

**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 June 1, 2022, at 11:30 a.m., at the offices of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966.

Present were:

J. Wayne Everett	Chair
Michael Bone	Vice Chair
Landon Thomas	Assistant Secretary
Christian Cotter	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Kathryn G. Kobitter (via telephone)	District Counsel

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 11:30 a.m.

Supervisors Everett, Thomas and Bone were present, in person. Supervisors Martin and Koza were not present.

SECOND ORDER OF BUSINESS

Public Comments

There were no public comments.

THIRD ORDER OF BUSINESS

**Acceptance of Resignation of Tim Martin,
Seat 4 (*Term Expires November 2022*)**

Mr. Adams presented Mr. Tim Martin's resignation.

<p>On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, the resignation of Mr. Tim Martin from Seat 4, was accepted.</p>

FOURTH ORDER OF BUSINESS

Consider Appointment of Christian Cotter to Fill Unexpired Term of Seat 4

Mr. Bone nominated Mr. Christian Cotter to fill Seat 4. No other nominations were made.

On MOTION by Mr. Bone and seconded by Mr. Everett, with all in favor, the appointment of Mr. Christian Cotter to Seat 4, term expires November 2022, was approved.

- **Administration of Oath of Office to Newly Appointed Supervisor *(the following to 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. Cotter. Mr. Cotter serves on several CDDs and is familiar with 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**

FIFTH ORDER OF BUSINESS

Acceptance of Resignation of Ashley Koza, Seat 5 *(Term Expires November 2022)*

Mr. Adams presented Ms. Ashley Koza’s resignation.

On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, the resignation of Ms. Ashley Koza from Seat 5, was accepted.

SIXTH ORDER OF BUSINESS

Consider Appointment to Fill Unexpired Term of Seat 5

Mr. Cotter nominated Ms. Mary Moulton to fill Seat 5. No other nominations were made.

On MOTION by Mr. Cotter and seconded by Mr. Bone, with all in favor, the appointment of Ms. Mary Moulton to Seat 5, term expires November 2022, was approved.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date

Mr. Adams presented Resolution 2022-01.

Mr. Bone nominated the following slate of officers:

Wayne Everett	Chair
Michael Bone	Vice Chair
Chesley (Chuck) E. Adams, Jr.	Secretary
Landon Thomas	Assistant Secretary
Christian Cotter	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. Bone and seconded by Mr. Cotter, with all in favor, Resolution 2022-01, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2022-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the District’s General Election; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date [Seats 3 and 5]

Mr. Adams presented Resolution 2022-02. Seats 3 and 5, currently held by Supervisors Thomas and Moulton, respectively, will transition to General Election in November. The candidate qualifying period is noon, June 13, through noon, June 19, 2022. Candidates must be

at least eighteen, a citizen of the United States, a legal resident of Florida and a registered voter residing within the CDD. Candidates must submit forms and payment to the Supervisor of Elections. This will be the first time the CDD is participating in the General Election process.

On MOTION by Mr. Thomas and seconded by Mr. Cotter, with all in favor, Resolution 2022-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the District’s General Election; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2022-03, Approving a Proposed Budget for Fiscal Year 2022/2023 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 2022-03. He reviewed the proposed Fiscal Year 2023 budget highlighting line item increases, decreases and adjustments, compared to the Fiscal Year 2022 budget, and explained the reasons for any adjustments.

On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, Resolution 2022-03, Approving a Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 16, 2022 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 an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Resolution 2022-04, Designating a Date, Time and Location for a Landowners’ Meeting; Providing for Publication; Providing for an Effective Date [Seat 4]

Mr. Adams presented Resolution 2022-04.

On MOTION by Mr. Thomas and seconded by Mr. Cotter, with all in favor, Resolution 2022-04, Designating a Date, Time and Location of November 15, 2022 at 10:30 a.m., at the offices of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966 for a Landowners’ Meeting; Providing for Publication; Providing for an Effective Date, was adopted.

ELEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-05, Authorizing and Approving Change of Designated Registered Agent and Registered Office

Mr. Adams presented Resolution 2022-05.

On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, Resolution 2022-05, Authorizing and Approving Change of Designated Registered Agent and Registered Office, was adopted.

TWELFTH ORDER OF BUSINESS

Consideration of Resolution 2022-06, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date

Mr. Adams presented Resolution 2022-06.

The following will be inserted into the Fiscal Year 2023 Meeting Schedule:

DATE, Landowners’ Meeting: November 15, 2022

TIME: 10:30 AM

On MOTION by Mr. Cotter and seconded by Mr. Thomas, with all in favor, Resolution 2022-06, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023, as amended, and Providing for an Effective Date, was adopted.

THIRTEENTH ORDER OF BUSINESS

Consideration of SOLitude Lake Management Addendum to Current Contract

Mr. Adams presented the SOLitude Lake Management Addendum. SOLitude provides preserve maintenance services; lake maintenance in the CDD is done under the Master Association. SOLitude advised that the price increase is due to the increased cost of the chemical treatments used in aquatic applications; other CDDs have incurred similar increases.

On MOTION by Mr. Cotter and seconded by Mr. Thomas, with all in favor, the SOLitude Lake Management Addendum to Current Contract, was approved.

FOURTEENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of April 30, 2022

Mr. Adams presented the Unaudited Financial Statements as of April 30, 2022.
The financials were accepted.

FIFTEENTH ORDER OF BUSINESS

Approval of August 16, 2021 Public Hearing and Regular Meeting Minutes

Mr. Adams presented the August 16, 2021 Public Hearing and Regular Meeting Minutes.

On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, the August 16, 2021 Public Hearing and Regular Meeting Minutes, as presented, were approved.

SIXTEENTH ORDER OF BUSINESS

Other Business

There was no other business.

SEVENTEENTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *KE Law Group, PLLC*

• 2021 Legislative Updates

I. Stormwater Management Needs Analysis Report

Mr. Adams stated he and Mr. Underhill are finishing the Report; once finalized, it will be filed and emailed to the Board. Ms. Kobitter stated a Memorandum regarding the Report is included in the agenda; the first Report is due by June 30, 2022 and every five years thereafter.

II. Prompt Payment Policy

- **Consideration of Resolution 2022-07, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date**

Ms. Kobitter presented Resolution 2022-07 and the updated Prompt Payment Policies and Procedures. Statutory changes increased the interest rate for late construction payments from 1% to 2% and there were modifications to the dispute resolution process.

On MOTION by Mr. Cotter and seconded by Mr. Thomas, with all in favor, Resolution 2022-07, Adopting Prompt Payment Policies and Procedures Pursuant to Chapter 218, Florida Statutes; Providing a Severability Clause; and Providing an Effective Date, was adopted.

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

There was no report.

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

- I. **315 Registered Voters in District as of April 15, 2022**
- II. **NEXT MEETING DATE: August 15, 2022, at 10:30 A.M.**
 - **QUORUM CHECK**

The next meeting will be held on August 16, 2022, rather than August 15, 2022.

Ms. Kobitter congratulated the newly appointed Supervisors and stated additional information will be sent following the meeting. She briefly summarized the main statutory requirements regarding the Sunshine Laws, communications between Supervisors, public records law, email communications, ethics laws, conflicts of interest and forms provided.

EIGHTEENTH ORDER OF BUSINESS

Audience Comments/Supervisors' Requests

There were no audience comments or Supervisors' requests.

NINETEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Cotter and seconded by Mr. Thomas, with all in favor, the meeting adjourned at 11:53 a.m.



Secretary/Assistant Secretary



Chair/Vice Chair