

**MINUTES OF MEETING  
BEACH ROAD GOLF ESTATES  
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Beach Road Golf Estates Community Development District held a Workshop on January 11, 2021, at 11:00 a.m., at the Bonita National Golf and Country Club, 2<sup>nd</sup> Floor of the Clubhouse, 17671 Bonita National Boulevard, Bonita Springs, Florida 34135 and remotely via Zoom at <https://us02web.zoom.us/j/84750146538> and conference call at **1-929-205-6099**, Meeting ID **847 5014 6538**, for both.

**Present at the meeting were:**

Barry Kove	Supervisor-Elect
Joe Grillo	Supervisor-Elect

**Also present were:**

Chuck Adams	District Manager
Greg Urbancic (via telephone)	District Counsel
Peter Leyon	Resident
Daniel DiTommaso	Resident
Other Residents	

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Mr. Adams called the meeting to order at 11:04 a.m.

**SECOND ORDER OF BUSINESS**

**CDD 101 and the Sunshine Law**

Mr. Adams gave a PowerPoint presentation about CDDs, comprised of general information about CDDs and pertaining, specifically, to Bonita National, which is known as the Beach Road Golf Estates Community Development District. The presentation was also shared with those attending via Zoom. He highlighted the following:

Organizational, Role, Function and Responsibilities of CDDs

➤ Under Florida Statute, CDDs may finance, fund, plan, establish, acquire, construct or re-construct in large or extend, equip, operate and maintain certain infrastructure and, may include additional infrastructure once they obtain approval from the establishing government.

➤ CDDs may not exercise any policing, land use and development approval powers. Those remain in the sole discretion of the general purpose Government within the boundaries, in which the District is located, such as the City or County.

In response to a question, Mr. Adams stated the District is responsible for the buffers along the outer perimeter and within the boundaries of the Bonita National Community. The CDD intentionally did not include the large preserves to the south of the District in the Agreement with the HOA.

➤ Basic Requirements of CDDs

▪ As a governmental entity, a CDD must comply with all the same laws and regulations as other public entities, such as Cities or Counties.

▪ All meetings must be held following the Sunshine Laws, meaning meetings must be available to the public. All the records, such as disclosures, financial and budgetary regulations, the independent audit of financial transactions and records of the District are open to public inspection.

➤ As a governmental entity, District assets can only be transferred to other governmental entities, such as to a City, County or State.

➤ CDDs are tax exempt, have the ability to provide tax exempt, low-cost financing and can issue tax-exempt bonds or private placement loans, which results in lower financing costs than conventional financing mechanisms.

#### Governance of CDDs

➤ CDDs are governed by an elected Board of Supervisors, composed of five members. Initially, Supervisors are elected by the Landowner(s) and appointed to various positions. Supervisors may appoint a candidate to fill a vacant seat.

➤ CDDs must maintain a permanent record, comprised of materials related to any corporate act.

- The Board engages and sets the compensation of the District Manager. Mr. Adams, of Wrathell, Hunt and Associates, LLC (WHA) is the District Manager.
- The District Manager is charged with the supervision of the works of the District and is responsible for preserving and maintaining any improvement or facility constructed, maintaining and operating the equipment owned by the District and for performing such other duties as directed by the Board.
- The District Manager, under the direction of the Board, may employ and terminate the employment of other persons, including professionals, supervisory and clerical persons.
- The Board appoints the Treasurer, who is in charge of the funds of the District. Mr. Craig Wrathell, of WHA, was appointed Treasurer and Mr. Jeff Pinder, WHA Controller, was appointed Assistant Treasurer. Mr. Adams was appointed Secretary of the District.
- Annual Audit: Financial Records must be audited by an Independent Certified Public Accountant, annually.
- The Board is authorized to select any Qualified Public Depository (QPD), as designated by the Florida Chief Financial Officer, as the depository for its funds. SunTrust/Truist Bank was the District's selected QPD.

#### Interaction of CDDs with other Governmental, Public and Private Groups

- CDDs must provide proposed budgets to their establishing government before adopting the budget.
- CDDs can enter into Mutual Aid Agreements with other governments to aid each other in emergencies, such as a hurricane. A Statewide Mutual Aid Agreement was executed at the organizational meeting, enabling the CDD to receive aid and resources from other entities.
- CDDs can enter into Interlocal Agreements with other governmental entities. Interlocal Agreements were entered into pertaining to East Bonita Beach Road and the Panther Property. A cost-sharing Agreement was executed with Valencia, Seasons and Bonita Landing for expenses incurred for maintain landscaping, street lighting, etc., on Bonita Beach Road.

Discussion ensued regarding why only certain documents, not all, are posted on the District's website.

➤ CDDs work with other groups, such as HOAs. An Agreement with the Bonita National HOA to maintain the facilities within the boundaries of Bonita National was executed; however, the preserve on the south end was not included, as it is maintained by the District.

Discussion ensued regarding the CDD possibly assuming maintenance of the stormwater system and lake maintenance responsibilities, due to the District's sovereign immunity status.

#### Introduction to the Beach Road Golf Estates Community Development District

➤ The CDD was established on February 20, 2008, by the City of Bonita Springs Ordinance No. 08-03 and encompasses approximately 657.59+/- acres. Tax-exempt revenue bonds, to construct infrastructure improvements, were issued in 2015 and mature November 1, 2046. Once the 10-year call period expires, the Board may consider refinancing, if interest rates are low. Property owners may contact Management's office regarding pre-paying the capital/ debt service portion of their assessment.

➤ CDDs may use third party contractors to provide administrative, financial, legal, engineering, permit regulatory compliance and offsite operating services. An Agreement with the Bonita National Master Association, to operate the District owned facilities, was executed.

➤ Planned or Currently Underway Projects: Bids for the lake bank erosion repair project, in coordination with Lennar, would be presented today, at the regular meeting. The project was expected to commence at the end of the first quarter of 2021. The street lighting installation project, along the District-owned portion of Bonita Beach Road was expected to commence in early 2021.

➤ The CDD website is [www.beachroadgolfestatescdd.net](http://www.beachroadgolfestatescdd.net).

Discussion ensued regarding reserve studies, Lennar designating up to 50% of the construction fund to apply the second lift of asphalt and the CDD using the remaining funds for the lake bank erosion repair project.

#### Government in the Sunshine Law

Mr. Moran stated that Mr. Leyon and Mr. DiTommaso would be appointed to the Board at the regular meeting, as Mr. Moran and Mr. Rollins were resigning.

➤ Board Members should direct questions about any CDD-related activity to District Counsel and, in addition, Supervisors can contact the Florida League of Cities, which offers free

legal consultation services. The CDD acquired an insurance policy for general liability policy coverage for the Board Members, Directors and Officers of the District.

Mr. Urbancic stated that Board Members violating the Sunshine Law may be required to pay Attorney's fees; however, if they seek and follow advice from Counsel, there is a provision in which they would not be held personally liable.

➤ Public Record/Sunshine Law: Board Members must not discuss District business with each other outside of a publicly advertised meeting. They can communicate with their constituents but those communications should be forwarded to Mr. Adams so they can become part of the public record. Emails, informational in nature, may be sent to the District Manager to distribute to the Board.

Discussion ensued regarding Board Members addressing resident emails. Mr. Adams noted that items that the District needs to convey to the community would be sent to Kimberly or Ana to e-blast to residents.

➤ Board Meeting: Florida Statute 286.011 requires being open to the public, proper notice and minutes recorded. The Sunshine Law applies when two or more Board Members from the same Board convene or discuss a matter that may or will come before the Board for action.

Board Members should be conscious only one CDD Board Member should be present in the HOA meeting when CDD business is brought up for discussion; if more than one CDD Board Member is present, others should leave, so it cannot be construed as violating Sunshine Law.

Mr. Urbancic discussed a current situation and stressed that Board Members should contact him regarding whether they should attend a meeting. He stated that a fine is attached for an "unknowing" violation; however, a "knowing" violation is a second-degree misdemeanor.

➤ Types of Boards: Florida Statute 286.011 (2019). CDD Board Members are elected and Committees are appointed. All are subject to the Sunshine Law.

Mr. Adams strongly urged Board Members to contact Mr. Urbancic with any questions about serving on other Committees or Boards.

➤ Outside the Scope – Relates to Fact Finding Committees, Staff Committees and Private Organizations: It was recommended that Board Members contact District Counsel before

meeting with another CDD/Committee, as it was not recommended, unless both entities advertise it as a public meeting.

- Officials, Supervisors, Supervisors-elect and incumbent candidates are subject to the Sunshine Law.
- Different Boards: Sunshine Law does not apply if the officials are members of different entities, unless they were delegated power to act on behalf of that entity.
- Meeting with Staff: Sunshine Law does not apply, unless Staff is being used as a liaison between Board Members.
- Delegation does not avoid the Sunshine law.
- Shade Meetings: Are set aside for settlement discussions and strategy sessions related to litigation expenditures.
- Workshops/Investigative Meetings and Attorney/Board Meetings: Must be open to the public and are subject to the Sunshine Law.
- Closed-Door Attorney/Board Shade Meetings: The District's Attorney must request a Shade Meeting during a public meeting and the notice must include the specific date and time of the meeting and the attendee names; the District Manager and a Court Reporter are usually in attendance, as well.

Mr. Adams gave an overview of the process involved in moving into a Shade Session, and upon returning to the public meeting, the Board as public record must discuss, in general any action, if any, the Board may need to take. Sealed transcripts would become available as a public record request, once the litigation settled.

- Notice and Procedure/Notice Agenda: Florida Statute 189.015 describes the parameters for Districts posting meeting agendas on the District's website.
- Notice and Procedure/Location Facilities: The District must hold meetings at facilities that can provide public access to everyone and must relocate if the District anticipates larger than normal attendance.
- Board Members may appear telephonically. Attorney General Opinion 2003-41 allows, through a motion, for a Board Member to participate telephonically, when absence is due to

extraordinary circumstances. A physical quorum of at least three Board Members is required in order to proceed with a meeting.

➤ Meeting Minutes: Minutes must be transcribed verbatim or in summary format and available for public inspection; failure to comply could result in penalties. Management provides detailed summary minutes.

The presentation would be emailed to the Board Members.

In response to a request, Mr. Urbancic stated he would email his contact information to the Board and the new Board Members that would be appointed at the Regular Meeting.

Mr. Adams stated that members of the public may use the same conference call telephone number to attend the Regular Meeting commencing at 1:00 p.m.

**THIRD ORDER OF BUSINESS**

**Adjournment**

There being nothing further to discuss, the workshop adjourned at 12:42 p.m.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair