

**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 21, 2023 at 10:30 a.m., at the offices of D.R. Horton, 10541 Ben C. Pratt Six Mile Cypress Parkway, Fort Myers, Florida 33966.

**Present were:**

Michael Bone  
Landon Thomas  
Mary Moulton  
Christian Cotter

Vice Chair  
Assistant Secretary  
Assistant Secretary  
Assistant Secretary

**Also present:**

Chuck Adams  
Jere Earlywine (via telephone)  
David Caplivsky  
James Ratz

District Manager  
District Counsel  
Grau & Associates  
Forestar

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

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

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

**SECOND ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**THIRD ORDER OF BUSINESS**

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

Mr. Adams stated the Oath of Office was administered to Mr. Cotter before the meeting.

Mr. Cotter is familiar with the following:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
  - I. Form 1: Statement of Financial Interests**
  - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
  - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B – Memorandum of Voting Conflict**

**FOURTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-08, Designating Certain Officers of the District, and Providing for an Effective Date**

Mr. Adams presented Resolution 2023-08.

Mr. Cotter nominated the following slate:

J. Wayne Everett	Chair
Michael Bone	Vice Chair
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 Secretary, Treasurer and Assistant Treasurer remain unaffected by this Resolution.

**On MOTION by Mr. Cotter and seconded by Mr. Thomas, with all in favor, Resolution 2023-08, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2022, Prepared by Grau & Associates**

Mr. Caplivsky presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2022 and accompanying disclosures. There were no findings, recommendations, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

**SIXTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-09, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022**

**On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, Resolution 2023-09, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2022, was adopted.**

**SEVENTH ORDER OF BUSINESS**

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

This item was deferred.

**EIGHTH ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year 2023/2024 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2023-10, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date**

Mr. Adams presented Resolution 2023-10. He reviewed the proposed Fiscal Year 2024 budget, which is unchanged since it was last presented. The Operation & Maintenance (O&M) and Debt Service Assessments are unchanged from the previous year.

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

No affected property owners or members of the public spoke.

Mr. Adams closed the Public Hearing.

On MOTION by Mr. Thomas and seconded by Mr. Bone, with all in favor, Resolution 2023-10, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2023 and Ending September 30, 2024; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.

**NINTH ORDER OF BUSINESS**

**Consideration of Resolution 2023-11, Providing for Funding for the District’s Fiscal Year 2023/2024 Adopted Budget; 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**

On MOTION by Mr. Cotter and seconded by Mr. Bone, with all in favor, Resolution 2023-11, Providing for Funding for the District’s Fiscal Year 2023/2024 Adopted Budget; 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.

**TENTH ORDER OF BUSINESS**

**Consideration of Project Completion Resolutions**

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

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

Mr. Earlywine stated that these Resolutions were prepared by the prior District Counsel firm; some construction proceeds are pending and revisions to the Resolutions will be necessary.

Discussion ensued regarding lot sales, closings remaining in 2023, transitioning to a resident Board, etc.

It was noted that any funds not spent on construction projects will be applied to the prepayment account, which will reduce the principal on the bonds.

Drainage improvements, permit transfers, punch list items, etc., were discussed.

Ms. Moulton will email the HOA Declarations for Mr. Earlywine’s review.

This item was tabled.

**ELEVENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of June 30, 2023**

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

The financials were accepted.

**TWELFTH ORDER OF BUSINESS**

**Approval of May 15, 2023 Regular Meeting Minutes**

**On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, the May 15, 2023 Regular Meeting Minutes, as presented, were approved.**

**THIRTEENTH ORDER OF BUSINESS**

**Other Business**

There was no other business.

**FOURTEENTH ORDER OF BUSINESS**

**Staff Reports**

**A. District Counsel: Kutak Rock LLP**

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

There were no District Counsel or District Engineer reports.

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

- **NEXT MEETING DATE: May 20, 2024 at 10:30 A.M.**

- **QUORUM CHECK**

The next regularly scheduled meeting will be held on May 20, 2024. A meeting might be held prior to the May meeting to close out projects.

Mr. Adams reported the following:

- The streetlighting that was partially installed will be removed.
- Johnson Engineering will be engaged today to begin the design process for the Sidewalk Lighting Project along the south side of Bonita Beach Road only, where the continuous sidewalk runs from the fire station to the front of Bonita National.
- A buyer is interested in purchasing the conservation area in Hendry County to utilize it for agricultural purposes, which is an allowable usage.
- Johnson Engineering is reviewing the easement and engaging in dialogue with the agencies involved to ensure that the sale can proceed.
- If sold, it will be for the appraised value; the last appraisal was \$1 million. Based on the Interlocal Agreement, each of the four communities would receive its pro-rata share of the sales amount, which would equate to approximately 14% for the East Bonita Beach Road CDD.
- It is anticipated that the sale will occur by the end of the year. The appraisal is due back in several weeks. Johnson Engineering should finish its work in the coming weeks. This transaction would result in revenue to the CDDs and reduce the cost of maintaining the conservation areas.

**FIFTEENTH ORDER OF BUSINESS**

**Audience Comments/Supervisors' Requests**

There were no audience comments or Supervisors' requests.

SIXTEENTH ORDER OF BUSINESS

Adjournment

**On MOTION by Mr. Cotter and seconded by Mr. Thomas, with all in favor, the meeting adjourned at 10:48 a.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair