

**MINUTES OF MEETING  
FALLSCHASE  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Fallschase Community Development District held a Regular Meeting on June 5, 2023 at 10:30 a.m., at 2810 Remington Green Circle, Tallahassee, Florida 32308.

**Present at the meeting were:**

Richard Yates	Chair
Rick Singletary	Vice Chair
Lewis Singletary	Assistant Secretary
William Lamb	Assistant Secretary
Jeff Phipps	Assistant Secretary

**Also present were:**

Jamie Sanchez	District Manager
Cindy Cerbone	Wrathell Hunt and Associates LLC (WHA)
Ken van Assenderp (via telephone)	District Counsel
Eddie Bass	Southeastern Consulting Engineer
Susan Platt	Member of the Public

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 10:37 a.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Consideration of Resolution 2023-01, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date**

Ms. Sanchez presented Resolution 2023-01. She reviewed the proposed Fiscal Year 2024 budget, highlighting increases, decreases and adjustments, compared to the Fiscal Year 2023

budget, and explained the reasons for any changes. Mr. Yates stated that the only thing that changed is the bonds. There will be an additional assessment that will affect the builders and homebuyers. The goal is to have efficient and the truest operations costs as possible.

Ms. Cerbone responded to questions about when Fiscal Year 2024 starts and ends, on and off-roll assessment amounts, 130 platted lots on the Property Appraiser’s website, reserve funds, bond debt and when the CDD will certify the rolls. She stated this is the first year that General Fund Operations and Maintenance (O&M) assessments will be on the tax bill so mailed notices will be sent to all property owners and there will be a budget public hearing and another to approve the assessments.

**On MOTION by Mr. Phipps and seconded by Mr. Lewis Singletary, with all in favor, Resolution 2023-01, Approving a Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 7, 2023 at 10:30 a.m., at 2810 Remington Green Circle, Tallahassee, Florida 32308; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-02, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date**

**On MOTION by Mr. Lamb and seconded by Mr. Phipps, with all in favor, Resolution 2023-02, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2023/2024 and Providing for an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Discussion/Recommendation: Preparing Developer’s Staff, Real Estate Agents, Sales Agendas, HOA Officer, etc., on CDD Related Items**

**Mr. van Assenderp:** The Board had approved, several meetings ago, the ideal that I recommended to ensure that all Landowners, Developers, real estate agents, Staff and people who deal with media are briefed and then continually updated on what they are saying and writing about the District. I have seen too many examples, over the years, where the District

itself got caught in political adverse stories because of misrepresentations of what the District is and what it is not. The recommendation that you all approved was to get together with all of the Staff, that would be all of the real estate agents, marketers, press people that any that the Developers have. It is a Developer responsibility but it is wise for the District to know that that happens, to defend later. Sometimes the press and ambitious politicians and others can make hay out of ignorant marketing about what the District is and is not. I thought it was approved already. We just need to go and set it up. Setting it up means deciding when and where you want to meet with the people who do the selling and marketing of the District, who are going to be answering questions from the media and then how often do you want to update that whenever new people come in. Very informal.

**A Board Member:** What is the phone number that we give somebody if they want to talk to us?

**Mr. Yates:** I think we are making the builders aware of the people who are going to have to control this or the individual homebuilders who are selling homes within the subdivisions within the project, they all have their own staffs.

**Mr. van Assenderp:** There have been a few ignorant misrepresentations and my reason for recommending this, I don't represent the Developer, any of the Landowners or homebuilders, I just represent this great District. You want the record to show that the District has taken steps or at least advised the Landowners and Developers not to make inaccurate statements. I would be happy to visit with whoever you want me to visit with, including the homebuilder, the real estate agents, anybody that deals with the media. Even at today's Board Meeting, we are using terms sort of interchangeably because we understand them here but I have seen too many gross representations that have caused at least media and political problems and a few had to be litigated, in the earlier years.

**Mr. Yates:** I think the thing to do is set a couple of dates and make people send out something in writing saying these are the dates that these sessions will be offered and there has to be some point which, you could start with a list of accountable people but, at the end of the day, given proper notice and everything else, accountability only defaults to the homeowners who is interested; whoever has an interest in this project. It is all good that we could try to do this but many years ago, I was still teaching and I had a practice of offering help sessions to my students, with the promise of a letter grade to any student who attended all of

the help sessions. Every term I had an auditorium class with no less than 300 people and some other classes that were smaller for majors. The bottom line is the only people who attended the help sessions were the people that did not need to be there. At some point in time, people need to be accountable for their own actions and I have had enough of us believing we could be responsible for everything that people fail to do themselves. Yes, we need to make it available to them. I think it is a wonderful idea but I cannot promise you that you will get a response like you would like to see.

**Mr. van Assenderp:** Yes, sir. I understand that but the main thing is when the media accusatorially calls up the District and if the District is brought into a lawsuit, at least the defense will be, "Here is what we did. Take the District out of this. The District did its job and more."

**Mr. Yates:** I agree.

**A Board Member:** Do you need a motion?

**Mr. van Assenderp:** It was already approved but I think the purpose of today would be, I like, "Mr. Chairman, what you outlined should be done." I think that should be Mr. Chairman and Ms. Cerbone that should be recorded in the minutes that, maybe you move and second and authorize that to be set up the way Mr. Yates described it.

**Mr. Yates:** Would it be appropriate to offer the dates of the sessions with the publication of the meeting, something that meets in August?

**Ms. Cerbone:** Management does not do this for other Districts. I would like to understand what would be helpful for District Counsel and anyone participating in this. Are you looking for the Landowner Developer to provide this information to the builder? I really don't know what to do to advertise this. This is sort of new for us.

**Mr. van Assenderp:** We don't need to advertise. I respect what you are saying. Maybe just a separate item in the minutes. If you all move it and second it that, as the District Board, you have asked District Counsel to be available or set up meetings with Developers, Landowners, homebuilders and media relations people to have a discussion about what can and cannot be accurately stated.

**Mr. Yates:** Why not authorize a meeting with Mr. van Assenderp to try to develop a program that might make this information more accessible and available to the homebuyers,

builders and Developers that might be in the project. All that the Board is doing is agreeing to set up a session in August.

**Mr. van Assenderp:** The main thing is for Ms. Cerbone to make sure the minutes reflect that the Board did this as a defensive mechanism, if there is ever a media issue or a disgruntled person brings a lawsuit against the homebuilder, Developer or the District, because they do.

**A Board Member:** We often get complaints about fences and mailboxes. Anytime the media has called us, we have always said, "Call Richard."

**Mr. van Assenderp:** Call Richard or call Cindy. In this item we are discussing and requesting be recorded in the minutes, this should not involve the District Manager's office at all. You are just taking the minutes that the Board took this extra precaution as a defensive mechanism and then authorizing your lawyer to meet with whoever, the Landowner, Developer, that the Chairman could facilitate a meeting with, in a room somewhere for approximately one hour.

**Ms. Cerbone:** Perfect, Staff will do verbatim minutes on this agenda item. So, we will have all of that plus we will also have the audio.

**On MOTION by Mr. Phipps and seconded by Mr. Lamb, with all in favor, setting up a public relations session in August to be hosted by District Counsel and authorizing Staff to send an email alerting residents, Developers and real estate agents of the session, was approved.**

**SIXTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of April 30, 2023**

**On MOTION by Mr. Phipps and seconded by Mr. Lewis Singletary, with all in favor, the Unaudited Financial Statements as of April 30, 2023, were accepted.**

**SEVENTH ORDER OF BUSINESS**

**Approval of August 1, 2022 Public Hearing and Regular Meeting Minutes**

**On MOTION by Mr. Phipps and seconded by Mr. Lamb, with all in favor, the August 1, 2022 Public Hearing and Regular Meeting Minutes, as presented, were approved.**

**EIGHTH ORDER OF BUSINESS**

**Staff Reports**

**A. Attorney: *van Assenderp Law***

Mr. van Assenderp stated he previously emailed Mr. Yates and Ms. Cerbone an explanatory memo and a copy of an article that he wrote regarding the history of CDDs and he will email it to the remaining Board Members. If the public relations briefing can be scheduled for August 7, 2023, the same day as the next Board Meeting, the article will be handed out.

Ms. Sanchez distributed an HOA Transfer Agreement (Exhibit A) and Stormwater Management Facility Operation and Maintenance Plan (Exhibit D) that were sent by Mr. Roger Wynn. Ms. Cerbone recalled discussions at the last meeting regarding how the CDD improvements are going to be maintained and that the Board can opt for the CDD to budget, collect and manage the repair and maintenance, pursuant to the District Engineer's Report, or the CDD can contract with the HOA to budget, collect and engage vendors to maintain the CDD improvements. The Board approved a draft CDD/HOA Maintenance Agreement, in substantial form, which has yet to be executed because a few more steps must be taken.

Ms. Cerbone presented documents, including a list of the improvements, a map of the CDD-owned and HOA-owned improvements and how the improvements should be maintained. Staff wants to finalize this because the proposed Fiscal Year 2024 budget was approved without field operations and, to protect the CDD, a maintenance agreement must be in place, finalized and executed by the HOA, in the interim, which is now through the end of Fiscal Year 2024.

Referencing area maps, the Board and Staff discussed changes to the Agreement, construction phases, maintenance of the roads, the alley, sidewalks, a walking trail, a bike path, a parking area, the stormwater ponds, CDD liability, the Developer, HOA fees, costs to the homeowners, non-ad valorem assessments, the estoppel and a disclosure.

Mr. van Assenderp shared the following observations:

- There are a few inherent differences that could be problematic.
- The HOA is always a private entity designed, by law, to deal with the amenities common to the residences and edifices that the Developer and homebuilder put in place.
- The HOA is a non-profit under the control of the Landowner/Developer, which changes to the homeowners over time.
- The HOA can levy assessments that are not government assessments but they can be confused with government assessments. These items must be differentiated and understood by the homeowner and those selling the property.

- In addition to the disclosure described by Ms. Cerbone, any purchaser of property will receive a full disclosure about the role of the CDD, including, in bold print, residents will lose their property for failure to pay taxes or assessments.
- One of the two assessments that the homeowner will get will be from the HOA. The other assessment is from a governmental entity and that is the one that can result in loss of property for failure to pay the assessment and that must be disclosed.
- Part of the disclosure is that the assessment will be collected by the tax collector.
- If a homeowner cannot pay, they will be given years and several opportunities to pay; foreclosure is not automatic or immediate. This must be part of the disclosure.
- Generically, the HOA is not created to deal with infrastructure but it can, which is why the Maintenance Agreement between the CDD and HOA that was presented is important.

Mr. van Assenderp reviewed Recitals 8 and 9, on Page 2 of the Transfer Agreement, and stated, pursuant to the Agreement, the HOA must comply with the law but must also comply with the CDD’s special purpose and there should be reports so that the CDD can monitor if the HOA is complying with the CDD’s special purpose.

Ms. Cerbone and Ms. Sanchez will coordinate with Mr. Wynn to finalize the Agreement and present them for consideration and execution at the next meeting.

**B. Engineer: *Moore Bass Consulting, Inc.***

There was no report.

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

- **7 Registered Voters in District as of April 15, 2023**
- **NEXT MEETING DATE: August 7, 2023 at 10:30 AM**
  - **QUORUM CHECK**

**NINTH ORDER OF BUSINESS**

**Audience Comments/Supervisors Requests**

There were no audience comments or Supervisors’ requests.

**TENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Phipps and seconded by Mr. Lamb, with all in favor, the meeting adjourned at 11:40 a.m.**



Secretary/Assistant Secretary



Chair/Vice Chair