

**MINUTES OF MEETING  
FOX BRANCH RANCH  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Fox Branch Ranch Community Development District held Multiple Public Hearings and a Regular Meeting on December 8, 2021 at 9:30 A.M., at the Ramada by Wyndham Davenport Orlando South, 43824 Highway 27, Davenport, Florida 33837-6808.

**Present at the meeting were:**

|                     |                     |
|---------------------|---------------------|
| William (Bill) Fife | Chair               |
| Mary Moulton        | Vice Chair          |
| Courtney Potter     | Assistant Secretary |
| JC Nowotny          | Assistant Secretary |

**Also present were:**

|                                |                   |
|--------------------------------|-------------------|
| Cindy Cerbone                  | District Manager  |
| Jere Earlywine                 | District Counsel  |
| Meredith Hammock               | KE Law Group PLLC |
| Nicole Stalder (via telephone) | District Engineer |
| Cynthia Wilhelm                | Bond Counsel      |

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 9:30 a.m. She reported that Mr. Bill Fife, Mr. JC Nowotny and Mr. John Wiggins were elected at the Landowners' Meeting and were present, in person. Mr. Chris Tyree was elected at the Landowners' Election and was not present. One seat was vacant.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

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

Ms. Cerbone, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Wiggins, Mr. Fife and Mr. Nowotny. She discussed procedures for email, recordkeeping and public records requests and provided and explained the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Chapter 190, Florida Statutes**
- D. 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**
- E. Form 8B: Memorandum of Voting Conflict**

Mr. Earlywine discussed public ethics laws including the need for gift disclosures, prohibitions against using public office for private benefit or the benefit of relatives, conflicts of interest, bribery, use of confidential information, employment or promotion of relatives and lobbying the CDD within two years of leaving office.

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2022-01 and recapped the Landowners’ Election results as follows:

|        |              |           |             |
|--------|--------------|-----------|-------------|
| Seat 1 | Chris Tyree  | 401 votes | 4-Year Term |
| Seat 2 | Bill Fife    | 401 votes | 4-Year Term |
| Seat 3 | JC Nowotny   | 400 votes | 2-Year Term |
| Seat 4 | John Wiggins | 400 votes | 2-Year Term |

Ms. Cerbone noted there was no nomination and no ballots were cast for Seat 5; when Seat 5 is filled it will be for the remainder of the 2-Year Term.

**On MOTION by Ms. Fife and seconded by Mr. Wiggins, with all in favor, Resolution 2022-01, Canvassing and Certifying the Results of the Landowners' Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes, and Providing for an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consider Appointment of Courtney Potter to Fill Unexpired Term of Seat 5; Term Expires November 2023**

Mr. Fife nominated Ms. Courtney Potter to fill the unexpired term of Seat 5. No other nominations were made.

**On MOTION by Mr. Wiggins and seconded by Mr. Fife, with all in favor, appointment of Ms. Courtney Potter to Seat 5, term expires November 2023, was approved.**

- **Administration of Oath of Office**

Ms. Cerbone, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Courtney Potter.

- **Acceptance of Resignation of Supervisor John Wiggins, Seat 4**

**This item was an addition to the agenda.**

Mr. John Wiggins provided his resignation letter.

**On MOTION by Mr. Fife and seconded by Mr. Nowotny, with all in favor, the resignation of Mr. John Wiggins, was accepted.**

Mr. Fife nominated Ms. Mary Moulton to fill the unexpired term of Seat 4. No other nominations were made.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, the appointment of Ms. Mary Moulton to Seat 4, term expires November 2023, was approved.**

Ms. Cerbone, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Mary Moulton.

Ms. Cerbone asked if there were any aspects of the Supervisor responsibilities, forms, documents, Sunshine Law, public records, etc., that Supervisors Moulton and Potter would like to review. Supervisors Potter and Moulton stated there were none.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-02, Designating Certain Officers of the District, and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2022-02. Ms. Potter nominated the following slate of officers:

- |                 |                     |
|-----------------|---------------------|
| Bill Fife       | Chair               |
| Mary Moulton    | Vice Chair          |
| Craig Wrathell  | Secretary           |
| JC Nowotny      | Assistant Secretary |
| Courtney Potter | Assistant Secretary |
| Chris Tyree     | Assistant Secretary |
| Cindy Cerbone   | Assistant Secretary |
| Kristen Suit    | Assistant Secretary |

No other nominations were made.

**On MOTION by Ms. Potter and seconded by Ms. Moulton, with all in favor, Resolution 2022-02, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.**

Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

**SEVENTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2020/2021 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2022-03, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Ending September 30, 2021; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Cerbone presented the Fiscal Year 2021 budget.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Ms. Potter and seconded by Mr. Fife, with all in favor, the Public Hearing was closed.**

Ms. Cerbone presented Resolution 2022-03.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, Resolution 2022-03, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Ending September 30, 2021; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**EIGHTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2021/2022 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2022-04, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Cerbone reviewed the proposed Fiscal Year 2022 budget, which was unchanged since the Organizational Meeting. She noted that Wrathell, Hunt and Associates, LLC would reduce its management fee to \$2,000 per month until bonds are issued.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, the Public Hearing was closed.**

Ms. Cerbone presented Resolution 2022-04.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, Resolution 2022-04, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2021, and Ending September 30, 2022; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**NINTH ORDER OF BUSINESS**

**Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Pursuant to Sections 120.54 and 190.035, Florida Statutes**

**A. Affidavits of Publication**

The affidavits of publication were included for informational purposes.

**B. Consideration of Resolution 2022-05, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date**

Ms. Cerbone stated the Rules of Procedures set forth the processes and procedures for a variety of matters. Typically, the Rules are related to the Request for Qualifications (RFQ) and Request for Proposals (RFP) processes, Officers, insurance, internal controls, etc. The Rules of Procedure are the guidelines for the CDD to operate in accordance with legislative requirements.

Mr. Earlywine concurred and stated the Rules of Procedure generally govern how the meetings operate, set forth the powers of the Chair, Vice Chair and other Supervisors, address rulemaking proceedings that generally relate to setting rates for amenities and address competitive purchasing.

Ms. Moulton noted that Forestar's primary policy is to put the amenity centers in the HOA, which is different from how some other CDDs operate.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, the Public Hearing was closed.**

Ms. Cerbone presented Resolution 2022-05.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, Resolution 2022-05, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**TENTH ORDER OF BUSINESS**

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

**A. Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. RFQ Package**

The RFQ package was included for informational purposes.

**C. Respondent(s): Dewberry Engineers, Inc.**

Ms. Cerbone stated that Dewberry Engineers, Inc. (Dewberry) was the only respondent to the RFQ.

**D. Competitive Selection Criteria/Ranking**

Ms. Cerbone stated and Mr. Earlywine confirmed that, as the sole respondent, the Board could rank Dewberry as the #1 ranked respondent and award the contract accordingly.

**E. Award of Contract**

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, ranking the sole respondent Dewberry Engineers, Inc., as the #1 ranked and qualified respondent for District Engineering Services, awarding the District Engineering Services Contract to Dewberry Engineers, Inc., and authorizing the Chair or Vice Chair to execute, was approved.**

**ELEVENTH ORDER OF BUSINESS**

**Public Hearing Confirming the Intent of the District to Use the Uniform Method of Levy, Collection and Enforcement of Non-Ad Valorem Assessments as Authorized and Permitted by Section 197.3632, Florida Statutes; Expressing the Need for the Levy of Non-Ad Valorem Assessments and Setting Forth the Legal Description of the Real Property Within the District's Jurisdictional Boundaries that May or Shall Be Subject to the Levy of District Non-Ad Valorem Assessments; Providing for Severability; Providing for Conflict and Providing for an Effective Date**

**A. Affidavit/Proof of Publication**

The proof of publication was included for informational purposes.



**B. Consideration of Resolution 2022-06, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Fox Branch Ranch Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date**

Ms. Cerbone stated this Resolution acknowledges and approves the Board’s intention to levy non-ad Valorem assessments over the properties as described in the attachment.

**On MOTION by Ms. Potter and seconded by Mr. Fife with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, the Public Hearing was closed.**

Ms. Cerbone presented Resolution 2022-06.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, Resolution 2022-06, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Fox Branch Ranch Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**TWELFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-07, Designating the Primary Administrative Office and Principal Headquarters of the District and Providing an Effective Date**

This item was deferred.

**THIRTEENTH ORDER OF BUSINESS**

**Update: Stormwater Reporting Requirements**

Mr. Earlywine discussed new legislation that requires CDDs to analyze their existing stormwater infrastructure, in terms of cost to install, operate and maintain and determine the needs for the next 20 or more years. The initial report is due by July 31, 2022 and then every five years thereafter. Discussion ensued regarding the reporting requirements. The consensus was that Mr. Earlywine would inquire with the State and if reporting is required the District Engineer would submit a cost proposal.

**FOURTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-08, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2021/2022 and Providing for an Effective Date**

Ms. Cerbone stated that, at the Organizational Meeting, meetings were set for the second Wednesday of the month at 9:30 a.m., at this location. The consensus was that the previously approved Meeting Schedule was acceptable and as no changes would be made to the Fiscal Year 2022 Meeting Schedule, Resolution 2022-08 was not necessary.

**FIFTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-09, Authorizing the Issuance of Not to Exceed \$27,080,000 Fox Branch Ranch Community Development District Capital Improvement Revenue Bonds, in One or More Series; Approving the Form of a Master Trust Indenture; Appointing a Trustee, Registrar and Paying Agent; Approving a Capital Improvement Program; Authorizing the Commencement of Validation Proceedings Relating to the Bonds; and Providing an Effective Date**

Mr. Earlywine presented Resolution 2022-09, known as the Bond Validation Resolution, which authorizes Staff to file a Validation Complaint. Because the Engineer's Report is not yet

complete, the Validation Complaint would be filed based upon the construction estimate in the Establishment Petition; the cost was grossed up to \$27,080,000 to include financing costs. The process would begin in January or February and would take approximately 60 days; following the Bond Validation Hearing, bonds could be issued within 60 days. While the CDD is not expected to issue bonds until the Fourth Quarter of 2022, completing these steps early allows for maximum flexibility.

**On MOTION by Mr. Fife and seconded by Ms. Moulton, with all in favor, Resolution 2022-09, Authorizing the Issuance of Not to Exceed \$27,080,000 Fox Branch Ranch Community Development District Capital Improvement Revenue Bonds, in One or More Series; Approving the Form of a Master Trust Indenture; Appointing a Trustee, Registrar and Paying Agent; Approving a Capital Improvement Program; Authorizing the Commencement of Validation Proceedings Relating to the Bonds; and Providing an Effective Date, was adopted.**

**SIXTEENTH ORDER OF BUSINESS**

**Consideration of Nabors, Giblin & Nickerson, P.A., Bond Counsel Agreement**

Mr. Earlywine presented the Nabors, Giblin & Nickerson, P.A., Bond Counsel Agreement, which was consistent with other Forestar agreements with Bond Counsel.

**On MOTION by Mr. Fife and seconded by Ms. Potter, with all in favor, the Nabors, Giblin & Nickerson, P.A., Agreement for Bond Counsel Services, was approved.**

**SEVENTEENTH ORDER OF BUSINESS**

**Update: Bond Financing**

This item was during the Fifteenth Order of Business.

**EIGHTEENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of October 31, 2021**

Ms. Cerbone presented the Unaudited Financial Statements as of October 31, 2021.

**On MOTION by Ms. Potter and seconded by Mr. Fife, with all in favor, the Unaudited Financial Statements as of October 31, 2021, were accepted.**

**NINETEENTH ORDER OF BUSINESS**

**Approval of Minutes**

Ms. Cerbone presented the following:

- A. September 15, 2021 Organizational Meeting**
- B. October 13, 2021 Landowners’ Meeting**

**On MOTION by Ms. Potter and seconded by Mr. Fife, with all in favor, the September 15, 2021 Organizational Meeting and the October 13, 2021 Landowners’ Meeting Minutes, as presented, were approved.**

**TWENTIETH ORDER OF BUSINESS**

**Staff Reports**

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

Mr. Earlywine stated he would file for Bond Validation in the coming weeks and the Engineer’s Report was in progress; financing was proceeding according to schedule.

- B. District Engineer [Interim]: *Dewberry Engineers, Inc.***

“Interim” would be removed from future agendas.

Discussion ensued regarding whether a formal cost proposal is required. Ms. Stalder stated the original proposal was submitted to Forestar. Mr. Earlywine stated a form of contract would be forwarded shortly.

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

- **NEXT MEETING DATE: TBD**

Ms. Cerbone stated the two other CDDs with similar Board Members would be meeting today and, while it was likely that the next meeting for those CDDs would be scheduled for February, in order to advertise for Public Hearings, the next Fox Branch Ranch CDD meeting was scheduled for January 12, 2022 at 9:30 a.m., unless canceled.

- **QUORUM CHECK**

All Supervisors confirmed their attendance at the January 12, 2022 meeting.

**TWENTY-FIRST ORDER OF BUSINESS**

**Board Members' Comments/Requests**

There were no Board Members' comments or requests.

**TWENTY-SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**TWENTY-THIRD ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Ms. Potter and seconded by Mr. Fife, with all in favor, the meeting adjourned at 10:15 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

Cindy Carbone  
Secretary/Assistant Secretary

Millie Sp  
Chair/Vice Chair