

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

The Board of Supervisors of the East Bonita Beach Road Community Development District held a Regular Meeting on May 20, 2024 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

Also present:

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

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

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

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

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2024-01, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Conduct the District's General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying

Period; and Providing for Severability and an Effective Date

Mr. Adams presented Resolution 2024-01. Seats 1 and 2 will be up for election at the November 2024 General Election.

Discussion ensued regarding the candidate qualifying requirements.

On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, Resolution 2024-01, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Conduct the District's General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

FOURTH ORDER OF BUSINESS

Consideration of Resolution 2024-02, Approving the Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Adams presented Resolution 2024-02. He reviewed the proposed Fiscal Year 2025 budget, highlighting any line item increases, decreases and adjustments, compared to the Fiscal Year 2024 budget, and explained the reasons for any changes. Assessments are projected to decrease by about \$3 per unit.

On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, Resolution 2024-02, Approving the Proposed Budget for Fiscal Year 2024/2025 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2024-03, Designating Dates, Times and Locations for Regular Meetings of the Board of

Supervisors of the District for Fiscal Year 2024/2025 and Providing for an Effective Date

Mr. Adams presented Resolution 2024-03. The following change was made to the Fiscal Year 2024 Meeting Schedule:

LOCATION: Change to “at the Clubhouse” (address to be added)

On MOTION by Mr. Thomas and seconded by Mr. Cotter, with all in favor, Resolution 2024-03, Designating Dates, Times and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2024/2025, as amended to change the meeting location to the Seasons Clubhouse, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Consideration of Amendment to Easement and Maintenance Agreement

Mr. Adams presented the Amendment to the Easement and Maintenance Agreement, which adds Tracts D-4, L-8 and L-9 to the original Maintenance Easement Agreement.

On MOTION by Mr. Cotter and seconded by Mr. Thomas, with all in favor, the Amendment to Easement and Maintenance Agreement, was approved.

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.

- **Administration of Oath of Office to Newly Appointed Supervisors (the following will also be provided in a separate package)**
 - A. **Required Ethics Training and Disclosure Filing**
 - **Sample Form 1 2023/Instructions**
 - B. **Membership, Obligations and Responsibilities**
 - C. **Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**

D. Form 8B: Memorandum of Voting Conflict for County, Municipal and other Local Public Officers

EIGHTH ORDER OF BUSINESS

Consideration of Resolution 2024-04, Electing and Removing Officers of the District and Providing for an Effective Date

This item was deferred.

NINTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2024

On MOTION by Mr. Cotter and seconded by Mr. Bone, with all in favor, the Unaudited Financial Statements as of March 31, 2024, were accepted.

TENTH ORDER OF BUSINESS

Approval of August 21, 2023 Public Hearing and Regular Meeting Minutes

On MOTION by Mr. Bone and seconded by Mr. Cotter, with all in favor, the August 21, 2023 Public Hearing and Regular Meeting Minutes, as presented, were approved.

ELEVENTH ORDER OF BUSINESS

Other Business

There was no other business.

TWELFTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: Kutak Rock LLP

- **Consideration of Resolution 2024-05, Project Completion Resolution for 2018 Project**
 - **Consideration of Resolution 2024-06, Project Completion Resolution for 2021 Project**
- These items were additions to the agenda.**

Mr. Adams distributed Resolutions 2024-05 and 2024-06.

Mr. Earlywine discussed the process, under the Trust Indenture, to declare that the projects were successfully installed and that the property owners received the benefit to which

they were promised. Adoption of Resolutions 2024-05 and 2024-06 declares the 2018 and 2021 Projects completed and that the assessments were validated and levied and being collected to pay for the projects. After declaring the projects complete, another requirement of the Trust Indenture is to empty any remaining funds from the Account. In this instance, the CDD expended as much money as it could on the projects. He thinks there was about \$130,000 released from the Reserve Account and \$90,000 that was spent and about \$40,000 was unspent, which will be used to redeem bonds. Once the Projects are deemed completed, for purposes of the Trust Indenture, it effectively closes the Construction Account and any remaining funds in the Account go to redeem bonds. The last part of the Project Completion process is to make sure that all the real property was transferred, all the permits were transferred to the CDD, etc.

Mr. Earlywine presented Resolutions 2024-05 and 2024-06 and the attachments to the Resolutions.

Regarding whether all permits were transferred, a Board Member voiced his belief that the South Florida Water Management District (SFWMD) permit has not been transferred yet. Mr. Earlywine asked if that can be done within the next 60 days. The Board Member replied affirmatively. Mr. Earlywine noted the Resolutions state that all conveyances are ratified and, if not previously approved, are expressly authorized; therefore, the Resolutions contemplate that some items might need to be finalized.

Mr. Earlywine recommended adoption Resolutions 2024-05 and 2024-06.

On MOTION by Mr. Cotter and seconded by Mr. Thomas, with all in favor, Resolution 2024-05, Project Completion Resolution for 2018 Project, was adopted.

On MOTION by Mr. Thomas and seconded by Mr. Cotter, with all in favor, the Amendment to Easement and Maintenance Agreement, was approved.

B. District Engineer: Banks Engineering, Inc.

There was no report.

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

- **647 Registered Voters in District as of April 15, 2024**

- **NEXT MEETING DATE: August 19, 2024 at 10:30 A.M.**
 - **QUORUM CHECK**

THIRTEENTH ORDER OF BUSINESS

Audience Comments/Supervisors' Requests

There were no audience comments or Supervisors' requests.

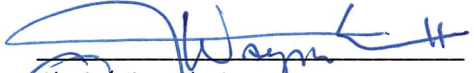
FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Bone and seconded by Mr. Thomas, with all in favor, the meeting adjourned at 10:49 a.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair