

**MINUTES OF MEETING
BOGGY BRANCH
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Boggy Branch Community Development District held a Continued Public Hearing and Regular Meeting on January 5, 2021 at 11:00 a.m., at the offices of England-Thims & Miller, Inc., at 14775 Old St. Augustine Road, Jacksonville, Florida 32258.

Present were:

A. Chester (Chet) Skinner, IV	Vice Chair
Breanna Bohlen	Assistant Secretary
James Dubois (Bois) Farrar, III	Assistant Secretary
Bryan Hassel (via telephone)	Assistant Secretary

Also present were:

Craig Wrathell	District Manager
Michael Szymonowicz	Wrathell, Hunt and Associates, LLC
Katie Buchanan	District Counsel
Scott Wild	District Engineer
Kelly McCarrick	ICI Homes
Mike Veazey	ICI Homes
Jim Vanderwoud	Developer Representative
James Stowers	Developer Representative
Andy Hagan	Developer Representative
Len Jaffe	Developer Representative
Brett Sealy	MBS Capital Markets, LLC

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Wrathell called the meeting to order at 11:06 a.m. Supervisors Skinner, Bohlen and Farrar were present. Supervisor Hassel was not present at roll call. One seat was vacant.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Acceptance of Resignations from Supervisor(s)

This item was addressed during the Fourth Order of Business.

FOURTH ORDER OF BUSINESS

Appointment of Supervisor(s) to Vacant Seat(s)

Mr. Skinner nominated Mr. James Stowers to fill the unexpired term of Seat 3. No other nominations were made.

Mr. Hassel joined the meeting via telephone.

On MOTION by Mr. Skinner and seconded by Mr. Farrar, with all in favor, the appointment of Mr. James Stowers to Seat 3, term expires November 2021, was approved.

- **Administration of Oath of Office to Newly Appointed Supervisors, (*the following to be provided in a separate package*)**

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Stowers.

Acceptance of Resignation of Supervisor James Dubois (Bois) Farrar, III, Seat 2

Mr. James Dubois (Bois) Farrar, III, submitted his resignation.

On MOTION by Mr. Skinner and seconded by Ms. Bohlen, with all in favor, the resignation of Mr. James Dubois (Bois) Farrar, III, from Seat 2, was accepted.

Mr. Skinner nominated Ms. Kelly McCarrick to fill the unexpired term of Seat 2. No other nominations were made.

On MOTION by Mr. Skinner and seconded by Ms. Bohlen, with all in favor, the appointment of Ms. Kelly McCarrick to Seat 2, term expires November 2023, was approved.

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. McCarrick.

Acceptance of Resignation of Supervisor Bryan Hassel, Seat 5

Mr. Wrathell presented the resignation of Mr. Bryan Hassel.

On MOTION by Mr. Skinner and seconded by Ms. Bohlen, with all in favor, the resignation of Mr. Bryan Hassel from Seat 5, was accepted.

Mr. Skinner nominated Mr. Leonard B. Jaffe to fill the unexpired term of Seat 5. No other nominations were made.

On MOTION by Mr. Skinner and seconded by Ms. Bohlen, with all in favor, the appointment of Mr. Leonard B. Jaffe to Seat 5, term expires November 2021, was approved.

Mr. Wrathell stated he was in receipt of Mr. Leonard Jaffe’s notarized Oath of Office.

Acceptance of Resignation of Supervisor Breanna Bohlen, Seat 4

Mr. Wrathell presented the resignation of Ms. Breanna Bohlen.

On MOTION by Mr. Skinner and seconded by Ms. McCarrick with all in favor, the resignation of Ms. Breanna Bohlen from Seat 4, was accepted.

Ms. McCarrick nominated Mr. Andy Hagan to fill the unexpired term of Seat 4. No other nominations were made.

On MOTION by Mr. Skinner and seconded by Ms. McCarrick, with all in favor, the appointment of Mr. Andy Hagan to Seat 4, term expires November 2021, was approved.

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Andy Hagan.

Acceptance of Resignation of Supervisor Chet Skinner, Seat 1

Mr. Wrathell presented the resignation of Mr. Chet Skinner.

On MOTION by Ms. McCarrick and seconded by Mr. Stowers, with all in favor, the resignation of Mr. Chet Skinner from Seat 1, was accepted.

Ms. McCarrick nominated Mr. James Vanderwoud to fill the unexpired term of Seat 1. No other nominations were made.

On MOTION by Ms. McCarrick and seconded by Mr. Hagan, with all in favor, the appointment of Mr. James Vanderwoud to Seat 1, term expires November 2023, was approved.

Mr. Wrathell, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. James Vanderwoud.

Mr. Wrathell thanked the previous Board for their service to the District. Form 1Fs were provided or would be emailed to all former Board Members.

Mr. Wrathell discussed guidelines for recordkeeping, email and public records requests and briefly explained the following items:

- 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**

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2021-03, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Boggy Branch Community Development District, and Providing for an Effective Date

Mr. Wrathell presented Resolution 2021-03. Ms. McCarrick nominated the following slate of officers:

Chair	Kelly McCarrick
Vice Chair	Andy Hagan
Secretary	Craig Wrathell
Assistant Secretary	James (Jim) Vanderwoud
Assistant Secretary	James Stowers
Assistant Secretary	Leonard (Len) Jaffe
Assistant Secretary	Howard McGaffney
Treasurer	Craig Wrathell
Assistant Treasurer	Jeff Pinder

No other nominations were made.

On MOTION by Mr. Hagan and seconded by Mr. Stowers, with all in favor, Resolution 2021-03, Designating a Chair, a Vice Chair, a Secretary, Assistant Secretaries, a Treasurer and an Assistant Treasurer of the Boggy Branch Community Development District, as nominated, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Continued Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Proposed Bonds on Benefited Lands Within the District

Mr. Wrathell stated that the last meeting was continued to today, due to necessary revisions to the Engineer's and Master Assessment Methodology Reports to stagger the product mix.

- ***Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.***
- ***Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right.***

A. Affidavit/Proof of Publication

The affidavit of publication was included for informational purposes.

B. Mailed Notice to Property Owner(s)

The Mailed Notices were included for informational purposes.

C. Capital Improvement Plan (*for informational purposes*)

Mr. Wild presented the Capital Improvement Plan (CIP), revised November 11, 2020. Table 1, on Page 1, reflected that the CDD would include approximately 557 acres and was anticipated to have 1,569 Residential Units.

D. Phase 1 Master Special Assessment Methodology Report (*for informational purposes*)

Mr. Wrathell presented the Phase 1 Master Special Assessment Methodology Report. He highlighted the following:

- The owner of the land in Phase 1 is DRP FL 2, LLC.
- Phase 1 would be comprised of 34 Townhome/High Density residential units and 452 Single Family Units.
- Page 13, Table 6 Benefit Allocation: Reflected new Equivalent Residential Unit (ERU) weights, which were staggered and based upon front footage.
- Page 14, Table 7 Bond Assessment Apportionment: Reflected the par amount of bond levels per unit.

On MOTION by Ms. McCarrick and seconded by Mr. Hagan, with all in favor, the Public Hearing was opened.

- *Hear testimony from the affected property owners as to the propriety and advisability of making the improvements and funding them with special assessments on the property.*

There were no public comments.

On MOTION by Mr. Vanderwoud and seconded by Ms. McCarrick, with all in favor, the Public Hearing was closed.

- *Thereafter, the governing authority shall meet as an equalizing board to hear any and all complaints as to the special assessments on a basis of justice and right*

Mr. Wrathell asked if the Board, sitting as the Equalizing Board, wished to make any changes to the assessments, based on any Board or public comments. No changes were made.

- E. Consideration of Resolution 2021-06, Authorizing District Projects for Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming, and Levying Special Assessments on Property Specially Benefited By Such Projects To Pay the Cost Thereof; Providing for the Payment and the Collection of Such Special Assessments By the Methods Provided for By Chapters 170, 190 and 197, Florida Statutes; Confirming the District's Intention to Issue Special Assessment Bonds; Making Provisions for Transfers of Real Property to Homeowners Associations, Property Owners Association and/or Governmental Entities; Providing for the Recording of an Assessment Notice; Providing for Severability, Conflicts and an Effective Date**

Mr. Wrathell presented Resolution 2021-06 and read the title.

Ms. Buchanan posed and Mr. Wild responded to the following questions regarding the Engineer' Report:

Ms. Buchanan: In your opinion, do you believe the estimated costs for the project are reasonable and proper?

Mr. Wild: Yes.

Ms. Buchanan: And do you believe that there is any reason the project could not be completed by the District?

Mr. Wild: No.

Ms. Buchanan posed and Mr. Wrathell, responded to the following questions regarding the Master Special Assessment Methodology Report:

Ms. Buchanan: In your opinion, did the land subject to the assessments receive benefits from the Capital improvement Program?

Mr. Wrathell: Yes.

Ms. Buchanan: And do you believe that the assessments are reasonably apportioned among those lands subject to special assessment?

Mr. Wrathell: Yes.

Ms. Buchanan: And that the special benefits the lands will receive will be equal to or in excess of the maximum special assessments thereon?

Mr. Wrathell: Yes.

On MOTION by Ms. McCarrick and seconded by Mr. Vanderwoud with all in favor, Resolution 2021-06, Authorizing District Projects for Construction and/or Acquisition of Infrastructure Improvements; Equalizing, Approving, Confirming, and Levying Special Assessments on Property Specially Benefited By Such Projects To Pay the Cost Thereof; Providing for the Payment and the Collection of Such Special Assessments By the Methods Provided for By Chapters 170, 190 and 197, Florida Statutes; Confirming the District's Intention to Issue Special Assessment Bonds; Making Provisions for Transfers of Real Property to Homeowners Associations, Property Owners Association and/or Governmental Entities; Providing for the Recording of an Assessment Notice; Providing for Severability, Conflicts and an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of November 30, 2020

Mr. Wrathell presented the Unaudited Financial Statements as of November 30, 2020.

On MOTION by Ms. McCarrick and seconded by Mr. Stowers, with all in favor, the Unaudited Financial Statements as of November 30, 2020, were accepted.

EIGHTH ORDER OF BUSINESS

Approval of Minutes

- A. **December 1, 2020 Public Hearings and Regular Meeting**
- B. **December 16, 2020 Continued Public Hearing and Regular Meeting**

Mr. Wrathell noted that Ms. McCarrick attended these meetings; however, some of the current Board Members were not in attendance.

On MOTION by Ms. McCarrick and seconded by Mr. Hagan, with all in favor, the December 1, 2020 Public Hearings and Regular Meeting and the December 16, 2020 Continued Public Hearing and Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Staff Reports

- A. **District Counsel: *Hopping Green & Sams, P.A.***

Ms. Buchanan stated her belief that the offering statement for the bond issuance would be finalized by the end of January. Discussion ensued regarding the special powers process.

On MOTION by Ms. McCarrick and seconded by Mr. Stowers, authorizing the Chair to sign a Resolution directing Staff to proceed with the special powers process for trash, security and recreation, was approved.

- **Discussion: Phase 1A Construction Contract**

Ms. Buchanan recalled precious discussions regarding a Notice of Intent to Award, contingent on financing. Discussion ensued regarding how to proceed.

On MOTION by Mr. Stowers and seconded by Ms. McCarrick, authorizing the Chair to execute a final form of agreement, subject to confirmation of Developer funding for the interim period prior to bond issuance, was approved.

Discussion ensued regarding the Ballancourt contract, payment performance bonds and posting a bond, in lieu of a guarantee.

B. District Engineer: *England, Thims & Miller, Inc.*

There being no report, the next item followed.

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

Mr. Sealy stated that the offering documents and attachments were being updated to reflect the timing of the recent real estate closing and various related matters. It was anticipated that offering documents would be provided at the end of the week.

- **NEXT MEETING DATE: February 2, 2021 at 11:00 A.M.**
 - **QUORUM CHECK**

The next regular meeting would be held on February 2, 2021 and today's meeting was being continued to January 27, 2021.

TENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There being no Board Members' comments or requests, the next item followed.

ELEVENTH ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

TWELFTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. McCarrick and seconded by Mr. Stowers, with all in favor, the meeting recessed at approximately 12:14 p.m., and was continued to January 27, 2021 at 1:30 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]



Secretary/Assistant Secretary



Chair/Vice Chair