

**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 20, 2019, at 11:30 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 |
| Landon Thomas | Assistant Secretary |
| Ashley Koza | Assistant Secretary |

Also present were:

| | |
|-----------------------------------|-------------------|
| Chuck Adams | District Manager |
| Jennifer Kilinski (via telephone) | District Counsel |
| Racquel McIntosh (via telephone) | Grau & Associates |

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 11:31 a.m. Supervisors Everett, Ratz, Thomas and Koza were present, in person. Supervisor MacDermott was not present.

SECOND ORDER OF BUSINESS

Public Comments

There being no public comments, the next item followed.

THIRD ORDER OF BUSINESS

Administration of Oath of Office to Newly Elected Supervisors, Landon Thomas [SEAT 3], James Ratz [SEAT 4] and Ashley Koza [SEAT 5] (*the following will be provided in a separate package*)

Mr. Adams stated that he administered the Oath of Office to Mr. Thomas, Mr. Ratz and Ms. Koza prior to the meeting. He provided 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

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2019-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes; Providing a Severability Clause; Providing for Conflict and Providing an Effective Date

Mr. Adams announced the results of the Landowners’ Election and noted the terms of each Seat, as follows:

| | | | |
|--------|---------------|-----------|----------------|
| Seat 3 | Landon Thomas | 327 Votes | Four-year Term |
| Seat 4 | James Ratz | 326 Votes | Two-year Term |
| Seat 5 | Ashley Koza | 327 Votes | Four-year Term |

On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, Resolution 2019-01, Canvassing and Certifying the Results of the Landowners’ Election of Supervisors Held Pursuant to Section 190.006(2), Florida Statutes; Providing a Severability Clause; Providing for Conflict and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2019-02, Electing Officers of the District: Providing for Conflict; and Providing for an Effective Date

Mr. Adams presented Resolution 2019-02. The existing slate of officers was nominated, as follows:

| | |
|----------------------------|-------------------------|
| Chair | <u>J. Wayne Everett</u> |
| Vice Chair | <u>James Ratz</u> |
| Secretary | <u>Chuck Adams</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> |
| <u>Treasurer</u> | <u>Craig Wrathell</u> |
| <u>Assistant Treasurer</u> | <u>Jeff Pinder</u> |

No other nominations were made.

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

SIXTH ORDER OF BUSINESS

Presentation of Audited Financial Report for Fiscal Year Ended September 30, 2018, Prepared by Grau & Associates

Ms. McIntosh presented the Audited Financial Report for Fiscal Year Ended September 30, 2018, noting that there were no findings, irregularities or instances of noncompliance; it was a clean audit.

Mr. Everett asked whether the bond proceeds were disbursed. Mr. Adams stated that the bond funds were disbursed in October or November, which would be reflected in the Fiscal Year 2019 audit.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2019-03, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2018

Mr. Adams presented Resolution 2019-03.

On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, Resolution 2019-03, Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2018, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2019-04, Approving a Proposed Budget for Fiscal Year 2019/2020 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; and Providing an Effective Date

Mr. Adams presented Resolution 2019-04. He reviewed the proposed Fiscal Year 2020 budget, including line item increases, decreases, adjustments and additions and/or deletions compared to Fiscal Year 2019 and explained the reasons for any changes.

The following changes were made to the proposed Fiscal Year budget:

Page 1: Change "Lennar Homes, LLC" to "SHR Bonita Springs LLC"

The proposed on-roll assessment amount of \$237.68 would be increased to \$245 per unit for noticing purposes.

On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, Resolution 2019-04, Approving a Proposed Budget for Fiscal Year 2019/2020, as amended, and Setting a Public Hearing Thereon Pursuant to Florida Law for August 19, 2019 at 10:00 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; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Seasons at Bonita Community Association, Inc., Easement and Maintenance Agreement

Mr. Adams presented the Seasons at Bonita Community Association, Inc. (SBCA), Easement and Maintenance Agreement. This Agreement would assign the operating and maintenance (O&M) responsibilities for all District facilities, except the Preserve, to the SBCA, which collects fees to offset the costs of operating and maintaining facilities. The CDD would be

responsible for the Preserve, as reflected on the "Preserve maintenance, monitoring & reporting" budget line item. The District would also be responsible for capital reinvestments and improvements.

Discussion ensued regarding the difference between O&M items and Capital Expenditures.

In response to Mr. Ratz's question regarding an irrigation pump breakdown, Mr. Adams stated that a pump repair or replacement would be an O&M item, whereas replacement of a pump station would be a capital reinvestment.

Mr. Ratz referred to the large pump station with several pumps and asked whether replacement of one pump would be considered a capital expenditure. Mr. Adams stated that replacement would typically be considered a repair, given that pumps and motors have a certain life expectancy and they are periodically repaired or replaced as part of an O&M program, whereas rebuilding the entire pump station, would be considered a capital expense. The purpose of this Agreement was to open dialogue between the SBCA and the CDD to decide which entity is best-suited to address replacement.

Discussion continued regarding the need to better clarify larger ticket items, given multiple property owners within the CDD. Mr. Adams stated that the Agreement was executed by the SBCA but it could be amended to add monetary limits and require both entities to discuss which one is best suited, financially, to address specific needs as they arise.

Ms. Kilinski stated that Section 3B, Capital Expenditures, indicated that, in the event the parties cannot agree, the District Engineer would determine whether an improvement should be categorized as a capital expense paid for by the District or a repair expense paid for by the SBCA. Mr. Adams stated that, while foreseeable capital improvements could be included in the budget deliberations, an addendum could address catastrophic and/or unforeseen issues because necessary capital improvements are not always foreseeable.

In response to Mr. Everett's question about whether the District is permitted to effect special assessments, Mr. Adams stated that, while direct-billed special assessments are allowed providing procedures are followed, it is preferable to bill assessments on the property tax bill, through the Tax Collector.

The Board’s consensus was to approve the Seasons at Bonita Community Association, Inc., Easement and Maintenance Agreement, as presented; Staff would work towards an addendum to address monetary limits.

On MOTION by Mr. Ratz and seconded by Mr. Thomas, with all in favor, the Seasons at Bonita Community Association, Inc., Easement and Maintenance Agreement, as presented, was approved.

TENTH ORDER OF BUSINESS

Approval of Unaudited Financial Statements as of March 31, 2019

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2019.

The District is incurring expenses related to the shared cost on Bonita Beach Road and the work at the Panther Mitigation Property. While the District previously billed the parties annually, going forward billing would be quarterly.

ELEVENTH ORDER OF BUSINESS

Approval of Minutes

A. September 17, 2018 Public Hearing and Regular Meeting

Mr. Adams presented the September 17, 2018 Public Hearing and Regular Meeting Minutes.

On MOTION by Mr. Everett and seconded by Ms. Koza, with all in favor, the September 17, 2018 Public Hearing and Regular Meeting Minutes, as presented, were approved.

B. November 6, 2018 Landowners’ Meeting

Mr. Adams presented the November 6, 2018 Landowners’ Meeting Minutes.

On MOTION by Mr. Everett and seconded by Mr. Thomas, with all in favor, the November 6, 2018 Regular Meeting Minutes, as presented, were approved.

TWELFTH ORDER OF BUSINESS

Other Business

Mr. Adams stated that the District would engage Florida Power & Light (FPL) for a possible street lighting program that would benefit all four properties.

THIRTEENTH ORDER OF BUSINESS

Staff Reports

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

There being nothing 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. 0 Registered Voters in District as of April 15, 2019

There were no registered voters residing within the District as of April 15, 2019.

ii. NEXT MEETING DATE: August 19 2019 at 10:00 a.m.

The next meeting will be held on August 19, 2019 at 10:00 a.m.

FOURTEENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

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

FIFTEENTH ORDER OF BUSINESS

Adjournment

There being nothing further to discuss, the meeting adjourned.

On MOTION by Mr. Thomas and seconded by Ms. Koza, with all in favor, the meeting adjourned at 11:56 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair