

**MINUTES OF MEETING
ENBROOK
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Enbrook Community Development District held a Regular Meeting on October 28, 2021 at 1:00 p.m., at the offices of RWA, Inc., 6610 Willow Park Dr., Ste. #200, Naples, FL 34109.

Present were:

Christian Cotter	Chair
Mary Moulton	Vice Chair
Michael Bone	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Jere Earlywine (via phone)	District Counsel
Jake Holsinger	Forestar (USA) Real Estate Group, Inc.
Andre Carmack	Forestar (USA) Real Estate Group, Inc.

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:03 p.m. Supervisors Bone, Cotter and Moulton were present. Supervisor Vincent and Supervisor-Elect Roscoe were not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Consider Withdrawal of Appointment of Mark Roscoe to Seat 4 (Term Expires November 2022)

Mr. Adams asked the Board to consider withdrawal of the appointment of Mr. Mark Roscoe to Seat 4 and noted that Mr. Roscoe was never sworn in.

On MOTION by Mr. Cotter and seconded by Mr. Bone, with all in favor, withdrawing the appointment of Mr. Mark Roscoe to Seat 4, term expires November, 2022, was approved.

Consider Appointment of Andre Carmack to Fill Unexpired Term of Seat 4

Mr. Bone nominated Mr. Andre Carmack to fill Seat 4. No other nominations were made.

On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, the appointment of Mr. Andre Carmack to Fill the Unexpired Term of Seat 4, term expires November, 2022, was approved.

- **Administration of Oath of Office (*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**

These items were presented during the Sixth Order of Business.

FIFTH ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Ty Vincent, Seat 3 (Term Expires November 2022)

Mr. Adams presented the resignation letter from Supervisor Ty Vincent.

On MOTION by Mr. Cotter and seconded by Mr. Bone, with all in favor, the resignation of Supervisor Ty Vincent from Seat 3, term expires November, 2022, effective immediately, was accepted.

SIXTH ORDER OF BUSINESS

Consider Appointment of Jake Holsinger to Fill Unexpired Term of Seat 3

Mr. Bone nominated Mr. Jake Holsinger to fill Seat 3. No other nominations were made.

On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, the appointment of Mr. Jake Holsinger to Fill the Unexpired Term of Seat 3, term expires November, 2022, was approved.

- **Administration of Oath of Office**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Carmack and Mr. Holsinger. He provided and explained the items in the new Supervisor's package, referenced in the Fourth Order of Business, and discussed the Sunshine Law and public records requests and recommended that Supervisors maintain a separate email address and records to keep CDD business separate from personal records. They were instructed to file Form 1 with the Supervisors of Elections Office in their County of residence within 30 days, to prevent being fined.

Mr. Earlywine pointed out that, in addition to the Sunshine and Public Records laws, Supervisors are subject to adherence to the Code of Ethics Laws for Public Officials, which involve prohibitions in conducting CDD business and disclosures related to financials, voting conflicts and receiving gifts.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date

Mr. Adams presented Resolution 2022-01. Mr. Cotter nominated the following slate of officers:

Christian Cotter	Chair
Mary Moulton	Vice Chair
Chesley E. Adams, Jr.	Secretary
Michael Bone	Assistant Secretary
Andre Carmack	Assistant Secretary
Jake Holsinger	Assistant Secretary
Craig Wrathell	Assistant Secretary

No other nominations were made.

On MOTION by Mr. Cotter and seconded by Mr. Bone, with all in favor, Resolution 2022-01, 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.

EIGHTH ORDER OF BUSINESS

Consideration of Special Warranty Deed

Mr. Earlywine presented the Special Warranty Deed with Grant and Reservation of Easements from Forestar (USA) Real Estate Group, Inc. (Forestar), which is a new form D.R. Horton and Forestar's Corporate Counsel prepared and wanted implemented for all real estate conveyances going forward; however, they are making some adjustments to the document. The Deed accomplishes the following:

➤ Acknowledges that the Enbrook CDD project is completed, which is indicated in Resolution 2022-02, such that the District Engineer has declared the project complete. Resolution 2022-02 would be presented after the Deed is approved.

Mr. Earlywine stated specifically, from a real estate and development perspective, all CDD public improvements have been completed and the properties were transferred to the CDD, including real property and easement rights. Resolution 2022-02 indicates that all permits were transferred or are in the process of being finalized and transferred into the CDD's name.

➤ Acknowledges the Enbrook CDD project is complete under the Trust Indenture, in which the Trustee would release any excess funds remaining in the account and, in exchange, the Developer and CDD would execute a Mutual Release.

➤ This is the last real estate conveyance that is needed.

Mr. Earlywine requested approval, in substantial form, as it is intended to convey the balance of the real estate rights in the project.

➤ It includes a Quit Claim Grant for any remaining easements and a Reservation of Easement provision if D.R. Horton or Forestar need to access the property for maintenance.

In response to a question Mr. Earlywine confirmed that Wayne reviewed and approved the Special Warranty Deed and would receive the final version for review before it is recorded. He stated that Chevel indicated they would be using different forms on all the conveyances.

MOTION by Mr. Cotter and seconded by Mr. Bone, with all in favor, the Special Warrant Deed, in substantial form, was approved.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2022-02, Addressing Real Estate Conveyances and Permits; Accepting the Certificate of the District Engineer that the 2020 Project is Complete; Accepting the Certificate of the Assessment Consultant Regarding Special Assessments; Declaring the 2020 Project Complete; Providing Direction to the Trustee to Close the Acquisition and Construction Account; Finalizing the Special Assessments Securing the District’s 2020 Bonds; Authorizing a Mutual Release; Providing for a Supplement to the Improvement Lien Book; Providing for Severability, Conflicts, and an Effective Date

Mr. Earlywine presented Resolution 2022-02. This Resolution deems the project complete, from a real estate conveyance standard point, and that the project itself is done and declares the project complete for the purposes of the Trust Indenture. It finalizes assessments and states that those assessed received the full benefit of what they were being assessed for.

MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, Consideration of Resolution 2022-02, Addressing Real Estate Conveyances and Permits; Accepting the Certificate of the District Engineer that the 2020 Project is Complete; Accepting the Certificate of the Assessment Consultant Regarding Special Assessments; Declaring the 2020 Project Complete; Providing Direction to the Trustee to Close the Acquisition and Construction Account; Finalizing the Special Assessments Securing the District’s 2020 Bonds; Authorizing a Mutual Release; Providing for a Supplement to the Improvement Lien Book; Providing for Severability, Conflicts, and an Effective Date, subject to the Special Warranty Deed being finalized, was adopted.

TENTH ORDER OF BUSINESS

Consideration of CDD/HOA Maintenance Agreement

Mr. Adams presented the Agreement in which the CDD is designating the HOA to maintain its assets, as outlined in the Agreement. It was noted that District Counsel and the Engineering team reviewed the Agreement.

MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, the CDD/HOA Maintenance Agreement, was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-03, Authorizing and Approving Change of Designated Registered Agent and Registered Office

Mr. Adams presented Resolution 2022-03.

MOTION by Ms. Moulton and seconded by Mr. Cotter, with all in favor, Resolution 2022-03, Authorizing and Approving Change of Designated Registered Agent to Craig Wrathell and Wrathell, Hunt and Associates, LLC, 2300 Glades Road, Suite 410W, Boca Raton, Florida 33431, as the Registered Office, was adopted.

TWELFTH ORDER OF BUSINESS

Update: Stormwater Reporting Requirements

Mr. Earlywine discussed new legislation that requires CDDs to prepare and submit a Stormwater Management Needs Analysis Report to the State by June 30, 2022.

Mr. Adams reported that the Florida Department of Environmental Protection (FDEP), who would administer this at the State level, provided a template to use in preparing the Report. The Report will be primarily an engineering function, with some accounting, and, as this is a new CDD, most of the information required is readily available.

MOTION by Mr. Carmack and seconded by Mr. Bone, with all in favor, authorizing District Staff to proceed with the steps necessary to prepare the Stormwater Needs Analysis Report, was approved.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of September 30, 2021

Mr. Adams presented the Unaudited Financial Statements as of September 30, 2021. The financials were accepted.

Mr. Adams presented the August 26, 2021 Public Hearings and Regular Meeting Minutes.

On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, the August 26, 2021 Public Hearings and Regular Meeting Minutes, as presented, were approved.

FIFTEENTH ORDER OF BUSINESS

Staff Reports

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

There was no report.

B. District Engineer: *Q Grady Minor & Associates P.A.*

There was no report.

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

- **NEXT MEETING DATE: January 27, 2022 at 1:00 P.M.**
 - **QUORUM CHECK**

The next meeting would be held on January 27, 2022.

SIXTEENTH ORDER OF BUSINESS

Board Members' Comments/Requests

There were no Board Members' comments or requests.

SEVENTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Cotter and seconded by Mr. Bone, with all in favor, the meeting adjourned at 1:20 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair