

**MINUTES OF MEETING
EAST BONITA BEACH ROAD
COMMUNITY DEVELOPMENT DISTRICT**

A Regular Meeting of the East Bonita Beach Road Community Development District's Board of Supervisors was held on Monday, May 14, 2018, at 10:00 a.m., at the offices of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Meyers, Florida 33966.

Present and constituting a quorum were:

Christian Swann	Chair
J. Wayne Everett	Vice Chair
Charles Cook	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Jennifer Kilinski	District Counsel
Jennings Cooksey	Hopping Green & Sams
Dave Underhill	District Engineer
Mike Williams	Bond Counsel
Tony Grau (<i>via telephone</i>)	Grau & Associates
James Ratz	DR Horton

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:01 a.m. Supervisors Swann, Everett and Cook were present, in person. Supervisors MacDermott and Wasser were not present.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Supervisor
Brian Wasser [Seat 4], *Term Expires
November 2018***

Mr. Adams presented Mr. Wasser's resignation from Seat 4.

<p>On MOTION by Mr. Cook and seconded by Mr. Swann, with all in favor, the resignation of Mr. Brian Wasser, dated May 7, 2018, was accepted.</p>

FOURTH ORDER OF BUSINESS

**Consideration of Appointment to Fill
Unexpired Term of Office of SEAT 4**

Mr. Everett nominated Mr. James Ratz to fill Seat 4; term expires November, 2018. No other nominations were made.

On MOTION by Mr. Everett and seconded by Mr. Cook, with all in favor, the appointment of Mr. James Ratz to Seat 4, term expires November, 2018, was approved.

A. Administration of Oath of Office to Newly Appointed Supervisor *(the following will be provided in a separate package)*

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Ratz. He provided and briefly explained the following items:

- i. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- ii. Membership, Obligations and Responsibilities**
- iii. Financial Disclosure Forms**
 - a. Form 1: Statement of Financial Interests**
 - b. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - c. Form 1F: Final Statement of Financial Interests**
- iv. Form 8B – Memorandum of Voting Conflict**

B. Consideration of Resolution 2018-05, Electing Officers of the District and Providing for an Effective Date

Mr. Cook nominated the following slate of officers:

Chair	<u>J. Wayne Everett</u>
Vice Chair	<u>James Ratz</u>
Secretary	<u>Chuck Adams</u>
Treasurer	<u>Craig Wrathell</u>
Assistant Treasurer	<u>Jeff Pinder</u>
Assistant Secretary	<u>Christian Swann</u>
Assistant Secretary	<u>Charles Cook</u>
Assistant Secretary	<u>Roy MacDermott</u>
Assistant Secretary	<u>Craig Wrathell</u>

On MOTION by Mr. Cook and seconded by Mr. Everett, with all in favor, Resolution 2018-05, Electing Officers of the District and Providing for an Effective Date, as nominated, was adopted.

FIFTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2017, Prepared by Grau & Associates

Mr. Grau presented the Audited Financial Report for Fiscal Year Ended September 30, 2017 and described the information that could be found on each page. The audit was consistent with past audits. This was a clean, unqualified audit; there were no findings or instances of noncompliance.

SIXTH ORDER OF BUSINESS

Consideration of Resolution 2018-06, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2017

Mr. Adams presented Resolution 2018-06.

On MOTION by Mr. Everett and seconded by Mr. Swann, with all in favor, Resolution 2018-06, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2017, in substantial form, subject to final comments from Staff to modify minor items, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2018-07, Approving a Proposed Budget for Fiscal Year 2018/2019 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Adams presented Resolution 2018-07. He reviewed the proposed Fiscal Year 2019 budget. The Fiscal Year 2019 budget reflects a significant increase over Fiscal Year 2018, as the District was essentially dormant for the past few years but is now going active and beginning financing, operations, etc.

On MOTION by Mr. Everett and seconded by Mr. Cook, with all in favor, Resolution 2018-07, Approving a Proposed Budget for Fiscal Year 2018/2019 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 20, 2018 at 10:00 a.m., at this location; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

**Consideration of Engineer's Report,
Dated January 9, 2018**

Mr. Underhill recalled that this Engineer's Report was presented at least twice and was previously approved and had nothing to add, as there were no changes since it was last discussed.

NINTH ORDER OF BUSINESS

**Consideration of Supplemental Special
Assessment Methodology Report, Dated
May 4, 2018**

Mr. Adams stated that the Supplemental Special Assessment Methodology Report was similar to the original Master Methodology, which was part of the validation process. The Supplemental Methodology recognizes the costs associated with both Assessment Areas One and Two; it assigns bond assessments to Area One, in a total anticipated amount of \$4,510,000. The Tables on Pages 14 through 15 detail the recognition of all of the units in Assessment Areas One and Two and the Assessment Area Project Costs, within the boundaries of Assessment Area One versus Area Two, Allocation of Costs of Public Infrastructure Improvements to Assessment Areas One and Two. The value of the entire Capital Improvement Program is reliant upon the infrastructure in both Assessment Areas One and Two. The Tables on Pages 16 and 17 reflect the Sources and Uses of Funds and the Improvement Benefit Allocations for Areas One and Two. The Tables on Page 18 reflect the infrastructure cost breakouts and recognize that the Developer will contribute infrastructure, meaning various buydowns or contributions to level the assessment apportionment regardless of product type.

On MOTION by Mr. Everett and seconded by Mr. Cook, with all in favor, the Supplemental Special Assessment Methodology Report, Dated May 4, 2018, was approved.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2018-08, Supplementing its Resolution 2018-03 by Authorizing the Issuance of its East Bonita Beach Road Community Development District Special Assessment Revenue Bonds, Series 2018 in a Principal Amount of Not Exceeding \$8,000,000 Million for the Principal Purpose of Acquiring and Constructing Assessable Improvements; Delegating to the Chairman or Vice Chairman of the Board of Supervisors of the District, Subject to Compliance with the Applicable Provisions Hereof, the Authority to Award the Sale of Such 2018 Bonds to FMSBonds, Inc. by Executing and Delivering to Such Underwriter a Bond Purchase Contract and Approving the Form Thereof; Approving the Form of and Authorizing the Execution of the First Supplemental Trust Indenture; Appointing U.S. Bank National Association as the Trustee, Bond Registrar and Paying Agent for Such 2018 Bonds; Making Certain Findings; Approving Form of Said 2018 Bonds; Approving the Form of the Preliminary Limited Offering Memorandum and Authorizing the use by the Underwriter of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum and the Execution of the Limited Offering Memorandum; Approving the Form of the Continuing Disclosure Agreement and Authorizing the Execution Thereof; Authorizing Certain Officials of East Bonita Beach Road Community Development District and Others to Take All Actions Required in Connection with the Issuance, Sale and Delivery of Said 2018 Bonds; Providing Certain Other Details with Respect to Said 2018 Bonds; and Providing an Effective Date

Mr. Adams presented Resolution 2018-08.

Mr. Mike Williams recalled that, the Board previously approved Resolution 2018-03, authorizing issuance of \$15 million in bonds, which were validated in February. Resolution

2018-08 authorizes the first issuance of bonds, under that authority, in a not-to-exceed amount of \$8 million. The Resolution also approves the following:

- Supplemental Trust Indenture
- Preliminary Limited Offering Memorandum
- Bond Purchase Contract
- Continuing Disclosure Agreement
- Authorizes Staff and the Board to take all actions necessary to close the bond issue.

On MOTION by Mr. Swann and seconded by Mr. Everett, with all in favor, Resolution 2018-08, Supplementing its Resolution 2018-03 by Authorizing the Issuance of its East Bonita Beach Road Community Development District Special Assessment Revenue Bonds, Series 2018 in a Principal Amount of Not Exceeding \$8,000,000 Million for the Principal Purpose of Acquiring and Constructing Assessable Improvements; Delegating to the Chairman or Vice Chairman of the Board of Supervisors of the District, Subject to Compliance with the Applicable Provisions Hereof, the Authority to Award the Sale of Such 2018 Bonds to FMSBonds, Inc. by Executing and Delivering to Such Underwriter a Bond Purchase Contract and Approving the Form Thereof; Approving the Form of and Authorizing the Execution of the First Supplemental Trust Indenture; Appointing U.S. Bank National Association as the Trustee, Bond Registrar and Paying Agent for Such 2018 Bonds; Making Certain Findings; Approving Form of Said 2018 Bonds; Approving the Form of the Preliminary Limited Offering Memorandum and Authorizing the use by the Underwriter of the Preliminary Limited Offering Memorandum and the Limited Offering Memorandum and the Execution of the Limited Offering Memorandum; Approving the Form of the Continuing Disclosure Agreement and Authorizing the Execution Thereof; Authorizing Certain Officials of East Bonita Beach Road Community Development District and Others to Take All Actions Required in Connection with the Issuance, Sale and Delivery of Said 2018 Bonds; Providing Certain Other Details with Respect to Said 2018 Bonds; and Providing an Effective Date, was adopted.

ELEVENTH ORDER OF BUSINESS

Consideration of Financing Related Documents

Mr. Cooksey presented the following financing related documents:

A. Completion Agreement

This provides for the Landowner to complete any projects described in the Engineer's Report that are not completed with bond proceeds

B. Collateral Assignment and Assumption of Rights

This is additional security for payment of the Fiscal Year 2018 assessments that are being allocated to the property to secure the Series 2018 bonds; if the Landowner defaults in timely payments of the assessments, the District would be entitled to remedial rights including but not limited to assignment of the development rights so that the property could be developed as set forth in the Engineer's Report.

C. True Up Agreement

This calls for the Developer to make a true up payment, to make up any differences due to a reduction or changes in the units, etc., that may change the debt allocation.

D. Acquisition Agreement

This acknowledges that the District and the Landowner are entering into an Agreement that sets forth the process by which the District will acquire improvements, work product or any other related property interests that are completed by the Landowner before the bonds are issued and, once the District has bond funds, it will acquire those improvements, etc.

E. Other Financing Documents

The Declaration of Consent to Jurisdiction and To Imposition off Special Assessments is filed with the public records and puts the public on notice that the property is subject to assessments.

On MOTION by Mr. Cook and seconded by Mr. Swann, with all in favor, the Completion Agreement, Collateral Assignment and Assumption of Rights, True Up Agreement, Acquisition Agreement and Declaration of Consent to Jurisdiction and To Imposition off Special Assessments, were approved.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2018-09, Designating a Date, Time and Location for a Landowners' Meeting; Providing for Publication; Providing for an Effective Date

Mr. Adams presented Resolution 2018-09. Seats 3, 4 and 5, currently held by Mr. Swann, Mr. Ratz and Mr. Cook, respectively, will be up for election.

On MOTION by Mr. Ratz and seconded by Mr. Cook, with all in favor, Resolution 2018-09, Designating a Date, Time and Location of November 12, 2018 at 10:00 a.m., at this location, for a Landowners' Meeting; Providing for Publication; Providing for an Effective Date, was adopted.

THIRTEENTH ORDER OF BUSINESS Approval of Unaudited Financial Statements as of March 31, 2018

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2018. Off-roll assessment revenue collections were at 100% and expenditures were at 61%.

FOURTEENTH ORDER OF BUSINESS Approval of January 9, 2018 Public Hearings and Regular Meeting Minutes

Mr. Adams presented the January 9, 2018 Public Hearings and Regular Meeting Minutes and asked for any additions, deletions or corrections.

On MOTION by Mr. Everett and seconded by Mr. Swann, with all in favor, the January 9, 2018 Public Hearings and Regular Meeting Minutes, as presented, were approved.

FIFTEENTH ORDER OF BUSINESS Other Business

Discussion ensued regarding scheduling another meeting to finalize the bond issuance. A meeting would be scheduled possibly in June.

SIXTEENTH ORDER OF BUSINESS Staff Reports

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

There being no report, the next item followed.

B. District Engineer: *Banks Engineering*

Mr. Underhill requested approval, in concept, authorizing an Access and Maintenance Easement Agreement between the District and Landowner to provide the District access and the ability to work on the stormwater areas currently owned by the Landowner. In response to the question of whether it would terminate once the plat is recorded, Mr. Adams replied affirmatively. It was noted that this is to provide access to the properties that the District expects to purchase at closing.

On MOTION by Mr. Everett and seconded by Mr. Ratz, with all in favor, preparation of a Blanket Easement Agreement for access and maintenance related to the stormwater system, and authorizing the Chair to execute the final Agreement, were approved.

Mr. Cooksey stated that the Easement Agreement would be presented for ratification, once completed.

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

i. 0 Registered Voters in District as of April 15, 2018

Mr. Adams stated that there were no registered voters residing within the boundaries of the District as of April 15, 2018.

ii. NEXT MEETING DATE: August 20, 2018 at 10:00 A.M.

The next meeting will be held on August 20, 2018 at 10:00 a.m., at this location.

**SEVENTEENTH ORDER OF BUSINESS Audience Comments/Supervisors’
Requests**

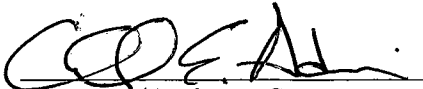
There being no audience comments or Supervisors’ requests, the next item followed.

EIGHTEENTH ORDER OF BUSINESS Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Everett and seconded by Mr. Swann, with all in favor, the meeting adjourned at 10:28 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair