

**AVIARY AT
RUTLAND RANCH**

**COMMUNITY DEVELOPMENT
DISTRICT**

November 9, 2023

BOARD OF SUPERVISORS

**REGULAR
MEETING AGENDA**

AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT

AGENDA
LETTER

Aviary at Rutland Ranch 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

November 2, 2023

ATTENDEES:

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

Board of Supervisors

Aviary at Rutland Ranch Community Development District

Dear Board Members:

The Board of Supervisors of the Aviary at Rutland Ranch Community Development District will hold a Regular Meeting on November 9, 2023 at 5:00 p.m., or as soon thereafter as the matter may be heard, at 6102 162nd Avenue E, Parrish, Florida 34219. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Acceptance of Resignation of Jeff Cerven [Seat 4]; *Term Expires November 2024*
4. Consider Appointment of Roger Aman to Fill Unexpired Term of Seat 4
 - Administration of Oath of Office to Appointed Supervisor (*the following will be provided in a separate package*)
 - A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees
 - B. Membership, Obligations and Responsibilities
 - C. Financial Disclosure Forms
 - I. Form 1: Statement of Financial Interests
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests
 - III. Form 1F: Final Statement of Financial Interests
 - D. Form 8B – Memorandum of Voting Conflict
5. Consideration of Resolution 2024-01, Appointing and Removing Officers of the District and Providing for an Effective Date
6. Acceptance of Unaudited Financial Statements as of September 30, 2023
7. Approval of September 27, 2023 Public Hearing and Regular Meeting Minutes

8. Staff Reports

- A. District Counsel: *Kutak Rock LLP*
- B. District Engineer: *ZNS Engineering, L.C.*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
 - NEXT MEETING DATE: November 15, 2023 at 5:00 PM

○ QUORUM CHECK

SEAT 1	STEPHEN CERVEN	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 2	A JOHN FALKNER	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 3	SCOTT FALKNER	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 4	ROGER AMAN	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO
SEAT 5	ROY COHN	<input type="checkbox"/> IN PERSON	<input type="checkbox"/> PHONE	<input type="checkbox"/> NO

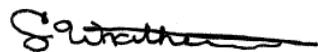
9. Public Comments

10. Board Members' Comments/Requests

11. Adjournment

If you should have any questions or concerns, please do not hesitate to contact me directly at (561) 719-8675 or Cindy Cerbone at (561) 346-5294.

Sincerely,



Craig Wrathell
 District Manager

FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE

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

PARTICIPANT PASSCODE: 801 901 3513

AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT

3

NOTICE OF TENDER OF RESIGNATION

To: Board of Supervisors
Aviary at Rutland Ranch Community Development District
Attn: Craig Wrathell/Cindy Cerbone, District Managers
2300 Glades Road, Suite 410W
Boca Raton, Florida 33431

From: Jeffrey Cerven
Printed Name

Date: 11/7/2023
Date

I hereby tender my resignation as a member of the Board of Supervisors of the *Aviary at Rutland Ranch Community Development District*. My tendered resignation will be deemed to be effective as of the time a quorum of the remaining members of the Board of Supervisors accepts it at a duly noticed meeting of the Board of Supervisors.

I certify that this Notice of Tender of Resignation has been executed by me and personally presented at a duly noticed meeting of the Board of Supervisors, scanned and electronically transmitted to gillyardd@whhassociates.com or faxed to 561-571-0013 and agree that the executed original shall be binding and enforceable and the fax or email copy shall be binding and enforceable as an original.



Signature

AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT

5

RESOLUTION 2024-01

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT APPOINTING AND REMOVING OFFICERS OF THE DISTRICT AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the District’s Board of Supervisors desires to appoint and remove Officers of the District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT THAT:

SECTION 1. The following is/are appointed as Officer(s) of the District effective November 9, 2023:

- _____ is appointed Chair
- _____ is appointed Vice Chair
- _____ is appointed Assistant Secretary
- _____ is appointed Assistant Secretary
- _____ is appointed Assistant Secretary

SECTION 2. The following Officer(s) shall be removed as Officer(s) as of November 9, 2023:

- | | |
|-------------|---------------------|
| Jeff Cerven | Assistant Secretary |
| _____ | _____ |
| _____ | _____ |

SECTION 3. The following prior appointments by the Board remain unaffected by this Resolution:

Craig Wrathell is Secretary

Cindy Cerbone is Assistant Secretary

Craig Wrathell is Treasurer

Jeff Pinder is Assistant Treasurer

PASSED AND ADOPTED THIS 9TH DAY OF NOVEMBER, 2023.

ATTEST:

**AVIARY AT RUTLAND RANCH COMMUNITY
DEVELOPMENT DISTRICT**

Secretary/Assistant Secretary

Chair/Vice Chair, Board of Supervisors

AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT

UNAUDITED
FINANCIAL
STATEMENTS

**AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT
FINANCIAL STATEMENTS
UNAUDITED
SEPTEMBER 30, 2023**

**AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT
BALANCE SHEET
GOVERNMENTAL FUNDS
SEPTEMBER 30, 2023**

	Major Funds				Total Governmental Funds
	General	Debt Service Series 2019	Debt Service Series 2021	Capital Projects Series 2021	
ASSETS					
Cash - BankUnited	\$ 144,639	\$ -	\$ -	\$ -	\$ 144,639
Investments					
Revenue	-	92,848	168,909	-	261,757
Reserve	-	117,659	117,680	-	235,339
Due from other funds					
Deposits	2,500	-	-	-	2,500
Assessments receivable	573	1,662	683	-	2,918
Total assets	<u>\$ 147,712</u>	<u>\$ 212,169</u>	<u>\$ 287,272</u>	<u>\$ -</u>	<u>\$ 647,153</u>
LIABILITIES					
Liabilities					
Accounts payable	\$ 3,310	\$ -	\$ -	\$ -	\$ 3,310
Total liabilities	<u>3,310</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>3,310</u>
DEFERRED INFLOWS OF RESOURCES					
Deferred receipts	573	1,662	683	-	2,918
Total deferred inflows of resources	<u>573</u>	<u>1,662</u>	<u>683</u>	<u>-</u>	<u>2,918</u>
Fund balances					
Restricted for:					
Debt service	-	210,507	286,589	-	497,096
Unassigned	143,829	-	-	-	143,829
Total fund balances	<u>143,829</u>	<u>210,507</u>	<u>286,589</u>	<u>-</u>	<u>640,925</u>
 Total liabilities, deferred inflows of resources and fund balances	 <u>\$ 147,712</u>	 <u>\$ 212,169</u>	 <u>\$ 287,272</u>	 <u>\$ -</u>	 <u>\$ 647,153</u>

**AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Assessment levy: on-roll	\$ -	\$ 80,809	\$ 81,093	100%
Assessment levy: off-roll	-	5,671	31,821	18%
Interest & miscellaneous	12	231	-	N/A
Lot closings	-	25,875	-	N/A
Total revenues	<u>12</u>	<u>112,586</u>	<u>112,914</u>	100%
EXPENDITURES				
Professional & administrative				
Management/accounting/recording	4,000	36,600	30,900	118%
Legal	-	3,197	20,000	16%
Engineering	-	-	20,000	0%
Audit	3,300	5,900	2,600	227%
Arbitrage rebate calculation	-	-	1,500	0%
Dissemination agent	-	10,000	10,000	100%
Trustee	-	8,189	4,041	203%
Telephone	17	67	-	N/A
Postage & reproduction	9	22	-	N/A
Printing & binding	42	167	-	N/A
Legal advertising	-	343	2,000	17%
Office supplies	-	381	-	N/A
Annual district filing fee	-	175	175	100%
Insurance	-	7,652	8,698	88%
Website	-	2,248	2,650	85%
Bank fees	-	-	100	0%
Miscellaneous	-	-	250	0%
Contingencies	-	-	10,000	0%
Total professional & administrative	<u>7,368</u>	<u>74,941</u>	<u>112,914</u>	66%
Total expenditures	<u>7,368</u>	<u>74,941</u>	<u>112,914</u>	66%
Excess/(deficiency) of revenues over/(under) expenditures	(7,356)	37,645	-	
Fund balance - beginning	151,185	106,184	169,125	
Unassigned	143,829	143,829	169,125	
Fund balance - ending	<u>\$ 143,829</u>	<u>\$ 143,829</u>	<u>\$ 169,125</u>	

**AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2019
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Special assessments - on roll	\$ -	\$ 234,494	\$ 235,319	100%
Interest	850	8,275	-	N/A
Total revenues	<u>850</u>	<u>242,769</u>	<u>235,319</u>	103%
EXPENDITURES				
Principal	-	75,000	75,000	100%
Interest - 12/01/22	-	161,087	80,544	200%
Interest - 06/01/23	-	-	79,184	0%
Total expenditures	<u>-</u>	<u>236,087</u>	<u>234,728</u>	101%
Excess/(deficiency) of revenues over/(under) expenditures	850	6,682	591	
OTHER FINANCING SOURCES/(USES)				
Transfers out	-	(329)	-	N/A
Total other financing sources/(uses)	<u>-</u>	<u>(329)</u>	<u>-</u>	N/A
Net change in fund balance	850	6,353	591	
Fund balance - beginning	209,657	204,154	-	
Fund balance - ending	<u>\$ 210,507</u>	<u>\$ 210,507</u>	<u>\$ 591</u>	

**AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
DEBT SERVICE FUND SERIES 2021
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date	Budget	% of Budget
REVENUES				
Special assessments - on roll	\$ -	\$ 96,348	\$ 96,687	100%
Special assessments - off roll	-	106,646	138,673	77%
Lot closings	-	125,555	-	N/A
Interest	1,158	7,962	-	N/A
Total revenues	<u>1,158</u>	<u>336,511</u>	<u>235,360</u>	143%
EXPENDITURES				
Principal	-	90,000	90,000	100%
Interest - 11/01/22	-	73,696	72,594	102%
Interest - 05/01/23	-	72,594	72,594	100%
Total expenditures	<u>-</u>	<u>236,290</u>	<u>235,188</u>	100%
Excess/(deficiency) of revenues over/(under) expenditures	1,158	100,221	172	
OTHER FINANCING SOURCES/(USES)				
Transfers in	-	329	-	N/A
Total other financing sources/(uses)	<u>-</u>	<u>329</u>	<u>-</u>	N/A
Net change in fund balance	1,158	100,550	172	
Fund balance - beginning	285,431	186,039	-	
Fund balance - ending	<u>\$ 286,589</u>	<u>\$ 286,589</u>	<u>\$ 172</u>	

**AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
CAPITAL PROJECTS FUND SERIES 2021
FOR THE PERIOD ENDED SEPTEMBER 30, 2023**

	Current Month	Year to Date
REVENUES		
Interest & miscellaneous	\$ -	\$ 11,176
Total revenues	-	11,176
EXPENDITURES		
Construction costs	-	735,912
Total expenditures	-	735,912
Excess/(deficiency) of revenues over/(under) expenditures	-	(724,736)
Net change in fund balance	-	(724,736)
Fund balance - beginning	-	724,736
Fund balance - ending	\$ -	\$ -

AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT

MINUTES

DRAFT

**MINUTES OF MEETING
AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

The Board of Supervisors of the Aviary at Rutland Ranch Community Development District held a Public Hearing and Regular Meeting on September 27, 2023 at 5:00 p.m., or as soon thereafter as the matter may be heard, at 6102 162nd Avenue E, Parrish, Florida 34219.

Present at the meeting were:

Stephen (Steve) Cerven	Chair
A. John Falkner	Vice Chair
Scott Falkner	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Craig Wrathell	Wrathell, Hunt and Associates, LLC (WHA)
Sarah Sandy (via telephone)	District Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 5:02 p.m.

Supervisors Steve Cerven, A. John Falkner and Scott Falkner were present. Supervisors Cohn and Jeff Cerven were not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2023-13, Amending Resolution 2023-11 to Reset the Public Hearing Regarding Proposed Budget for Fiscal Year 2023/2024, Ratifying the Actions of the District Manager and Chair in Resetting Such Public Hearing; Providing a Severability Clause; and Providing an Effective Date

40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76

Ms. Cerbone presented Resolution 2023-13.

On MOTION by Mr. Steve Cerven and seconded by Mr. Scott Falkner, with all in favor, Resolution 2023-13, Amending Resolution 2023-11 to Reset the Public Hearing Regarding Proposed Budget for Fiscal Year 2023/2024, Ratifying the Actions of the District Manager and Chair in Resetting Such Public Hearing; Providing a Severability Clause; and Providing an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Public Hearing on Adoption of Fiscal Year 2023/2024 Budget

- A. Proof/Affidavit of Publication**
- B. Consideration of Resolution 2023-14, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Cerbone presented Resolution 2023-14 and the proposed Fiscal Year 2024 budget, which is unchanged since last presented.

On MOTION by Mr. Steve Cerven and seconded by Mr. A. John Falkner, with all in favor, the Public Hearing was opened.

No members of the public spoke.

On MOTION by Mr. A. John Falkner and seconded by Mr. Scott Falkner, with all in favor, the Public Hearing was closed.

On MOTION by Mr. Steve Cerven and seconded by Mr. Scott Falkner, with all in favor, Resolution 2023-14, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023, and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118

FIFTH ORDER OF BUSINESS

Resolution 2023-15, Providing for Funding for the Fiscal Year 2023/2024 Adopted Budget(s); Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2023-15.

On MOTION by Mr. Steve Cerven and seconded by Mr. A. John Falkner, with all in favor, Resolution 2023-15, Providing for Funding for the Fiscal Year 2023/2024 Adopted Budget(s); Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of August 31, 2023

On MOTION by Mr. A. John Falkner and seconded by Mr. Steve Cerven, with all in favor, the Unaudited Financial Statements as of August 31, 2023, were accepted.

SEVENTH ORDER OF BUSINESS

Approval of May 31, 2023 Regular Meeting Minutes

On MOTION by Mr. Steve Cerven and seconded by Mr. Scott Faulkner, with all in favor, the May 31, 2023 Regular Meeting Minutes, as presented, were approved.

EIGHTH ORDER OF BUSINESS

Staff Reports

- 119 A. District Counsel: Kutak Rock LLP
- 120 B. District Engineer: ZNS Engineering, L.C.
- 121 C. District Manager: Wrathell, Hunt and Associates, LLC
- 122 • NEXT MEETING DATE: October 18, 2023 at 5:00 PM
- 123 ○ QUORUM CHECK

124 There were no reports.

125

126 **NINTH ORDER OF BUSINESS**

Public Comments

127

128 No members of the public spoke.

129

130 **TENTH ORDER OF BUSINESS**

Board Members' Comments/Requests

131

132 There were no Board Members' comments or requests.

133

134 **ELEVENTH ORDER OF BUSINESS**

Adjournment

135

136

137 On MOTION by Mr. Steve Cerven and seconded by Mr. Scott Falkner, with all in
138 favor, the meeting adjourned at 5:12 p.m.

139

140

141

142

143

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

144
145
146
147
148
149

Secretary/Assistant Secretary

Chair/Vice Chair

AVIARY AT RUTLAND RANCH
COMMUNITY DEVELOPMENT DISTRICT

STAFF
REPORTS

AVIARY AT RUTLAND RANCH COMMUNITY DEVELOPMENT DISTRICT		
BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE		
LOCATION		
<i>6102 162nd Avenue E, Parrish, Florida 34219</i>		
DATE	POTENTIAL DISCUSSION/FOCUS	TIME
October 18, 2023 CANCELED	Regular Meeting	5:00 PM
November 9, 2023	Regular Meeting	5:00 PM
November 15, 2023	Regular Meeting	5:00 PM
December 20, 2023	Regular Meeting	5:00 PM
January 17, 2024	Regular Meeting	5:00 PM
February 21, 2024	Regular Meeting	5:00 PM
March 20, 2024	Regular Meeting	5:00 PM
April 17, 2024	Regular Meeting	5:00 PM
May 15, 2024	Regular Meeting	5:00 PM
June 19, 2024*	Regular Meeting	5:00 PM
July 17, 2024	Regular Meeting	5:00 PM
August 21, 2024	Regular Meeting	5:00 PM
September 18, 2024	Regular Meeting	5:00 PM

Exception/Note

**June 19, 2024 is Juneteenth holiday*