

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

The Board of Supervisors of the Fox Branch Ranch Community Development District held a Regular Meeting on February 9, 2022 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
John (JC) Nowotny	Assistant Secretary
Courtney Potter	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Andrew Kantarzhi	Wrathell, Hunt and Associates, LLC (WHA)
Jere Earlywine (via telephone)	District Counsel
Nicole Stalder (via telephone)	District Engineer

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 9:42 a.m. Supervisors Fife, Moulton and Nowotny were present in person. Supervisor Potter was not present at roll call. Supervisor Tyree was not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Supervisor, Chris Tyree (*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. 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

This order of business was deferred to the next meeting.

FOURTH ORDER OF BUSINESS

Update: Bond Financing

Mr. Earlywine presented the following timelines:

- The bond validation hearing is scheduled for June 2022.
- The assessment process should commence in order to be ready for presentation at the March meeting and everything should be finalized for presentation at a public hearing in April.
- These timelines would allow the Assistant State Attorney sufficient time to review the Report and submit potential comments.
- The bonds are not expected to be issued until the Fourth Quarter of 2022.
- The Engineer’s Report is in progress.

Ms. Cerbone stated she would work on consolidating the agenda items for the March and April meetings, in anticipation of possibly canceling the May meeting.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-10, Granting the Chair and Vice Chair the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District’s Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2022-10 and read the title. This Resolution authorizes the Chair and the Vice Chair or Secretary, in the Chair’s absence, to execute

construction related documents outside of a meeting. The executed documents would then be presented for ratification at the next meeting. The District Engineer and District Counsel would be actively involved in the approval process so Supervisors are comfortable executing those documents.

Mr. Earlywine stated the definitions of the “Conveyance Documents” were broadened to include real estate documents, such as plats. Ms. Moulton asked for the updated version of this Resolution to be used for all her CDDs. Mr. Earlywine and Ms. Cerbone confirmed that it is.

On MOTION by Mr. Fife and seconded by Ms. Moulton, with all in favor, Resolution 2022-10, Granting the Chair and Vice Chair the Authority to Execute Real and Personal Property Conveyance and Dedication Documents, Plats and Other Documents Related to the Development of the District’s Improvements; Approving the Scope and Terms of Such Authorization; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2022-11, Adopting Amended and Restated Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2022-11 and read the title. This Resolution adopts the CDD’s Amended and Updated Prompt Payment Policies and Procedures, which were updated to comply with new statutory requirements.

Mr. Earlywine stated that this Policy document is required by law. The changes included the penalty figure changing from 1% to 2% per month and the other changes were minor.

On MOTION by Mr. Fife and seconded by Mr. Nowotny, with all in favor, Resolution 2022-11, Adopting Amended and Restated Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of December 31, 2021

Ms. Potter arrived at the meeting at 9:48 a.m.

Ms. Cerbone presented the Unaudited Financial Statements as of December 31, 2021. She noted that the CDD is Landowner-funded, meaning funding requests will be submitted and the expenses will be paid only when incurred.

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

EIGHTH ORDER OF BUSINESS

Approval of December 8, 2021 Public Hearings and Regular Meeting Minutes

Ms. Cerbone presented the December 8, 2021 Public Hearings and Regular Meeting Minutes.

On MOTION by Mr. Fife and seconded by Mr. Nowotny, with all in favor, the December 8, 2021 Public Hearings and Regular Meeting Minutes, as presented, were approved.

NINETH ORDER OF BUSINESS

Staff Reports

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

There was no report.

B. District Engineer: *Dewberry Engineers, Inc.*

Ms. Stadler stated that her firm’s Counsel is determining if a letter will suffice in response to the new requirement for CDDs to prepare and submit a 20-Year Stormwater Management Needs Analysis Report. Once a determination is made, a proposal will be presented.

Mr. Earlywine thought that preparing a letter before the June 30, 2022 deadline is a good idea since construction is not finalized and that the letter should state that the CDD does not have these facilities constructed yet but would supplement the information at a later time.

Ms. Cerbone suggested the letter also reference the Engineer’s Report, if the Board accepts it and if stormwater plans were defined, even though there are no facilities yet. Ms. Stadler stated she would convey this to her firm’s Counsel.

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

- **NEXT MEETING DATE: March 9, 2022 at 9:30 A.M.**
 - **QUORUM CHECK**

The next meeting would be held on March 9, 2022. All Supervisors will be contacted closer to the date to ensure a quorum can be established at the meeting.

Ms. Cerbone thanked Mr. Fife and Ms. Stalder for their efforts trying to locate a local records office in Polk County. Discussion ensued regarding potential locations. A Board Member asked what is required of the CDD when responding to a public records request. Ms. Cerbone stated information is transmitted electronically to the requester and, as well as having the ability to view records via laptop, at a physical location, as required by law. Mr. Nowotny would advise as to whether Caldwell Bank is agreeable to being designated as the District’s local records office. This item will remain on the agenda.

TENTH ORDER OF BUSINESS

Board Members’ Comments/Requests

There were no Board Members’ comments or requests.

ELEVENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

TWELFTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Ms. Potter and seconded by Mr. Nowotny, with all in favor, the meeting adjourned at 9:56 a.m.


Secretary/Assistant Secretary


Chair/Vice Chair