## BONITA LANDING COMMUNITY DEVELOPMENT DISTRICT

# AGENDA PACKAGE

## **FEBRUARY 8, 2024**

The meeting will be held at: Anchor Christian Church, 11651 E. Terry Street, Bonita Springs, FL



210 N. UNIVERSITY DRIVE, SUITE 702 CORAL SPRINGS, FLORIDA 33071

Justin Faircloth, District Manager Guy Shir, District Counsel Eric Howard, District Engineer

### Regular Meeting Agenda Thursday, February 8, 2024 – 4:30 p.m. The meeting will be held at the Anchor Christian Church, 11651 E. Terry Street, Bonita Springs, Florida

#### Call in: Number: 1-646-838-1601 Meeting ID: 951092195#

#### ATTENDEES:

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

- 1. Roll Call
- 2. Approval of Agenda
- 3. Audience Comments on Agenda Items
- 4. Old Business
- 5. New Business

#### 6. Staff Reports

A. Engineer's Report

#### **B.** Attorney's Report

i. Update on Communication to Lennar & SFWMD Regarding the Lake Status

#### C. Manager's Report

- i. Approval of Minutes of January 11, 2024 Meeting
- ii. Approval of Financials for December 31, 2023
- iii. Follow Up Items
  - a. March 14, 2024 Meeting Discussion
  - b. June 13, 2024 Meeting Discussion
  - c. July 11, 2024 Meeting Discussion
- 7. Supervisor Requests
- 8. Audience Comments
- 9. Adjournment

#### THE NEXT REGULAR MEETING IS SCHEDULED FOR MARCH 14, 2024 AT 4:30 P.M.

www.bonitalandingcdd.net

# **Sixth Order of Business**

# **6C**

# **6Ci.**

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

The regular meeting of the Board of Supervisors of the Bonita Landing Community Development District was held Thursday, January 11, 2024 at 4:30 p.m. at the Anchor Christian Church, 11651 E. Terry Street, Bonita Springs, Florida.

Present and constituting a quorum were:

Christopher Applegate	Chairman
Andrew Brignoni	Vice Chairman
Alessandro Rizzotti	Assistant Secretary
Rod Still	Assistant Secretary
Also present were:	
Justin Faircloth	District Manager
Guy Shir	District Counsel
Jordan Varble	District Engineer
Alex Hinebaugh	Lennar (via phone)
David Underhill	Banks Engineering (via phone)
Residents	

The following is a summary of the discussions and actions taken.

#### FIRST ORDER OF BUSINESS

Mr. Faircloth called the meeting to order and took the roll.

#### SECOND ORDER OF BUSINESS

• Mr. Faircloth noted he would like to discuss the SFWMD Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity completed by Scott Edwards with Lennar Homes under District Engineer/District Attorney items.

**Roll Call** 

**Approval of Agenda** 

On MOTION by Mr. Applegate seconded by Mr. Brignoni, with all in favor, the agenda was approved as amended. 4/0

#### THIRD ORDER OF BUSINESS Audience Comments on Agenda Items

• Mr. Hinebaugh noted he would like to give some context on agenda item 5B. Lennar has submitted the permitting for the lake modification, some of which were repairs which included work that was done within the CDD owned lake tract. The City of Bonita

Springs is looking for the CDD to sign on as an applicant for those repairs since they are the ones that contracted and completed the work.

- Mr. Applegate noted they were contracted and did the work in the name of Lennar because of Mr. Hinebaugh's work with Mr. Chuck Adams and the close relationship with him. It was not a CDD established project because the CDD had not taken control of the lake yet, it was still Lennar.
- Mr. Hinebaugh noted, if he recalls correctly, Lennar funded the CDD to make the repairs.
- Discussion continued on it being a Lennar project with Mr. Underhill noting there were two repairs – the lake repairs and the drainage that was installed. His understanding is Lennar funded the lake repairs and the CDD hired the contractor for drainage installation.
- Mr. Applegate noted the CDD has not done any of this; it was all work through Lennar and Mr. Adams. The CDD is still disputing whether they are responsible for the lake; it is part of the issue at hand.
- Mr. Faircloth noted he has raised this question with Mr. Shir and raised it last year when he was informed about this with the new engineering firm and District Counsel at the time. The question he has is whether the permit transfer was completed properly with the water management district. He understands the permittee is not required to sign the form to transfer as long as the permittee is the one submitting the form. However, the individual submitting the form was an employee of Lennar, Mr. Scott Edwards, and not a representative of the CDD. The CDD did not apply for transfer from the construction phase to the operation phase so at this point they do not believe the CDD is in control of the lake. At some point the CDD would like to accept the lake in good condition and moving forward maintain it in perpetuity. It has been his understanding since coming on in April that the District is not happy with the condition of the lake and record the deficiencies that exist.

#### FOURTH ORDER OF BUSINESS

**Old Business** 

• None.

## FIFTH ORDER OF BUSINESS New Business

- A. Consideration of Resolution 2024-1 Designating the Registered Agent
- Mr. Faircloth outlined Resolution 2024-1.

On MOTION by Mr. Applegate seconded by Mr. Rizzotti, with all in favor, Resolution 2024-1 designating the Registered Agent was adopted.

## B. Banks Engineering City of Bonita Springs Open Permit Inquiry

- Mr. Faircloth reported he and Mr. Underhill had a conversation in November. He has also discussed it with Mr. Shir and Mr. Varble of Johnson Engineering. Mr. Faircloth noted his recommendation is they work with Lennar and Banks Engineering to negotiate and get to an understanding where everybody is comfortable and accepting.
- Mr. Shir noted in his experience working with Lennar he is sure they would be more than willing to want to first try and see about a resolution rather go to litigation or a more formal adversarial position. He thinks they should try everything in their power to resolve this amicably.
- Mr. Applegate noted his is fine with solving it but they need a solution.
- Mr. Shir noted Lennar is fully aware of the deficiencies in the lake, the issue is what are they willing to do about it without having to go to the next level. Hopefully, at this point, there will be some cooperation.
- Mr. Faircloth inquired if the District does not sign the document does it hurt Lennar or Banks Engineering in anyway and losing the opportunity for the permit.
  - Mr. Shir noted he thinks they should first work on negotiations and then as they get to a foundation of where they are going with this and what everyone is willing to do then sign it over; until then no, he does not believe they should.
  - Mr. Faircloth noted at this point he thinks it would be good to allow Mr. Shir do the negotiations with consultation of Staff and the Chair, if the Board is so inclined.

On MOTION by Mr. Still seconded by Mr. Still, with all in favor, for Mr. Shir to negotiate with Lennar in consultation with Staff and the Chair was approved.

- Mr. Faircloth addressed his concerns with the transfer and how it took place. He thinks they should pursue communication with SFWMD letting them know the CDD's position that at this time they do not believe the District should be in the operation phase of the permit and it should still be in the hands of Lennar until the District is willing to accept the condition of the lake.
- Mr. Shir noted what he was going to propose is a letter that goes to both parties, Lennar and SFWMD, putting the District's position forward so everybody is on notice at the same time.
- Mr. Faircloth noted he wanted to confirm with Mr. Varble that Johnson Engineering has done a report of the lake and has found deficiencies and has them outlined that they could provide to Mr. Shir.
  - Mr. Varble noted that is correct. There is about 2,500 linear feet of lake bank out of compliance.
  - Mr. Faircloth inquired if there are adverse effects they could incur if they do this with SFWMD.
  - Mr. Varble noted SFWMD could come out and say we agree, you are not in compliance and then you get a letter giving you 30 days to bring it in to compliance or there will be fees and fines, but they could also do that at any time.
  - Mr. Shir noted that SFWMD could inspect at any time, but he would not anticipate them doing it at this point. He thinks it is better to put their position out there that no, they did not sign off on that and they are trying to work to a resolution to come into compliance.

On MOTION by Mr. Brignoni seconded by Mr. Still, with all in favor, to allow Mr. Shir to reach out to SFWMD and Lennar addressing the District's position on the permit transfer was approved.

**Staff Reports** 

#### SIXTH ORDER OF BUSINESS

- A. Engineer's Report
- None.
  - B. Attorney's Report
- None.

#### C. Manager's Report

#### i. Approval of Minutes of December 14, 2023 Meeting

On MOTION by Mr. Applegate seconded Mr. Brignoni, with all in favor, the December 14, 2023 minutes were approved.

#### ii. Financials

On MOTION by Mr. Applegate seconded by Mr. Brignoni, with all in favor, the financials were approved.

#### iv. Follow Up Items

- Mr. Faircloth addressed the FY 2025 budget noting they are required by statute to approve a tentative budget setting the high-water mark for assessments by June 15<sup>th</sup>. Additionally, by September 15<sup>th</sup> they have to adopt the budget. If there is an increase notice to residents is required. The plan is to present a draft budget for FY 2025 at the March meeting and tentatively adopt at the May meeting. Things he knows of that need to be considered for FY 2025 are the maintenance of the lake and any reserves the Board wants to do. He noted they are tight on their budget and there is not a lot of leeway. They also need to include the cost for meeting space in the budget. His recommendation is they anticipate an increase in the FY 2025 budget with the question being how much. He also needs to know if there are any plans the Board may have to do certain things in addition to what they have already discussed.
- Mr. Brignoni inquired if the dock is CDD responsibility.
  - Mr. Faircloth noted not to his knowledge.
  - It was noted it is HOA.
- Discussion ensued on setting funds aside for lake maintenance at some point. Mr. Applegate addressed being able to put a little in and plan for the future rather than a large sum five years from now.
- Discussion ensued on payment for the meeting location with Mr. Faircloth noting the CDD does not receive an invoice, but going forward AP will create an invoice for the calendar date of the scheduled meeting and release payment after each meeting and this should fix the issue.

#### SEVENTH ORDER OF BUSINESS

• None.

#### EIGHTH ORDER OF BUSINESS

#### **Audience Comment s**

**Supervisor Requests** 

- Ms. Michelle Ambler addressed legal fees noting there is not much allocated in the budget, and she heard something about a retainer. She inquired what they anticipate legal fees to be.
  - Mr. Faircloth noted a retainer is not normal for a CDD for regular counsel. There is occasionally a pre-authorization up to a certain amount for outside counsel use for certain issues. He does not anticipate high cost at this time.
- Ms. Ambler addressed a resident request to put a fountain in the lake portion of his backyard. She inquired if there is an agreement in place between the HOA and CDD regarding the intake pipes for irrigation.
  - Mr. Faircloth noted he is not aware of any agreement at this point in time.
  - Mr. Brignoni noted the CDD does not have the lake as yet.
- Ms. Ambler noted she is on the landscape committee and several residents who live around the lake have come to her wanting to know why they are not maintaining the willows, but what she is hearing is the CDD does not own the lake so if they want to cut the willows down, they can let them.
  - Mr. Applegate noted it was previously addressed that where those plants are is part of their property and the landscaper's responsibility.
  - Ms. Ambler noted in the report there was no delineation of where the property lines were, but she thought it was the high-water mark which would include those areas.
  - Mr. Faircloth noted at this point in time it would be advisable for the Board not to take action on anything as far as maintenance of the lake that would create a precedent for possible ownership. At this point in time, they are disputing that the CDD owns it.

#### NINTH ORDER OF BUSINESS

Adjournment

There being no further business,

On MOTION by Mr. Applegate seconded by Mr. Brignoni, with all in favor, the meeting was adjourned.

Chairman / Vice Chairman

# 6C.ii.

## Bonita Landing Community Development District

Financial Report

December 31, 2023

**Prepared by** 



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## Bonita Landing Community Development District

**Financial Statements** 

(Unaudited)

December 31, 2023

#### **Balance Sheet**

December 31, 2023

	GEN		-	ERIES 2016 BT SERVICE FUND	_	ERIES 2016 CAPITAL PROJECTS FUND	TOTAL		
ACCOUNT DESCRIPTION		GENERAL FUND FUND		FUND		FUND		IUIAL	
ASSETS									
Cash - Checking Account	\$	268,922	\$	-	\$	-	\$	268,922	
Due From Other Funds		-		133,409		-		133,409	
Investments:									
Acquisition & Construction Account		-		-		1,137		1,137	
Interest Account		-		66		-		66	
Reserve Fund		-		62,962		-		62,962	
Revenue Fund		-		35,291		-		35,291	
Sinking fund		-		65		-		65	
TOTAL ASSETS	\$	268,922	\$	231,793	\$	1,137	\$	501,852	
LIABILITIES									
Accounts Payable	\$	19,749	\$	-	\$	-	\$	19,749	
Due To Developer		2,400		-		-		2,400	
Due To Other Funds		133,409		-		-		133,409	
TOTAL LIABILITIES		155,558		-		-		155,558	
FUND BALANCES									
Restricted for:									
Debt Service		-		231,793		-		231,793	
Capital Projects		-		-		1,137		1,137	
Unassigned:		113,364		-		-		113,364	
TOTAL FUND BALANCES	\$	113,364	\$	231,793	\$	1,137	\$	346,294	
TOTAL LIABILITIES & FUND BALANCES	\$	268,922	\$	231,793	\$	1,137	\$	501,852	

### Statement of Revenues, Expenditures and Changes in Fund Balances

For the Period Ending December 31, 2023

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET	YEAR TO DATE BUDGET	YEAR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)	YTD ACTUAL AS A % OF ADOPTED BUD	
REVENUES						
Interest - Investments	\$-	\$-	\$ 1,216	\$ 1,216	0.00%	
Special Assmnts- Tax Collector	99,786	69,850	94,105	24,255	94.31%	
Special Assmnts- Discounts	(3,991)	(2,794)	(3,773)	(979)	94.54%	
TOTAL REVENUES	95,795	67,056	91,548	24,492	95.57%	
EXPENDITURES						
Administration						
P/R-Board of Supervisors	12,000	3,000	2,400	600	20.00%	
FICA Taxes	900	225	184	41	20.44%	
ProfServ-Dissemination Agent	1,000	-	-	-	0.00%	
ProfServ-Engineering	1,820	455	1,710	(1,255)	93.96%	
ProfServ-Legal Services	5,000	1,250	2,719	(1,469)	54.38%	
ProfServ-Mgmt Consulting	42,000	10,500	10,500	-	25.00%	
ProfServ-Property Appraiser	219	175	219	(44)	100.00%	
ProfServ-Tax Collector	329	263	163	100	49.54%	
ProfServ-Trustee Fees	7,000	-	3,500	(3,500)	50.00%	
Auditing Services	4,000	-	-	-	0.00%	
Postage and Freight	500	125	11	114	2.20%	
Insurance	6,600	6,600	6,986	(386)	105.85%	
Shared Maintenance Costs	9,500	2,375	4,507	(2,132)	47.44%	
Printing and Binding	1,000	250	741	(491)	74.10%	
Legal Advertising	1,500	375	246	129	16.40%	
Other Current Charges	700	175	51	124	7.29%	
Website Administration	1,552	1,552	2,106	(554)	135.70%	
Annual District Filing Fee	175	175	175	-	100.00%	
Total Administration	95,795	27,495	36,218	(8,723)	37.81%	
TOTAL EXPENDITURES	95,795	27,495	36,218	(8,723)	37.81%	
		•	•			
Excess (deficiency) of revenues Over (under) expenditures		39,561	55,330	15,769	0.00%	
Net change in fund balance	\$-	\$ 39,561	\$ 55,330	\$ 15,769	0.00%	
FUND BALANCE, BEGINNING (OCT 1, 2023)	58,034	58,034	58,034			
FUND BALANCE, ENDING	\$ 58,034	\$ 97,595	\$ 113,364			

### Statement of Revenues, Expenditures and Changes in Fund Balances

For the Period Ending December 31, 2023

ACCOUNT DESCRIPTION	ANNUAL ADOPTED BUDGET		YEAR TO DATE BUDGET		YEAR TO DATE ACTUAL		VARIANCE (\$) FAV(UNFAV)		YTD ACTUAL AS A % OF ADOPTED BUD	
REVENUES										
Interest - Investments	\$	-	\$	-	\$	2,402	\$	2,402	0.00%	
Special Assmnts- Tax Collector		147,637		103,346		139,231		35,885	94.31%	
Special Assmnts- Discounts		-		-		(5,582)		(5,582)	0.00%	
TOTAL REVENUES		147,637		103,346		136,051		32,705	92.15%	
EXPENDITURES										
Administration										
ProfServ-Tax Collector		-		-		240		(240)	0.00%	
Total Administration		-		-		240		(240)	0.00%	
Debt Service										
Principal Debt Retirement		45,000		45,000		45,000		-	100.00%	
Interest Expense		90,982		45,942		45,941		1	50.49%	
Total Debt Service		135,982		90,942		90,941		1	66.88%	
TOTAL EXPENDITURES		135,982		90,942		91,181		(239)	67.05%	
Excess (deficiency) of revenues										
Over (under) expenditures		11,655		12,404		44,870		32,466	384.98%	
OTHER FINANCING SOURCES (USES)										
Contribution to (Use of) Fund Balance		11,655		-		-		-	0.00%	
TOTAL FINANCING SOURCES (USES)		11,655		-		-		-	0.00%	
Net change in fund balance	\$	11,655	\$	12,404	\$	44,870	\$	32,466	384.98%	
FUND BALANCE, BEGINNING (OCT 1, 2023)		186,923		186,923		186,923				
FUND BALANCE, ENDING	\$	198,578	\$	199,327	\$	231,793				

### Statement of Revenues, Expenditures and Changes in Fund Balances

For the Period Ending December 31, 2023

ACCOUNT DESCRIPTION		ANNUAL ADOPTED BUDGET		YEAR TO DATE BUDGET		AR TO DATE ACTUAL	VARIANCE (\$) FAV(UNFAV)		YTD ACTUAL AS A % OF ADOPTED BUD	
REVENUES										
Interest - Investments	\$	-	\$	-	\$	15	\$	15	0.00%	
TOTAL REVENUES		-		-		15		15	0.00%	
EXPENDITURES										
TOTAL EXPENDITURES		-		-		-		-	0.00%	
Excess (deficiency) of revenues										
Over (under) expenditures		-		-		15		15	0.00%	
Net change in fund balance	\$	-	\$		\$	15	\$	15	0.00%	
FUND BALANCE, BEGINNING (OCT 1, 2023)		-		-		1,122				
FUND BALANCE, ENDING	\$		\$		\$	1,137				

# Bonita Landing Community Development District

**Supporting Schedules** 

December 31, 2023

#### Non-Ad Valorem Special Assessments Lee County Tax Collector - Monthly Collection Report For the Fiscal Year Ending September 30, 2024

										Allocation					
			D	iscount /				Gross		General	D	Debt Service			
Date	Ν	let Amt	(F	Penalties)	C	ollection		Amount		Fund		Fund			
Received		Rcvd		Amount		Cost	ost Received		A	ssessments	As	sessments			
ASSESSMENTS I	LEVIE	D FY 2024					\$	247,423	\$	99,786	\$	147,637			
Allocation %								100%		40%		60%			
11/10/23	\$	2,153	\$	127	\$	403	\$	2,684	\$	1,082	\$	1,601			
11/30/23	\$	50,396	\$	2,100	\$	-	\$	52,496	\$	21,172	\$	31,324			
12/11/23	\$	171,030	\$	7,127	\$	-	\$	178,157	\$	71,851	\$	106,305			
TOTAL	\$	223,580	\$	9,354	\$	403	\$	233,337	\$	94,105	\$	139,231			
% COLLECTED								94%		94%		94%			
TOTAL OUTSTAN	DING						\$	14,086	\$	5,681	\$	8,405			

## Cash and Investment Report

December 31, 2023

ACCOUNT NAME	MATURITY	BANK NAME	YIELD	B	ALANCE
GENERAL FUND					
Checking Account - Operating		Valley	5.12% Subtotal	\$	268,922
DEBT SERVICE AND CAPITAL PROJEC	T FUNDS				
Series 2016 Acquisition & Const Fund		Regions Bank	5.17%	\$	1,137
Series 2016 Interest		Regions Bank	5.17%	\$	66
Series 2016 Reserve		Regions Bank	5.17%	\$	62,962
Series 2016 Revenue		Regions Bank	5.17%	\$	35,291
Series 2016 Sinking		Regions Bank	5.17%	\$	65
			Subtotal	\$	99,521

Total \$ 368,443

#### **BONITA LANDING CDD**

Bank Reconciliation

Agenda Page #24

Bank Account No. Statement No. Statement Date	7801 12-23 12/31/2023	Valley National - Yield Checking GF (NEW)	
G/L Balance (LCY)	268,922.45	Statement Balance	270,967.14
G/L Balance	268,922.45	Outstanding Deposits	0.00
Positive Adjustments	0.00	_	
		Subtotal	270,967.14
Subtotal	268,922.45	Outstanding Checks	2,044.69
Negative Adjustments	0.00	Differences	0.00
Ending G/L Balance	268,922.45	Ending Balance	268,922.45
Difference	0.00		

Posting Date	Document Type	Document No.	Description	Amount	Cleared Amount	Difference
Outstandir	ng Checks					
11/29/2023	Payment	2022	COLEMAN, YOVANOVICH & KOESTER, P.A.	315.00	0.00	315.00
11/29/2023	Payment	2023	JOHNSON ENGINEERING, INC	660.00	0.00	660.00
12/6/2023	Payment	2024	BEACH ROAD GOLF ESTATES CDD	700.29	0.00	700.29
12/26/2023	Payment	2032	CHRISTOPHER C. APPLEGATE	184.70	0.00	184.70
12/26/2023	Payment	2033	ALESSANDRO RIZZOTTI	184.70	0.00	184.70
Tota	I Outstanding	Checks		2,044.69		2,044.69

#### Payment Register by Fund For the Period from 12/01/23 to 12/31/23 (Sorted by Check / ACH No.)

Fund No.	Date	Payee	Invoice No.	Payment Description	Invoice / GL Description	G/L Account #	Amount Paid
GENERAL FUND - 001							
<b>CHECK</b> 1 001		BEACH ROAD GOLF ESTATES CDD	561	COMMON EXPENSES FY 2023 07/01-09/30/23	COMMON EXPENSES FY 4/1-6/30/2023	546726-51301 <b>Check Tota</b> l	\$700.29 \$700.29
001		INFRAMARK LLC.	103687	OCT 2023 MANGT FEES	ProfServ-Mgmt Consulting	531027-51301 Check Total	\$3,500.00 \$3,500.00
<b>CHECK</b> # 001		BONITA LANDING CDD	NGCDD-120623	Transfer from Valley Ckng #7801 to Truist Ckng #24	Due From Other Funds	131000 Check Total	\$27.52 \$27.52
<b>CHECK</b> a 001		ADA SITE COMPLLANCE	2949	WEBSITE ADMIN/SECURITY	Website Administration	549936-51301 <b>Check Total</b>	\$210.00 \$210.00
<b>CHECK</b> a 001		CHRISTOPHER C. APPLEGATE	PAYROLL	December 26, 2023 Payroll Posting			\$184.70
<b>CHECK</b> : 001		ALESSANDRO RIZZOTTI	PAYROLL	December 26, 2023 Payroll Posting		Check Total	\$184.70 \$184.70
<b>CHECK</b> a		ANDREW W. BRIGNONI	PAYROLL	December 26, 2023 Payroll Posting		Check Total	\$184.70 \$184.70
CHECK	# 2035					Check Total	\$184.70
001	12/26/23	RODNEY L. STILL	PAYROLL	December 26, 2023 Payroll Posting		Check Total	\$184.70 <i>\$184.70</i>
						Fund Total	\$5,176.61

Total Checks Paid \$5,176.61