

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

The Board of Supervisors of the Bonita Landing Community Development District held a Regular Meeting on December 8, 2022, at Bonita Springs Fire Control, 27701 Bonita Grande Drive, Bonita Springs, Florida 34135.

Present were:

Christopher Applegate	Chair
Alex Hinebaugh	Vice Chair
Carolyn Heim	Assistant Secretary
Andrew Brignoni	Assistant Secretary

Also present were:

Chuck Adams	District Manager
Shane Willis	Operations Manager
Greg Urbancic (via telephone)	District Counsel
Jonathan Ehret	Resident
Lou Forester	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Mr. Adams called the meeting to order at 1:02 p.m. Due to a scheduling conflict, the meeting was held in the parking lot at the meeting location.

Supervisors Hinebaugh, Heim and Applegate were present. Supervisor Negip was not present. One seat was vacant at roll call.

Mr. Adams noted that he administered the Oath of Office to Mr. Applegate prior to the meeting; therefore, a quorum was established for today's meeting.

SECOND ORDER OF BUSINESS

Public Comments

Resident Jonathan Ehret asked who decided to proceed with the berm project in his yard. Mr. Hinebaugh stated that part of the project is being managed by Lennar; it was a group decision made with his Lennar coworkers and superiors and not by him as a CDD Supervisor.

Mr. Ehret expressed his belief that represents a conflict of interest.

Mr. Adams stated the stormwater system is dedicated to the CDD and the CDD will be the eventual owner of it but the stormwater system must be brought into compliance before it

can receive certification. That is a Developer responsibility and how to achieve compliance is the Developer's decision. The Developer reserves continuing rights to the lake to modify it.

Mr. Urbancic joined the meeting at 1:06 p.m.

Mr. Ehret asked how Mr. Hinebaugh can make decisions that impact the CDD when he is an employee of Lennar. Mr. Urbancic stated that Florida Statute 190.007 specifically states that it shall not be a conflict of interest under Chapter 112, the ethics statute, for a Board Member to be a stockholder, officer or employee of a Landowner or of an entity affiliated with a Landowner. The statute recognizes that CDDs are set up by Developers as part of establishing the community and that Developers will have representatives on the Board. Valid Board Members have the right to make certain decisions in their capacity as a Board Member. Mr. Ehret reiterated his belief that a conflict of interest exists in Lennar's decision to proceed with the lake bank project, given that a contractor was not selected at the last CDD meeting.

Discussion ensued regarding Lennar's decision to engage a contractor without the community's input. Mr. Hinebaugh stated it was a group decision made by Lennar.

Ms. Heim stated her understanding that the lake bank project is not a CDD project since the CDD does not currently own the lake because Lennar has not closed out. Mr. Adams stated that is correct. Ms. Heim questioned how it could be a conflict of interest due to Mr. Hinebaugh's participation since the CDD does not own the project.

Mr. Ehret felt that a conflict of interest exists because, in his opinion, Mr. Hinebaugh owes a high duty to the community, as a CDD Board Member, and the community intends to sue Lennar. Mr. Applegate stated that discussion has not come before the CDD as it involves the Bonita Landing HOA and Lennar; it is not a CDD issue.

Resident Lou Forester asked about the responsibilities of the CDD within the gates of the community. Mr. Adams stated the CDD is responsible for the stormwater system, within the gates of the community, which is primarily the pond, irrigation supply system, perimeter fence, exterior fence and landscaping. While the CDD has ownership of these and will have ownership of the lake when it is conveyed to the CDD, these items are operated by the Association.

Mr. Forester asked who managed the last lake maintenance project. Mr. Adams stated that project was managed by the CDD and funded by Lennar.

Ms. Heim asked why the project is being managed separately this time. Mr. Adams stated the past project could have been managed by Lennar or the CDD and a contractor that was already engaged for a similar repair at Bonita National was engaged by the CDD.

Administration of Oath of Office to Newly Elected Supervisor, Christopher Applegate [Seat 2] *(the following to be provided in a separate package)*

This item was addressed during the First Order of Business.

- 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

Consider Appointment of Qualified Elector to Fill Seat 4 Vacancy; *Term Expires November 2026*

Ms. Heim nominated Mr. Andrew Brignoni to fill Seat 4.

No other nominations were made.

On MOTION by Ms. Heim and seconded by Mr. Applegate, with all in favor, the appointment of Mr. Andrew Brignoni to Seat 4, was approved.

- **Administration of Oath of Office to Newly Appointed Supervisor**

Mr. Adams, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Mr. Brignoni.

Mr. Adams provided and explained the items listed in the Third Order of Business. Mr. Brignoni waived the allowable Supervisor compensation.

Mr. Adams and Mr. Urbancic reviewed the guidelines for interactions among Supervisors, the Sunshine Law, recordkeeping, public record requests, emails, communications and avoiding conflicts of interest.

**BONITA LANDING CDD
FIFTH ORDER OF BUSINESS**

December 8, 2022

**Consideration of Resolution 2023-05,
Designating Certain Officers of the District,
and Providing for an Effective Date**

Mr. Adams presented Resolution 2023-05. Mr. Hinebaugh nominated the following slate:

Chair	Christopher Applegate
Vice Chair	Alex Hinebaugh
Secretary	Chuck Adams
Assistant Secretary	Carolyn Heim
Assistant Secretary	Andrew Brignoni
Assistant Secretary	David Negip
Assistant Secretary	Craig Wrathell

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by this Resolution.

On MOTION by Mr. Hinebaugh and seconded by Ms. Heim, with all in favor, Resolution 2023-05, Designating Certain Officers of the District, as nominated, and Providing for an Effective Date, was adopted.

SIXTH ORDER OF BUSINESS

Update: Streetlighting Project on Bonita Beach Road

Mr. Adams stated the decision was made at the last Beach Road Golf Estates CDD (BRGECDD) meeting to discontinue the streetlighting project. Discussions with Florida Power & Light (FPL) are ongoing regarding buyout of existing equipment. The BRGECDD Board is discussing a concept for a sidewalk lighting project. As the owner of the right-of-way, Bonita National will take the lead in seeking a suitable solution for all the neighboring communities.

SEVENTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of October 31, 2022

Mr. Adams presented the Unaudited Financial Statements as of October 31, 2022. The financials were accepted.

EIGHTH ORDER OF BUSINESS

Approval of Minutes

Mr. Adams presented the following:

A. November 10, 2022 Landowners’ Meeting

On MOTION by Ms. Heim and seconded by Mr. Applegate, with all in favor, the November 10, 2022 Landowners’ Meeting Minutes, as presented, were approved.

B. November 10, 2022 Regular Meeting

On MOTION by Ms. Heim and seconded by Mr. Applegate, with all in favor, the November 10, 2022 Regular Meeting Minutes, as presented, were approved.

NINTH ORDER OF BUSINESS

Staff Reports

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

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

There were no reports from District Counsel or the District Engineer.

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

- **NEXT MEETING DATE: January 12, 2023 at 1:00 P.M.**

- **QUORUM CHECK**

The next meeting will be held on January 12, 2023, unless canceled.

Mr. Adams stated initial work commenced on the required third-party audit. The auditor’s report and draft Fiscal Year 2024 budget will likely be presented in May 2023.

TENTH ORDER OF BUSINESS

**Audience
Requests**

Comments/Supervisors’

Mr. Willis stated the meeting room was unfortunately double booked in December but the conference room has been scheduled and confirmed through April 2023.

ELEVENTH ORDER OF BUSINESS

Adjournment

On MOTION by Ms. Heim and seconded by Mr. Applegate, with all in favor, the meeting adjourned at 1:36 p.m.


Secretary/Assistant Secretary


Chair/Vice Chair