

**MINUTES OF MEETING  
HICKS DITCH  
COMMUNITY DEVELOPMENT DISTRICT**

The regular meeting of the Board of Supervisors of the Hicks Ditch Community Development District was held Wednesday, **January 25, 2023** at 9:00 a.m. at the Cooper Memorial Library, 2525 Oakley Seaver Drive, Clermont, Florida.

Present and constituting a quorum:

Tony Iorio	Chairman
Shane Blanton	Vice Chairman
Doug Beasley	Assistant Secretary
Rocky Owen	Assistant Secretary

Also present were:

George Flint	District Manager, GMS
Sarah Sandy	District Counsel
Major Stacy	District Engineer, Appian Engineering

**FIRST ORDER OF BUSINESS**

**Roll Call**

Mr. Flint called the meeting to order and called the roll. Four Board members were present constituting a quorum.

**SECOND ORDER OF BUSINESS**

**Public Comment Period**

There were no members of the public present for the meeting.

**THIRD ORDER OF BUSINESS**

**Organizational Matters**

**A. Administration of Oaths of Office to Newly Elected Supervisors**

Mr. Flint stated that there was a Landowners' election held prior to the start of this meeting. He administered the oaths of office to the four newly elected Board members that were present. Ms. Sandy noted that three Board members were familiar with CDDs, Mr. Blanton was

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new to sitting on a CDD Board and she would get with him after the meeting to discuss some of the specific laws that apply, as well as would send him a new supervisor notebook.

**B. Consideration of Resolution 2023-27 Canvassing and Certifying the Results of the Landowners' Election**

Mr. Flint stated that the Board of Supervisors will sit as the canvassing Board for purposes of certifying the results of the Landowners' election that just occurred and for the record stated the seats as Shane Blanton with 200 votes in seat 1, Tony Iorio with 200 votes in seat 2, Jason Lonas with 199 votes in seat 3, Doug Beasley with 199 votes in seat 4, and Rocky Owen with 199 votes in seat 5. Mr. Iorio and Mr. Blanton will serve four-year terms while the other three Board members will serve two-year terms.

On MOTION by Mr. Iorio, seconded by Mr. Owen, with all in favor, Resolution 2023-27 Canvassing and Certifying the Results of the Landowners' Election, was approved.

**C. Election of Officers**

Mr. Flint noted that the Board is required after each election to elect officers that consist of Chair, Vice Chair, Secretary, Assistant Secretaries, Treasurer, and Assistant Treasurer.

**D. Resolution 2023-28 Electing Officers**

As it sits currently, Mr. Iorio is the Chair, Mr. Beasley is the Vice Chair, Mr. Lonas is the Secretary, Mr. Owen is an Assistant Secretary, Mr. Flint is an Assistant Secretary, Jill Burns is Treasurer, and Katie Costa is Assistant Treasurer. Mr. Flint asked if the Board would like to take each seat individually or asked if a Board member would like to make a motion to elect a slate of officers with Mr. Blanton being added as an Assistant Secretary.

On MOTION by Mr. Iorio, seconded by Mr. Beasley, with all in favor, Resolution 2023-28 Electing Officers with Mr. Tony Iorio as Chair, Mr. Doug Beasley as Vice Chair, Mr. Lonas as Secretary, Mr. Blanton, Mr. Flint, and Mr. Owen as Assistant Secretaries, Ms. Jill Burns as Treasurer, and Ms. Katie Costa as Assistant Treasurer, was approved.

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**FOURTH ORDER OF BUSINESS****Approval of Minutes of the November 22, 2022 Meeting**

Mr. Iorio presented the minutes from the November 22, 2022 Board of Supervisors meeting and asked for any questions or corrections. There being none, he asked for a motion of approval.

On MOTION by Mr. Beasley, seconded by Mr. Owen, with all in favor, The Minutes of the November 22, 2022 Meeting, were approved.

**FIFTH ORDER OF BUSINESS****Public Hearings****A. Public Hearing on the Imposition of Special Assessments**

Mr. Flint asked for a motion to open the public hearing.

On MOTION by Mr. Iorio, seconded by Mr. Beasley, with all in favor, Opening the Public Hearing on the Imposition of Special Assessments, was approved.

**i. Presentation of Affidavit of Publication and Affidavit of Mailing of Notices**

Mr. Flint presented the affidavit of publication, affidavit of mailing, and reported that a 30-day mailed notice was provided as required by statutes.

**ii. Presentation of Engineer's Report**

Ms. Sandy stated for the record that the public hearing is for the purposes of imposing a master special assessment across the lands in the District. That assessment will be pledged to bonds that the District intends to issue in order to pay for the public infrastructure within the District. Mr. Stacy, District Engineer, gave a brief overview of the Engineer's Report for the Board and stated that it summarizes the cost estimate and what will be included within the District including facilities in the District lands and infrastructure improvements. The report can be found in the agenda package.

Ms. Sandy asked Mr. Stacy for the record, to answer the following questions based on the engineer's professional opinion Ms. Sandy asked are the cost estimates in the engineer's report reasonable and proper. Mr. Stacy answered yes. Ms. Sandy asked if he was aware of any reason the District would not be able to carry out the master project. Mr. Stacy answered no. She then stated, for the record, that the total amount of the Master Project in the Engineer's Report is \$23,264,649.00.

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**iii. Presentation of Assessment Methodology**

Mr. Flint presented the Master Assessment Methodology that was composed using the master project costs from the engineer's report allocating the cost and the benefit of the improvements from the engineer's report to the lands within the CDD. Table one is the proposed development plan with a total of 461 ERUs and 538 units with a combination of townhomes, 40-foot single family homes, and 50-foot single family homes. Table two are the costs that the engineer identified in the engineer's report with an approximate \$23 million in improvements. Table three is a conservative bond sizing if the District were to finance 100% of the improvements resulting in a par amount of \$33,150,000.00. Table four demonstrates the allocation of benefit based on improvement costs. Table five demonstrates the allocation of benefit based on the par amount. Table six shows what the per unit par debt and annual assessments would be if the District were to fund 100% of the improvements. Table seven shows the actual parcels that are within the District that comprise the land within the CDD and the preliminary assessment roll. The legal description for the boundaries is also attached as exhibit 'A.' Mr. Flint asked for any question on the methodology.

Ms. Sandy asked for the record if Mr. Flint would answer the following questions based on his professional opinion. Ms. Sandy asked if District lands receive a special benefit from the master project. Mr. Flint answered yes. Ms. Sandy asked are the special assessments reasonably and fairly allocated to the land that are subject to them. Mr. Flint answered yes. She also asked if it was reasonable, proper, and just to assess the cost of the master project against the lands in the District. Mr. Flint answered yes. She then asked if the assessed lands would receive special benefits equal to or in excess of the special assessments levied under the methodology. Mr. Flint answered yes. Ms. Sandy asked if it was in the best interest of the District that the master assessments be paid and collected in accordance with the methodology. Mr. Flint answered yes.

**iv. Public Comment, Testimony and Board Discussion**

Public comment was requested. Mr. Flint stated for the record that there were no members of the public present to provide comment or testimony.

**v. Consideration of Resolution 2023-29 Levying Special Assessments**

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Ms. Sandy presented the resolution to the Board and stated it makes certain findings and goes through the steps the District has gone through up to this point in order to hold the public hearing including the initial approval of the Master Engineer's Report, Master Assessment Report, setting the public hearings, noticing the hearings, as well as the findings that the District has an estimated cost for the project, that the costs are reasonable and just, as well as the fact that the Master Assessment Report assesses the cost across the lands. It also approves the Master Assessment Report as well as the Master Engineer's Report. It authorizes the District to undertake the master project that is described in both reports and equalizes, approves, confirms, and levies the assessments that are shown in the assessment report in accordance with that report. It provides the process for when the special assessments are finalized and when the project is done, that the assessments will be finalized. It provides for the methods of collection. Additionally, the District has a true-up component as part of the methodology. It provides that certain property is not assessable, property owned by governmental entities, common areas by HOAs, and things of that nature and that assessments won't be allocated to those areas at platting. An assessment notice is filed under public records, so anyone purchasing land would receive it in their title work. She offered to answer any questions for the Board. There being none, she asked for a motion of approval.

<p>On MOTION by Mr. Iorio, seconded by Mr. Beasley, with all in favor, Resolution 2023-29 Levying Special Assessments, was approved.</p>
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Mr. Flint asked for a motion to close the public hearing.

<p>On MOTION by Mr. Iorio, seconded by Mr. Beasley, with all in favor, Closing the Public Hearing on the Imposition of Special Assessments, was approved.</p>
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**B. Public Hearing on the District's Use of the Uniform Method of Levying, Collection, and Enforcement of Non-Ad Valorem**

Mr. Flint asked a motion to open the public hearing.

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On MOTION by Mr. Iorio, seconded by Mr. Owen, with all in favor, Opening the Public Hearing on the District's Use of the Uniform Method of Levying, Collection, and Enforcement of Non-Ad Valorem, was approved.

**i. Presentation of Affidavit of Publication of Notice**

Ms. Sandy presented the affidavit of publication notice to the Board for the record.

**ii. Public Comment and Board Discussion**

Public comment was requested. There were no members of the public present for discussion.

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**iii. Consideration of Resolution 2023-30 Expressing the District's Intent to Utilize the Uniform Method of Collection**

Ms. Sandy stated that in order to use the uniform method and put assessments on the property tax bill the District must hold this public hearing declaring their intent to do so. She asked for any questions from the Board, there being none, the Chair asked for a motion of approval.

On MOTION by Mr. Owen, seconded by Mr. Beasley, with all in favor, Resolution 2023-30 Expressing the District's Intent to Utilize the Uniform Method of Collection, was approved.

Mr. Flint asked for a motion to close the public hearing.

On MOTION by Mr. Beasley, seconded by Mr. Owen, with all in favor, Closing the Public Hearing on the District's Use of the Uniform Method of Levying, Collection, and Enforcement of Non-Ad Valorem, was approved.

**C. Public Hearing on the Adoption of District Rules of Procedure**

Mr. Flint noted that at the organizational meeting the Board was provided a draft set of rules of procedure and staff was authorized to notice a public hearing to adopt said rules. Mr. Flint asked for a motion to open the public hearing.

On MOTION by Mr. Iorio, seconded by Mr. Beasley with all in favor, Opening the Public Hearing on the Adoption of District Rules of Procedure, was approved.

**i. Presentation of Affidavit of Publications of Notice of Rule Development and Rulemaking**

Mr. Flint stated that this public hearing was advertised 29 and 28 days in advanced of the hearing. The rules can be found in the agenda package and no changes have been made since they were reviewed at the organizational meeting.

**ii. Public Comment and Board Discussion**

Public comment was requested. There were no members of the public present for discussion.

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**iii. Consideration of Resolution 2023-31 Adopting the Rules of Procedure**

Ms. Sandy noted that these rules of procedures are recommended for all of the CDD Boards staff works with and they lay out a number of things including the officer positions, voting, conflicts of interest, notice procedures for regular and special meetings, as well as procedures for competitively procuring vendor services. There being no questions, there was a motion of approval.

On MOTION by Mr. Beasley, seconded by Mr. Owen, with all in favor, Resolution 2023-31 Adopting the Rules of Procedure, was approved.

Mr. Iorio asked for a motion to close the public hearing.

On MOTION by Mr. Beasley, seconded by Mr. Owen, with all in favor, Closing the Public Hearing on the Adoption of District Rules of Procedure, was approved.

**D. Public Hearing on the Adoption of the Fiscal Year 2023 Budget**

Mr. Iorio asked for a motion to open the public hearing.

On MOTION by Mr. Beasley, seconded by Mr. Owen, with all in favor, Opening the Public Hearing on the Adoption of the Fiscal Year 2023 Budget, was approved.

**i. Presentation of Affidavit of Publication of Notice**

Mr. Flint presented the affidavit of publication for this public hearing and stated that the Board had previously approved a proposed budget for Fiscal Year 2023 at the previously held organizational meeting.

**ii. Public Comment and Board Discussion**

Public comment was requested. There were no members of the public present for discussion.

**iii. Consideration of Resolution 2023-32 Adopting the District's Fiscal Year 2023 Budget and Appropriating Funds**

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Mr. Flint noted that the proposed budget can be found in the agenda package attached as exhibit ‘A’ to the resolution and contemplates the funding mechanism as developer contributions in leu of imposition of O&M assessments. It is a standard administrative budget that has been prorated from November 2022 through September 2023 and totals \$114,178.00. There being no comments and questions there was a motion of approval

On MOTION by Mr. Beasley, seconded by Mr. Owen, with all in favor, Resolution 2023-32 Adopting the District’s Fiscal Year 2023 Budget and Appropriating Funds, was approved.

Mr. Iorio asked for a motion to close the public hearing.

On MOTION by Mr. Beasley, seconded by Mr. Owen, with all in favor, Closing the Public Hearing Public comment was requested., was approved.

**SIXTH ORDER OF BUSINESS**

**Ranking of Proposals for District Engineering Services and Authorization to Issue Notice of Intent to Award and Enter Negotiations with Number-One Ranked Firm**

Mr. Flint noted that engineering services fall under the states statutes which requires it to be competitively bid and the selection be based on a set of qualifications. Staff was authorized to advertise an RFQ for engineering services and there was one response received from Appian Engineering who is the interim engineer for the District. Mr. Flint added that they have the option of rejecting the bid and re-noticing an RFQ or choose to accept the proposal from Appian and authorize staff to negotiate an agreement that will be brought back to the Board at a future meeting. Mr. Iorio’s recommendation would be to accept the proposal from Appian engineering and asked for a motion of approval.

On MOTION by Mr. Beasley, seconded by Mr. Owen, with all in favor, Acceptance of the Appian Engineering Proposal for District Engineering Services and Authorization of Staff to Issue Notice of Intent to Award And Enter Negotiations with Appian Engineering, was approved.

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**SEVENTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney**

Ms. Sandy reported that they had filed for validation of bonds and the validation hearing was set for March 27, 2023.

**B. Engineer**

Mr. Stacy had nothing further for the Board.

**C. District Manager's Report**

Mr. Flint had nothing further for the Board and financial statements should be available in the next agenda.

**EIGHTH ORDER OF BUSINESS**

**Other Business**

There being none, the next item followed.

**NINTH ORDER OF BUSINESS**

**Supervisors Requests and Audience Comments**

There being none, the next item followed.

**TENTH ORDER OF BUSINESS**

**Adjournment**

Mr. Iorio asked for a motion of adjournment.

On MOTION by Mr. Beasley, seconded by Mr. Owen, with all in favor, the meeting was adjourned.

George Flint  
Secretary/Assistant Secretary

Tony Iorio  
Chairman/Vice Chairman