

**EAST BONITA  
BEACH ROAD**

**COMMUNITY DEVELOPMENT  
DISTRICT**

**May 15, 2023**

**BOARD OF SUPERVISORS  
REGULAR MEETING  
AGENDA**

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**AGENDA  
LETTER**

# East Bonita Beach Road Community Development District

## OFFICE OF THE DISTRICT MANAGER

2300 Glades Road, Suite 410W • Boca Raton, Florida 33431

Phone: (561) 571-0010 • Toll-free: (877) 276-0889 • Fax: (561) 571-0013

May 8, 2023

**ATTENDEES:**

Please identify yourself each time you speak to facilitate accurate transcription of meeting minutes.

Board of Supervisors

East Bonita Beach Road Community Development District

Dear Board Members:

The Board of Supervisors of the East Bonita Beach Road Community Development District will hold 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. The agenda is as follows:

1. Call to Order/Roll Call
2. Public Comments
3. Administration of Oath of Office to Elected Supervisor, Christian Cotter [SEAT 4] *(the following to be provided in a separate package)*
  - 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
4. 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
5. 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
6. Consider Appointment of Qualified Electors to Fill Vacancies in Seat 3 and Seat 5; *Terms Expire November 2026*

7. Consideration of Resolution 2023-03, Designating Certain Officers of the District, and Providing for an Effective Date
8. 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
9. Consideration of Resignation of District Counsel, Kilinski | VanWyk
10. Consideration of Kutak Rock LLP, Fee Agreement
11. 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
12. 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
13. Acceptance of Unaudited Financial Statements as of March 31, 2023
14. Approval of Minutes
  - A. August 16, 2022 Public Hearing and Regular Meeting
  - B. November 15, 2022 Landowners' Meeting
15. Other Business
16. Staff Reports
  - A. District Counsel: *Kutak Rock LLP*

- B. District Engineer: *Banks Engineering, Inc.*
- C. District Manager: *Wrathell, Hunt and Associates, LLC*
  - 485 Registered Voters in District as of April 15, 2023
  - NEXT MEETING DATE: August 21, 2023 at 10:30 AM
  - QUORUM CHECK

SEAT 1	MICHAEL BONE	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 2	J WAYNE EVERETT	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 3		<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 4	CHRISTIAN COTTER	<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO
SEAT 5		<input type="checkbox"/>	IN PERSON	<input type="checkbox"/>	PHONE	<input type="checkbox"/>	NO

- 17. Audience Comments/Supervisors' Requests
- 18. Adjournment

Should you have any questions, please do not hesitate to contact me directly at 239-464-7114.

Sincerely,



Chesley "Chuck" Adams  
 District Manager

**FOR BOARD MEMBERS AND STAFF TO ATTEND BY TELEPHONE:**

**CALL IN NUMBER: 1-888-354-0094**

**PARTICIPANT PASSCODE: 229 774 8903**

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**4**

**RESOLUTION 2023-01**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT 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.**

**WHEREAS**, the East Bonita Beach Road Community Development District ("**District**") is a local unit of special-purpose government created and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Lee County, Florida; and

**WHEREAS**, pursuant to Section 190.006(2), *Florida Statutes*, a landowners meeting is required to be held within 90 days of the District's creation and every two (2) years following the creation of the District for the purpose of electing supervisors of the District; and

**WHEREAS**, such landowners meeting was held at which the below recited persons were duly elected by virtue of the votes cast in their favor; and

**WHEREAS**, the Board of Supervisors of the District, by means of this Resolution, desire to canvass the votes and declare and certify the results of said election.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:**

1. **ELECTION RESULTS.** The following persons are found, certified, and declared to have been duly elected as Supervisors of and for the District, having been elected by the votes cast in their favor as shown:

Christian Cotter	Seat 4	196 Votes
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2. **TERMS.** In accordance with Section 190.006(2), *Florida Statutes*, and by virtue of the number of votes cast for the Supervisors, the above-named persons are declared to have been elected for the following term of office:

Christian Cotter	Seat 4	4-Year Term
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3. **EFFECTIVE DATE.** This resolution shall become effective immediately upon its adoption.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

**PASSED AND ADOPTED** this 15th day of May, 2023.

Attest:

**EAST BONITA BEACH ROAD COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary/Assistant Secretary

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Chair/Vice Chair, Board of Supervisors



**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**5**

**RESOLUTION 2023-02**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT 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**

**WHEREAS**, the East Bonita Beach Road Community Development District (“**District**”) is a local unit of special-purpose government created by, and existing pursuant to Chapter 190, *Florida Statutes*; and

**WHEREAS**, on November 8, 2022, two (2) members of the Board of Supervisors (“**Board**”) are to be elected by “**Qualified Electors**,” as that term is defined in Section 190.003, *Florida Statutes*; and

**WHEREAS**, the District published a notice of qualifying period set by the Supervisor of Elections at least two (2) weeks prior to the start of said qualifying period; and

**WHEREAS**, at the close of the qualifying period, zero (0) Qualified Electors qualified to run for the two (2) seats available for election by the Qualified Electors of the District; and

**WHEREAS**, pursuant to Section 190.006(3)(b), *Florida Statutes*, the Board shall declare Seats 3 and 5 vacant, effective the second Tuesday following the general election; and

**WHEREAS**, pursuant to Section 190.006(3)(b), *Florida Statutes*, two (2) Qualified Electors shall be appointed to the vacant seats within 90 days thereafter; and

**WHEREAS**, the Board finds that it is in the best interests of the District to adopt this Resolution declaring the seats available for election as vacant.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** The following seats are declared vacant effective as of November 22, 2022:

Seat #3 (currently held by Landon Thomas)

Seat #5 (currently Mary Moulton)

**SECTION 2.** Until such time as the District Board appoints Qualified Electors to fill the vacancies declared in Section 1 above, the incumbent Board Supervisors of the respective seats shall remain in office.

**SECTION 3.** This Resolution shall become effective upon its passage.

**PASSED AND ADOPTED** this 15th day of May, 2023.

ATTEST:

**EAST BONITA BEACH ROAD COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**7**

**RESOLUTION 2023-03**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT DESIGNATING CERTAIN OFFICERS OF THE DISTRICT, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the East Bonita Beach Road Community Development District (“District”) is a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes; and

**WHEREAS**, the Board of Supervisors of the District desires to designate certain Officers of the District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1.** \_\_\_\_\_ is appointed Chair.

**SECTION 2.** \_\_\_\_\_ is appointed Vice Chair.

**SECTION 3.** \_\_\_\_\_ is appointed Assistant Secretary.

\_\_\_\_\_ is appointed Assistant Secretary.

\_\_\_\_\_ is appointed Assistant Secretary.

**Craig Wrathell** \_\_\_\_\_ is appointed Assistant Secretary.

**SECTION 4.** This Resolution supersedes any prior appointments made by the Board for Chair, Vice Chair and Assistant Secretaries; however, prior appointments by the Board for Secretary, Treasurer and Assistant Treasurer(s) remain unaffected by this Resolution.

**SECTION 5.** This Resolution shall become effective immediately upon its adoption.

[REMAINDER OF PAGE INTENTIONALL LEFT BLANK]

**PASSED AND ADOPTED** this 15th day of May, 2023.

ATTEST:

**EAST BONITA BEACH ROAD COMMUNITY  
DEVELOPMENT DISTRICT**

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Secretary/Assistant Secretary

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Chair/Vice Chair, Board of Supervisors

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**8**

**RESOLUTION 2023-04**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT 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.**

**WHEREAS**, the District Manager has prepared and submitted to the Board of Supervisors (“**District**”) of the East Bonita Beach Road Community Development District (“**Board**”), prior to June 15, 2023, the proposed budget (“**Proposed Budget**”) for the Fiscal Year beginning October 1, 2023 and ending September 30, 2024 (“**Fiscal Year 2023/2024**”); and

**WHEREAS**, the Board has considered the Proposed Budget and desires to set the required public hearing thereon.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1. PROPOSED BUDGET APPROVED.** The Proposed Budget prepared by the District Manager for Fiscal Year 2023/2024, attached hereto as **Exhibit A**, is hereby approved as the basis for conducting a public hearing to adopt said Proposed Budget.

**SECTION 2. SETTING A PUBLIC HEARING.** A public hearing on said approved Proposed Budget is hereby declared and set for the following date, hour, and location:

**DATE:** \_\_\_\_\_

**HOUR:** \_\_\_\_\_

**LOCATION:** office of D.R. Horton  
10541 Ben C. Pratt Six Mile Cypress Parkway  
Fort Myers, Florida 33966

**SECTION 3. TRANSMITTAL OF PROPOSED BUDGET TO LOCAL GENERAL PURPOSE GOVERNMENTS.** The District Manager is hereby directed to submit a copy of the Proposed Budget to Lee County at least sixty (60) days prior to the hearing set above.

**SECTION 4. POSTING OF PROPOSED BUDGET.** In accordance with Section 189.016, *Florida Statutes*, the District’s Secretary is further directed to post the approved Proposed Budget on the District’s website at least two (2) days before the budget hearing date as set forth in Section 2 and shall remain on the website for at least forty-five (45) days.

**SECTION 5. PUBLICATION OF NOTICE.** Notice of this public hearing shall be published in the manner prescribed in Florida law.



**SECTION 6. SEVERABILITY.** The invalidity or unenforceability of any one or more provisions of this Resolution shall not affect the validity or enforceability of the remaining portions of this Resolution, or any part thereof.

**SECTION 7. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 15th day of May, 2023.

ATTEST:

**EAST BONITA BEACH ROAD COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

**Exhibit A:** Fiscal Year 2023/2024 Proposed Budget

**Exhibit A: Fiscal Year 2023/2024 Proposed Budget**

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
FISCAL YEAR 2024  
PROPOSED BUDGET**

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
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**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
GENERAL FUND BUDGET  
FISCAL YEAR 2024**

	Fiscal Year 2023			Total Actual & Projected	Proposed Budget FY 2024
	Adopted Budget FY 2023	Actual through 2/28/2023	Projected through 9/30/2023		
<b>REVENUES</b>					
Assessment Levy: on-roll	\$ 137,575				\$ 137,575
Allowable discount (4%)	(5,503)				(5,503)
Assessment levy - net	132,072	\$ 127,312	\$ 4,760	\$ 132,072	132,072
Interest & miscellaneous	-	8	-	8	-
Total revenues	132,072	127,320	4,760	132,080	132,072
<b>EXPENDITURES</b>					
<b>Professional &amp; administrative fees</b>					
Management advisory services	48,000	20,000	28,000	48,000	48,000
Supervisor fees	600	-	600	600	600
Audit	5,000	5,000	-	5,000	5,000
Dissemination Agent Fees	1,000	417	583	1,000	1,000
Trustee	5,000	-	5,000	5,000	5,000
Arbitrage rebate calculation	1,200	-	1,200	1,200	1,200
Legal	12,000	443	11,557	12,000	12,000
Engineering	5,000	-	5,000	5,000	5,000
Postage	200	32	168	200	200
Insurance	6,300	5,988	-	5,988	6,300
Legal advertising	1,000	696	304	1,000	1,000
Other current charges	685	289	396	685	685
Annual district filing fee	175	175	-	175	175
Website	705	705	-	705	705
ADA website compliance	200	210	-	-	200
Intergovernmental: shared maintenance costs	20,440	4,906	7,500	12,406	20,440
Preserve maint., monitoring & reporting	10,000	1,897	8,103	10,000	10,000
	117,505	40,758	68,411	108,959	117,505
<b>Other Fees and Charges</b>					
Tax Collector	822	795	27	822	822
Property Appraiser	548	-	548	548	548
	1,370	795	575	1,370	1,370
	118,875	41,553	68,986	110,329	118,875
<b>Total Other Fees &amp; Charges</b>					
Total expenditures					
Net increase/(decrease) of fund balance	13,197	85,767	(64,226)	21,751	13,197
Fund balance - beginning (unaudited)	33,482	56,131	141,898	56,131	77,882
Ending fund balance (projected)	\$ 46,679	\$ 141,898	\$ 77,672	\$ 77,882	\$ 91,079

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
DEFINITIONS OF GENERAL FUND EXPENDITURES**

**EXPENDITURES**

Supervisor fees	\$ 600
<p>Statutorily set at \$200 (plus applicable taxes) for each meeting of the Board of Supervisors not to exceed \$4,800 for each fiscal year.</p>	
Management advisory services	48,000
<p><b>Wrathell, Hunt and Associates, LLC</b> specializes in managing community development districts in the State of Florida by combining the knowledge, skills and experience of a team of professionals to ensure compliance with all governmental requirements of the District, develop financing programs, oversee the issuance of tax exempt bonds, and operate and maintain the assets of the community. The annual fee is inclusive of district management and recording services.</p>	
Audit	5,000
<p>The District is required to complete annual, independent examinations of its accounting records and procedures. This audit is conducted pursuant to Florida Law and the Rules of the Auditor General.</p>	
Dissemination agent fees***	1,000
<p>The District must annually disseminate financial information in order to comply with the requirements of Rule 15c2-12 under the Securities Exchange Act of 1934.</p>	
Trustee	5,000
<p>Annual fees paid for services provided as trustee, paying agent and registrar.</p>	
Arbitrage rebate calculation	1,200
<p>To ensure the District's compliance with all tax regulations, annual computations are necessary to calculate arbitrage rebate liability.</p>	
Legal	12,000
<p>The District's general counsel provides legal representation on issues relating to public finance, public bidding, rulemaking, open meetings, public records, real property dedications, conveyances and contracts.</p>	
Engineering	5,000
<p>The District's engineer provides consulting and construction services to assist in crafting sustainable solutions for the long term interests of the community while recognizing the needs of government, the environment and maintenance of the District's facilities.</p>	
Postage	200
<p>Mailing of agenda packages, overnight deliveries, correspondence, etc.</p>	
Insurance	6,300
<p>The District carries public officials insurance.</p>	
Legal advertising	1,000
<p>The District will advertise in The Fort Myers News Press for monthly meetings, special meetings, public hearings, bidding, etc.</p>	
Other current charges	685
<p>Bank charges and other miscellaneous expenses incurred throughout the year.</p>	
Annual district filing fee	175
<p>Annual fee paid to the Department of Economic Opportunity.</p>	
Website	705
ADA website compliance	200

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
DEFINITIONS OF GENERAL FUND EXPENDITURES**

**EXPENDITURES (continued)**

Intergovernmental: shared maintenance costs 20,440

Starting in fiscal year 2017, the District began participating in the responsibility for the maintenance and monitoring of the panther mitigation property in Labelle. The establishment and perpetual responsibility to maintain the property and provide a five year monitoring and reporting program (which ended in 2020) is a development order requirement for not only this District but also for 3 other neighboring communities. Additionally, the District participates in the costs of maintaining the common infrastructure along Bonita Beach Road serving the same communities, including landscaping, roadway , storm water maintenance and streetlighting began in 2021. e costs will be shared with the other communities by interlocal agreement and based upon previously agreed upon percentages.

Panther Mit and Monitoring		25,000	
Streetlighting		26,000	
Common Infrastructure Maint.		<u>95,000</u>	
Total		146,000	
CDD Share	14%	20,440	

Preserve maint., monitoring & reporting 10,000

The CDD has assigned it's onsite operational and maintenance responsibilities to the master association with the only exception being the maintenance, monitoring and reporting responsibilities associated with the 4.57 acre preserve. The CDD is under contract with licensed and qualified contractor for semi annual maintenance (which is required in perpetuity) and for 3 years of monitoring and reporting which will end during Fiscal Year 2021.

Maintenance		5,000	
Monitoring and Reporting		<u>5,000</u>	
		10,000	

Tax collector 822  
The tax collector's fee is \$1.50 per parcel.

Property appraiser 548  
The property appraiser's fee is \$1.00 per parcel.

Total expenditures \$ 118,875

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
DEBT SERVICE FUND BUDGET - SERIES 2018  
FISCAL YEAR 2024**

	Fiscal Year 2023			Total Actual & Projected	Proposed Budget FY 2024
	Adopted Budget FY 2023	Actual through 2/28/2023	Projected through 9/30/2023		
<b>REVENUES</b>					
Assessment levy: on-roll	\$ 352,954				\$ 352,954
Allowable discounts (4%)	(14,118)				(14,118)
Net assessment levy - on-roll	338,836	\$ 324,494	\$ 14,342	\$ 338,836	338,836
Interest	-	3,630	-	3,630	-
Total revenues	338,836	328,124	14,342	342,466	338,836
<b>EXPENDITURES</b>					
<b>Debt service</b>					
Principal	95,000	95,000	-	95,000	100,000
Interest	238,434	120,138	118,296	238,434	234,656
Total expenditures	333,434	215,138	118,296	333,434	334,656
Excess/(deficiency) of revenues over/(under) expenditures	5,402	112,986	(103,954)	9,032	4,180
Fund balance:					
Net increase/(decrease) in fund balance	5,402	112,986	(103,954)	9,032	4,180
Beginning fund balance (unaudited)	405,407	406,778	519,764	406,778	415,810
Ending fund balance (projected)	<u>\$410,809</u>	<u>\$ 519,764</u>	<u>\$ 415,810</u>	<u>\$ 415,810</u>	<u>419,990</u>
Use of fund balance:					
Debt service reserve account balance (required)					(169,063)
Principal expense - November 1, 2024					(105,000)
Interest expense - November 1, 2024					(116,359)
Projected fund balance surplus/(deficit) as of September 30, 2024					<u>\$ 29,568</u>



**East Bonita Beach Road**  
Community Development District  
Special Assessment Revenue Bonds, Series 2018  
\$5,200,000

**Debt Service Schedule**

<b>Date</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Total P+I</b>
11/01/2022	95,000.00	3.875%	120,137.50	215,137.50
05/01/2023	-	-	118,296.88	118,296.88
11/01/2023	100,000.00	3.875%	118,296.88	218,296.88
05/01/2024	-	-	116,359.38	116,359.38
11/01/2024	105,000.00	4.375%	116,359.38	221,359.38
05/01/2025	-	-	114,062.50	114,062.50
11/01/2025	110,000.00	4.375%	114,062.50	224,062.50
05/01/2026	-	-	111,656.25	111,656.25
11/01/2026	110,000.00	4.375%	111,656.25	221,656.25
05/01/2027	-	-	109,250.00	109,250.00
11/01/2027	115,000.00	4.375%	109,250.00	224,250.00
05/01/2028	-	-	106,734.38	106,734.38
11/01/2028	120,000.00	4.375%	106,734.38	226,734.38
05/01/2029	-	-	104,109.38	104,109.38
11/01/2029	125,000.00	4.375%	104,109.38	229,109.38
05/01/2030	-	-	101,375.00	101,375.00
11/01/2030	135,000.00	5.000%	101,375.00	236,375.00
05/01/2031	-	-	98,000.00	98,000.00
11/01/2031	140,000.00	5.000%	98,000.00	238,000.00
05/01/2032	-	-	94,500.00	94,500.00
11/01/2032	145,000.00	5.000%	94,500.00	239,500.00
05/01/2033	-	-	90,875.00	90,875.00
11/01/2033	155,000.00	5.000%	90,875.00	245,875.00
05/01/2034	-	-	87,000.00	87,000.00
11/01/2034	160,000.00	5.000%	87,000.00	247,000.00
05/01/2035	-	-	83,000.00	83,000.00
11/01/2035	170,000.00	5.000%	83,000.00	253,000.00
05/01/2036	-	-	78,750.00	78,750.00
11/01/2036	180,000.00	5.000%	78,750.00	258,750.00
05/01/2037	-	-	74,250.00	74,250.00
11/01/2037	185,000.00	5.000%	74,250.00	259,250.00
05/01/2038	-	-	69,625.00	69,625.00
11/01/2038	195,000.00	5.000%	69,625.00	264,625.00
05/01/2039	-	-	64,750.00	64,750.00
11/01/2039	205,000.00	5.000%	64,750.00	269,750.00
05/01/2040	-	-	59,625.00	59,625.00
11/01/2040	215,000.00	5.000%	59,625.00	274,625.00
05/01/2041	-	-	54,250.00	54,250.00
11/01/2041	225,000.00	5.000%	54,250.00	279,250.00
05/01/2042	-	-	48,625.00	48,625.00
11/01/2042	240,000.00	5.000%	48,625.00	288,625.00
05/01/2043	-	-	42,625.00	42,625.00
11/01/2043	250,000.00	5.000%	42,625.00	292,625.00
05/01/2044	-	-	36,375.00	36,375.00
11/01/2044	265,000.00	5.000%	36,375.00	301,375.00
05/01/2045	-	-	29,750.00	29,750.00
11/01/2045	275,000.00	5.000%	29,750.00	304,750.00
05/01/2046	-	-	22,875.00	22,875.00
11/01/2046	290,000.00	5.000%	22,875.00	312,875.00
05/01/2047	-	-	15,625.00	15,625.00
11/01/2047	305,000.00	5.000%	15,625.00	320,625.00
05/01/2048	-	-	8,000.00	8,000.00
11/01/2048	320,000.00	5.000%	8,000.00	328,000.00
<b>Total</b>	<b>\$4,840,000.00</b>		<b>\$3,762,390.66</b>	<b>\$8,602,390.66</b>

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
DEBT SERVICE FUND BUDGET - SERIES 2021  
FISCAL YEAR 2024**

	Fiscal Year 2023			Total Actual & Projected	Proposed Budget FY 2024
	Adopted Budget FY 2023	Actual through 2/28/2023	Projected through 9/30/2023		
<b>REVENUES</b>					
Assessment levy: on-roll	\$ 347,042				\$ 347,042
Allowable discounts (4%)	(13,882)				(13,882)
Net assessment levy - on-roll	333,160	\$ 319,027	\$ 14,133	\$ 333,160	333,160
Interest	-	2,909	-	2,909	-
Total revenues	333,160	321,936	14,133	336,069	333,160
<b>EXPENDITURES</b>					
<b>Debt service</b>					
Principal	125,000	-	125,000	125,000	130,000
Interest	204,288	102,143	102,145	204,288	201,475
Total expenditures	329,288	102,143	227,145	329,288	331,475
Excess/(deficiency) of revenues over/(under) expenditures	3,872	219,793	(213,012)	6,781	1,685
Fund balance:					
Beginning fund balance (unaudited)	271,143	272,053	491,846	272,053	278,834
Ending fund balance (projected)	\$275,015	\$ 491,846	\$ 278,834	\$ 278,834	280,519
Use of fund balance:					
Debt service reserve account balance (required)					(166,250)
Interest expense - November 1, 2024					(99,275)
Projected fund balance surplus/(deficit) as of September 30, 2024					\$ 14,994

**East Bonita Beach Road**  
Community Development District  
Special Assessment Revenue Bonds, Series 2021  
\$6,015,000

**Debt Service Schedule**

<b>Date</b>	<b>Principal</b>	<b>Coupon</b>	<b>Interest</b>	<b>Total P+I</b>
11/01/2022			102,143.75	102,143.75
05/01/2023	125,000.00	2.250%	102,143.75	227,143.75
11/01/2023			100,737.50	100,737.50
05/01/2024	130,000.00	2.250%	100,737.50	230,737.50
11/01/2024			99,275.00	99,275.00
05/01/2025	135,000.00	2.250%	99,275.00	234,275.00
11/01/2025			97,756.25	97,756.25
05/01/2026	135,000.00	2.250%	97,756.25	232,756.25
11/01/2026			96,237.50	96,237.50
05/01/2027	140,000.00	3.000%	96,237.50	236,237.50
11/01/2027			94,137.50	94,137.50
05/01/2028	145,000.00	3.000%	94,137.50	239,137.50
11/01/2028			91,962.50	91,962.50
05/01/2029	150,000.00	3.000%	91,962.50	241,962.50
11/01/2029			89,712.50	89,712.50
05/01/2030	155,000.00	3.000%	89,712.50	244,712.50
11/01/2030			87,387.50	87,387.50
05/01/2031	160,000.00	3.000%	87,387.50	247,387.50
11/01/2031			84,987.50	84,987.50
05/01/2032	165,000.00	3.000%	84,987.50	249,987.50
11/01/2032			82,512.50	82,512.50
05/01/2033	170,000.00	3.250%	82,512.50	252,512.50
11/01/2033			79,750.00	79,750.00
05/01/2034	175,000.00	3.250%	79,750.00	254,750.00
11/01/2034			76,906.25	76,906.25
05/01/2035	180,000.00	3.250%	76,906.25	256,906.25
11/01/2035			73,981.25	73,981.25
05/01/2036	185,000.00	3.250%	73,981.25	258,981.25
11/01/2036			70,975.00	70,975.00
05/01/2037	190,000.00	3.250%	70,975.00	260,975.00
11/01/2037			67,887.50	67,887.50
05/01/2038	195,000.00	3.250%	67,887.50	262,887.50
11/01/2038			64,718.75	64,718.75
05/01/2039	205,000.00	3.250%	64,718.75	269,718.75
11/01/2039			61,387.50	61,387.50
05/01/2040	210,000.00	3.250%	61,387.50	271,387.50
11/01/2040			57,975.00	57,975.00
05/01/2041	220,000.00	3.250%	57,975.00	277,975.00
11/01/2041			54,400.00	54,400.00
05/01/2042	225,000.00	4.000%	54,400.00	279,400.00
11/01/2042			49,900.00	49,900.00
05/01/2043	235,000.00	4.000%	49,900.00	284,900.00
11/01/2043			45,200.00	45,200.00
05/01/2044	245,000.00	4.000%	45,200.00	290,200.00
11/01/2044			40,300.00	40,300.00
05/01/2045	255,000.00	4.000%	40,300.00	295,300.00
11/01/2045			35,200.00	35,200.00
05/01/2046	265,000.00	4.000%	35,200.00	300,200.00
11/01/2046			29,900.00	29,900.00
05/01/2047	275,000.00	4.000%	29,900.00	304,900.00
11/01/2047			24,400.00	24,400.00
05/01/2048	285,000.00	4.000%	24,400.00	309,400.00
11/01/2048			18,700.00	18,700.00
05/01/2049	300,000.00	4.000%	18,700.00	318,700.00
11/01/2049			12,700.00	12,700.00
05/01/2050	310,000.00	4.000%	12,700.00	322,700.00
11/01/2050			6,500.00	6,500.00
05/01/2051	325,000.00	4.000%	6,500.00	331,500.00
<b>Total</b>	<b>\$5,765,000.00</b>		<b>\$3,590,975.00</b>	<b>\$9,355,975.00</b>

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
ASSESSMENT COMPARISON  
PROJECTED FISCAL YEAR 2024 ASSESSMENTS**

On-Roll Assessments/Series 2018 Bonds
---------------------------------------

	Units	FY 2024 O&M Assessment per Unit	FY 2024 DS Assessment per Unit	FY 2024 Total Assessment per Unit	FY 2023 Total Assessment per Unit
SF 40'	98	\$ 251.05	\$ 1,064.29	\$ 1,315.34	\$ 1,315.34
SF 50'	181	251.05	1,329.71	1,580.76	1,580.76
SF 60'	5	251.05	1,595.13	1,846.18	1,846.18
Total	284				

On-Roll Assessments/Series 2021 Bonds
---------------------------------------

	Units	FY 2024 O&M Assessment per Unit	FY 2024 DS Assessment per Unit	FY 2024 Total Assessment per Unit	FY 2023 Total Assessment per Unit
SF 40'	99	\$ 251.05	\$ 1,065.04	\$ 1,316.09	\$ 1,316.09
SF 50'	82	251.05	1,330.65	1,581.70	1,581.70
SF 60'	83	251.05	1,596.26	1,847.31	1,847.31
Total	264				

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**9**



**KILINSKI  
VAN WYK**

2016 Delta Boulevard  
Suite 101  
Tallahassee, Florida 32303  
877-350-0372

Offices:  
Tallahassee  
Tampa

February 23, 2023

East Bonita Beach Road Community Development District  
c/o Chuck Adams  
Wrathell Hunt & Associates  
2300 Glades Road, Suite 410W  
Boca Raton, Florida 33431

Dear Mr. Adams,

At the request of the Chair, I am writing to inform you of our resignation as District Counsel to the East Bonita Beach Road Community Development District. It has been our pleasure to serve the Board of Supervisors and work alongside District staff, and we appreciate the opportunity provided to us.

Our resignation will be effective Friday, February 24, 2023, unless you need us to continue in our role to a specific date. Please confirm if that is the case. Should you and the Board need legal counsel services in the future, we would welcome the opportunity to work together again. We understand the Chair has engaged, or is undertaking engagement of, alternative counsel and we will transfer our files to them upon notice of that election. We will also send our final bills by early next week. Best wishes in the future.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Kilinski". The signature is written in a cursive, flowing style.

Jennifer L. Kilinski  
Partner

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**10**

**KUTAK ROCK LLP  
FEE AGREEMENT FOR  
EAST BONITA BEACH ROAD CDD**

**I. PARTIES**

THIS FEE AGREEMENT ("Fee Agreement") is made and entered into by and between the following parties, and supersedes on a going forward basis any prior fee agreement between the parties:

A. East Bonita Beach Road Community Development District ("Client")  
c/o Wrathell, Hunt and Associates LLC  
2300 Glades Road, Suite 410W  
Boca Raton, Florida 33431

and

B. Kutak Rock LLP ("KUTAK")  
107 West College Avenue (32301)  
P.O. Box 10230  
Tallahassee, Florida 32302

**II. SCOPE OF SERVICES**

In consideration of the mutual agreements contained herein, the parties agree as follows:

A. The Client agrees to employ and retain KUTAK as its attorney and legal representative for all legal matters involving the District.

B. KUTAK accepts such employment and agrees to serve as attorney for and provide legal representation to the Client in connection with those matters referenced above.

**III. FEES**

The Client agrees to compensate KUTAK for services rendered regarding any matters covered by this Fee Agreement according to the hourly billing rates for individual KUTAK lawyers set forth herein, plus actual expenses incurred by KUTAK in accordance with the attached standard Expense Reimbursement Policy (Attachment A, incorporated herein by reference). For Calendar Year 2023, hourly rates will be \$295 per hour for shareholders, \$265 per hour associates, \$235 per hour for contract attorneys and \$190 per hour for paralegals. All hourly rates will be increased annually by \$10 per hour. To the extent that the District issues bonds during Calendar Year 2023, KUTAK will provide issuer's counsel services under a flat fee of \$38,000 per bond issuance. This flat fee will be increased annually by \$1,000 per year.

**IV. CLIENT FILES**

The files and work product materials ("Client File") of the Client generated or received by KUTAK will be maintained confidentially to the extent permitted by law and in accordance with the Florida Bar rules. At the conclusion of the representation, the Client File will be stored by KUTAK for a minimum of five (5) years. After the five (5) year storage period, the Client hereby acknowledges and consents that KUTAK may



confidentially destroy or shred the Client File, unless KUTAK is provided a written request from the Client requesting return of the Client File, to which KUTAK will return the Client File at Client's expense.

**V. DEFAULT**

In the event of a dispute arising under this Fee Agreement, whether or not a lawsuit or other proceeding is filed, the prevailing party shall be entitled to recover its reasonable attorneys' fees and costs, including attorneys' fees and costs incurred in litigating entitlement to attorneys' fees and costs, as well as in determining or quantifying the amount of recoverable attorneys' fees and costs. The reasonable costs to which the prevailing party is entitled shall include costs that are taxable under any applicable statute, rule, or guideline, as well as non-taxable costs, including, but not limited to, costs of investigation, telephone charges, mailing and delivery charges, information technology support charges, consultant and expert witness fees, travel expenses, court reporter fees, and mediator fees, regardless of whether such costs are otherwise taxable. Venue of any such action shall be exclusive in the state courts of the Second Judicial Circuit in and for Leon County, Florida.

**VI. TERMINATION**

Either party may terminate this Fee Agreement upon providing prior written notice to the other party at its regular place of business.

**VII. EXECUTION OF FEE AGREEMENT**

This Fee Agreement shall be deemed fully executed upon its signing by KUTAK and the Client. The contract formed between KUTAK and the Client shall be the operational contract between the parties.

**VIII. ENTIRE CONTRACT**

This Fee Agreement constitutes the entire agreement between the parties.

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**KUTAK ROCK LLP**

By: \_\_\_\_\_

By:  \_\_\_\_\_

Jere L. Earlywine

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: May 1, 2023

## ATTACHMENT A

### KUTAK ROCK LLP EXPENSE REIMBURSEMENT POLICY

The following is the expense reimbursement policy for the Fee Agreement. All expenses are billed monthly. Billings ordinarily reflect expenses for the most recent month, except where there are delays in receiving bills from third party vendors.

Telephone. All telephone charges are billed at an amount approximating actual cost.

Photocopying and Printing. In-house photocopying and printing is charged at \$0.05 per page, which is less than actual cost.

Facsimile. There are no charges for faxes.

Postage. Postage is billed at actual cost.

Overnight Delivery. Overnight delivery is billed at actual cost.

Computerized Legal Research. Charges for computerized legal research are billed at an amount approximating actual cost.

Travel. Travel (including air fare, rental cars, taxicabs, hotel, meals, tips, etc.) is billed at actual cost. Where air travel is required, coach class is used wherever feasible. Out-of-town mileage is billed at the State of Florida approved reimbursement rate (i.e., pursuant to Chapter 112, Florida Statutes).

Consultants. Unless prior arrangements are made, consultants are ordinarily employed directly by the Client. Where consultants are employed by the firm, their charges are passed-through with no mark-up. The Client is responsible for notifying the firm of any particular billing arrangements or procedures which the Client requires of the consultant.

Other Expenses. Other outside expenses, such as court reporters, agency copies, etc. are billed at actual cost.

Word Processing and Secretarial Overtime. No charge is made for word processing. No charge is made for secretarial overtime except in major litigation matters where unusual overtime demands are imposed.

**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**11A**

**RESOLUTION 2023-05**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT 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.**

**WHEREAS**, the East Bonita Beach Road Community Development District (“District”) was established by the City Council of the City of Bonita Springs, Lee County, Florida, by Ordinance Number 08-02, effective on March 21, 2008, as amended by Ordinance No. 16-02, effective on April 1, 2016 (together, the “Ordinance”), for the purpose of providing infrastructure improvements, facilities and services to the lands within the District as provided in Chapter 190, Florida Statutes; and

**WHEREAS**, on November 20, 2017, the Board of Supervisors of the District adopted Resolution 2018-03, as supplemented by Resolution 2018-08 on May 14, 2018, authorizing, among other things, the issuance of not to exceed \$15,000,000 aggregate principal amount of its East Bonita Beach Road Community Development District Special Assessment Revenue Bonds, in order to finance all or a portion of the costs of the planning, financing, reconstruction, equipping and installation of certain infrastructure improvements; and

**WHEREAS**, the District approved the *Engineer’s Report for the East Bonita Beach Road Community Development District*, dated January 9, 2018 (the “Engineer’s Report”), attached hereto as **Exhibit A** and incorporated herein by reference, which identifies and describes the components of the project to be financed with the Series 2018 Bonds (the “Series 2018 Project”) and sets forth the estimated total costs of the Series 2018 Project (“Total Project Costs”); and

**WHEREAS**, the Engineer’s Report estimated capital costs totaling \$3,370,000 for the Series 2018 Project, including professional services and contingencies; and

**WHEREAS**, on January 18, 2018, the District Board adopted Resolution 2018-04, declaring that such Total Project Costs would be defrayed by the imposition of special assessments pursuant to Chapters 170 and 190, Florida Statutes, and that such special assessments would be paid in annual installments commencing in the year in which the special assessments were confirmed, and Resolution 2018-02, setting a public hearing on the special assessments; and

**WHEREAS**, on September 17, 2018, the District Board adopted Resolution 2018-10, which, among other things, approved and confirmed the provision of infrastructure

improvements, adopted and approved an engineer's report, and confirmed and adopted the *Supplemental Special Assessment Methodology Report* dated August 28, 2018 ("Methodology Report"), and, pursuant to Section 170.08, Florida Statutes, authorized the project described therein, equalized and levied special assessments to defray the Total Project Costs, levied a master assessment lien over all of the property within the District and provided that this levy shall be a lien on the property so assessed co-equal with the lien of all state, county, district, municipal or other governmental taxes (the "**Special Assessment Lien**"), all in accordance with Section 170.08, Florida Statutes (together, District Resolutions 2018-02, 2018-03, 2018-04 and 2018-10 comprise the "**Assessment Resolutions**"); and

**WHEREAS**, on September 20, 2018, the District duly authorized and issued \$5,200,000 in East Bonita Beach Road Community Development District Special Assessment Revenue Bonds, Series 2018 (Assessment Area One) (Tax-Exempt) ("Series 2018 Bonds") for the purpose of funding all of the construction, installation, and acquisition of public infrastructure, improvements, and services of the Series 2018 Project; and

**WHEREAS**, the Series 2018 Bonds were issued pursuant to that certain *Master Indenture* dated September 1, 2018 (the "Master Indenture"), as supplemented by the *First Supplemental Trust Indenture* dated September 1, 2018 (the "Supplemental Indenture" and, together with the Master Indenture, the "Indenture") both by and between the District and the Trustee; and

**WHEREAS**, the Series 2018 Project specially benefits certain property within the District as set forth in the Assessment Resolutions and the Methodology Report, which is attached hereto as **Exhibit B**, and it is reasonable, proper, just and right to assess the portion of the costs of the Series 2018 Project financed with the Series 2018 Bonds to the specially benefitted properties within the District as set forth in the Assessment Resolutions and this Resolution; and

**WHEREAS**, pursuant to Chapter 170, Florida Statutes, and the Indenture, the District Engineer has executed and delivered a certificate regarding completion of construction dated                     , 2022 (the "Engineer's Certificate of Completion"), attached hereto as **Exhibit C** and incorporated herein by reference, wherein the District Engineer certified the Series 2018 Project to be complete; and

**WHEREAS**, upon receipt of and in reliance upon the Engineer's Certificate of Completion evidencing the Date of Completion, as such term is defined in the Indenture, of the Series 2018 Project as described above, the District's Board of Supervisors desires to certify the Series 2018 Project complete in accordance with the Indenture; and

**WHEREAS**, according to the records of the District, the cost of the Series 2018 Project totaled \$5,279,911 of which \$4,717,708.51 represents the eligible Costs of the Series 2018 Project that were subject to the requisition process under the Indenture and which were subsequently paid by the District from the proceeds of the Series 2018 Bonds; and

**WHEREAS**, there are no ‘Deferred Costs’ for the Completed Series 2018 Project due to the ‘Developer’ as those terms used are and/or defined under the Indenture and no such Deferred Cost Account was created under the Supplemental Indenture; and

**WHEREAS**, the completion of the Series 2018 Project resulted in a balance of zero dollars (\$0) in the Series 2018 Acquisition and Construction Account (“Series 2018 Construction Account”); and

**WHEREAS**, Chapter 170, Florida Statutes, requires that upon completion of the Series 2018 Project, the District is to credit each of the assessments the difference, if any, between the amounts assessed and the actual cost of the Series 2018 Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1. RECITALS.** The recitals so stated are true and correct and by this reference are incorporated into and form a material part of this Resolution.

**SECTION 2. AUTHORITY FOR THIS RESOLUTION.** This Resolution is adopted pursuant to the Indenture and Chapters 170 and 190, Florida Statutes, and in accordance with the provisions of the Assessment Resolutions.

**SECTION 3. ACCEPTANCE OF DISTRICT ENGINEER’S CERTIFICATE OF COMPLETION OF THE SERIES 2018 PROJECT.** The District’s Board of Supervisors hereby accepts the Engineer’s Certificate of Completion, dated [REDACTED], 2022, attached hereto as **Exhibit C**, certifying the Series 2018 Project complete and upon reliance thereon, and certifies the Series 2018 Project complete in accordance with the Assessment Resolutions and the Indenture. The Date of Completion, as that term is defined in the Indenture, shall be the date of the Engineer’s Certificate of Completion.

**SECTION 4. FINALIZATION OF SPECIAL ASSESSMENTS SECURING SERIES 2018 BONDS.** Pursuant to Section 170.08, Florida Statutes, and the Assessment Resolutions, special assessments securing the Series 2018 Bonds on benefitted property within the District are to be credited the difference in the assessment as originally made, approved, and confirmed and the proportionate part of the costs paid by the District to fund the Series 2018 Project. Attached hereto as **Exhibit B** and incorporated herein by reference, is the Methodology Report which, based on the balance of zero dollars (\$0) in the Series 2018 Construction Account at the time of receipt of the Engineer’s Certificate of Completion, accurately reflects the amount of special assessments securing the Series 2018 Bonds. The assessments levied pursuant to the Assessment Resolutions also correctly reflect an amount of debt assessment equal to the amount being finalized. Therefore, in accordance with Section 170.08, Florida Statutes, and the Assessment Resolutions, the special assessments on parcels specially benefitted by the Series 2018 Project are hereby finalized in the amount of the outstanding debt due on the Series 2018 Bonds in

accordance with **Exhibit B** herein, and is apportioned in accordance with the methodology described in **Exhibit B**, upon the specially benefitted lands indicated in the District’s Final Assessment Lien Roll attached hereto as **Exhibit D** and incorporated herein by reference.

**SECTION 5. NO DEFERRED COSTS.** No provision of Deferred Costs was provided in the Supplemental Indenture and as such, no Deferred Costs are due and owing for the Series 2018 Project.

**SECTION 6. IMPROVEMENT LIEN BOOK.** Immediately following the adoption of this resolution the special assessments as reflected herein shall be recorded by the Secretary of the District’s Board of Supervisors in the District’s “Improvement Lien Book.” The special assessment or assessments against each respective parcel shall be and shall remain a legal, valid and binding first lien on such parcel until paid and such lien shall be co-equal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims.

**SECTION 7. SEVERABILITY.** If any section or part of a section of this Resolution be declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

**SECTION 8. CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**SECTION 9. EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

**PASSED AND ADOPTED** this 15th day of May, 2023.

**Attest:**

**EAST BONITA BEACH ROAD COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

**Exhibit A:** *Engineer’s Report for the East Bonita Beach Road Community Development District, dated January 9, 2018*

**Exhibit B:** *Supplemental Special Assessment Methodology Report, dated August 28, 2018*

**Exhibit C:** *Engineer’s Certificate of Completion (dated \_\_\_\_\_, 2022)*

**Exhibit D:** *Final Assessment Lien Roll*

**EXHIBIT A**

*Engineer's Report for the East Bonita Beach Road Community Development District,*  
dated January 9, 2018



**EXHIBIT B**

*Supplemental Special Assessment Methodology Report, dated August 28, 2018*

**EXHIBIT C**

Engineer's Certificate of Completion (dated \_\_\_\_\_, 2022)

**CERTIFICATE OF DISTRICT ENGINEER  
COMPLETION OF CONSTRUCTION  
EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT  
SERIES 2018 PROJECT  
(ASSESSMENT AREA ONE)**

\_\_\_\_\_, 2022

Board of Supervisors  
East Bonita Beach Road Community Development District (“District”)

U.S. Bank, National Association, as Trustee,

This Certificate is furnished in in connection with the \$5,200,000 in East Bonita Beach Road Community Development District (Lee County, Florida) Special Assessment Revenue Bonds, Series 2018 (Assessment Area One) (Tax-Exempt) (“Series 2018 Bonds”) issued pursuant to that certain *Master Indenture* dated September 1, 2018 (the “Master Indenture”), by and between the District and U.S. Bank National Association, as supplemented by the *First Supplemental Indenture*, dated September 1, 2018 (the “Supplemental Indenture” and together with the Master Indenture, the “Indenture”), by and between the District and U.S. Bank National Association.

The Series 2018 Bonds were issued to finance a portion of the costs of the Series 2018 Project. The Series 2018 Project is more fully described in the *Engineer’s Report for the East Bonita Beach Road Community Development District*, dated January 9, 2018 (the “Engineer’s Report”), which is attached hereto as **Exhibit A** and is incorporated herein by reference. This Certificate is furnished in accordance with Section 5.01(c) of the Master Indenture and Chapter 170, *Florida Statutes*, and intended to evidence the completion of the Series 2018 Project, as undertaken by the District. All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Indenture.

The undersigned, acting on behalf of BEI Engineering Group, Inc., as District Engineer, hereby certifies that:

- I. As of the date hereof, the Series 2018 Project and all components thereof have been acquired or constructed and are capable of performing the functions for which they were intended.
- II. The Series 2018 Project has been completed in substantial compliance with the specifications therefore and all labor, services, materials, and supplies used in the Series 2018 Project have been paid for and acknowledgment of such payments has been obtained from all contractors and suppliers or the Developer provided reasonable assurances of past payment for such labor, services, materials and supplies.

- III. All other facilities necessary in connection with the Series 2018 Project have been constructed, acquired, and installed in accordance with the specifications therefore and all Costs and expenses incurred in connection therewith have been paid, except the following:
- IV. All plans, permits and specification necessary for the operation and maintenance of the improvements made pursuant to the Series 2018 Project are complete and on file with the District Engineer or have been transferred to the appropriate governmental entity having charge of such operation and maintenance.
- V. There is a balance of zero dollars (\$0) remaining in the Series 2018 Acquisition and Construction Account (the "Series 2018 Acquisition and Construction Account"). There are no remaining unpaid Costs of the Series 2018 Project or deferred costs, as those terms are used in the Indenture.
- VI. The Date of Completion of the Series 2018 Project shall be the date of this Certificate stated above.

This Certificate is given without prejudice to any rights against third parties which exist as of the date of this Certificate or which may subsequently come into being.

BEI Engineering Group, Inc.

\_\_\_\_\_  
 By: \_\_\_\_\_  
 Its: \_\_\_\_\_

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this \_\_\_\_ day of \_\_\_\_\_, 2022, by \_\_\_\_\_, P.E., of BEI Engineering Group, Inc., District Engineer of the East Bonita Beach Road Community Development District, who is personally known to me or who has produced \_\_\_\_\_ as identification, and did [ ] or did not [ ] take the oath.

\_\_\_\_\_  
 Notary Public, State of Florida  
 Print Name: \_\_\_\_\_  
 Commission No.: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

**EXHIBIT D**

Final Assessment Lien Roll

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**11B**

**RESOLUTION 2023-06**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT 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.**

**WHEREAS**, the East Bonita Beach Road Community Development District ("District") was established by the City Council of the City of Bonita Springs, Lee County, Florida, by Ordinance Number 08-02, effective on March 21, 2008, as amended by Ordinance No. 16-02, effective on April 1, 2016 (together, the "Ordinance"), for the purpose of providing infrastructure improvements, facilities and services to the lands within the District as provided in Chapter 190, Florida Statutes; and

**WHEREAS**, on November 20, 2017, the Board of Supervisors of the District adopted Resolution 2018-03, as supplemented by Resolution 2018-08 on May 14, 2018, authorizing, among other things, the issuance of not to exceed \$15,000,000 aggregate principal amount of its East Bonita Beach Road Community Development District Special Assessment Revenue Bonds, in order to finance all or a portion of the costs of the planning, financing, reconstruction, equipping and installation of certain infrastructure improvements; and

**WHEREAS**, the District approved the East Bonita Beach Road Community Development District Engineer's Report dated January 9, 2018, as supplemented by the *Amended and Restated Engineer's Report for the East Bonita Beach Road Community Development District*, dated September 28, 2020 (collectively, the "Engineer's Report"), attached hereto as **Exhibit A** and incorporated herein by reference, which identifies and describes the components of the project to be financed (the "2021 Project") with the Series 2021 Bonds (hereinafter defined) and sets forth the estimated total costs of the 2021 Project ("Total Project Costs"); and

**WHEREAS**, the Engineer's Report estimated capital costs totaling \$5,472,202.49 for the 2021 Project, including professional services and contingencies; and

**WHEREAS**, on April 27, 2021, the District Board adopted Resolution 2021-04, declaring that such Total Project Costs would be defrayed by the imposition of special assessments pursuant to Chapters 170 and 190, Florida Statutes, and that such special assessments would be paid in annual installments commencing in the year in which the special assessments were confirmed, and Resolution 2021-04 further set a public hearing on the special assessments; and

**WHEREAS**, on May 17, 2021, the District Board adopted Resolution 2021-05, which, among other things, approved and confirmed the provision of infrastructure improvements, adopted and approved the Engineer’s Report, and confirmed and adopted the *Supplemental Special Assessment Methodology Report – Assessment Area Two*, dated April 15, 2021 (“Assessment Report”), and, pursuant to Section 170.08, Florida Statutes, authorized the project described therein, equalized and levied special assessments to defray the Total Project Costs, levied a master assessment lien over all of the property within the District and provided that this levy shall be a lien on the property so assessed co-equal with the lien of all state, county, district, municipal or other governmental taxes (the “**Special Assessment Lien**”), all in accordance with Section 170.08, Florida Statutes (together, District Resolutions 2021-04 and 2021-05 comprise the “**Assessment Resolutions**”); and

**WHEREAS**, on May 17, 2021, the District duly authorized and issued \$6,015,000 in East Bonita Beach Road Community Development District Special Assessment Revenue Bonds, Series 2021 (Assessment Area Two) (Tax-Exempt) (“Series 2021 Bonds”) for the purpose of funding a all or a portion of the construction, installation, and acquisition of public infrastructure, improvements, land and services of the 2021 Project; and

**WHEREAS**, the Series 2021 Bonds were issued pursuant to that certain *Master Indenture* dated September 1, 2018 (the “Master Indenture”), as supplemented by the *Second Supplemental Trust Indenture* dated as of May 1, 2021 (the “Second Supplemental Indenture” and, together with the Master Indenture, the “Indenture”) both by and between the District and the Trustee; and

**WHEREAS**, the 2021 Project specially benefits certain property within the District as set forth in the Assessment Resolutions and the Assessment Report, which is attached hereto as **Exhibit B**, and it is reasonable, proper, just and right to assess the portion of the costs of the 2021 Project financed with the Series 2021 Bonds to the specially benefitted properties within the District as set forth in the Assessment Resolutions and this Resolution; and

**WHEREAS**, pursuant to Chapter 170, Florida Statutes, and the Indenture, the District Engineer has executed and delivered a certificate regarding completion of construction dated \_\_\_\_\_, 2022 (the “Engineer’s Certificate of Completion”), attached hereto as **Exhibit C** and incorporated herein by reference, wherein the District Engineer certified the 2021 Project to be complete; and

**WHEREAS**, upon receipt of and in reliance upon the Engineer’s Certificate of Completion evidencing the Date of Completion, as such term is defined in the Indenture, of the 2021 Project as described above, the District’s Board of Supervisors desires to certify the 2021 Project complete in accordance with the Indenture; and

**WHEREAS**, according to the records of the District, the cost of the 2021 Project totaled \$ \_\_\_\_\_, of which \$ \_\_\_\_\_ represents the eligible Costs of the 2021 Project



that were subject to the requisition process under the Indenture and which were subsequently paid by the District from the proceeds of the Series 2021 Bonds; and

**WHEREAS**, there are no 'Deferred Costs' for the Completed 2021 Project due to the 'Developer' as those terms used are and/or defined under the Indenture and no such Deferred Cost Account was created under the Second Supplemental Indenture; and

**WHEREAS**, the completion of the 2021 Project resulted in a balance of [REDACTED] (\$---.--) in the 2021 Acquisition and Construction Account ("2021 Construction Account"); and

**WHEREAS**, Chapter 170, Florida Statutes, requires that upon completion of the 2021 Project, the District is to credit each of the assessments the difference, if any, between the amounts assessed and the actual cost of the 2021 Project.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1. RECITALS.** The recitals so stated are true and correct and by this reference are incorporated into and form a material part of this Resolution.

**SECTION 2. AUTHORITY FOR THIS RESOLUTION.** This Resolution is adopted pursuant to the Indenture and Chapters 170 and 190, Florida Statutes, and in accordance with the provisions of the Assessment Resolutions.

**SECTION 3. ACCEPTANCE OF DISTRICT ENGINEER'S CERTIFICATE OF COMPLETION OF THE 2021 PROJECT.** The District's Board of Supervisors hereby accepts the Engineer's Certificate of Completion, dated [REDACTED], 2022, attached hereto as **Exhibit C**, certifying the 2021 Project complete and upon reliance thereon, and certifies the 2021 Project complete in accordance with the Assessment Resolutions and the Indenture. The Date of Completion, as that term is defined in the Indenture, shall be the date of the Engineer's Certificate of Completion.

**SECTION 4. FINALIZATION OF SPECIAL ASSESSMENTS SECURING SERIES 2021 BONDS.** Pursuant to Section 170.08, Florida Statutes, and the Assessment Resolutions, special assessments securing the Series 2021 Bonds on benefitted property within the District are to be credited the difference in the assessment as originally made, approved, and confirmed and the proportionate part of the costs paid by the District to fund the 2021 Project. Attached hereto as **Exhibit B** and incorporated herein by reference, is the Final Assessment Report which, based on the balance of [REDACTED] (\$ [REDACTED]) in the 2021 Construction Account at the time of receipt of the Engineer's Certificate of Completion, accurately reflects the amount of special assessments securing the Series 2021 Bonds. The assessments levied pursuant to the Assessment Resolutions also correctly reflect an amount of debt assessment equal to the amount being finalized. Therefore, in accordance with Section 170.08, Florida Statutes, and the Assessment Resolutions, the special assessments on parcels specially benefitted by the 2021 Project are hereby finalized

in the amount of the outstanding debt due on the Series 2021 Bonds in accordance with **Exhibit B** herein, and is apportioned in accordance with the methodology described in **Exhibit B**, upon the specially benefitted lands indicated in the District’s Final Assessment Lien Roll attached hereto as **Exhibit D** and incorporated herein by reference.

**SECTION 5. NO DEFERRED COSTS.** No provision of Deferred Costs was provided in the Second Supplemental Indenture and as such, no Deferred Costs are due and owing for the 2021 Project.

**SECTION 6. IMPROVEMENT LIEN BOOK.** Immediately following the adoption of this resolution, the special assessments as reflected herein shall be recorded by the Secretary of the District’s Board of Supervisors in the District’s “Improvement Lien Book.” The special assessment or assessments against each respective parcel shall be and shall remain a legal, valid and binding first lien on such parcel until paid and such lien shall be co-equal with the lien of all state, county, district, municipal or other governmental taxes and superior in dignity to all other liens, titles, and claims.

**SECTION 7. SEVERABILITY.** If any section or part of a section of this Resolution be declared invalid or unconstitutional, the validity, force and effect of any other section or part of a section of this Resolution shall not thereby be affected or impaired unless it clearly appears that such other section or part of a section of this Resolution is wholly or necessarily dependent upon the section or part of a section so held to be invalid or unconstitutional.

**SECTION 8. CONFLICTS.** All resolutions or parts thereof in conflict herewith are, to the extent of such conflict, superseded and repealed.

**SECTION 9. EFFECTIVE DATE.** This Resolution shall become effective upon its adoption.

**PASSED AND ADOPTED** this 15th day of May, 2023.

**Attest:**

**EAST BONITA BEACH ROAD COMMUNITY  
DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

- Exhibit A:** *Amended and Restated Engineer’s Report for the East Bonita Beach Road Community Development District, dated September 28, 2020*
- Exhibit B:** *Final Methodology Report – Assessment Area Two, dated April 15, 2021*
- Exhibit C:** *Engineer’s Certificate of Completion (dated \_\_\_\_\_, 2022)*
- Exhibit D:** *Final Assessment Lien Roll*

**EXHIBIT A**

*Amended and Restated Engineer's Report for the East Bonita Beach Road Community  
Development District, dated September 28, 2020*

**EXHIBIT B**

*Final Methodology Report – Assessment Area Two, dated April 15, 2021*

**EXHIBIT C**

Engineer's Certificate of Completion (dated \_\_\_\_\_, 2022)

**CERTIFICATE OF DISTRICT ENGINEER  
COMPLETION OF CONSTRUCTION  
EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT  
2021 PROJECT  
(ASSESSMENT AREA TWO)**

\_\_\_\_\_, 2022

Board of Supervisors  
East Bonita Beach Road Community Development District (“District”)

U.S. Bank, National Association, as Trustee,

This Certificate is furnished in connection with the \$6,015,000 in East Bonita Beach Road Community Development District (Lee County, Florida) Special Assessment Revenue Bonds, Series 2021 (Assessment Area Two) (Tax-Exempt) (“Series 2021 Bonds”) issued pursuant to that certain *Master Trust Indenture* dated September 1, 2018 (the “Master Indenture”), by and between the District and U.S. Bank National Association, as supplemented by that certain *Second Supplemental Trust Indenture*, dated May 1, 2021 (the “Second Supplemental Indenture” and together with the Master Indenture, the “Indenture”), by and between the District and U.S. Bank National Association.

The Series 2021 Bonds were issued to finance a portion of the costs of the 2021 Project. The 2021 Project is more fully described in the *Amended and Restated Engineer’s Report for the East Bonita Beach Road Community Development District*, dated September 28, 2020 (the “Engineer’s Report”), which is attached hereto as **Exhibit A** and is incorporated herein by reference. This Certificate is furnished in accordance with Section 5.01(c) of the Master Indenture and Chapter 170, *Florida Statutes*, and intended to evidence the completion of the 2021 Project, as undertaken by the District. All capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Indenture.

The undersigned, acting on behalf of Banks Engineering, Inc., as District Engineer, hereby certifies that:

- I. As of the date hereof, the 2021 Project and all components thereof have been acquired or constructed and are capable of performing the functions for which they were intended.
- II. The 2021 Project has been completed in substantial compliance with the specifications therefore and all labor, services, materials, and supplies used in the 2021 Project have been paid for and acknowledgment of such payments has been obtained from all contractors and suppliers or the Developer provided reasonable assurances of past payment for such labor, services, materials and supplies.
- III. All other facilities necessary in connection with the 2021 Project have been constructed, acquired, and installed in accordance with the specifications therefore and all Costs and expenses incurred in connection therewith have been paid.
- IV. All plans, permits and specification necessary for the operation and maintenance of the improvements made pursuant to the 2021 Project are complete and on file with the District Engineer or have been transferred to the appropriate governmental entity having charge of such operation and maintenance.

- V. There is a balance of \_\_\_\_\_ (\$ \_\_\_\_\_) remaining in the Series 2021 Acquisition and Construction Account (the "Series 2021 Acquisition and Construction Account"). There are no remaining unpaid Costs of the 2021 Project, as those terms are used in the Indenture.
- VI. The funds remaining in the Series 2021 Acquisition and Construction Accounts, currently estimated at \$\_\_\_\_\_, are not necessary for the payment of any remaining enhancement or deferred costs of the improvements.
- VII. The Date of Completion of the 2021 Project shall be the date of this Certificate stated above.

This Certificate is given without prejudice to any rights against third parties which exist as of the date of this Certificate or which may subsequently come into being.

Banks Engineering, Inc.

\_\_\_\_\_  
 By: Dave Underhill, P.E.  
 Its: \_\_\_\_\_

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this \_\_\_\_ day of \_\_\_\_\_, 2022, by Dave Underhill, P.E., of Banks Engineering, Inc., District Engineer of the East Bonita Beach Road Community Development District, who is personally known to me or who has produced \_\_\_\_\_ as identification, and did [ ] or did not [ ] take the oath.

\_\_\_\_\_  
 Notary Public, State of Florida  
 Print Name: \_\_\_\_\_  
 Commission No.: \_\_\_\_\_  
 My Commission Expires: \_\_\_\_\_

**EXHIBIT D**

Final Assessment Lien Roll



**EAST BONITA BEACH ROAD**  
**COMMUNITY DEVELOPMENT DISTRICT**

**12**

**RESOLUTION 2023-07**

**A RESOLUTION OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT 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**

**WHEREAS**, the East Bonita Beach Road Community Development District (“District”) is a local unit of special-purpose government created by, and existing pursuant to Chapter 190, *Florida Statutes*, being situated entirely within Lee County, Florida; and

**WHEREAS**, the Board of Supervisors of the District (“Board”) is statutorily authorized to exercise the powers granted to the District; and

**WHEREAS**, all meetings of the Board shall be open to the public and governed by the provisions of Chapter 286, *Florida Statutes*; and

**WHEREAS**, the Board is statutorily required to file annually, with the local governing authority and the Florida Department of Economic Opportunity, a schedule of its regular meetings.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT:**

**SECTION 1. ADOPTING REGULAR MEETING SCHEDULE.** Regular meetings of the District’s Board shall be held during Fiscal Year 2023/2024 as provided on the schedule attached hereto as **Exhibit A**.

**SECTION 2. FILING REQUIREMENT.** In accordance with Section 189.015(1), *Florida Statutes*, the District’s Secretary is hereby directed to file a schedule of the District’s regular meetings annually with Lee County and the Florida Department of Economic Opportunity.

**SECTION 3. EFFECTIVE DATE.** This Resolution shall take effect immediately upon adoption.

**PASSED AND ADOPTED** this 15th day of May, 2023.

Attest:

**EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT**

\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair, Board of Supervisors

Exhibit A

<b>EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT</b>		
<b>BOARD OF SUPERVISORS FISCAL YEAR 2023/2024 MEETING SCHEDULE</b>		
<b>LOCATION</b>		
<i>office of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966</i>		
<b>DATE</b>	<b>POTENTIAL DISCUSSION/FOCUS</b>	<b>TIME</b>
<b>May 20, 2024</b>	<b>Regular Meeting</b>	<b>10:30 AM</b>
<b>August 19, 2024</b>	<b>Public Hearing &amp; Regular Meeting</b>	<b>10:30 AM</b>

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**UNAUDITED  
FINANCIAL  
STATEMENTS**

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
FINANCIAL STATEMENTS  
UNAUDITED  
MARCH 31, 2023**

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
BALANCE SHEET  
MARCH 31, 2023**

	General Fund	Debt Service Series 2018	Debt Service Series 2021	Capital Projects Series 2018	Capital Projects Series 2021	Total Governmental Funds
<b>ASSETS</b>						
Cash	\$143,932	\$ -	\$ -	\$ -	\$ -	\$ 143,932
Reserve	-	169,063	166,250	-	-	335,313
Revenue	-	352,003	326,810	-	-	678,813
Interest	-	-	7	-	-	7
Construction	-	-	-	2,960	20	2,980
Due from general fund	-	3,957	3,890	-	-	7,847
Due from CPF 2021	2,945	-	-	-	-	2,945
Total assets	<u>146,877</u>	<u>525,023</u>	<u>496,957</u>	<u>2,960</u>	<u>20</u>	<u>1,171,837</u>
<b>LIABILITIES &amp; FUND BALANCES</b>						
<b>Liabilities:</b>						
Due to other funds						
General fund	-	-	-	-	2,945	2,945
Debt service 2018	3,957	-	-	-	-	3,957
Debt service 2021	3,890	-	-	-	-	3,890
Total liabilities	<u>7,847</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>2,945</u>	<u>10,792</u>
<b>Fund balances:</b>						
Restricted for:						
Debt service	-	525,023	496,957	-	-	1,021,980
Capital projects	-	-	-	2,960	(2,925)	35
Unassigned	139,030	-	-	-	-	139,030
Total fund balances	<u>139,030</u>	<u>525,023</u>	<u>496,957</u>	<u>2,960</u>	<u>(2,925)</u>	<u>1,161,045</u>
Total liabilities and fund balances	<u>\$ 146,877</u>	<u>\$ 525,023</u>	<u>\$ 496,957</u>	<u>\$ 2,960</u>	<u>\$ 20</u>	<u>\$ 1,171,837</u>

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
GENERAL FUND  
FOR THE PERIOD ENDED MARCH 31, 2023**

x

	Current Month	Year to Date	Budget	% of Budget
<b>REVENUES</b>				
Assessment levy: on-roll	\$ 1,543	\$ 128,855	\$ 132,072	98%
Interest	1	9	-	N/A
Total revenues	<u>1,544</u>	<u>128,864</u>	<u>132,072</u>	98%
<b>EXPENDITURES</b>				
<b>Professional &amp; administrative fees</b>				
Supervisor fees	-	-	600	0%
Management fees	4,000	24,000	48,000	50%
Audit	-	5,000	5,000	100%
Dissemination agent fees	83	500	1,000	50%
Trustee	-	-	5,000	0%
Arbitrage rebate calculation	-	-	1,200	0%
Legal fees	253	695	12,000	6%
Engineering	-	-	5,000	0%
Postage	19	52	200	26%
Insurance	-	5,988	6,300	95%
Legal advertising	-	696	1,000	70%
Other current charges	57	346	685	51%
Annual district filing fee	-	175	175	100%
Website	-	705	705	100%
ADA website compliance	-	210	200	105%
Preserve maint., monitoring & reporting	-	4,906	20,440	24%
Intergovernmental: shared maintenance costs	-	1,897	10,000	19%
Total professional & administrative fees	<u>4,412</u>	<u>45,170</u>	<u>117,505</u>	38%
<b>Other fees and charges</b>				
Tax collector	-	795	822	97%
Property appraiser	-	-	548	0%
Total other fees and charges	<u>-</u>	<u>795</u>	<u>1,370</u>	58%
Total expenditures	<u>4,412</u>	<u>45,965</u>	<u>118,875</u>	39%
Excess/(deficiency) of revenues over/(under) expenditures	(2,868)	82,899	13,197	
Fund balance - beginning	<u>141,898</u>	<u>56,131</u>	<u>33,482</u>	
Fund balance - ending	<u>\$ 139,030</u>	<u>\$ 139,030</u>	<u>\$ 46,679</u>	

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2018  
FOR THE PERIOD ENDED MARCH 31, 2023**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Assessment levy: on-roll	\$ 3,957	\$ 328,451	338,836	97%
Interest	1,302	4,932	-	N/A
Total revenues	<u>5,259</u>	<u>333,383</u>	<u>338,836</u>	98%
<b>EXPENDITURES</b>				
Principal	-	95,000	95,000	100%
Interest	-	120,138	238,434	50%
Total expenditures	<u>-</u>	<u>215,138</u>	<u>333,434</u>	65%
Excess/(deficiency) of revenues over/(under) expenditures	5,259	118,245	5,402	
Fund balance - beginning	<u>519,764</u>	<u>406,778</u>	<u>405,407</u>	
Fund balance - ending	<u>\$ 525,023</u>	<u>\$ 525,023</u>	<u>\$ 410,809</u>	



**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
DEBT SERVICE FUND SERIES 2021  
FOR THE PERIOD ENDED MARCH 31, 2023**

	<u>Current Month</u>	<u>Year to Date</u>	<u>Budget</u>	<u>% of Budget</u>
<b>REVENUES</b>				
Assessment levy: on-roll	\$ 3,890	\$ 322,917	333,160	97%
Interest	1,220	4,131	-	N/A
Total revenues	<u>5,110</u>	<u>327,048</u>	<u>333,160</u>	98%
<b>EXPENDITURES</b>				
Principal	-	-	125,000	0%
Interest	-	102,144	204,288	50%
Total expenditures	<u>-</u>	<u>102,144</u>	<u>329,288</u>	31%
Excess/(deficiency) of revenues over/(under) expenditures	5,110	224,904	3,872	
Fund balance - beginning	<u>491,847</u>	<u>272,053</u>	<u>271,143</u>	
Fund balance - ending	<u>\$ 496,957</u>	<u>\$ 496,957</u>	<u>\$ 275,015</u>	

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
CAPITAL PROJECTS FUND SERIES 2018  
FOR THE PERIOD ENDED MARCH 31, 2023**

	Current Month	Year to Date
<b>REVENUES</b>		
Interest	\$ 10	\$ 47
Total revenues	10	47
<b>EXPENDITURES</b>		
Total expenditures	-	-
Excess/(deficiency) of revenues over/(under) expenditures	10	47
Fund balance - beginning	2,950	2,913
Fund balance - ending	\$ 2,960	\$ 2,960

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES  
CAPITAL PROJECTS FUND SERIES 2021  
FOR THE PERIOD ENDED MARCH 31, 2023**

	Current Month	Year to Date
<b>REVENUES</b>	\$ -	\$ -
Total revenues	-	-
<b>EXPENDITURES</b>	-	-
Total expenditures	-	-
Excess/(deficiency) of revenues over/(under) expenditures	-	-
Fund balance - beginning	(2,925)	(2,925)
Fund balance - ending	\$ (2,925)	\$ (2,925)

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**MINUTES**

**A**

**DRAFT**

**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 Public Hearing and Regular Meeting on 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.

**Present were:**

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

**Also present were:**

Chuck Adams	District Manager
Kathryn G. Kobitter (via telephone)	District Counsel
Jennifer Kilinski (via telephone)	KE Law Group
James Ratz	Forestar

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 10:32 a.m. All Supervisors were present.

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

**Administration of Oath of Office to Supervisor Mary Moulton (*the following to be provided in a separate package*)**

Mr. Adams stated the Oath of Office was administered to Ms. Moulton prior to the start of the meeting. Ms. Moulton 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**

40 B. Membership, Obligations and Responsibilities

41 C. Financial Disclosure Forms

42 I. Form 1: Statement of Financial Interests

43 II. Form 1X: Amendment to Form 1, Statement of Financial Interests

44 III. Form 1F: Final Statement of Financial Interests

45 D. Form 8B – Memorandum of Voting Conflict

46

47 **FOURTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report  
for the Fiscal Year Ended September 30,  
2021, Prepared by Grau & Associates**

48

49

50

51 Mr. Adams presented the Audited Financial Report for the Fiscal Year Ended September  
52 30, 2021 and noted the pertinent information. There were no findings, recommendations,  
53 deficiencies on internal control or instances of non-compliance; it was a clean audit.

54

55 **FIFTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-08,  
Hereby Accepting the Audited Financial  
Report for the Fiscal Year Ended September  
30, 2021**

56

57

58

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60 Mr. Adams presented Resolution 2022-08.

61

62 **On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor,  
63 Resolution 2022-08, Hereby Accepting the Audited Financial Report for the Fiscal  
64 Year Ended September 30, 2021, was adopted.**

65

66

67 **SIXTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year  
2022/2023 Budget**

68

69

70 A. Proof/Affidavit of Publication

71 The affidavit of publication was included for informational purposes.

72 B. Consideration of Resolution 2022-09, Relating to the Annual Appropriations and

73 Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending

74 September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date

75 Mr. Adams stated this proposed Fiscal Year 2023 budget is unchanged since it was  
76 previously presented.

77 Mr. Adams responded to questions regarding whether the budget is mailed to  
78 homeowners, the "Intergovernmental: shared maintenance costs" line item and how  
79 Management was able to keep costs the same despite inflation.

80

**On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, the Public  
Hearing was opened.**

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85

No members of the public spoke.

86

**On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, the Public  
Hearing was closed.**

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91

Mr. Adams presented Resolution 2022-09 and read the title.

92

**On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor,  
Resolution 2022-09, Relating to the Annual Appropriations and Adopting the  
Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30,  
2023; Authorizing Budget Amendments; and Providing an Effective Date, was  
adopted.**

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**SEVENTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-10,  
Making a Determination of Benefit and  
Imposing Special Assessments for Fiscal  
Year 2022/2023; Providing for the  
Collection and Enforcement of Special  
Assessments, Including but Not Limited to  
Penalties and Interest Thereon; Certifying  
an Assessment Roll; Providing for  
Amendments to the Assessment Roll;  
Providing a Severability Clause; and  
Providing an Effective Date**

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Mr. Adams presented Resolution 2022-10.

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**On MOTION by Mr. Thomas and seconded by Mr. Bone, with all in favor, Resolution 2022-10, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including but Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

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121

**EIGHTH ORDER OF BUSINESS**

**Ratification of 20-Year Stormwater Management Needs Analysis Report**

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Mr. Adams presented the 20-Year Stormwater Management Needs Analysis Report.

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**On MOTION by Mr. Cotter and seconded by Mr. Bone, with all in favor, the 20-Year Stormwater Management Needs Analysis Report, was ratified.**

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**NINTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of June 30, 2022**

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132  
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134

Mr. Adams presented the Unaudited Financial Statements as of June 30, 2022.

135

The financials were accepted.

136

137  
138

**TENTH ORDER OF BUSINESS**

**Approval of June 1, 2022 Regular Meeting Minutes**

139  
140

Mr. Adams presented the June 1, 2022 Regular Meeting Minutes.

141

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143

**On MOTION by Mr. Thomas and seconded by Mr. Cotter, with all in favor, the June 1, 2022 Regular Meeting Minutes, as presented, were approved.**

144  
145

**ELEVENTH ORDER OF BUSINESS**

**Other Business**

146  
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148

There was no other business.

149

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**TWELFTH ORDER OF BUSINESS**

**Staff Reports**



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

152 A Board Member asked who owns and operates the lake fountains. Mr. Adams replied  
153 the HOA.

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

155 There was no report.

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

157 • **UPCOMING MEETING DATES:**

158 I. **November 15, 2022 at 10:30 A.M. [Landowners’ Meeting]**

159 II. **May 15, 2023 at 10:30 A.M. [Regular Meeting]**

160 ○ **QUORUM CHECK**

161

162 **THIRTEENTH ORDER OF BUSINESS**

**Audience Comments/Supervisors’ Requests**

163

164 There were no audience comments or Supervisors’ requests.

165

166 **FOURTEENTH ORDER OF BUSINESS**

**Adjournment**

167

168

169 **On MOTION by Mr. Cotter and seconded by Mr. Thomas, with all in favor, the**  
170 **meeting adjourned at 10:46 a.m.**

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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181 \_\_\_\_\_  
Secretary/Assistant Secretary

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Chair/Vice Chair

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**MINUTES**

**B**

**DRAFT**

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

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A Landowners' Meeting and Election of the East Bonita Beach Road Community Development District was held on 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.

**Present at the meeting were:**

Chuck Adams	District Manager
J. Wayne Everett	Proxy Holder

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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

**SECOND ORDER OF BUSINESS**

**Affidavit/Proof of Publication**

The proof of publication was included for informational purposes.

**THIRD ORDER OF BUSINESS**

**Election of Chair to Conduct Landowners' Meeting**

Mr. Everett agreed to Mr. Adams serving as Chair to conduct the Landowners' meeting.

**FOURTH ORDER OF BUSINESS**

**Election of Supervisors [Seat 4]**

**A. Nominations**

Mr. Everett nominated the following:

Seat 4          Christian Cotter

No other nominations were made.

**B. Casting of Ballots**

- **Determine Number of Voting Units Represented**

A total of 196 voting units were represented.

37 • **Determine Number of Voting Units Assigned by Proxy**

38 All 196 voting units represented were assigned by proxy to Mr. J. Wayne Everett by the  
39 Landowner, DR Horton, Inc. Mr. Everett is eligible to cast up to 196 votes per Seat.

40 Mr. Everett cast the following votes:

41 Seat 4 Christian Cotter 196 votes

42 **C. Ballot Tabulation and Results**

43 Mr. Torres reported the following ballot tabulation, results and term lengths:

44 Seat 4 Christian Cotter 196 votes 4-Year Term

45

46 **FIFTH ORDER OF BUSINESS Landowners' Questions/Comments**

47

48 There were no Landowners' questions or comments.

49

50 **SIXTH ORDER OF BUSINESS Adjournment**

51

52 There being nothing further to discuss, the meeting adjourned at 10:32 a.m.

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[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

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\_\_\_\_\_  
Secretary/Assistant Secretary

\_\_\_\_\_  
Chair/Vice Chair

**EAST BONITA BEACH ROAD  
COMMUNITY DEVELOPMENT DISTRICT**

**STAFF  
REPORTS**

# WRATHELL, HUNT & ASSOCIATES LLC.

2300 GLADES RD, #410W  
BOCA RATON FL 33431

Lee County FL – Community Development Districts

04/15/2023

<b>NAME OF COMMUNITY DEVELOPMENT DISTRICT</b>	<b>NUMBER OF REGISTERED VOTERS AS OF 04/15/2023</b>
Babcock Ranch	0
Bay Creek	790
Bayside Improvement	3,043
Beach Road Golf Estates	1,302
Brooks I of Bonita Springs	2,240
Brooks II of Bonita Springs	1,516
Coral Bay	0
East Bonita Beach	485
Mediterra	451
Parklands Lee	565
Parklands West	599
River Hall	2,433
River Ridge	1,482
Savanna Lakes	0
Stonewater	76
Stoneybrook	1,776
University Square	0
University Village	0
Verandah East	917
Verandah West	977
Waterford Landing	1,529
WildBlue	721

Send to: Daphne Gillyard [gillyardd@whhassociates.com](mailto:gillyardd@whhassociates.com) Phone: 561-571-0010

Tammy Lipa – Voice: 239-533-6329  
Email: [tlipa@lee.vote](mailto:tlipa@lee.vote)



**EAST BONITA BEACH ROAD COMMUNITY DEVELOPMENT DISTRICT**

**BOARD OF SUPERVISORS FISCAL YEAR 2022/2023 MEETING SCHEDULE**

**LOCATION**

*office of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966*

<b>DATE</b>	<b>POTENTIAL DISCUSSION/FOCUS</b>	<b>TIME</b>
<b>November 15, 2022</b>	<b>Landowners' Meeting</b>	<b>10:30 AM</b>
<b>May 15, 2023</b>	<b>Regular Meeting</b>	<b>10:30 AM</b>
<b>August 21, 2023</b>	<b>Public Hearing &amp; Regular Meeting</b>	<b>10:30 AM</b>