MINUTES OF MEETING
CANOE CREEK RESERVE COMMUNITY DEVELOPMENT DISTRICT

The Board of Supervisors of the Canoe Creek Reserve Community Development District held Public Hearings, a Regular Meeting and an Audit Committee Meeting on July 15, 2024 at 1:30 p.m., at KPM Franklin, 222 Church Street, Kissimmee, Florida 34741.

Present were:

Steve McConn	Chair
Susan Kane	Vice Chair
Aaron Reid	Assistant Secretary
Casey Dare	Assistant Secretary
Tyler Harding	Assistant Secretary

Also present:

Cindy Cerbone	District Manager
Michal Szymonowicz	Wrathell, Hunt and Associates, LLC (WHA)
Grace Kobitter	District Counsel
Jennifer Kilinski (via telephone)	Kilinski | Van Wyk PLLC
Kevin White	District Engineer
James Makransky	KB Home Orlando LLC
Gaylon Barcom	Taylor Morrison
Alex Makransky	Public

FIRST ORDER OF BUSINESS **Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 1:41 p.m. Ms. Cerbone stated that Mr. Stephen McConn, Ms. Susan Kane, Mr. Casey Dare, Mr. Aaron Reid and Mr. Tyler Harding were just elected at the Landowners' meeting.

- **Administration of Oath of Office to Elected Board of Supervisors**

This item, previously the Third Order of Business, occurred out of order.

Ms. Cerbone, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Stephen McConn, Ms. Susan Kane, Mr. Casey Dare, Mr. Aaron Reid and Mr. Tyler Harding.

All Supervisors were present.

SECOND ORDER OF BUSINESS **Public Comments**

No members of the public spoke.

THIRD ORDER OF BUSINESS **Administration of Oath of Office to Elected Board of Supervisors (the following will be provided in a separate package)**

The Oath of Office was administered during the First Order of Business. The Board Members are already familiar with the following:

A. Required Ethics Training and Disclosure Filing

- **Sample Form 1 2023/Instructions**

B. Membership, Obligation and Responsibilities

C. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees

D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers

Mr. Dare left the meeting at 1:44 p.m.

Ms. Cerbone discussed the need for the Supervisors to register with the Florida Commission on Ethics (FCOE) and to file Form 1, electronically, by July 1, 2024.

FOURTH ORDER OF BUSINESS **Consideration of Resolution 2024-36, 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 2024-36. The results of the Landowners' Election will be inserted into Sections 1 and 2. The Landowners' Election results were as follows:

Seat 1	Steve McConn	80 votes	4-year Term
Seat 2	Casey Dare	70 votes	2-year Term
Seat 3	Aaron Reid	70 votes	2-year Term
Seat 4	Susan Kane	80 votes	4-year Term
Seat 5	Tyler Harding	70 votes	2-year Term

On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, Resolution 2024-36, 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 **Consideration of Resolution 2024-37, Designating Certain Officers of the District, and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2024-37. Mr. McConn nominated the following:

Chair	Stephen McConn
Vice Chair	Susan Kane
Assistant Secretary	Casey Dare
Assistant Secretary	Aaron Reid
Assistant Secretary	Tyler Harding

No other nominations were made. Prior appointments by the Board for Secretary, Treasurer, Assistant Treasurer, and Assistant Secretary Cindy Cerbone, remain unaffected by this Resolution.

On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, Resolution 2024-37, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

SIXTH 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 affidavit of publication was included for informational purposes.

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

No affected property owners or members of the public spoke.

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

B. Consideration of Resolution 2024-38, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Canoe Creek Reserve Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date

Ms. Cerbone presented Resolution 2024-38 and read the title.

On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, Resolution 2024-38, Expressing its Intent to Utilize the Uniform Method of Levying, Collecting, and Enforcing Non-Ad Valorem Assessments Which May Be Levied by the Canoe Creek Reserve Community Development District in Accordance with Section 197.3632, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

SEVENTH ORDER OF BUSINESS **Public Hearing to Consider the Adoption of an Assessment Roll and the Imposition of Special Assessments Relating to the Financing and Securing of Certain Public Improvements**

A. Affidavit/Proof of Publication

B. Mailed Notice to Property Owner(s)

These items were presented for informational purposes.

On MOTION by Mr. McConn and seconded by Ms. Kane, 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.**

  No affected property owners or members of the public spoke.

- **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.**

  The Board, sitting as the Equalizing Board, had no questions and made no changes.

Ms. Kane asked what portions of property the two owners, Sontag and Peacher, own and asked if they are assessed. It was noted that another parcel is owned by the State of Florida.

Mr. Michal Szymonowicz joined the meeting via telephone.

Discussion ensued regarding the Mailed Notices sent to three parties other than KB Home and American Saint Cloud.

The consensus was that the District Engineer and District Counsel will review the CDD boundaries and parcels that should be in or out, if any, with respect to these Mailed Notices. An update will be provided at the next meeting.

C. Engineer's Report (for informational purposes)

Mr. White stated the Engineer's Report is unchanged since it was last presented.

The following questions were posed and answered:

Ms. Kobitter: Based on your experience, are the cost estimates in your Engineer's Report, as supplemented, reasonable and proper?

Mr. White: They are.

Ms. Kobitter: Do you have any reason to believe the Capital Improvement Plan cannot be carried out by the District?

Mr. White: I do not.

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

Ms. Cerbone reviewed the pertinent information in the Master Special Assessment Methodology Report dated May 30, 2024 and noted that the Report references the District Engineer's Report with respect to acres, units and estimated and probable construction costs.

The following questions were posed and answered:

Ms. Kobitter: In your professional opinion, do the lands subject to the assessments receive special benefits from the District's Capital Improvement Plan?

Ms. Cerbone: Yes.

Ms. Kobitter: In your professional opinion, are the Master Assessments reasonably apportioned among the lands subject to the special assessments?

Ms. Cerbone: Yes.

Ms. Kobitter: In your professional opinion, is it reasonable, proper and just to assess the costs of the Capital Improvement Plan as a system of improvements and against the lands in the District in accordance with your methodology?

Ms. Cerbone: Yes.

Ms. Kobitter: Is it your opinion that the special benefits the lands will receive, as set forth in the final assessment roll, will be equal to or in excess of the maximum master assessments thereon when allocated as set forth in the Methodology?

Ms. Cerbone: Yes.

Ms. Kobitter: Is it your opinion that it is in the best interest of the District that the master assessments be paid and collected in accordance with the Methodology and the District's assessment resolutions?

Ms. Cerbone: Yes.

Ms. Cerbone asked if the Board had any further questions. The response was no.

Mr. Szymonowicz left the call at 2:11 p.m.

After a brief disconnection, Ms. Kilinski rejoined the call.

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

E. Consideration of Resolution 2024-39, 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 Governmental Bodies; Providing for the Recording of an Assessment Notice; Providing for Severability, Conflicts and an Effective Date

Ms. Cerbone presented Resolution 2024-39 and read the title.

On MOTION by Mr. Reid and seconded by Ms. Kane, with all in favor, Resolution 2024-39, 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 Governmental Bodies; Providing for the Recording of an Assessment Notice; Providing for Severability, Conflicts and an Effective Date, was adopted.

Regarding whether any additional Board action is needed, based on the work to be done by Mr. White and District Staff related to the parcels in or outside the CDD, Ms. Kobitter stated that Staff direction was given and Staff will present the findings to the Board.

EIGHTH ORDER OF BUSINESS **Public Hearing to Hear Public Comments and Objections to the Adoption of the Rules of Procedure, Amenity Rules, Amenity Rates, and Disciplinary Rule Pursuant to Sections 120.54 and 190.035, Florida Statutes**

A. Affidavits of Publication

The affidavits of publication were included for informational purposes.

Ms. Cerbone presented the Rules of Procedure, which clarify how Florida Statutes are implemented regarding various matters, such as Board Members, voting, conflicts and appeals.

Ms. Kobitter stated that one public hearing can be opened to consider both Resolutions.

Ms. Cerbone presented the Facility Rule and Rates related to public improvements, which protect the CDD. Exhibit A addresses a proposed range for the Non-Resident Annual User Fee, Access Card replacement and administrative fees for a Rule violation. The Rules provide for suspension and termination of privileges.

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

No affected property owners or members of the public spoke.

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

B. Consideration of Resolution 2024-40, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date

On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, Resolution 2024-40, Adopting Rules of Procedure; Providing a Severability Clause; and Providing an Effective Date, was adopted.

C. Consideration of Resolution 2024-41, Adopting a Suspension and Termination Rule; Adopting Rates, Fees and Charges; Providing a Severability Clause; and Providing an Effective Date

On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, Resolution 2024-41, Adopting a Suspension and Termination Rule; Adopting Rates, Fees and Charges; Providing a Severability Clause; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS **Consideration of Response(s) to Request for Qualifications (RFQ) for Engineering Services**

A. Affidavit of Publication

B. RFQ Package

C. Respondent: KPM Franklin

D. Competitive Selection Criteria/Ranking

Ms. Cerbone noted that the only respondent to the RFQ was KPM Franklin, who is already serving as the Interim District Engineer. If the Board finds that KPM Franklin meets all the requirements of the RFQ/Selection Criteria, the respondent can be deemed the most responsive bidder and awarding the contract to KPM Franklin can proceed.

Ms. Kobitter stated, if approved, Staff will prepare the CDD's standard form of District Engineering Services Agreement.

E. Award of Contract

> **On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, deeming the response from KPM Franklin, the sole respondent to the RFQ for Engineering Services, as the most responsive bidder; awarding the contract for District Engineering Services to KPM Franklin; and authorizing Staff to prepare the CDD's Engineering Services Agreement, was approved.**

TENTH ORDER OF BUSINESS **Recess Regular Meeting/Commencement of Audit Selection Committee Meeting**

The Regular Meeting recessed at 2:23 p.m., and the Audit Selection Committee Meeting convened.

ELEVENTH ORDER OF BUSINESS **Review of Responses to Request for Proposals (RFP) for Annual Audit Services**

A. Affidavit of Publication

B. RFP Package

C. Respondent(s)

Ms. Cerbone stated that she has worked with both respondents and voiced her opinion that both are qualified to perform the CDD's audit.

I. Berger, Toombs, Elam, Gaines & Frank

Berger, Toombs, Elam, Gaines & Frank (BTEGF) bid $3,315 without bonds and $4,575 with bonds.

II. Grau & Associates

Grau & Associates (Grau) bid $3,100 without bonds plus a $1,500 fee for bond issuance for a total of $4,600 with bonds.

D. Auditor Evaluation Matrix/Ranking

Ms. Cerbone noted that the bids are fairly close in cost and stated, while she would give BTEGF more points for price overall, in recent years, BTEGF has struggled to complete audits by the June 30th deadline.

Ms. Cerbone presented her overall scores and ranking, as follows:

#1	Grau & Associates	99 points
#2	Berger, Tombs, Elam, Gaines & Frank	95 points

On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, accepting the District Manager's scores, ranking and recommendation, ranking Grau & Associates, as the #1 ranked respondent for Annual Audit Services, as the Audit Selection Committee's own, was approved.

TWELFTH ORDER OF BUSINESS **Termination of Audit Selection Committee Meeting/Reconvene Regular Meeting**

The Audit Selection Committee Meeting terminated at 2:28 p.m., and the Regular Meeting reconvened.

THIRTEENTH ORDER OF BUSINESS **Consider Recommendation of Audit Selection Committee**

- **Award of Contract**

On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, accepting the Audit Selection Committee's scores, ranking and recommendation, ranking Grau & Associates, as the #1 ranked respondent for Annual Audit Services, as the Board's own; awarding the contract for Audit Services to Grau & Associates, the #1 ranked respondent to the RFP for Audit Services; and authorizing Staff to prepare a form of Agreement, was approved.

FOURTEENTH ORDER OF BUSINESS **Consideration of Interlocal Agreement Between Osceola County, Florida and Canoe Creek Reserve Community Development District Regarding the Exercise of Powers and Cooperation on Providing Additional Disclosure and Notices and the Provision of Enhanced Improvements and Infrastructure**

On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, the Interlocal Agreement Between Osceola County, Florida and Canoe Creek Reserve Community Development District Regarding the Exercise of Powers and Cooperation on Providing Additional Disclosure and Notices and the Provision of Enhanced Improvements and Infrastructure, was approved.

FIFTEENTH ORDER OF BUSINESS **Approval of May 30, 2024 Organizational Meeting Minutes**

On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, the May 30, 2024 Organizational Meeting Minutes, as presented, were approved.

SIXTEENTH ORDER OF BUSINESS **Staff Reports**

A. District Counsel: Kilinski | Van Wyk PLLC

Ms. Kobitter stated that the bond validation complaint was filed. Staff is working to secure the soonest hearing date available. Currently, the earliest hearing date is in October.

B. District Engineer (Interim): KPM Franklin

There was no report.

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

- **NEXT MEETING DATE: August 8, 2024 at 2:30 PM [Adoption of FY2024 and FY2025 Budgets]**
  - **QUORUM CHECK**

SEVENTEENTH ORDER OF BUSINESS **Board Members' Comments/Requests**

There were no Board Members' comments or requests.

EIGHTEENTH ORDER OF BUSINESS **Public Comments**

No members of the public spoke.

NINETEENTH ORDER OF BUSINESS **Adjournment**

On MOTION by Mr. McConn and seconded by Ms. Kane, with all in favor, the meeting adjourned at 2:27 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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Secretary/Assistant Secretary

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Chair/Vice Chair