

# **RESERVE AT VAN OAKS**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**May 1, 2023**

**BOARD OF SUPERVISORS  
REGULAR  
MEETING AGENDA**

**RESERVE AT VAN OAKS**  
**COMMUNITY DEVELOPMENT DISTRICT**

**AGENDA**  
**LETTER**

# Reserve at Van Oaks Community Development District

## OFFICE OF THE DISTRICT MANAGER

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

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

April 24, 2023

### ATTENDEES:

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

Board of Supervisors

Reserve at Van Oaks Community Development District

Dear Board Members:

The Board of Supervisors of the Reserve at Van Oaks Community Development District will hold a Regular Meeting on May 1, 2023 at 1:00 p.m., at the Holiday Inn Express & Suites Lakeland North I-4, 4500 Lakeland Park Drive, Lakeland, Florida 33809. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Consider Appointment to Fill Unexpired Term of Seat 1; *Term Expires November 2026*
  - A. Administration of Oath of Office to Newly Appointed Supervisor (*the following will be provided in a separate package*)
    - I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
    - II. Membership, Obligations and Responsibilities
    - III. Financial Disclosure Forms
      - a. Form 1: Statement of Financial Interests
      - b. Form 1X: Amendment to Form 1, Statement of Financial Interests
      - c. Form 1F: Final Statement of Financial Interests
    - IV. Form 8B: Memorandum of Voting Conflict
  - B. Consideration of Resolution 2023-01, Designating Certain Officers of the District, and Providing for an Effective Date
4. Consideration of Resolution 2023-04, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date
5. Ratification of Engagement with Jere Earlywine at Kutak Rock LLP
  - Consideration of Retention and Fee Agreement

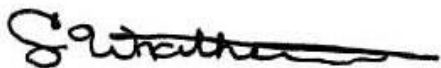
6. Consideration of Resolution 2023-05, To Re-Set the Date, Time and Place of the Public Hearing Regarding the Adoption of Amenity Rules and Rate; Ratifying Publication of Notice of Such Hearing; and Providing an Effective Date
7. Acceptance of Unaudited Financial Statements as of March 31, 2023
8. Approval of February 6, 2023 Regular Meeting Minutes
9. Staff Reports
  - A. District Counsel: *Kutak Rock LLP*
  - B. District Engineer *Poulos & Bennett, LLC*
  - C. District Manager: *Wrathell, Hunt and Associates, LLC*
    - **10** Registered Voters in District as of April 15, 2023
    - NEXT MEETING DATE: June 5, 2023 at 1:00 PM
      - QUORUM CHECK

|        |                 |                                    |                                |                             |
|--------|-----------------|------------------------------------|--------------------------------|-----------------------------|
| SEAT 1 |                 | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| SEAT 2 | GARTH NOBLE     | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| SEAT 3 | MARTHA SCHIFFER | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| SEAT 4 | EDMON RAKIPI    | <input type="checkbox"/> IN PERSON | <input type="checkbox"/> PHONE | <input type="checkbox"/> NO |
| SEAT 5 | CHRIS TORRES    | <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 Kristen Suit at (410) 207-1802.

Sincerely,



Craig Wrathell  
 District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE**  
**CALL-IN NUMBER: 1-888-354-0094**  
**PARTICIPANT PASSCODE: 943 865 3730**

# **RESERVE AT VAN OAKS**

**COMMUNITY DEVELOPMENT DISTRICT**

**3B**

**RESOLUTION 2023-01**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE RESERVE AT VAN OAKS COMMUNITY DEVELOPMENT DISTRICT DESIGNATING CERTAIN OFFICERS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the Reserve at Van Oaks Community Development District (“District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, the Board of Supervisors of the District desires to designate certain Officers of the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE RESERVE AT VAN OAKS COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** \_\_\_\_\_ is appointed Chair.

**SECTION 2.** \_\_\_\_\_ is appointed Vice Chair.

**SECTION 3.** \_\_\_\_\_ is appointed Assistant Secretary.

\_\_\_\_\_ is appointed Assistant Secretary.

\_\_\_\_\_ is appointed Assistant Secretary.

**Kristen Suit** is appointed Assistant Secretary.

**SECTION 4.** This Resolution supersedes any prior appointments made by the Board for Chair, Vice Chair and Assistant Secretaries; however, prior appointments by the Board for Secretary, Treasurer and Assistant Treasurer(s) remain unaffected by this Resolution.

**SECTION 5.** This Resolution shall become effective immediately upon its adoption.

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**PASSED AND ADOPTED** this 1st day of May, 2023.

ATTEST:

**RESERVE AT VAN OAKS COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary/Assistant Secretary

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Chair/Vice Chair, Board of Supervisors

# **RESERVE AT VAN OAKS**

**COMMUNITY DEVELOPMENT DISTRICT**

**4**



**RESOLUTION 2023-04**

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

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

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

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE RESERVE AT VAN OAKS COMMUNITY DEVELOPMENT DISTRICT:**

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

**2. SETTING A PUBLIC HEARING.** A public hearing on said approved Proposed Budget is hereby declared and set for the following date, hour and location:

**DATE:** \_\_\_\_\_  
**HOUR:** \_\_\_\_\_  
**LOCATION:** Holiday Inn Express & Suites Lakeland North I-4  
4500 Lakeland Park Drive  
Lakeland, Florida 33809

**3. TRANSMITTAL OF PROPOSED BUDGET TO LOCAL GENERAL-PURPOSE GOVERNMENT.** The District Manager is hereby directed to submit a copy of the proposed budget to Polk County at least sixty (60) days prior to the hearing set above.

**4. POSTING OF PROPOSED BUDGET.** In accordance with Section 189.016, *Florida Statutes*, the District’s Secretary is further directed to post the approved proposed budget on the District’s website at least two (2) days before the budget hearing date as set forth in Section 2, and shall remain on the website for at least 45 days.

**5. PUBLICATION OF NOTICE.** Notice of this public hearing shall be published in the manner prescribed in Florida law.

**6. 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.

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

**PASSED AND ADOPTED** this 1st day of May, 2023.

**ATTEST:**

**RESERVE AT VAN OAKS COMMUNITY  
DEVELOPMENT DISTRICT**

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

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

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

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

**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
PROPOSED BUDGET  
FISCAL YEAR 2024**

**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
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**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2024**

|  | Fiscal Year 2023             |                                |                                   | Total<br>Actual &<br>Projected | Proposed<br>Budget<br>FY 2024 |
|--|------------------------------|--------------------------------|-----------------------------------|--------------------------------|-------------------------------|
|  | Adopted<br>Budget<br>FY 2023 | Actual<br>through<br>3/31/2023 | Projected<br>through<br>9/30/2023 |                                |                               |
| <b>REVENUES</b>                          |                              |                                |                                   |                                |                               |
| Assessment levy: on-roll - gross         | \$ -                         |                                |                                   |                                | \$ 239,551                    |
| Allowable discounts (4%)                 | -                            |                                |                                   |                                | (9,582)                       |
| Assessment levy: on-roll - net           | -                            | \$ -                           | \$ -                              | \$ -                           | 229,969                       |
| Assessment levy: off-roll                | -                            | -                              | -                                 | -                              | 192,330                       |
| Landowner contribution                   | 338,399                      | 49,616                         | 266,904                           | 316,520                        | -                             |
| Total revenues                           | 338,399                      | 49,616                         | 266,904                           | 316,520                        | 422,299                       |
| <b>EXPENDITURES</b>                      |                              |                                |                                   |                                |                               |
| <b>Professional &amp; administrative</b> |                              |                                |                                   |                                |                               |
| Management/accounting/recording          | 45,000                       | 12,000                         | 33,000                            | 45,000                         | 48,000                        |
| Legal                                    | 25,000                       | 1,343                          | 23,657                            | 25,000                         | 25,000                        |
| Engineering                              | 2,000                        | 675                            | 1,325                             | 2,000                          | 2,000                         |
| Audit*                                   | 6,000                        | -                              | 6,000                             | 6,000                          | 6,000                         |
| Arbitrage rebate calculation*            | 500                          | -                              | 500                               | 500                            | 500                           |
| Dissemination agent*                     | 1,000                        | -                              | 1,000                             | 1,000                          | 1,000                         |
| Trustee*                                 | 5,000                        | -                              | 5,000                             | 5,000                          | 5,000                         |
| Telephone                                | 200                          | 100                            | 100                               | 200                            | 200                           |
| Postage                                  | 500                          | 88                             | 412                               | 500                            | 500                           |
| Printing & binding                       | 500                          | 250                            | 250                               | 500                            | 500                           |
| Legal advertising                        | 1,500                        | 369                            | 1,131                             | 1,500                          | 1,500                         |
| Annual special district fee              | 175                          | 175                            | -                                 | 175                            | 175                           |
| Insurance                                | 5,500                        | 5,000                          | 500                               | 5,500                          | 5,500                         |
| Contingencies/bank charges               | 500                          | 255                            | 245                               | 500                            | 500                           |
| Website hosting & maintenance            | 705                          | 1,680                          | -                                 | 1,680                          | 705                           |
| Website ADA compliance                   | 210                          | -                              | 210                               | 210                            | 210                           |
| Property appraiser & tax collector       | -                            | -                              | -                                 | -                              | 7,187                         |
| Total professional & administrative      | 94,290                       | 21,935                         | 73,330                            | 95,265                         | 104,477                       |
| <b>Field operations</b>                  |                              |                                |                                   |                                |                               |
| <b>Contracted services</b>               |                              |                                |                                   |                                |                               |
| Pressure washing                         | 5,500                        | -                              | -                                 | -                              | 6,000                         |
| Lawn service & mulch                     | 90,000                       | 12,800                         | 77,200                            | 90,000                         | 150,000                       |
| Lift station                             | 1,800                        | -                              | 900                               | 900                            | 2,000                         |
| Wetland monitoring                       | 4,500                        | -                              | 2,000                             | 2,000                          | 5,000                         |
| Pool service                             | 10,800                       | -                              | 10,800                            | 10,800                         | 12,000                        |
| Cabana janitorial                        | 7,800                        | -                              | 7,800                             | 7,800                          | 10,000                        |
| Amenity access control & data management | 9,000                        | -                              | 9,000                             | 9,000                          | 11,000                        |
| Ponds                                    | 3,600                        | -                              | 3,600                             | 3,600                          | 4,000                         |
| <b>Repairs &amp; supplies</b>            |                              |                                |                                   |                                |                               |
| Pool & cabana maintenance                | 4,000                        | -                              | 4,000                             | 4,000                          | 4,000                         |
| Amenity access control repair            | 2,500                        | -                              | -                                 | -                              | 3,000                         |
| Irrigation-repair                        | 3,000                        | 190                            | 2,810                             | 3,000                          | 3,500                         |
| General repairs/supplies                 | 5,500                        | -                              | 2,000                             | 2,000                          | 5,500                         |
| Landscaping-repairs & replacement        | 5,000                        | -                              | 5,000                             | 5,000                          | 5,000                         |

**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2024**

|  | Fiscal Year 2023             |                                |                                   | Total<br>Actual &<br>Projected | Proposed<br>Budget<br>FY 2024 |
|--|------------------------------|--------------------------------|-----------------------------------|--------------------------------|-------------------------------|
|  | Adopted<br>Budget<br>FY 2023 | Actual<br>through<br>3/31/2023 | Projected<br>through<br>9/30/2023 |                                |                               |
| <b>Utilities</b>   |                              |                                |                                   |                                |                               |
| Electricity- irrigation                                      | 3,000                        | -                              | 3,000                             | 3,000                          | 3,500                         |
| Electricity-entrance monuments                               | 2,400                        | -                              | 2,400                             | 2,400                          | 3,000                         |
| Electricity- pool & cabana                                   | 6,000                        | 481                            | 5,519                             | 6,000                          | 6,000                         |
| Electricity- street lights                                   | 26,388                       | 12,381                         | 14,007                            | 26,388                         | 30,000                        |
| Water-pool   | 3,500                        | -                              | 3,500                             | 3,500                          | 3,500                         |
| Pool cable   | 2,400                        | -                              | 2,400                             | 2,400                          | 2,400                         |
| <b>Administrative</b>  |                              |                                |                                   |                                |                               |
| Management fee - PM  | 15,012                       | 7,506                          | 7,506                             | 15,012                         | 15,012                        |
| O&M accounting - DM  | 4,000                        | 2,000                          | 2,000                             | 4,000                          | 4,000                         |
| Pool permit  | 275                          | -                              | 275                               | 275                            | 275                           |
| Copies & printing  | 3,500                        | -                              | -                                 | -                              | -                             |
| Postage  | 2,000                        | -                              | -                                 | -                              | -                             |
| <b>Taxes/insurance</b>                                       |                              |                                |                                   |                                |                               |
| Crime/fidelity policy/bond                                   | 2,500                        | -                              | -                                 | -                              | -                             |
| Property insurance   | 6,000                        | 5,589                          | 411                               | 6,000                          | 15,000                        |
| Total field operations                                       | <u>229,975</u>               | <u>40,947</u>                  | <u>166,128</u>                    | <u>207,075</u>                 | <u>303,687</u>                |
| Total expenditures   | <u>324,265</u>               | <u>62,882</u>                  | <u>239,458</u>                    | <u>302,340</u>                 | <u>408,164</u>                |
| Excess/(deficiency) of revenues<br>over/(under) expenditures | 14,134                       | (13,266)                       | 27,446                            | 14,180                         | 14,135                        |
| Fund balance - beginning (unaudited)                         | -                            | (14,180)                       | (27,446)                          | (14,180)                       | -                             |
| Fund balance - ending (projected)                            |                              | -                              |                                   |                                |                               |
| Assigned   |                              |                                |                                   |                                |                               |
| Committed  |                              |                                |                                   |                                |                               |
| Future repairs**   | 14,133                       | 14,133                         | 14,133                            | 14,133                         | 14,133                        |
| Working capital  | -                            | -                              | -                                 | -                              | -                             |
| Unassigned   | 1                            | (41,579)                       | (14,133)                          | (14,133)                       | 2                             |
| Fund balance - ending  | <u>\$ 14,134</u>             | <u>\$ (27,446)</u>             | <u>\$ -</u>                       | <u>\$ -</u>                    | <u>\$ 14,135</u>              |

**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
DEFINITIONS OF GENERAL FUND EXPENDITURES**

**EXPENDITURES**

**Professional & administrative**

|  |                |
|--|----------------|
| Management/accounting/recording  | \$ 48,000      |
| <p><b>Wrathell, Hunt and Associates, LLC</b> (WHA), specializes in managing community development districts by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all of the District's governmental requirements. WHA develops financing programs, administers the issuance of tax exempt bond financings, operates and maintains the assets of the community.</p> |                |
| Legal  | 25,000         |
| <p>General counsel and legal representation, which includes issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.</p>  |                |
| Engineering  | 2,000          |
| <p>The District's Engineer will provide construction and consulting services, to assist the District in crafting sustainable solutions to address the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.</p>  |                |
| Audit  | 6,000          |
| <p>Statutorily required for the District to undertake an independent examination of its books, records and accounting procedures.</p>  |                |
| Arbitrage rebate calculation*  | 500            |
| <p>To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate the arbitrage rebate liability.</p>  |                |
| Dissemination agent*   | 1,000          |
| <p>The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934. Wrathell, Hunt &amp; Associates serves as dissemination agent.</p>   |                |
| Trustee  | 5,000          |
| <p>Annual fee for the service provided by trustee, paying agent and registrar.</p>   |                |
| Telephone  | 200            |
| <p>Telephone and fax machine.</p>  |                |
| Postage  | 500            |
| <p>Mailing of agenda packages, overnight deliveries, correspondence, etc.</p>  |                |
| Printing & binding   | 500            |
| <p>Letterhead, envelopes, copies, agenda packages</p>  |                |
| Legal advertising  | 1,500          |
| <p>The District advertises for monthly meetings, special meetings, public hearings, public bids, etc.</p>  |                |
| Annual special district fee  | 175            |
| <p>Annual fee paid to the Florida Department of Economic Opportunity.</p>  |                |
| Insurance  | 5,500          |
| <p>The District will obtain public officials and general liability insurance.</p>  |                |
| Contingencies/bank charges   | 500            |
| <p>Bank charges and other miscellaneous expenses incurred during the year and automated AP routing etc.</p>  |                |
| Website hosting & maintenance  | 705            |
| Website ADA compliance   | 210            |
| Property appraiser & tax collector   | 7,187          |
| Total professional & administrative  | <u>104,477</u> |



**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
DEFINITIONS OF GENERAL FUND EXPENDITURES**

**EXPENDITURES (continued)**

**Field operations**

***Contracted services***

|                      |         |
|----------------------|---------|
| Pressure washing     | 6,000   |
| Lawn service & mulch | 150,000 |
| Lift station         | 2,000   |
| Wetland monitoring   | 5,000   |
| Pool service         | 12,000  |
| Cabana janitorial    | 10,000  |
| Ponds                | 4,000   |

***Repairs & supplies***

|                                   |       |
|-----------------------------------|-------|
| Pool & cabana maintenance         | 4,000 |
| Amenity access control repair     | 3,000 |
| Irrigation-repair                 | 3,500 |
| General repairs/supplies          | 5,500 |
| Landscaping-repairs & replacement | 5,000 |

***Utilities***

|  |        |
|--|--------|
| Electricity- irrigation                  | 3,500  |
| Electricity-entrance monuments           | 3,000  |
| Electricity- pool & cabana               | 6,000  |
| Electricity- street lights               | 30,000 |
| Water-pool                               | 3,500  |
| Pool cable                               | 2,400  |
| Amenity access control & data management | 11,000 |

***Administrative***

|                     |        |
|---------------------|--------|
| Management fee - PM | 15,012 |
| O&M accounting - DM | 4,000  |
| Pool permit         | 275    |

***Taxes/insurance***

|                        |                         |
|------------------------|-------------------------|
| Property insurance     | 15,000                  |
| Total field operations | <u>303,687</u>          |
| Total expenditures     | <u><u>\$408,164</u></u> |

**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
ASSESSMENT COMPARISON  
PROJECTED FISCAL YEAR 2024 ASSESSMENTS**

|                            |
|----------------------------|
| <b>On-Roll Assessments</b> |
|----------------------------|

| <u>Product/Parcel</u>             | <u>Units</u> | <u>FY 2024 O&amp;M<br/>Assessment<br/>per Unit</u> | <u>FY 2024 DS<br/>Assessment<br/>per Unit</u> | <u>FY 2024 Total<br/>Assessment<br/>per Unit</u> | <u>FY 2023<br/>Total<br/>Assessment<br/>per Unit</u> |
|-----------------------------------|--------------|--|---|--|--|
| <b><u>Assessment Area One</u></b> |              |  |   |  |  |
| Single Family 60'                 | 139          | \$ 1,723.39  | \$ -  | \$ 1,723.39                                      | n/a  |
| <b>Total</b>                      | <b>139</b>   |  |   |  |  |

# **RESERVE AT VAN OAKS**

**COMMUNITY DEVELOPMENT DISTRICT**

**5**

Reserve at Van Oaks Community Development District  
c/o Craig Wrathell and  
Chris Torres  
Wrathell, Hunt & Associates, LLC  
2300 Glades Road Suite 410W  
Boca Raton, Florida 33431  
wrathellc@whhassociates.com  
ctorres@meritagehomes.com

RE: District Counsel Matter

Dear Sirs or Madams,

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

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

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

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

Yours truly,

/s/ Jere Earlywine

**Instructions**

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

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

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



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For the Client

## RETENTION AND FEE AGREEMENT

### I. PARTIES

THIS RETENTION AND FEE AGREEMENT (“**Agreement**”) is made and entered into by and between the following parties:

- A. Reserve at Van Oaks Community Development District (“**Client**”)  
c/o Wrathell, Hunt & Associates, LLC  
2300 Glades Road, Suite 410W  
Boca Raton, Florida 33431

and

- B. Kutak Rock LLP (“**Kutak Rock**”)  
107 West College Avenue  
Tallahassee, Florida 32301

### II. SCOPE OF SERVICES

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

- A. The Client agrees to employ and retain Kutak Rock as its attorney and legal representative for general advice, counseling and representation of Client and its Board of Supervisors.
- B. Kutak Rock accepts such employment and agrees to serve as attorney for and provide legal representation to the Client in connection with those matters referenced above. No other legal representation is contemplated by this Agreement. Any additional legal services to be provided under the terms of this Agreement shall be agreed to by Client and Kutak Rock in writing. Unless set forth in a separate agreement to which Client consents in writing, Kutak Rock does not represent individual members of the Client’s Board of Supervisors.

### III. CLIENT FILES

The files and work product materials (“**Client File**”) of the Client generated or received by Kutak Rock will be maintained confidentially to the extent permitted by law and in accordance with the Florida Bar rules. At the conclusion of the representation, the Client File will be stored by Kutak Rock for a minimum of five (5) years. After the five (5) year storage period, the Client hereby acknowledges and consents that Kutak Rock may confidentially destroy or shred the Client File. Notwithstanding the prior sentence, if the Client provides Kutak Rock with a written request for the return of the Client File before the end of the five (5) year storage period, then Kutak Rock will return the Client File to Client at Client’s expense.

**IV. FEES**

- A. The Client agrees to compensate Kutak Rock for services rendered in connection with any matters covered by this Agreement on an hourly rate basis plus actual expenses incurred by Kutak Rock in accordance with the attached Expense Reimbursement Policy (Attachment A, incorporated herein by reference). Time will be billed in increments of one-tenth (1/10) of an hour. Certain work related to issuance of bonds and bond anticipation notes may be performed under a flat fee to be separately established prior to or at the time of bond or note issuance.
- B. Attorneys and staff, if applicable, who perform work for Client will be billed at their regular hourly rates, as may be adjusted from time to time. The hourly rates of those initially expected to handle the bulk of Client’s work are as follows:

|                   |       |
|-------------------|-------|
| Jere Earlywine    | \$305 |
| Associates        | \$265 |
| Contract Attorney | \$235 |
| Paralegals        | \$190 |

Kutak Rock’s regular hourly billing rates are reevaluated annually and are subject to change not more than once in a calendar year. Client agrees to Kutak Rock’s annual rate increases to the extent hourly rates are not increased beyond \$15/hour.

- C. To the extent practicable and consistent with the requirements of sound legal representation, Kutak Rock will attempt to reduce Client’s bills by assigning each task to the person best able to perform it at the lowest rate, so long as he or she has the requisite knowledge and experience.
- D. Upon consent of Client, Kutak Rock may subcontract for legal services in the event that Client requires legal services for which Kutak Rock does not have adequate capabilities.
- E. Kutak Rock will include costs and expenses (including interest charges on past due statements) on its billing statements for Client reimbursement in accordance with the attached Expense Reimbursement Policy.

**V. BILLING AND PAYMENT**

The Client agrees to pay Kutak Rock’s monthly billings for fees and expenses incurred within thirty (30) days following receipt of an invoice, or the time permitted by Florida law, whichever is greater. Kutak Rock shall not be obligated to perform further legal services under this Agreement if any such billing statement remains unpaid longer than thirty (30) days after submittal to and receipt by Client. Non-payment of billing statements shall be a basis for Kutak Rock to immediately withdraw from the representation without regard to remaining actions necessitating attention by Kutak Rock as part of the representation.

## **VI. DEFAULT; VENUE**

In any legal proceeding to collect outstanding balances due under this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees in addition to costs and outstanding balances due under this Agreement. Venue of any such action shall be exclusive in the state courts of the Second Judicial Circuit in and for Leon County, Florida.

## **VII. CONFLICTS**

It is important to disclose that Kutak Rock represents a number of special districts, trustees ("Trustees"), bondholders, developers, builders, and other entities throughout Florida and the United States of America relating to community development districts, special districts, local governments and land development. Kutak Rock or its attorneys may also have represented the entity which petitioned for the formation of the Client. Kutak Rock understands that Client may enter into an agreement with a Trustee in connection with the issuance of bonds, and that Client may request that Kutak Rock simultaneously represent Client in connection with the issuance of bonds, while Kutak Rock is also representing such Trustee on unrelated matters. By accepting this Agreement Client agrees that (1) Client was provided with an explanation of the implications of the common representation(s) and the advantages and risks involved; (2) Kutak Rock will be able to provide competent and diligent representation of Client, regardless of Kutak Rock's other representations, and (3) there is not a substantial risk that Kutak Rock's representation of Client would be materially limited by Kutak Rock's responsibilities to another client, a former client or a third person or by a personal interest. Acceptance of this Agreement will constitute Client's waiver of any "conflict" with Kutak Rock's representation of various special districts, Trustees, bondholders, developers, builders, and other entities relating to community development districts, special districts, local governments and land development.

## **VIII. ACKNOWLEDGMENT**

Client acknowledges that the Kutak Rock cannot make any promises to Client as to the outcome of any legal dispute or guarantee that Client will prevail in any legal dispute.

## **IX. TERMINATION**

Either party may terminate this Agreement upon providing prior written notice to the other party at its regular place of business. All fees due and payable in accordance with this Agreement shall accrue and become payable pursuant to the terms of this Agreement through the date of termination.

## **X. EXECUTION OF AGREEMENT**

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

**XI. ENTIRE CONTRACT**

This Agreement constitutes the entire agreement between the parties.

Accepted and Agreed to:

**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT  
DISTRICT**

**KUTAK ROCK LLP**

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

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

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

Jere L. Earlywine

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

Date: March 6, 2023



## ATTACHMENT A

### KUTAK ROCK LLP CDD EXPENSE REIMBURSEMENT POLICY

The following is Kutak Rock's expense reimbursement policy for community development district representation. This policy applies unless a different arrangement has been negotiated based on the unique circumstances of a particular client or matter.

All expenses are billed monthly. Billings ordinarily reflect expenses for the most recent month, except where there are delays in receiving bills from third party vendors.

Photocopying and Printing. In-house photocopying and printing are charged at \$0.25 per page (black & white) and \$0.50 per page (color). Outside copying is billed as a pass-through of the outside vendor's charges.

Postage. Postage is billed at actual cost.

Overnight Delivery. Overnight delivery is billed at actual cost.

Local Messenger Service. Local messenger service is billed pursuant to the State of Florida approved reimbursement rate (i.e., pursuant to Chapter 112, Florida Statutes). Should the State of Florida increase the mileage allowance, Kutak Rock shall, without further action, be entitled to reimbursement at the increased rate.

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

Travel. Travel (including air fare, rental cars, taxicabs, hotel, meals, tips, etc.) is billed at actual cost. Where air travel is required, coach class is used wherever feasible. Out-of-town mileage is billed pursuant to the State of Florida approved reimbursement rate (i.e., pursuant to Chapter 112, Florida Statutes). Should the State of Florida increase the mileage allowance, Kutak Rock shall, without further action, be entitled to reimbursement at the increased rate. Reasonable travel-related expenses for meals, lodging, gratuities, taxi fares, tolls, and parking fees shall also be reimbursed.

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

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

# **RESERVE AT VAN OAKS**

**COMMUNITY DEVELOPMENT DISTRICT**

**6**

**RESOLUTION 2023-05**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE RESERVE AT VAN OAKS COMMUNITY DEVELOPMENT DISTRICT TO RE-SET THE DATE, TIME AND PLACE OF THE PUBLIC HEARING REGARDING THE ADOPTION OF RULES RELATED TO THE USE OF THE DISTRICT’S AMENITY FACILITIES AND SERVICES; RATIFYING PUBLICATION OF NOTICE OF SUCH HEARING; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Reserve at Van Oaks Community Development District (the “District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within the City of Auburndale, Florida (Polk County); and

**WHEREAS**, the Board of Supervisors of the District (the “Board”) is authorized by Section 190.011 and 190.035 (), *Florida Statutes*, to adopt rules and orders pursuant to Chapter 120, *Florida Statutes*.

**WHEREAS**, the Board previously set a public hearing regarding the District’s adoption of Rules **Related to the Use of the District’s Amenity Facilities and Services** for May 1, 2023, at 1:00 p.m., at the Holiday Inn Express & Suites Lakeland North I-4, 4500 Lakeland Park Drive, Lakeland, Florida 33809; and

**WHEREAS**, due to the need for additional time to advertise the notices for the public hearing as required by Chapter 120, *Florida Statutes*, the Board has determined that it is in the best interest of the District to re-schedule the public hearing regarding the Rules of Procedure and hereby ratifies the District Manager’s publication of notice of the same in accordance with Florida law.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE RESERVE AT VAN OAKS COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The public hearing on the District’s intent to adopt Rules Related to the Use of the District’s Amenity Facilities and Services is hereby re-set to held on \_\_\_\_\_, at \_\_\_\_\_ a/p.m. at the Holiday Inn Express & Suites Lakeland North I-4, 4500 Lakeland Park Drive, Lakeland, Florida 33809.

**SECTION 2.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED** this 1st day of May, 2023.

**ATTEST:**

**RESERVE AT VAN OAKS COMMUNITY DEVELOPMENT DISTRICT**

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

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

# **RESERVE AT VAN OAKS**

**COMMUNITY DEVELOPMENT DISTRICT**

# **UNAUDITED FINANCIAL STATEMENTS**

**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
MARCH 31, 2023**

**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
MARCH 31, 2023**

|   | General<br>Fund   | Debt<br>Service<br>Fund | Total<br>Governmental<br>Funds |
|---|-------------------|-------------------------|--------------------------------|
|   | <u>          </u> | <u>          </u>       | <u>          </u>              |
| <b>ASSETS</b>   |                   |                         |                                |
| Cash  | \$ 11,320         | \$ -                    | \$ 11,320                      |
| Undeposited funds   | 7,549             | -                       | 7,549                          |
| Due from Landowner  | 25,700            | 7,179                   | 32,879                         |
| Total assets  | <u>44,569</u>     | <u>7,179</u>            | <u>51,748</u>                  |
| <b>LIABILITIES AND FUND BALANCES</b>                                  |                   |                         |                                |
| Liabilities:  |                   |                         |                                |
| Accounts payable  | \$ 32,422         | \$ 7,179                | \$ 39,601                      |
| Due to Landowner  | 825               | 7,179                   | 8,004                          |
| Due to other  | 6,087             | -                       | 6,087                          |
| Landowner advance   | 6,000             | -                       | 6,000                          |
| Total liabilities   | <u>45,334</u>     | <u>14,358</u>           | <u>59,692</u>                  |
| <b>DEFERRED INFLOWS OF RESOURCES</b>                                  |                   |                         |                                |
| Deferred receipts   | 25,700            | -                       | 25,700                         |
| Unearned revenue  | 981               | -                       | 981                            |
| Total deferred inflows of resources                                   | <u>26,681</u>     | <u>-</u>                | <u>26,681</u>                  |
| Fund balances:  |                   |                         |                                |
| Restricted for:   |                   |                         |                                |
| Debt service  | -                 | (7,179)                 | (7,179)                        |
| Unassigned  | (27,446)          | -                       | (27,446)                       |
| Total fund balances   | <u>(27,446)</u>   | <u>(7,179)</u>          | <u>(34,625)</u>                |
| Total liabilities, deferred inflows of resources<br>and fund balances | <u>\$ 44,569</u>  | <u>\$ 7,179</u>         | <u>\$ 51,748</u>               |

**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED MARCH 31, 2023**

|  | <u>Current<br/>Month</u> | <u>Year to<br/>Date</u> | <u>Budget</u>  | <u>% of<br/>Budget</u> |
|--|--------------------------|-------------------------|----------------|------------------------|
| <b>REVENUES</b>                          |                          |                         |                |                        |
| Landowner contribution                   | \$ 17,880                | \$ 49,616               | \$ 338,399     | 15%                    |
| Total revenues                           | <u>17,880</u>            | <u>49,616</u>           | <u>338,399</u> | 15%                    |
| <b>EXPENDITURES</b>                      |                          |                         |                |                        |
| <b>Professional &amp; administrative</b> |                          |                         |                |                        |
| Management/accounting/recording          | 2,000                    | 12,000                  | 45,000         | 27%                    |
| Legal                                    | 1,343                    | 1,343                   | 25,000         | 5%                     |
| Engineering                              | 225                      | 675                     | 2,000          | 34%                    |
| Audit                                    | -                        | -                       | 6,000          | 0%                     |
| Arbitrage rebate calculation*            | -                        | -                       | 500            | 0%                     |
| Dissemination agent*                     | -                        | -                       | 1,000          | 0%                     |
| Trustee*                                 | -                        | -                       | 5,000          | 0%                     |
| Telephone                                | 17                       | 100                     | 200            | 50%                    |
| Postage                                  | -                        | 88                      | 500            | 18%                    |
| Printing & binding                       | 42                       | 250                     | 500            | 50%                    |
| Legal advertising                        | -                        | 369                     | 1,500          | 25%                    |
| Annual special district fee              | -                        | 175                     | 175            | 100%                   |
| Insurance                                | -                        | 5,000                   | 5,500          | 91%                    |
| Contingencies/bank charges               | 255                      | 255                     | 500            | 51%                    |
| Website hosting & maintenance            | 1,680                    | 1,680                   | 705            | 238%                   |
| Website ADA compliance                   | -                        | -                       | 210            | 0%                     |
| Total professional & administrative      | <u>5,562</u>             | <u>21,935</u>           | <u>94,290</u>  | 23%                    |
| <b>Field Operations</b>                  |                          |                         |                |                        |
| <b>Contracted services</b>               |                          |                         |                |                        |
| Pressure washing                         | -                        | -                       | 5,500          | 0%                     |
| Lawn service & mulch                     | 3,200                    | 12,800                  | 90,000         | 14%                    |
| Lift station                             | -                        | -                       | 1,800          | 0%                     |
| Wetland monitoring                       | -                        | -                       | 4,500          | 0%                     |
| Pool service                             | -                        | -                       | 10,800         | 0%                     |
| Cabana janitorial                        | -                        | -                       | 7,800          | 0%                     |
| Amenity access control & data management | -                        | -                       | 9,000          | 0%                     |
| Ponds                                    | -                        | -                       | 3,600          | 0%                     |
| <b>Repairs &amp; supplies</b>            |                          |                         |                |                        |
| Pool & cabana maintenance                | -                        | -                       | 4,000          | 0%                     |
| Amenity access control repair            | -                        | -                       | 2,500          | 0%                     |
| Irrigation-repair                        | -                        | 190                     | 3,000          | 6%                     |
| General repairs/supplies                 | -                        | -                       | 5,500          | 0%                     |
| Landscaping-repairs & replacement        | -                        | -                       | 5,000          | 0%                     |

**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
FOR THE PERIOD ENDED MARCH 31, 2023**

|  | <u>Current<br/>Month</u>  | <u>Year to<br/>Date</u>   | <u>Budget</u>           | <u>% of<br/>Budget</u> |
|--|---------------------------|---------------------------|-------------------------|------------------------|
| <b>Utilities</b>   |                           |                           |                         |                        |
| Electricity-irrigation                                       | -                         | -                         | 3,000                   | 0%                     |
| Electricity-entrance monuments                               | -                         | -                         | 2,400                   | 0%                     |
| Electricity-pool & cabana                                    | 481                       | 481                       | 6,000                   | 8%                     |
| Electricity-street lights                                    | 2,537                     | 12,381                    | 26,388                  | 47%                    |
| Water-pool   | -                         | -                         | 3,500                   | 0%                     |
| Pool cable   | -                         | -                         | 2,400                   | 0%                     |
| <b>Administrative</b>  |                           |                           |                         |                        |
| Management fee - PM  | 5,004                     | 7,506                     | 15,012                  | 50%                    |
| O&M accounting - DM  | 333                       | 2,000                     | 4,000                   | 50%                    |
| Pool permit  | -                         | -                         | 275                     | 0%                     |
| Copies & printing  | -                         | -                         | 3,500                   | 0%                     |
| Postage  | -                         | -                         | 2,000                   | 0%                     |
| <b>Taxes/insurance</b>                                       |                           |                           |                         |                        |
| Crime/fidelity policy/bond                                   | -                         | -                         | 2,500                   | 0%                     |
| Property insurance   | -                         | 5,589                     | 6,000                   | 93%                    |
| Total field operations                                       | <u>11,555</u>             | <u>40,947</u>             | <u>229,975</u>          | 18%                    |
| Total expenditures   | <u>17,117</u>             | <u>62,882</u>             | <u>324,265</u>          | 19%                    |
| Excess/(deficiency) of revenues<br>over/(under) expenditures | 763                       | (13,266)                  | 14,134                  |                        |
| Fund balances - beginning                                    | <u>(28,209)</u>           | <u>(14,180)</u>           | <u>-</u>                |                        |
| Fund balances - ending                                       | <u><u>\$ (27,446)</u></u> | <u><u>\$ (27,446)</u></u> | <u><u>\$ 14,134</u></u> |                        |

\*These items will be realized when bonds are issued



**RESERVE AT VAN OAKS  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2021  
FOR THE PERIOD ENDED MARCH 31, 2023**

|  | <u>Current<br/>Month</u> | <u>Year To<br/>Date</u> |
|--|--------------------------|-------------------------|
| <b>REVENUES</b>  | <u>\$ -</u>              | <u>\$ -</u>             |
| Total revenues   | <u>-</u>                 | <u>-</u>                |
| <br><b>EXPENDITURES</b>  |                          |                         |
| <b>Debt service</b>  | <u>-</u>                 | <u>-</u>                |
| Total debt service   | <u>-</u>                 | <u>-</u>                |
| <br>Excess/(deficiency) of revenues<br>over/(under) expenditures | <br>-<br>-               | <br>-<br>-              |
| <br>Fund balances - beginning                                    | <br><u>(7,179)</u>       | <br><u>(7,179)</u>      |
| Fund balances - ending   | <u>\$ (7,179)</u>        | <u>\$ (7,179)</u>       |

# **RESERVE AT VAN OAKS**

**COMMUNITY DEVELOPMENT DISTRICT**

# **MINUTES**

**DRAFT**  
**MINUTES OF MEETING**  
**RESERVE AT VAN OAKS**  
**COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Reserve at Van Oaks Community Development District held a Regular Meeting on February 6, 2023 at 1:00 p.m., at the Holiday Inn Express & Suites Lakeland North I-4, 4500 Lakeland Park Drive, Lakeland, Florida 33809.

**Present at the meeting:**

|                               |                     |
|-------------------------------|---------------------|
| Garth Noble                   | Chair               |
| Martha Schiffer               | Vice Chair          |
| Chris Torres                  | Assistant Secretary |
| Edmond Rakipi (via telephone) | Assistant Secretary |

**Also present were:**

|                                  |                                |
|----------------------------------|--------------------------------|
| Kristen Suit                     | District Manager               |
| Jere Earlywine                   | District Counsel               |
| Meredith Hammock (via telephone) | KE Law Group                   |
| Eric Warren (via telephone)      | District Engineer              |
| Dean Garrow                      | Home River Property Management |
| Jose Ponton (via telephone)      | Home River Property Management |

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Suit called the meeting to order at 1:03 p.m. Supervisors Noble, Schiffer and Torres were present. Supervisor Rakipi attended via telephone. Supervisor Tomberlin was not present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

No members of the public spoke.

**THIRD ORDER OF BUSINESS**

**Acceptance of Resignation of Supervisor  
Jerry Tomberlin [SEAT 1]; *Term Expires  
November 2026***

Ms. Suit presented Mr. Jerry Tomberlin's resignation.

**On MOTION by Mr. Noble and seconded by Mr. Torres, with all in favor, the resignation of Mr. Jerry Tomberlin, dated December 14, 2022, was accepted.**

43 **FOURTH ORDER OF BUSINESS**

**Consider Appointment to Fill Unexpired  
Term of Seat 1**

44  
45  
46 **A. Administration of Oath of Office to Newly Appointed Supervisor (the following will be  
47 provided in a separate package)**

48 **I. Guide to Sunshine Amendment and Code of Ethics for Public Officers and  
49 Employees**

50 **II. Membership, Obligations and Responsibilities**

51 **III. Financial Disclosure Forms**

52 **a. Form 1: Statement of Financial Interests**

53 **b. Form 1X: Amendment to Form 1, Statement of Financial Interests**

54 **c. Form 1F: Final Statement of Financial Interests**

55 **IV. Form 8B: Memorandum of Voting Conflict**

56 **B. Consideration of Resolution 2023-01, Designating Certain Officers of the District, and  
57 Providing for an Effective Date**

58 These items were deferred.

59

60 **FIFTH ORDER OF BUSINESS**

**Discussion: Amenity Rules and Policies**

61

62 Ms. Suit presented the Amenity Rules and Policies.

63 Mr. Earlywine discussed the following parts of the Amenity Rules:

64 Part 1: Amenity Operating Rules, including a Consent and Waiver Agreement

65 Part 2: Rule for Amenities Rates

66 Part 3: Disciplinary and Enforcement Rule

67 Discussion ensued regarding policy modifications for rentals, on-site staff, Americans  
68 with Disabilities Act (ADA) chairlift compliance, pool, non-resident annual user fee, trespass  
69 resolution and key fobs.

70 Ms. Suit stated that the per unit operation and maintenance (O&M) assessment is  
71 \$1,306.55.

72 Mr. Earlywine will make the changes discussed and email the final version to Ms. Suit  
73 and the Board.

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**On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, setting a Public Hearing to adopt the Amenity Rules and Policies for May 1, 2023 at the Holiday Inn Express & Suites Lakeland North I-4, 4500 Lakeland Park Drive, Lakeland, Florida 33809, and setting forth the Rules and Policies, on an interim basis, effective immediately, was approved.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-02, Authorizing Trespass Enforcement and the Issuance of Correspondence Regarding the Same; Providing a Severability Clause; and Providing an Effective Date**

Ms. Suit presented Resolution 2023-02 and read the title.

Mr. Earlywine stated, if there is no on-site staff at the CDD, a resolution is adopted oftentimes authorizing the District Manager to contact local law enforcement regarding trespassers. This Resolution will be attached to the Amenity Rules and sent to the Sheriff’s Office for enforcement within the CDD. In addition to Ms. Suit, the Resolution will be amended to identify Mr. Garrow, Mr. Ponton and Envera representatives as Authorized Representatives of the CDD for the purposes of this matter.

**On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, Resolution 2023-02, as amended and in substantial form, Authorizing Trespass Enforcement and the Issuance of Correspondence Regarding the Same; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**SEVENTH ORDER OF BUSINESS**

**Ratification of Tree Farm 2, Inc., D/B/A Cornerstone Solutions Group, Landscape Services Agreement**

Ms. Suit presented the Tree Farm 2, Inc., D/B/A Cornerstone Solutions Group, Landscape Services Agreement, which was previously-executed.

**On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, the Tree Farm 2, Inc., D/B/A Cornerstone Solutions Group, Landscape Services Agreement, was ratified.**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Envera Services Agreement**

117 Ms. Suit presented the Envera Services Agreement, which was executed by Ms. Schiffer  
118 on the behalf of the CDD.

119

**On MOTION by Mr. Noble and seconded by Mr. Torres, with all in favor, the Envera Services Agreement, was approved.**

122

123

124 **NINTH ORDER OF BUSINESS**

**Consideration of Letter Agreement for Acquisition of Reserve at Van Oaks Phase 1 Improvements and Work Product**

125

126

127

128 Mr. Earlywine presented the Letter Agreement for Acquisition of Reserve at Van Oaks  
129 Phase 1 Improvements and Work Product. He recommended approval in substantial form and  
130 in the amount set forth in the Engineer’s Report.

131

**On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, the Letter Agreement for Acquisition of Reserve at Van Oaks Phase 1 Improvements and Work Product, in substantial form, in the amount set forth in the Engineer’s Report, was approved.**

136

137

138 **TENTH ORDER OF BUSINESS**

**Ratification of Quit Claim Deed with Grant and Reservation of Easements (Phase 1)**

139

140

141 Mr. Earlywine presented the Quit Claim Deed with Grant and Reservation of Easements,  
142 which was previously executed by Mr. Torres.

143

**On MOTION by Mr. Noble and seconded by Mr. Torres, with all in favor, the Quit Claim Deed with Grant and Reservation of Easements for Phase 1, was ratified.**

147

148

149 **ELEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-03, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date**

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154 Ms. Suit presented Resolution 2023-03.

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**On MOTION by Mr. Noble and seconded by Ms. Schiffer, with all in favor, Resolution 2023-03, Designating 1049 Oak Valley Drive, Auburndale, Florida 33823, as the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date, was adopted.**

**TWELFTH ORDER OF BUSINESS**

**Ratification of CSS Clean Star Services of Central Florida, Inc., Agreement for Janitorial Maintenance Services**

Ms. Suit presented the CSS Clean Star Services of Central Florida, Inc., Agreement for Janitorial Maintenance Services, which was previously executed by the Vice Chair.

**On MOTION by Ms. Schiffer and seconded by Mr. Noble, with all in favor, the CSS Clean Star Services of Central Florida, Inc., Agreement for Janitorial Maintenance Services, was ratified.**

**THIRTEENTH ORDER OF BUSINESS**

**Ratification of McDonnell Corporation D/B/A Resort Pool Services, Agreement for Pool Maintenance Services**

Ms. Suit presented the McDonnell Corporation, D/B/A Resort Pool Services, Agreement for Pool Maintenance Services, which was previously executed.

**On MOTION by Ms. Schiffer and seconded by Mr. Noble, with all in favor, the McDonnell Corporation, D/B/A Resort Pool Services, Agreement for Pool Maintenance Services, was ratified.**

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Responses to Request for Qualifications (RFQ) for Engineering Services**

- A. Affidavit of Publication**
- B. RFQ Package**
- C. Respondent: Poulos & Bennett, LLC**

These items were included for informational purposes.

**D. Competitive Selection Criteria/Ranking**

Ms. Suit stated, since there was only one respondent, the Board can collectively rank Poulos & Bennett, LLC as the #1 ranked respondent.

197 E. Award of Contract

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On MOTION by Mr. Noble and seconded by Mr. Torres, with all in favor, ranking Poulos & Bennett, LLC, the sole respondent to the Request for Qualifications for Engineering Services, as the #1 ranked respondent and awarding the Engineering Services Contract to Poulos & Bennett, LLC, the #1 ranked respondent and authorizing District Staff to negotiate a form of contract, was approved.

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207 FIFTEENTH ORDER OF BUSINESS

Consideration of Responses to Request for Proposals (RFP) for Annual Audit Services

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210 A. Affidavit of Publication

211 B. RFP Package

212 C. Respondent: Berger, Toombs, Elam, Gaines & Frank

213 These items were included for informational purposes.

214 D. Auditor Evaluation Matrix/Ranking

215 Ms. Suit reviewed the fee schedule and noted, since there was only one respondent, the  
216 Board can collectively rank Berger, Toombs, Elam, Gaines & Frank (BTEGF) the #1 ranked  
217 respondent.

218 E. Award of Contract

219 Asked if District Staff reviewed the Proposal for Audit Services, Ms. Suit stated BTEGF  
220 performs very well and has consistently completed audits on time.

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On MOTION by Ms. Schiffer and seconded by Mr. Noble, with all in favor, ranking Berger, Toombs, Elam, Gaines & Frank, the sole respondent to the Request for Proposals for Annual Audit Services, as the #1 ranked respondent and awarding the Audit Services Contract to Berger, Toombs, Elam, Gaines & Frank, the #1 ranked respondent and authorizing a form of contract, was approved.

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230 SIXTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2022

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On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, the Unaudited Financial Statements as of December 31, 2022, were accepted.

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237 SEVENTEENTH ORDER OF BUSINESS  
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Approval of September 21, 2022 Public  
Hearing and Regular Meeting Minutes

241 **On MOTION by Ms. Schiffer and seconded by Mr. Torres, with all in favor, the**  
242 **September 21, 2022 Public Hearing and Regular Meeting Minutes, as**  
243 **presented, were approved.**

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245  
246 EIGHTEENTH ORDER OF BUSINESS  
247

Staff Reports

248 **A. District Counsel: *KE Law Group, PLLC***

249 There was no report.

250 Discussion ensued the regarding Phase 2 construction timing, number of units,  
251 assessments, bond issuance and the Phase 1 closing.

252 **B. District Engineer (Interim): *Poulos & Bennett, LLC***

253 There was no report.

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

255 • **NEXT MEETING DATE: March 6, 2023 at 1:00 PM**

256 ○ **QUORUM CHECK**

257 The March 6, 2023 meeting was cancelled. The proposed Fiscal Year 2024 budget,  
258 appointment to fill Seat 1, adoption of Resolution 2023-01 Designating officers of the CDD and  
259 the Public Hearing to adopt the Amenity Rules and Policies will be addressed.

260  
261 NINETEENTH ORDER OF BUSINESS  
262

Board Members' Comments/Requests

263 Ms. Schiffer asked when should Seat 1 be filled. Ms. Suit stated when the Board is ready.

264  
265 TWENTIETH ORDER OF BUSINESS  
266

Public Comments

267 There were no public comments.

268  
269 TWENTY-FIRST ORDER OF BUSINESS  
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Adjournment

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272 **On MOTION by Mr. Noble and seconded by Ms. Schiffer, with all in favor, the**  
273 **meeting adjourned at 1:41 p.m.**

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Secretary/Assistant Secretary

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Chair/Vice Chair

# **RESERVE AT VAN OAKS**

**COMMUNITY DEVELOPMENT DISTRICT**

# **STAFF REPORTS**



April 21, 2023

Daphne Gillyard – Director of Administrative Services  
Reserve at Van Oaks Corporate Office  
2300 Glades Road, Suite 410W  
Boca Raton, Florida 33431

**RE: Reserve at Van Oaks Community Development District Registered Voters**

Dear Ms. Gillyard,

In response to your request, there are currently **10** voters within the Reserve at Van Oaks Community Development District. This number of registered voters in said District is as of **April 15, 2023**.

Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

Lori Edwards  
Supervisor of Elections  
Polk County, Florida

P.O. Box 1460, Bartow, FL 33831 • Phone: (863) 534-5888

**PolkElections.gov**

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Para asistencia en Español, por favor de llamar al (863) 534-5888

**RESERVE AT VAN OAKS COMMUNITY DEVELOPMENT DISTRICT****BOARD OF SUPERVISORS FISCAL YEAR 2022/2023 MEETING SCHEDULE****LOCATION**

*Holiday Inn Express & Suites Lakeland North I-4  
4500 Lakeland Park Drive, Lakeland, Florida 33809*

| <b>DATE</b>                                    | <b>POTENTIAL DISCUSSION/FOCUS</b> | <b>TIME</b>    |
|--|-----------------------------------|----------------|
| <b>October 3, 2022 CANCELED</b>                | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>November 7, 2022 CANCELED<br/>NO QUORUM</b> | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>December 5, 2022 CANCELED<br/>NO QUORUM</b> | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>January 9, 2023 CANCELED<br/>NO QUORUM</b>  | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>February 6, 2023</b>                        | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>March 6, 2023 CANCELED</b>                  | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>April 3, 2023 CANCELED</b>                  | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>May 1, 2023</b>                             | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>June 5, 2023</b>                            | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>July 3, 2023</b>                            | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>August 7, 2023</b>                          | <b>Regular Meeting</b>            | <b>1:00 PM</b> |
| <b>September 4, 2023</b>                       | <b>Regular Meeting</b>            | <b>1:00 PM</b> |