

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

The Board of Supervisors Regular Meeting of the East Bonita Beach Road Community Development District held Multiple Public Hearings and a Regular Meeting on Monday, September 17, 2018, at 11:00 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:**

J. Wayne Everett	Chair
James Ratz	Vice Chair
Roy MacDermott	Assistant Secretary
Landon Thomas	Assistant Secretary
Ashley Kozar	Assistant Secretary

**Also present were:**

Chuck Adams	District Manager
Jennifer Kilinski (via telephone)	District Counsel
Dave Underhill	District Engineer

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 11:05 a.m. Supervisors Everett, Ratz and MacDermott were present, in person. Supervisors Cook and Swann 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  
Christian Swann [Seat 3], *Term Expires  
November 2018***

Mr. Adams presented the resignation of Mr. Christian Swann.

<p><b>On MOTION by Mr. Everett and seconded by Mr. MacDermott, with all in favor, the resignation of Mr. Christian Swann, dated August 20, 2018, was accepted.</b></p>
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**EAST BONITA BEACH ROAD CDD  
FOURTH ORDER OF BUSINESS**

**September 17, 2018**

**Consideration of Appointment to Fill  
Unexpired Term of Office of SEAT 3**

Mr. Everett nominated Mr. Landon Thomas to fill Seat 3; term expires November 2018.  
No other nominations were made.

**On MOTION by Mr. Everett and seconded by Mr. Ratz, with all in favor, the appointment of Mr. Landon Thomas to Seat 3, term expires November 2018, was approved.**

**FIFTH ORDER OF BUSINESS**

**Acceptance of Resignation of Supervisor  
Charles Cook [Seat 1], *Term Expires  
November 2020***

Mr. Adams presented the resignation of Mr. Charles Cook.

**On MOTION by Mr. MacDermott and seconded by Mr. Everett, with all in favor, the resignation of Mr. Charles Cook, dated September 10, 2018, was accepted.**

**SIXTH ORDER OF BUSINESS**

**Consideration of Appointment to Fill  
Unexpired Term of Office of SEAT 1**

Mr. Everett nominated Ms. Ashley Koza to fill Seat 1; term expires November 2020. No other nominations were made.

**On MOTION by Mr. Everett and seconded by Mr. MacDermott, with all in favor, the appointment of Ms. Ashley Koza to Seat 1, term expires November 2020, was approved.**

**THIRD ORDER OF BUSINESS**

**Acceptance of Resignation of Supervisor  
Christian Swann [Seat 3], *Term Expires  
November 2018***

Mr. Adams presented the resignation of Mr. Christian Swann.

On MOTION by Mr. Everett and seconded by Mr. MacDermott, with all in favor, the resignation of Mr. Christian Swann, dated August 20, 2018, was accepted.

**SEVENTH ORDER OF BUSINESS**

**Administration of Oath of Office to Newly Appointed Supervisors (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. Thomas. He provided and explained the following items:

- 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**

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-11, Electing Officers of the District and Providing for an Effective Date**

Mr. Adams presented Resolution 2018-11. Mr. Everett nominated the existing slate of office, with the addition of Mr. Thomas and Ms. Kozar as Assistant Secretaries, as follows:

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>Roy MacDermott</u>
Assistant Secretary	<u>Landon Thomas</u>
Assistant Secretary	<u>Ashley Koza</u>
Assistant Secretary	<u>Craig Wrathell</u>

No other nominations were made.

On MOTION by Mr. Everett and seconded by Mr. Ratz, with all in favor, Resolution 2018-11, Electing Officers of the District and Providing for an Effective Date, as nominated, was adopted.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-10, Making Certain Findings; Approving the Engineer's Report and Supplemental Assessment Report; Setting Forth the Terms of the Series 2018 Bonds (Assessment Area One); Confirming the Maximum Assessment Lien Securing the Series 2018 Bonds (Assessment Area One); Addressing Collection of the Same; Providing for the Application of True-Up Payments; Providing for a Supplement to the Improvement Lien Book; Providing for the Recording of a Notice of Special Assessments; and Providing for Conflicts, Severability, and an Effective Date**

Ms. Kilinski presented Resolution 2018-10. This Resolution incorporates the Master Engineer's Report and the Master and Supplemental Special Assessment Methodology Reports. The Engineer's Report was unchanged since it was approved. Mr. Adams stated that the only changes to the Supplemental Methodology were adjustments based on the actual bond pricing.

Ms. Kilinski stated that the Resolution accomplishes the following:

- Makes findings regarding the validation of not-to-exceed \$15 million and the bond issuance numbers that came in at \$5.2 million.
- Makes findings regarding the Engineer's Report and Supplemental Special Assessment Methodology, which will be the Methodology that will apply the assessments to the property, subject to the assessment Area 1 project.
- Section 4 sets forth the terms of the bond.
- Section 5 levies and allocates the assessments for this particular property.
- Section 6 provides for a true-up process.
- Section 7 authorizes Staff to record the assessments in the Lien Book.

Ms. Kilinski stated that this is the last step in the issuance of the Area 1 bonds.

**On MOTION by Mr. Everett and seconded by Mr. MacDermott, with all in favor, Resolution 2018-10, Making Certain Findings; Approving the Engineer’s Report and Supplemental Assessment Report; Setting Forth the Terms of the Series 2018 Bonds (Assessment Area One); Confirming the Maximum Assessment Lien Securing the Series 2018 Bonds (Assessment Area One); Addressing Collection of the Same; Providing for the Application of True-Up Payments; Providing for a Supplement to the Improvement Lien Book; Providing for the Recording of a Notice of Special Assessments; and Providing for Conflicts, Severability, and an Effective Date, was adopted.**

**TENTH ORDER OF BUSINESS**

**Consideration of Other Financing Related Matters**

There was nothing to consider.

**ELEVENTH ORDER OF BUSINESS**

**Consideration of Requisition #1**

Mr. Adams stated that an updated version of the Requisition #1 Summary of Costs Table was distributed.

Mr. Underhill presented Requisition #1, which covered land acquisitions and the completed portion of the District project. He discussed work completed for various Project Description categories. The Requisition #1 Improvement Costs totaled approximately \$1.5 million and the Land Costs were about \$3.75 million. Requisition #1 totaled slightly over \$5.2 million; of which, about \$4.7 million is eligible for payment from the construction fund.

Ms. Kilinski stated that this goes along with the Twelfth Order of Business, which has a second Acquisition Package for the improvements. Once completed and executed, the hope is to have the Acquisition Packages ready so that those improvements and real property would be reimbursable at the same time as the closing on the 20<sup>th</sup>. The Requisition is contingent upon execution of the Acquisition Packages, the one distributed and the one in the agenda package. They are in substantially final form. There would likely be some contingency in the releases for retainage that may be outstanding, which is not unusual.

**TWELFTH ORDER OF BUSINESS**

**Consideration of Acquisition Package and Conveyance of Property for Seasons at Bonita, Assessment Area 1**

This item was discussed above.

Approval of the Acquisition Package for Real Property, the Acquisition Package for Assessment Area 1 Improvements, in substantial form, and authorizing District Counsel and the District Engineer to make final corrections and for the Chair to execute.

**On MOTION by Mr. Ratz and seconded by Mr. Everett, with all in favor, the Acquisition Packages for Real Property and Assessment Area 1 Improvements, in substantial form, and authorization for District Counsel and the District Engineer to make final corrections and for the Chair to execute the documents, were approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Adoption of the District's Final Budget for Fiscal Year 2018/2019, Pursuant to Florida Law**

**A. Affidavit/Proof of Publication**

The affidavit of publication was provided for informational purposes.

**B. Consideration of Resolution 2018-12, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Adams presented Resolution 2018-12 and reviewed the Fiscal Year 2019 budget, which represents more activity, compared to the prior fiscal year.

**Mr. Adams opened the Public Hearing.**

No member of the public spoke.

**Mr. Adams closed the Public Hearing.**

**On MOTION by Mr. Everett and seconded by Mr. MacDermott, with all in favor, Resolution 2018-12, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2018, and Ending September 30, 2019; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**EAST BONITA BEACH ROAD CDD  
FOURTEENTH ORDER OF BUSINESS**

**September 17, 2018**

**Public Hearing to Hear Comments and Objections on the Imposition of Maintenance and Operation Assessments to Fund the Budget for Fiscal Year 2018/2019, Pursuant to Florida Law**

**A. Affidavit/Proof of Publication**

The affidavit of publication was provided for informational purposes.

**B. Mailed Notice**

A copy of the Mailed Notice was provided for informational purposes.

**C. Consideration of Resolution 2018-13, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2018/2019; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

Mr. Adams presented Resolution 2018-13.

**Mr. Adams opened the Public Hearing.**

No member of the public spoke.

**Mr. Adams closed the Public Hearing.**

**On MOTION by Mr. Ratz and seconded by Mr. MacDermott, with all in favor, Resolution 2018-13, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2018/2019; Providing for the Collection and Enforcement of Special Assessments; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**FIFTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-14, Rescinding Resolution 2018-09, Which Resolution Designated a Date, Time, and Location for a Landowners' Meeting of the District, and Provided for an Effective Date; Redesignating a Date, Time, and Location for a Landowners' Meeting of the District, and Providing for an Effective Date**

Mr. Adams presented Resolution 2018-14.

On MOTION by Mr. Everett and seconded by Mr. Ratz, with all in favor, Resolution 2018-14, Rescinding Resolution 2018-09, Which Resolution Designated a Date, Time, and Location for a Landowners' Meeting of the District, and Provided for an Effective Date; Redesignating a Date, Time, and Location for a Landowners' Meeting of the District of November 6, 2018 at 10:00 a.m., at D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966 and Providing for an Effective Date, was adopted.

**SIXTEENTH ORDER OF BUSINESS**

**Consideration of Resolution 2018-15, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019**

Mr. Adams presented Resolution 2018-15.

On MOTION by Mr. Everett and seconded by Mr. MacDermott, with all in favor, Resolution 2018-15, Adopting the Annual Meeting Schedule for Fiscal Year 2018/2019, was adopted.

**SEVENTEENTH ORDER OF BUSINESS**

**Approval of Unaudited Financial Statements as of July 31, 2018**

Mr. Adams presented the Unaudited Financial Statements as of July 31, 2018. Expenditures were at 99%, as the District went active and has incurred more expenses as result.

**EIGHTEENTH ORDER OF BUSINESS**

**Approval July 2, 2018 Regular Meeting Minutes**

Mr. Adams presented the July 2, 2018 Regular Meeting Minutes.

On MOTION by Mr. Everett and seconded by Mr. Ratz, with all in favor, the July 2, 2018 Regular Meeting Minutes, as presented, were approved.

**NINTEENTH ORDER OF BUSINESS**

**Other Business**

There being no other business, the next item followed.

Ms. Koza arrived at the meeting.



Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Kozar. He provided and explained the items listed under the Seventh Order of Business. Ms. Kozar deferred receipt of Supervisor fees.

**TWENTIETH ORDER OF BUSINESS**

**Staff Reports**

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

There being nothing additional to report, the next item followed.

**B. District Engineer: *Banks Engineering***

There being nothing to report, the next item followed.

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

**i. Consideration of ADA Site Compliance Proposal for Website Compliance Shield, Accessibility Policy and One (1) Annual Technological Audit**

Mr. Adams discussed litigation against numerous CDDs and entities alleging that their websites were not compliant with the Americans with Disabilities Act (ADA) requirements for websites. Although the District was not sued, Management proactively engaged ADA Site Compliance (ADASC) to assist in bringing their CDD websites into compliance. A compliance seal attached to the website homepage links to the District’s ADA policy, which states that steps are underway to bring the website into compliance and provides contact information of who to contact with questions or for assistance. The website is being purged of all documents and information that is not legally required for CDD websites, as well as outdated documents. Going forward, all information and documents on the website will be in a compliant format.

**TWENTY-FIRST ORDER OF BUSINESS**

**Audience  
Requests**

**Comments/Supervisors’**

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

**TWENTY-SECOND ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the meeting adjourned.

**On MOTION by Mr. Everett and seconded by Mr. MacDermott, with all in favor, the meeting adjourned at 11:33 a.m.**

  
Secretary/Assistant Secretary

  
Chair/Vice Chair