

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

The Board of Supervisors of the East Bonita Beach Road Community Development District held a Regular Meeting on May 15, 2023 at 10:30 a.m., at the offices of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966.

Present were:

Michael Bone	Vice Chair
Landon Thomas	Assistant Secretary
Mary Moulton	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Jere Earlywine (via telephone)	District Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 10:30 a.m.

Supervisors Bone, Thomas and Moulton were present. Supervisors Cotter and Everett were not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Elected Supervisor, Christian Cotter [SEAT 4] (the following to be provided in a separate package)

The Oath of Office will be administered to Mr. Cotter at or before the next meeting.

- 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

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2023-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes; and Providing for an Effective Date

Mr. Adams presented Resolution 2023-01. He reported the results of the Landowners’ Election, as follows:

Seat 4	Christian Cotter	196 votes	4-Year Term
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On MOTION by Mr. Bone and seconded by Ms. Moulton, with all in favor, Resolution 2023-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes; and Providing for an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2023-02, Declaring a Vacancy in Seats 3 and 5 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing an Effective Date

Mr. Adams presented Resolution 2023-02. This is necessary because no candidates qualified to run for Seats 3 and 5 in the November 2022 General Election. Supervisors Thomas and Moulton, who currently hold Seats 3 and 5, respectively, can continue serving in those seats until appointments are made to fill the seats.

On MOTION by Mr. Thomas and seconded by Mr. Bone, with all in favor, Resolution 2023-02, Declaring a Vacancy in Seats 3 and 5 of the Board of Supervisors Pursuant to Section 190.006(3)(b), Florida Statutes; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consider Appointment of Qualified Electors to Fill Vacancies in Seat 3 and Seat 5; Terms Expire November 2026

This item was deferred.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2023-03, Designating Certain Officers of the District, and Providing for an Effective Date

Mr. Adams presented Resolution 2023-03. Mr. Thomas nominated the following slate:

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|-------------------------------|---------------------|
| Wayne Everett | Chair |
| Michael Bone | Vice Chair |
| Chesley (Chuck) E. Adams, Jr. | Secretary |
| Landon Thomas | Assistant Secretary |
| Mary Moulton | Assistant Secretary |
| Craig Wrathell | Assistant Secretary |

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Thomas and seconded by Mr. Bone, with all in favor, Resolution 2023-03, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2023-04, Approving the 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 for an Effective Date

Mr. Adams presented Resolution 2023-04. He reviewed the proposed Fiscal Year 2024 budget highlighting line item increases, decreases and adjustments, compared to the Fiscal Year 2023 budget, and explained the reasons for any adjustments.

On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, Consideration of Resolution 2023-04, Approving the Proposed Budget for Fiscal Year 2023/2024 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 21, 2023 at 10:30 a.m., at the offices of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing for an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resignation of District Counsel, Kilinski | VanWyk

Mr. Adams presented the resignation of Kilinski | VanWyk.

On MOTION by Mr. Thomas and seconded by Mr. Bone, with all in favor, the resignation of District Counsel, Kilinski | VanWyk, was approved.

TENTH ORDER OF BUSINESS

Consideration of Kutak Rock LLP, Fee Agreement

Mr. Adams presented the Kutak Rock LLP Fee Agreement.

On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, the Kutak Rock LLP Fee Agreement for District Counsel Services, was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Project Completion Resolutions

- A. Resolution 2023-05, Accepting the Certification of the District Engineer that the Series 2018 Project is Complete; Declaring the Series 2018 Project Complete; Finalizing the Special Assessments Securing the District’s Series 2018 Special Assessment Revenue Bonds; Confirming Waiver of Statutory Prepayment Rights; Providing for a Supplement to the Improvement Lien Book; Providing for Severability, Conflicts, and an Effective Date
- B. Resolution 2023-06, Accepting the Certification of the District Engineer that the 2021 Project is Complete; Declaring the 2021 Project Complete; Finalizing the Special Assessments Securing the District’s Special Assessment Revenue Bonds, Series 2021 (Assessment Area Two); Confirming Waiver of Statutory Prepayment Rights; Providing for a Supplement to the Improvement Lien Book; Providing for Severability, Conflicts, and an Effective Date

These items were deferred.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2023-07, 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

Mr. Adams presented Resolution 2023-07.

On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, Resolution 2023-07, 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.

THIRTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2022

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2023.

The financials were accepted.

FOURTEENTH ORDER OF BUSINESS

Approval of Minutes

A. August 16, 2022 Public Hearing and Regular Meeting

On MOTION by Mr. Thomas and seconded by Mr. Bone, with all in favor, the August 16, 2022 Public Hearing and Regular Meeting Minutes, as presented, were approved.

B. November 15, 2022 Landowners' Meeting

On MOTION by Mr. Thomas and seconded by Mr. Bone, with all in favor, the November 15, 2022 Landowners' Meeting Minutes, as presented, were approved.

FIFTEENTH ORDER OF BUSINESS

Other Business

There was no other business.

SIXTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: KE Law Group, PLLC

Ms. Moulton asked about the procedure for finding residents to serve on the CDD Board, given that no residents took steps to qualify as candidates to run in the General Election. Mr. Adams stated that the announcement was made and advertised, as required.

Discussion ensued regarding soliciting interested residents and the required qualifications for resident Board Members.

B. District Engineer: Banks Engineering, Inc.

There was no report.

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

I. 485 Registered Voters in District as of April 15, 2023

II. NEXT MEETING DATE: August 21, 2023, at 10:30 A.M.

○ **QUORUM CHECK**

The next meeting will be held on August 21, 2023.

SEVENTEENTH ORDER OF BUSINESS

Audience Comments/Supervisors' Requests

There were no audience comments or Supervisors' requests.

EIGHTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Thomas and seconded by Mr. Bone, with all in favor, the meeting adjourned at 10:45 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair