

**MINUTES OF MEETING
BONITA LANDING
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Bonita Landing Community Development District held a Regular Meeting on May 12, 2022, at 3:00 p.m., at Bonita Springs Fire Control, 27701 Bonita Grande Drive, Bonita Springs, Florida 34135

Present were:

Russell Smith	Chair
Ashley Kingston	Vice Chair
Dalton Drake	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Shane Willis	Wrathell, Hunt and Associates, LLC (WHA)
Greg Urbancic (via telephone)	District Counsel
John Ehret	Resident
Bill McCormick	Resident
George Bowden	Resident
Ron Mound	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 3:06 p.m. Supervisors Drake, Kingston and Smith were present, in person. Supervisors Hinebaugh and Negip were not present.

SECOND ORDER OF BUSINESS

Public Comments

Resident John Ehret asked for an update on the Bonita Beach Road lighting. Mr. Adams stated Staff is working on the City's request for additional information from the original Limited Developer Order (LDO) and the updated photometric survey, which will be submitted to the City tomorrow or Monday. Staff is also working with the Beach Road Golf Estates CDD (BRGECDD) reviewing options other than what was installed and will meet to hear feedback from the electrical engineer on Monday.

Mr. Adams explained that, at the time the lighting product was selected, there were only two options available but two more residential luminaire options are now available that will work on a divided four lane highway. He responded to questions about height and commercial setting. In his opinion, the Engineer is not liable for providing an inaccurate initial report that led to selection of the poles and placement because the decision was made solely on what Florida Power & Light (FPL) represented as available at the time.

Mr. Ehret voiced his displeasure with the CDD spending \$80,000 on the lake bank erosion restoration project without obtaining other bids. He felt that the workmanship was shoddy and damaged CDD property and the contractor did not perform the full scope of work. He expressed his opinion that there is a conflict of interest because the CDD Board is comprised of Lennar representatives, who are difficult to reach and are not holding the contractor accountable to the bid.

Mr. Adams explained that the CDD piggybacked on Bonita National's bidding process and pricing, wherein three contractors submitted bids and the lowest bidder was awarded the contract. He discussed the on-site meeting to inspect the damages of which all but Mr. Ehret agreed that who caused the damages could not be determined.

Resident Bill McCormick stated his home backs up to Bonita Beach Road and is affected by the lighting problems. He asked what the Bonita National Golf Center has to do with the issues.

Mr. Adams explained that the Bonita Beach Road extension serves four communities that, through an Interlocal Agreement, share the costs to operate and maintain the roadway, landscaping, asphalt, sidewalks, striping and street light improvements. FPL would not allow center median light installation. He explained why decorative light poles are not feasible due to the current lease agreement.

Resident George Bowden complained about light shining behind his home and expressed his opinion that the decision to resolve this for just some of the homes is unsatisfactory. He felt that homeowners should not have to pay for the bad decisions.

Mr. Smith stated that the CDD is party to the smallest part of the cost-share agreement and did not make a unilateral decision on lighting; the BRGECDD owns the Bonita Beach Road right-of-way (ROW). It was noted that another community has the same concerns as here.

Mr. Smtih stated the BRGECDD is resident controlled and has the lead on this project, and can ask the other CDDs to share the costs of how they decide to remedy the issue. Mr. Ehret felt it is not good for the BRGECDD to have any control over this CDD.

A resident thought that, of the four CDDs involved, the BRGECDD is the only one not affected by the lights on Bonita Beach Road.

Mr. Smith agreed and stated that the other two CDDs are affected and are part of the cost-share agreement. He noted that this was a collective decision made some time ago; it was not a unilateral decision by BRGECDD.

Resident Ron Mound asked who monitors how the lights are connected to electric. Mr. Adams stated that the connection is through the easement that ties into the FPL transformers; the costs are broken down by each CDD's percentage use under the leased energy maintenance 10-year agreements.

THIRD ORDER OF BUSINESS

Consideration of Resolution 2022-03, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the District's General Election; Providing for Compensation; Setting Forth the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Mr. Adams presented Resolution 2022-03. Seats 2 and 4 are transitioning to the General Election this November. He explained the candidate qualifying process and noted that the candidate qualifying period begins at noon on June 13, 2022 and ends at noon on June 17, 2022. Interested candidates should contact the Lee County Supervisor of Elections office online at lee.vote to complete the forms and make the payment.

On MOTION by Mr. Smtih and seconded by Mr. Drake, with all in favor, Resolution 2022-03, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Lee County Supervisor of Elections Begin Conducting the District’s General Election; Providing for Compensation; Setting Forth 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 2022-04, Designating a Date, Time and Location for a Landowners’ Meeting and Election; Providing for Publication, Providing for Severability and an Effective Date

Mr. Adams presented Resolution 2022-04. Seat 3 is the final Seat that will be Landowner-elected.

On MOTION by Mr. Smith and seconded by Ms. Kingston, with all in favor, Resolution 2022-04, Designating a Date, Time and Location of November 10, 2022 at 1:00 p.m., at Bonita Springs Fire Control, 27701 Bonita Grande Drive, Bonita Springs, Florida 34135 for a Landowners’ Meeting and Election; Providing for Publication, Providing for Severability and an Effective Date, was adopted.

FIFTH ORDER OF BUSINESS

Consideration of Resolution 2022-05, Approving a Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Mr. Adams presented Resolution 2022-05. The proposed Fiscal Year 2023 budget was essentially the same as the Fiscal Year 2022 budget. The “Intergovernmental: shared maintenance costs” budget line item was reduced slightly. Assessment levels will be the same year-over-year.

On MOTION by Mr. Smith and seconded by Ms. Kingston, with all in favor, Resolution 2022-05, Approving a Proposed Budget for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law for August 11, 2022 at 1:00 p.m., at Bonita Springs Fire Control, 27701 Bonita Grande Drive, Bonita Springs, Florida 34135; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

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

Mr. Adams presented Resolution 2022-06. Mr. Smith instructed the Board to email Mr. Adams of any agenda items to be discussed and not to avoid cancelling a meeting that might be needed, so that necessary meetings are held and not cancelled.

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

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2022

Mr. Adams presented the Unaudited Financial Statements as of March 31, 2022. Since the Developer was not expected to utilize the balance in the Capital Projects Fund from the Series 2016 bonds on qualifying expenses, the Board authorized the District Engineer to certify the project complete, in order to release and transfer the funds to the Debt Prepayment Service Account. The financials were accepted.

On MOTION by Mr. Smith and seconded by Ms. Kingston, with all in favor, authorizing Mr. Underhill to Certify the Capital Projects funded from the Series 2016 Bonds as complete, was approved.

EIGHTH ORDER OF BUSINESS

Approval of August 12, 2021 Public Hearing and Regular Meeting Minutes

Mr. Adams presented the August 12, 2021 Public Hearing and Regular Meeting Minutes.

On MOTION by Mr. Smith and seconded by Ms. Kingston, with all in favor, the August 12, 2022 Public Hearing and Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Staff Reports

A. District Counsel: *Coleman, Yovanovich & Koester, P.A.*

Mr. Urbancic provided the following updates:

- A bill passed that, if it is materialized, will allow Lee County to create a public website for various local governments to publish public notices within their jurisdictions. This could help the CDD reduce its advertising costs in the future.
- District Staff assured him that the CDD website is in line with the recent Department of Justice (DOJ) statement in March on website accessibility and that the website is already in compliance with the Americans with Disabilities Act (ADA) requirements.

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

There was no report.

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

I. 361 Registered Voters in District as of April 15, 2022

There were 361 Registered voters residing within the CDD as of April 15, 2022.

II. NEXT MEETING DATE: June 9, 2022 at 1:00 P.M.

○ QUORUM CHECK

The next meeting will be held on June 9, 2022.

TENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors'

There were no audience comments.

Mr. Smith reiterated his earlier statement that Board Members should notify Mr. Adams of any agenda items to be discussed, so that a meeting that is scheduled to be cancelled, due to lack of items on the agenda, will not be cancelled.

ELEVENTH ORDER OF BUSINESS

Adjournment

There being no further business to discuss, the meeting adjourned.

On MOTION by Mr. Drake and seconded by Mr. Smith, with all in favor, the meeting adjourned at 3:41 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]


Secretary/Assistant Secretary


Chair/Vice Chair