes;

WHEREAS, the District filed a copy of the Proposed Budget with the local governing authorities having jurisdiction over the area included in the District at least 60 days prior to the adoption of the Proposed Budget pursuant to the provisions of Section 190.008(2)(b), Florida Statutes;

WHEREAS, the Board held a duly noticed public hearing pursuant to Section 190.008(2)(a), Florida Statutes;

WHEREAS, the District Manager posted the Proposed Budget on the District’s website at least 2 days before the public hearing pursuant to Section 189.016(4), Florida Statutes;

WHEREAS, the Board is required to adopt a resolution approving 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 pursuant to Section 190.008(2)(a), Florida Statutes; and

WHEREAS, the Proposed Budget projects the cash receipts and disbursements anticipated during a given time period, including reserves for contingencies for emergency or other unanticipated expenditures during the fiscal year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

Section 1. Budget

- a. That the Board has reviewed the Proposed Budget, a copy of which is on file with the office of the District Manager and at the District’s records office, and hereby approves certain amendments thereto, as shown below.
- b. That the Proposed Budget as amended by the Board attached hereto as **Exhibit A**, is hereby adopted in accordance with the provisions of Section 190.008(2)(a), Florida Statutes, and incorporated herein by reference; provided, however, that the comparative figures contained in the adopted budget may be subsequently revised as deemed necessary by the District Manager to reflect actual revenues and expenditures for fiscal year 2019-2020 and/or revised projections for fiscal year 2020-2021.
- c. That the adopted budget, as amended, shall be maintained in the office of the District Manager and at the District’s records office and identified as “The Budget for the

Mitchell Ranch Community Development District for the Fiscal Year Beginning October 1, 2020, and Ending September 30, 2021”.

- d. The final adopted budget shall be posted by the District Manager on the District’s website within 30 days after adoption pursuant to Section 189.016(4), Florida Statutes.

Section 2. Appropriations. There is hereby appropriated out of the revenues of the District (the sources of the revenues will be provided for in a separate resolution), for the fiscal year beginning October 1, 2020, and ending September 30, 2021, the sum of \$_____, 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	\$ _____
Total Debt Service Funds	\$ _____
Total All Funds*	\$ _____

*Not inclusive of any collection costs or early payment discounts.

Section 3. Budget Amendments. Pursuant to Section 189.016(6), Florida Statutes, the District at any time within the fiscal year or within 60 days following the end of the fiscal year may amend its budget for that fiscal year as follows:

- a. The Board may authorize an increase or decrease in line item appropriations within a fund by motion recorded in the minutes if the total appropriations of the fund do not increase.
- b. The District Manager or Treasurer may authorize an increase or decrease in line item appropriations within a fund if the total appropriations of the fund do not increase and if the aggregate change in the original appropriation item does not exceed \$10,000 or 10% of the original appropriation.
- c. Any other budget amendments shall be adopted by resolution and be consistent with Florida law. This includes increasing any appropriation item and/or fund to reflect receipt of any additional unbudgeted monies and make the corresponding change to appropriations or the unappropriated balance.

The District Manager or Treasurer must establish administrative procedures to ensure that any budget amendments are in compliance with this section 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(s) under subparagraphs c. above are posted on the District’s website within 5 days after adoption pursuant to Section 189.016(7), Florida Statutes.

Section 4. Effective Date. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board.

Passed and Adopted on July 14, 2020.

Attested By:

**Mitchell Ranch Community
Development District**

Secretary/Assistant Secretary

Kelly Evans
Chair of the Board of Supervisors

Exhibit A: FY 2020-2021 Adopted Budget

Tab 4

RESOLUTION 2020-07

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE MITCHELL RANCH COMMUNITY DEVELOPMENT DISTRICT IMPOSING ANNUALLY RECURRING OPERATIONS AND MAINTENANCE NON-AD VALOREM SPECIAL ASSESSMENTS; PROVIDING FOR COLLECTION AND ENFORCEMENT OF ALL DISTRICT SPECIAL ASSESSMENTS; CERTIFYING AN ASSESSMENT ROLL; PROVIDING FOR AMENDMENT OF THE ASSESSMENT ROLL; PROVIDING FOR CHALLENGES AND PROCEDURAL IRREGULARITIES; APPROVING THE FORM OF A BUDGET FUNDING AGREEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mitchell Ranch Community Development District (“**District**”) is a local unit of special-purpose government established pursuant to Chapter 190, Florida Statutes for the purpose of providing, preserving, operating, and maintaining infrastructure improvements, facilities, and services to the lands within the District;

WHEREAS, the District is located in Pasco County, Florida (“**County**”);

WHEREAS, the Board of Supervisors of the District (“**Board**”) hereby determines to undertake various activities described in the District’s adopted budget for fiscal year 2020-2021 attached hereto as **Exhibit A (“FY 2020-2021 Budget”)** and incorporated as a material part of this Resolution by this reference;

WHEREAS, the District must obtain sufficient funds to provide for the activities described in the FY 2020-2021 Budget;

WHEREAS, the provision of the activities described in the FY 2020-2021 Budget is a benefit to lands within the District;

WHEREAS, the District may impose non-ad valorem special assessments on benefited lands within the District pursuant to Chapter 190, Florida Statutes;

WHEREAS, such special assessments may be placed on the County tax roll and collected by the local Tax Collector (“**Uniform Method**”) pursuant to Chapters 190 and 197, Florida Statutes;

WHEREAS, the District has, by resolution and public notice, previously evidenced its intention to utilize the Uniform Method;

WHEREAS, the District has approved an agreement with the County Property Appraiser (“**Property Appraiser**”) and County Tax Collector (“**Tax Collector**”) to provide for the collection of special assessments under the Uniform Method;

WHEREAS, it is in the best interests of the District to proceed with the imposition, levy, and collection of the annually recurring operations and maintenance non-ad valorem special assessments on

all assessable lands in the amount contained for each parcel's portion of the FY 2020-2021 Budget ("**O&M Assessments**");

WHEREAS, the Board desires to collect the annual installment for the previously levied debt service non-ad valorem special assessments ("**Debt Assessments**") in the amounts shown in the FY 2020-2021 Budget;

WHEREAS, the District adopted an assessment roll as maintained in the office of the District Manager, available for review, and incorporated as a material part of this Resolution by this reference ("**Assessment Roll**");

WHEREAS, it is in the best interests of the District to certify a portion of the Assessment Roll on the parcels designated in the Assessment Roll to the Tax Collector pursuant to the Uniform Method and to directly collect a portion of the Assessment Roll on the parcels designated in the Assessment Roll through the direct collection method pursuant to Chapter 190, Florida Statutes;

WHEREAS, it is in the best interests of the District to permit the District Manager to amend the Assessment Roll, including the property certified to the Tax Collector by this Resolution, as the Property Appraiser updates the property roll, for such time as authorized by Florida law; and

WHEREAS, Lennar Homes, LLC a Florida limited liability company ("**Developer**"), as the developer of certain lands within the District, has agreed to fund (in addition to its portion of the O/M Assessments) up to \$184,337 of the FY 2020-2021 Budget as shown in the revenues line item of the FY 2020-2021 Budget pursuant to a budget funding agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD:

Section 1. Benefit from Activities and O&M Assessments. The provision of the activities described in the FY 2020-2021 Budget confer a special and peculiar benefit to the lands within the District, which benefits exceed or equal the O&M Assessments allocated to such lands. The allocation of the expenses of the activities to the specially benefited lands is shown in the FY 2020-2021 Budget and in the Assessment Roll.

Section 2. O&M Assessments Imposition. Pursuant to Chapter 190, Florida Statutes and procedures authorized by Florida law for the levy and collection of special assessments, the O&M Assessments are hereby imposed and levied on benefited lands within the District in accordance with the FY 2020-2021 Budget and Assessment Roll. The lien of the O&M Assessments imposed and levied by this Resolution shall be effective upon passage of this Resolution.

Section 3. Collection and Enforcement of District Assessments.

- a. **Uniform Method for certain Debt Assessments and certain O&M Assessments.** The collection of the Debt Assessments and O&M Assessments on certain lands designated for collection using the Uniform Method as described in the Assessment Roll, shall be at the same time and in the same manner as County taxes in accordance with the Uniform Method. All assessments collected by the Tax Collector shall be due, payable, and enforced pursuant to Chapter 197, Florida Statutes.

b. Direct Bill for Certain Debt Assessments.

- i. The Debt Assessments on undeveloped and unplatted lands will be collected directly by the District in accordance with Florida law, as set forth in the Assessment Roll.
- ii. Debt Assessments directly collected by the District are due in full on December 1, 2020; provided, however, that, to the extent permitted by law, the Debt Assessments due may be paid in several partial, deferred payments and according to the following schedule:
 1. 50% due no later than December 1, 2020
 2. 25% due no later than February 1, 2021
 3. 25% due no later than May 1, 2021
- iii. In the event that a Debt Assessment payment is not made in accordance with the schedule stated above, the whole Debt Assessment – including any remaining partial or deferred payments for Fiscal Year 2020-2021 as well as any future installments of the Debt Assessment – shall immediately become due and payable. Such Debt Assessment shall accrue interest (at the applicable rate of any bonds or other debt instruments secured by the Debt Assessment), statutory penalties in the amount of 1% per month, and all costs of collection and enforcement. Such Debt Assessment shall either be enforced pursuant to a foreclosure action, or, at the District's sole discretion, collected pursuant to the Uniform Method on a future tax bill, which amount may include penalties, interest, and costs of collection and enforcement.
- iv. In the event a Debt Assessment subject to direct collection by the District shall be delinquent, the District Manager and District Counsel, without further authorization by the Board, may initiate foreclosure proceedings pursuant to Chapter 170, Florida Statutes or other applicable law to collect and enforce the whole assessment, as set forth herein.

- c. **Future Collection Methods.** The decision to collect special assessments by any particular method – e.g., on the tax roll or by direct bill – does not mean that such method will be used to collect special assessments in future years, and the District reserves the right in its sole discretion to select collection methods in any given year, regardless of past practices.

Section 4. Certification of Assessment Roll. The Assessment Roll is hereby certified and authorized to be transmitted to the Tax Collector.

Section 5. Assessment Roll Amendment. The District Manager shall keep apprised of all updates made to the County property roll by the Property Appraiser after the date of this Resolution and shall amend the Assessment Roll in accordance with any such updates, for such time as authorized by Florida law. After any amendment of the Assessment Roll, the District Manager shall file the updates to the tax roll in the District records.

Section 6. Assessment Challenges. The adoption of this Resolution shall be the final determination of all issues related to the O&M Assessments as it relates to property owners whose benefited property is subject to the O&M Assessments (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment, the maximum rate of the O&M Assessments, and the levy, collection, and lien of the O&M

Assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 30 days from adoption date of this Resolution.

Section 7. Procedural Irregularities. Any informality or irregularity in the proceedings in connection with the levy of the O&M Assessments shall not affect the validity of the same after the adoption of this Resolution, and any O&M Assessments as finally approved shall be competent and sufficient evidence that such O&M Assessment was duly levied, that the O&M Assessment was duly made and adopted, and that all other proceedings adequate to such O&M Assessment were duly had, taken, and performed as required.

Section 8. Approving the Form of a Budget Funding Agreement with Developer. The Budget Funding Agreement between the District and Developer attached hereto as **Exhibit B** is hereby approved in substantial form. The Chair or the Vice-Chair of the Board are hereby authorized and directed to execute and deliver said agreement on behalf of and in the name of the District. The Secretary or any Assistant Secretary of the Board are hereby authorized to attest such execution. Any additions, deletions or modifications may be made and approved by the Chair or the Vice-Chair and their execution of the agreement shall be conclusive evidence of such approval.

Section 9. Severability. The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

Section 10. Effective Date. This Resolution shall take effect upon the passage and adoption of this Resolution by the Board.

Passed and Adopted on July 14, 2020.

Attested By:

**Mitchell Ranch Community
Development District**

Secretary/Assistant Secretary

Kelly Evans
Chair of the Board of Supervisors

Exhibit A: FY 2020-2021 Budget

Exhibit B: Form of Budget Funding Agreement with Developer

Tab 5

RESOLUTION 2020-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MITCHELL RANCH COMMUNITY DEVELOPMENT DISTRICT DESIGNATING DATES, TIME AND LOCATION FOR REGULAR MEETINGS OF THE BOARD OF SUPERVISORS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Mitchell Ranch Community Development District (hereinafter the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, being situated entirely within the Pasco County, Florida; and

WHEREAS, the District’s Board of Supervisors (hereinafter the “Board”) is statutorily authorized to exercise the powers granted to the District; and

WHEREAS, all meetings of the Board shall be open to the public and governed by the provisions of Chapter 286, Florida Statutes; and

WHEREAS, the Board is statutorily required to file annually, with the local governing authority and the Florida Department of Economic Opportunity, a schedule of its regular meetings.

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

Section 1. Regular meetings of the Board of Supervisors of the District shall be held as provided on the schedule attached as Exhibit “A”.

Section 2. In accordance with Section 189.015(1), Florida Statutes, the District’s Secretary is hereby directed to file annually, with Pasco County, a schedule of the District’s regular meetings.

Section 3. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 14TH day of July 2020.

ATTEST:

**MITCHELL RANCH
COMMUNITY DEVELOPMENT
DISTRICT**

Secretary / Assistant Secretary

Chairman, Board of Supervisors

**EXHIBIT “A”
BOARD OF SUPERVISORS’ MEETING DATES
MITCHELL RANCH
COMMUNITY DEVELOPMENT DISTRICT
FISCAL YEAR 2020/2021**

October 13, 2020
November 10, 2020
December 8, 2020
January 12, 2021
February 9, 2021
March 9, 2021
April 13, 2021
May 11, 2021
June 8, 2021
July 13, 2021
August 10, 2021
September 14, 2021

All meetings will convene at 10:00 a.m. at* the office of Rizzetta & Company, Inc. located at 5844 Old Pasco Road Suite 100, Wesley Chapel, FL 33544.

**Please note that because of the COVID-19 public health emergency and to protect the public and follow the CDC guidance regarding social distancing, such meetings may be held telephonically, virtually, or at another location in the event the above location is not available. Please check the District’s website for the latest information: <https://www.mitchellranchcdd.org/>*

Tab 6

FY 2020-2021 Budget Funding Agreement
(Mitchell Ranch Community Development District)

This FY 2020-2021 Budget Funding Agreement (this “**Agreement**”) is made and entered into as of July 14, 2020, between the **Mitchell Ranch Community Development District**, a local unit of special-purpose government, established pursuant to Chapter 190, Florida Statutes (the “**District**”), whose mailing address is 5844 Old Pasco Road, Suite 100, Wesley Chapel, Florida 33544 and **Lennar Homes, LLC**, a Florida limited liability company (the “**Developer**”), whose mailing address is 4600 W. Cypress Street, Suite 200, Tampa, Florida 33607.

Recitals

WHEREAS, the District was established for the purpose of providing, preserving, operating, and maintaining infrastructure improvements, facilities, and services to the lands within the District;

WHEREAS, the District is adopting its budget for fiscal year 2020-2021 as attached hereto as **Exhibit A** (the “**FY 2020-2021 Budget**”), which commences on October 1, 2020, and concludes on September 30, 2021;

WHEREAS, the District has the option of levying non-ad valorem assessments on all lands that will benefit from the activities set forth in the FY 2020-2021 Budget, or utilizing such other revenue sources as may be available to it;

WHEREAS, the District is willing to allow the Developer to provide such funds as are necessary to allow the District to proceed with its activities as described the FY 2020-2021 Budget so long as payment is timely provided;

WHEREAS, the Developer presently certain property within the District as reflected on the assessment roll on file with the District Manager (the “**Property**”);

WHEREAS, the Developer agrees that the activities of the District described in the FY 2020-2021 Budget provide a special and peculiar benefit to the Property that is equal to or in excess of the expenses reflected in the FY 2020-2021 Budget; and

WHEREAS, the Developer has agreed to enter into this Agreement in addition to the non-ad valorem special assessments allocated to the Property to fund the activities of the District as set forth in the FY 2020-2021 Budget.

Operative Provisions

Now, therefore, based upon good and valuable consideration and the mutual covenants of the parties, the receipt of which and sufficiency of which are hereby acknowledged, the parties agree as follows:

- 1. Funding Obligations.** From time to time during the 2020-2021 fiscal year, the Developer agrees to make available to the District the aggregate sum of up to **\$184,337** in accordance with the FY 2020-2021 Budget as such expenses are incurred by the District. Such payments shall be made within 30 days of written request for funding by the District. All funds provided hereunder shall be placed in the District's general operating account.

2. **FY 2020-2021 Budget Revisions.** The District and Developer agree that the FY 2020-2021 Budget shall be revised at the end of the 2020-2021 fiscal year to reflect the actual expenditures of the District for the period beginning on October 1, 2020 and ending on September 30, 2021. The Developer shall not be responsible for any additional costs other than those costs provided for in the FY 2020-2021 Budget. However, if the actual expenditures of the District are less than the amount shown in the FY 2020-2021 Budget, the Developer's funding obligations under this Agreement shall be reduced by that amount.
3. **Right to Lien Property.**
- a. The District shall have the right to file a continuing lien ("**Lien**") upon the Property for all payments due and owing under this Agreement and for interest thereon, and for reasonable attorneys' fees, paralegals' fees, expenses and court costs incurred by the District incident to the collection of funds under this Agreement or for enforcement of this Lien. In the event the Developer sells any portion of the Property after the execution of this Agreement, the Developer's rights and obligations under this Agreement shall remain the same, provided however that the District shall only have the right to file a Lien upon the remaining Property owned by the Developer.
 - b. The Lien shall be effective as of the date and time of the recording of a "Notice of Lien for the FY 2020 FY 2020-2021 Budget" in the public records of Pasco County, Florida, stating among other things, the description of the real property and the amount due as of the recording of the Notice, and the existence of this Agreement.
 - c. The District Manager, in its sole discretion, is hereby authorized by the District to file the Notice on behalf of the District, without the need of further Board action authorizing or directing such filing. At the District Manager's direction, the District may also bring an action at law against the record title holders to the Property to pay the amount due under this Agreement, may foreclose the Lien against the Property in any manner authorized by law, or may levy special assessments for the Lien amount and certify them for collection by the tax collector.
4. **Default.** A default by either party under this Agreement shall entitle the other to all remedies available at law or in equity, which shall include, but not be limited to, the right to seek specific performance of the Developer's payment obligations under this Agreement, but shall not include special, consequential, or punitive damages.
5. **Enforcement and Attorney Fees.** In the event either party is required to enforce this Agreement, then the prevailing party shall be entitled to all fees and costs, including reasonable attorney's fees and costs, from the non-prevailing party.
6. **Governing Law and Venue.** This Agreement and the provisions contained herein shall be construed, interpreted and controlled according to the laws of the State of Florida with venue in Pasco County, Florida.
7. **Interpretation.** This Agreement has been negotiated fully between the parties as an arm's length transaction. The parties participated fully in the preparation of this Agreement with the assistance of their respective counsel. In the case of a dispute concerning the interpretation of any provision of this Agreement, the parties are each deemed to have drafted, chosen and selected the language, and the doubtful language will not be interpreted or construed against any party.
8. **Termination of Agreement.** The Agreement shall be effective upon execution by both parties hereto and shall remain in force until the end of the 2020-2021 fiscal year on September 30, 2021.

The enforcement provisions of this Agreement shall survive its termination, until all payments due under this Agreement are paid in full.

- 9. Third Parties.** This Agreement is solely for the benefit of the parties hereto and no right or cause of action shall accrue upon or by reason hereof, to or for the benefit of any third party not a formal party hereto. Nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person or corporation other than the parties hereto any right, remedy or claim under or by reason of this Agreement or any provisions or conditions hereof; and all of the provisions, representations, covenants and conditions herein contained shall inure to the sole benefit of and shall be binding upon the parties hereto and their respective representatives, successors and assigns.
- 10. Amendments.** Amendments to and waivers of the provisions contained in this Agreement may be made only by an instrument in writing which is executed by both of the parties hereto.
- 11. Assignment.** This Agreement may be assigned, in whole or in part, by either party only upon the written consent of the other, which consent shall not be unreasonably withheld.
- 12. Authority.** The execution of this Agreement has been duly authorized by the appropriate body or official of all parties hereto, each party has complied with all the requirements of law, and each party has full power and authority to comply with the terms and provisions of this instrument.
- 13. Entire Agreement.** This instrument shall constitute the final and complete expression of this Agreement between the parties relating to the subject matter of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

**Mitchell Ranch Community
Development District**

Kelly Evans
Chair of the Board of Supervisors

Lennar Homes, LLC,
a Florida limited liability company

Name: _____
Title: _____

Exhibit A: FY 2020-2021 FY 2020-2021 Budget